

# **What do consumers want and need from outcomes-focused regulation?**

An overview of SRA research findings

January 2011

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## Who we are

The **Solicitors Regulation Authority** (SRA) is the independent regulator of the Law Society for England and Wales. We regulate more than 110,000 individual solicitors, other lawyers and non-lawyers they work with, solicitors firms and their staff.

During 2011 non-lawyers may begin to own and invest in businesses providing legal services to consumers in England and Wales, and we hope to also regulate some of these businesses.

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## What we wanted to find out

Our aim is to make sure consumers in England and Wales are well protected and supported when they use legal services. You can find out more about our work from our website - [www.sra.org.uk/consumers](http://www.sra.org.uk/consumers).

In 2010 we started to introduce a new way of working, known as **outcomes-focused regulation** – which means that in the future we will allow the people and firms we regulate greater flexibility to achieve proper outcomes for consumers using legal services. We believe this will encourage higher standards of service for consumers, and will help people make better-informed decisions about the service provided and the options available to them when using legal services.

In late 2010 we carried out some research to test out our proposed new approach with consumers. We wanted to discover what outcomes are important to different people, and whether or not consumers think our new approach can help them receive those outcomes.

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## What we did

We worked with Vision One Research to carry out six focus groups with around nine consumers in each session, covering different age ranges and social backgrounds, all of whom had recently used a legal service.

We also carried out ten interviews with consumers to discuss specific experiences and views about outcomes-focused regulation, and as part of this work spoke to consumers from different demographics including non-English speaking consumers and disabled consumers.

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## What we are doing with the results

The results of the research are being used to support the introduction of our outcomes-focused regulatory approach. We want to make sure consumers and their opinions are central to the creation of this new approach, and that we understand what work we need to do in order to provide consumers with the best protection and support possible when they use legal services.

During 2011 we will develop a new part of our organisation known as Consumer Affairs, which will provide new ways for consumers to tell us what they think and to find the information they need on using legal services. We will use the findings of this research as the starting point for setting up our Consumer Affairs area.

At the end of this report we have set out the recommendations made to us by Vision One Research, and what we are doing to take those recommendations forward.

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## Summary of findings

### What does the term 'outcomes' mean for consumers?

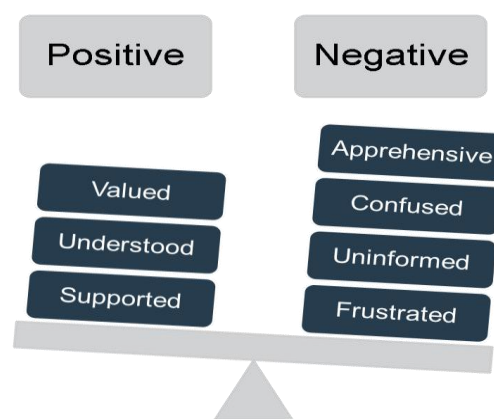
- 'Outcomes' has a strong sense of meaning to consumers and generally implies the **'final result'**. Our research found that 'outcomes' has four main sub-themes, which are:
  - **completion of dealings** (such as receiving a will)
  - **financial** (such as receiving compensation)
  - **ethical** (such as getting justice)
  - **help and advice** (being given the right support)
- Based on this understanding, the 'outcome' is often seen by consumers as the most important part of their legal services transaction, particularly in situations of high risk or value to a consumer.

## What does the term ‘outcome-focused regulation’ mean for consumers?

- While most consumers we spoke to generally did not feel they understood what is meant by the term ‘outcomes-focused regulation’, the interpretation that most then provided was **focus being placed on the end result rather than how they got there.**

## What worries consumers about outcomes-focused regulation?

- Some consumers we spoke to were concerned by the idea of outcomes-based regulation. The two main concerns were that:
  - the right outcome cannot necessarily be guaranteed in every single case, and therefore it is potentially risky to base regulation on achieving these;
  - focusing exclusively on outcomes could possibly mean less emphasis placed on the experience (ie the service).
- Some consumers argued that the experience of using legal services was more important to them than the actual outcomes they received. This was particularly the case for female participants in our research, many of whom placed most importance on the strength of the relationship with their legal services provider.
- These concerns hinged on the extent to which focusing on outcomes would lead to legal services consumers potentially receiving a poorer quality service where negative experiences could outweigh positive experiences:



## What do consumers think about the 10 SRA Principles?

- As part of our research we asked consumers what they thought about the ten **SRA Principles** sitting at the top of the outcomes - focused regulation approach.
- Some consumers we spoke to expressed disappointment with the principles, saying that they seem generic with little relevance or influence for actual customer outcomes.
- Some consumers also felt that some of the principles overlapped in terms of what they are trying to achieve - for example 'Act in the best interests of each client', 'Provide a proper standard of service' and 'Protect client money and assets' appeared to consumers to cover the same ground.
- One of the proposals coming from the research was to concentrate on the single principle of "**act in the best interests of each client**", which it was felt **should achieve good outcomes for consumers**.

## What do consumers believe makes a good outcome in legal services?

*I look at it in a holistic way the package that they are offering. Most importantly I've got to have faith in the solicitor representing me. (eg - he's not overloaded with about 200 cases and he's got about 5 minutes of time for me and that I'm just not another number to him!)....the cost of it can mount up and I like solicitors that are open and honest with everything – like how much time they are willing to offer you, how much they are going to charge up front. At the end of the day I am the client and I am paying for their services."*

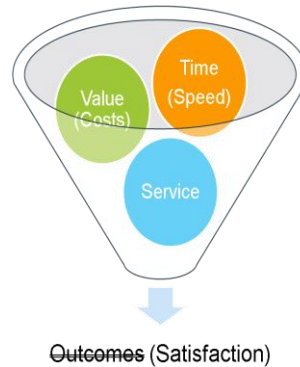
- Our research found that consumers believe **three key factors** shape a good outcome in legal services:

**Time taken**

**Value for money**

**Service received**

- If these three factors work well, consumers are likely to be satisfied with overall outcome they receive. This model shows how the three factors can work together:



How important is time / speed as one of the factors that shapes outcomes?

*“I went on Yell.com looking for the person who could give me the quickest appointment.”*

- Our research found that, in order to be satisfied with the outcome they receive, **time and speed is crucial**. Consumer expectations of how long the legal service will take to complete and deliver need to be carefully managed for the consumer to agree they received a satisfactory outcome.
- The research showed also that **speed can be a critical outcome in its own right** – some consumers told us they might not pursue their interest simply because the timescales involved are too long. In particular we found that:
  - basic responsiveness is critical for consumers from their legal services provider;
  - consumers feel uninformed about how long to expect different legal services processes to take, and would welcome guidelines on this to feel better educated and empowered.

## How important is service as one of the factors that shapes outcomes?

**“The ones I use, they have to take their lunch between 1-2pm and you can’t call them.”**

- Our research showed that consumers feel it important for solicitors to **treat them as individuals** (not a number, or assessed in terms of value) in order to build trust.
- We also found that consumers want solicitors to be approachable and invest time in their case, with a real sense coming through of consumers feeling they sometimes have to chase solicitors.
- The research demonstrated also that help and advice play an important part of the service equation, in particular **outlining the options, the potential outcomes and risks, and recommending the best course of action.**
- The research revealed some interesting findings for different groups of consumers relating to service, that can influence whether a legal services outcome is satisfactory or not:
  - consumers using Legal Aid to fund their legal services felt that the service received was frustrated by changing personnel which affected continuity, and meant that a new relationship (and trust) had to be developed.
  - some consumers from lower income households placed significant value on personal home visits from their legal services provider, particularly for those who cannot afford transport or the cost of a call.
  - consumers with disabilities can feel that the service they receive is complemented by consideration of their specific requirements – for example, consumers with poor vision can benefit from environments that provide strong contrast offices to help navigate. One consumer told us *“(good service is) about understanding you as a person... and not looking at you as if you are someone who is totally different.”*

## How important is value / cost as one of the factors that shapes outcomes?

*“...they (the solicitor) did mess me around a little, as the free consultation wasn't free in the end. They sent me a letter and then charged me for that letter”*

- Our research identified that consumers generally do not have an appreciation of what they should pay for a solicitor, and as such are often unable to judge value and competitiveness.
- **Hidden or unexpected costs** are often a factor that impacts consumer outcomes, and can be a cause for complaint.

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## Recommendations and actions – what do consumers want us to do?

These are the recommendations that resulted from the research study, setting out what consumers feel is important in order to receive good outcomes when using legal services. In each case we have set out what we are proposing to do to take forward the recommendations.

### 1. Empowering consumers

There is a certain inequality about the relationship between solicitors / legal services providers and consumers. Many people do not feel empowered to challenge advice or make complaints. The problem is made worse by a lack of awareness about where to go to complain, and low familiarity with organisations such as the SRA.

- **recommendation** - solicitors should provide complaints procedures highlighting the SRA and their contact details.

#### Our response:

- solicitors and those we regulate will continue to be required to provide all consumers using their services with information about making complaints.
- we will develop more website resources for consumers during 2011 to provide more support around areas such as complaints processes.

- our Consumer Affairs area will create new communication channels during 2011 for consumers to contact us and get information they may require when using legal services.

## 2. Making good choices

There are very few active choices made when choosing solicitors, due in part to a lack of information or knowing where to go.

- **recommendation** - provide impartial and trustworthy feedback on solicitors performance

### Our response:

- the Law Society provides a 'Find a Solicitor' service where consumers can search for local solicitors and law firms, or look for solicitors providing certain legal service or different languages
- the SRA provides a solicitor check service where consumers can search the regulatory history of a solicitor
- as part of our work in introducing Consumer Affairs within the SRA during 2011, we will look at new ways of advertising these services – including through channels used by consumers such as Citizens Advice.
- we will set up new ways for consumers to talk to us and each other about legal services as part of our Consumer Affairs work during 2011.

## 3. Focusing on the customer

Outcomes-focused regulation must focus on the experience and services elements of legal services which are key priorities for most consumers.

- **recommendation** - make sure the SRA's regulation is customer-centric

### Our response:

- by focusing our regulatory work on the outcomes provided to consumers rather than the detail of how the outcome was delivered, legal services providers will be able to provide new ways of working with consumers and providing good deals for them.

- we will continue to work closely with the Legal Ombudsman in order to make sure consumers have a route to complain about poor service.
- As part of our Consumer Affairs work during 2011 we will develop and improve the support and information we provide to consumers (through our website and in hard-copy) to make sure consumers can access information on managing their relationships with legal services providers.

## 4. Supporting and informing

Consumers don't have much interaction with solicitors, and while solicitors tend to provide them with information on processes, timescales and prices there is no external source to validate their claims.

- **recommendation** - provide communications highlighting key information for each legal service (such as an overview of the process, guideline price ranges, etc)

### Our response:

- the Law Society publishes some consumer guides on different legal services and processes, in many different formats.
- as part of our Consumer Affairs work during 2011 we will be developing the information and advice we provide to consumers, and will take account of this recommendation to try and provide information that helps to better prepare consumers in different situations.

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## More information

If you would like any further information on the findings of our research study or our work around Consumer Affairs or outcomes-focused regulation, please get in touch:

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