

SRA Transparency Rules: Web sweep report

Updated 25 November 2019

Background

The SRA Transparency Rules came into force on 6 December 2018 and require firms to publish price and service information if they publish, as part of their usual business, the availability of certain common services:

- Residential conveyancing
- Probate
- Motoring offences
- Immigration
- Employment tribunals (public and businesses)
- Licensing applications (businesses)
- Debt recovery (businesses)

The rules also require all firms with a website to publish details of their complaints procedure, including how and when a complaint can be made to the Legal Ombudsman or to us.

We provide a range of guidance supporting firms to meet our requirements, including examples of how to publish the information and example templates for doing this.

In February 2019, we published a 'topic guide' setting out our approach to enforcement of the Transparency Rules. In this we said that, in addition to dealing with reports received, we would use a range of proactive tools to identify non-compliance. These include:

- Thematic reviews and engagement with firms
- Working with consumer groups to raise awareness
- Random web sweeps

In line with this approach we publicly confirmed that the first such web sweeps would take place during March/April 2019. The following report outlines the findings of these sweeps, and what follow-up action we will be taking as a result.

Headline findings

We randomly selected a sample of 500 law firm websites to review. This sample featured websites operated by a variety of firm types, locations and sizes. We specifically targeted firms who provided at least one of the services covered by our rules but 118 firms included in the web sweep did not publicise that they offered one of those services and therefore for those firms our review was confined to checking whether they provided the required complaints information.

Of the selected sample, 53 sites were found to either not be working or were still under construction. The following results are based on our review of the remaining 447 sites.

Of these sites:

- 25% were fully complying
- 58% were partially complying
- 17% were not complying with the rules at all

The most common areas of non-compliance were a failure to:

- publish the required complaints information
- specify the amount of VAT applied to costs and disbursements
- display information on key stages and/or timescales
- provide a description or costs of likely disbursements

Complaints

More than half (52%) of firms were found not to be displaying any complaints information.

Price and service

In relation to price and service information, the highest levels of full compliance related to probate (29%) and conveyancing (25%), which were also the services most commonly offered across the firms surveyed.

For most services the total full/partial compliance rate ranged from 75% to 90%.

The service area with the lowest level of full/partial compliance was immigration, with only 67% of firms complying in full/part. This means that one third of firms were not providing any of the required information. Given this is an area where many potential clients may not have English as a first language or be as familiar with the legal system as in other areas, this is particularly concerning.



Read a more detailed breakdown of the web sweep results [#app1]

Read our compliance tips [#comp]

What happens next

We are writing to all firms whose websites were identified as not being fully compliant with the Transparency Rules explaining the areas in which they need to make changes.

For firms found not to be complying with any of the rules (78 in total) we have said that we will check their websites again in two months' time. If at that point we find they are still not publishing the required information we will consider what further regulatory action, including potential enforcement action, is required.

For firms found to be only partially complying with the rules (257 in total) we are making it clear which areas they need to work on in order to fully comply. These firms will be targeted in future web sweeps to check that the required changes have been made.

In the future, we will conduct regular six monthly web sweeps, reviewing 600 law firm websites on each sweep. While generally these sweeps will continue to look at a representative cross-section of firms, we will also target a higher proportion of firms providing immigration services, until we are satisfied that firms providing services in this high-risk area are complying with our requirements.

We also plan to conduct a thematic review into this area during 2020.

Alongside our work to ensure that people can find the information they need, we will continue to raise awareness with the public through our wide communications and close working with advocacy and consumer groups

Open all [#]

Detailed findings

Overall:

- 25% of firms were fully compliant with every aspect of the Transparency Rules that applied to them
- 17% were not complying with the rules at all
- 58% were partially compliant

Complaints information:

- 38% fully compliant with requirement to publish complaints information
- 11% partially compliant

- 52% of firms do not have any complaints information on their websites

Compliance with price and service requirements by service provided:

Residential Conveyancing (210 firms)

- 25% fully compliant
- 50% partially compliant
- 25% not complying at all

Top 3 areas of non-compliance:

- Failure to publish all/any complaints information (61%)
- Failure to specify amount of VAT applied to costs and disbursements (49%)
- Failure to display information on key stages and/or timescales (50%)

Probate (188 firms)

- 29% fully compliant
- 50% partially compliant
- 21% not complying at all

Top 3 areas of non-compliance:

- Failure to publish all/any complaints information (60%)
- Failure to specify amount of VAT applied to costs and disbursements (48% of firms)
- Failure to display information on key stages and/or timescales (45%)

Motoring offences (56 firms)

- 9% fully compliant
- 71% partially compliant
- 20% not complying at all

Top 3 areas of non-compliance:

- Failure to provide description or costs of likely disbursements (75%)
- Failure to display information on key stages and/or timescales (71%)
- Failure to publish any/all complaints information (68%)

Licensing applications for businesses (21 firms)

- 19% fully compliant
- 71% partially compliant
- 10% not complying at all

Top 3 areas of non-compliance:

- Failure to publish any/all complaints information (48%)
- Failure to specify amount of VAT applied to costs and disbursements (38%)
- Failure to provide description or costs of likely disbursements (33%)

Immigration (excluding asylum) (83 firms)

- 12% fully compliant
- 55% partially compliant
- 33% not complying at all

Top 3 areas of non-compliance:

- Failure to provide description or costs of likely disbursements (72%)
- Failure to publish any/all complaints information (71%)
- Failure to display information on key stages and/or timescales (65%)

Employment tribunals (181 firms)

- 22% fully compliant
- 58% partially compliant
- 20% not complying at all

Top 3 areas of non-compliance:

- Failure to publish any/all complaints information (64%)
- Failure to specify amount of VAT applied to costs and disbursements (58%)
- Failure to provide description or costs of likely disbursements (48%)

Debt recovery for businesses (77 firms)

- 17% fully compliant
- 66% partially compliant
- 17% not complying at all

Top 3 areas of non-compliance:

- Failure to specify amount of VAT applied to costs and disbursements (53%)
- Failure to provide description or costs of likely disbursements (48%)
- Failure to specify the qualifications/experience of the solicitors undertaking the work (42%)

Compliance tips

6 things worth checking

The SRA Transparency Rules [<https://www.sra.org.uk/solicitors/standards-regulations/transparency-rules/>] came into force in November 2019. They make it mandatory for firms regulated by the SRA that provide certain legal services [<https://www.sra.org.uk/solicitors/resources/transparency/transparency-price-service/>] to publish costs and service information about those services.

There are also mandatory requirements for all SRA-regulated firms to publish information about complaints.

Some firms have created new online content or updated existing content so that they can comply with the Rules. We issued guidance [<https://www.sra.org.uk/solicitors/guidance/transparency-in-price-and-service/>], alongside a Q&A [<https://www.sra.org.uk/solicitors/resources/transparency/transparency-price-service/price-transparency-q-a/>] area, to help everyone understand the requirements and how best to meet them.

There are many ways that the information can be presented, and different firms will have different approaches to compliance. However you choose to present the information, you must ensure that all of the requirements of the rules are met.

Following a recent web sweep of hundreds of firms, we have identified the most common reasons why firms have not fully met our requirements. Therefore, here are six things you should check in order to make sure your firm is complying properly with the rules.

1. Always include the charging basis for your prices

Every price you publish must include both:

- The typical cost of the service (the total cost, a range of costs, or an average cost)
- the basis that you use to charge (such as an hourly rate)

If you publish only one without the other, you are not compliant.

2. Describe the credentials of people who carry out the legal work

For each of the legal services covered you must include information about the experience and qualifications of the people that carry out the work.

This must be easy to find on your website. Our expectation is that there should at least be a link from your published price to this information so that it is straightforward to find it.

Remember that the Rules require you to provide information about anyone involved in carrying out the legal work. Depending on your firm profile this might include other staff besides partners or solicitors.

You do not have to name individual staff members, for example, if you have a large team of paralegals, but you do need to publish a description of the type of experience and qualifications they have. There is an example within our guidance [<https://www.sra.org.uk/solicitors/guidance/transparency-in-price-and-service/>] about how you might do this.

3. Don't forget your disbursements

Any disbursements that are likely to be required must be listed, and you must provide a cost for each one.

If the disbursement cost is genuinely unknown, you must provide an average or likely range of costs.

You are not complying with the Rules if instead you just provide a single example of a typical disbursement when you know there are likely to be others, or a statement saying that you will estimate the costs of disbursements when you accept instructions.

4. Be clear about VAT

Your published information must state whether your costs and disbursements attract VAT. If they do you need to confirm how much the VAT will be. As a minimum, you must say which costs attract VAT and the rate that VAT will be charged at (usually 20%).

If your firm provides services to overseas clients your published information should make the position on VAT clear.

Publishing a statement such as "fees exclude VAT where applicable" is not complying with the Rules.

5. Find the right location for your price information

Your price information must be easy to read and must be in a prominent place on your website.

For example, creating a new page called 'SRA Transparency Rules' or 'Regulatory information on costs' and adding the link to the footer of your homepage without making the price information available within the pages about the relevant legal services is unlikely to be compliant.

6. Complaints information

Don't forget that every firm must include the required information about your firm's own complaints procedure, and information about the Legal Ombudsman and SRA. We have produced separate guidance [<https://www.sra.org.uk/solicitors/guidance/publishing-complaints-procedure/>] on this with content that you can cut and paste if you wish.