

**SRA BOARD**

25 April 2022

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*This paper will be published***SRA Corporate Complaints November 2020 - October 2021**

<b>Reason for paper</b>	This paper updates the Board on our corporate complaints for the year 2020/21, including the Independent Reviewer's annual report.
<b>Decisions(s)</b>	The Board is asked to note the Independent Reviewer's annual report 2020/21 and the key areas we continue to focus on to improve our service. These include further training on customer service and our writing; improving the content and tools on our website so customers better understand what we do and how, and there are a number of actions we are taking in relation to our enforcement work, which we published last month, to tackle delays.
<b>Previous Board and committee consideration</b>	We provide a report to the Board every year about the corporate complaints we receive. Our last report about complaints came to the Board in December 2021.
<b>Next steps</b>	We continue to consider carefully the complaints we receive, and to implement the learning we identify to improve our service to our customers.

If you have any questions about this paper, please contact Rachel Pillinger, Director of Corporate Complaints [rachel.pillinger@sra.org.uk](mailto:rachel.pillinger@sra.org.uk) or 0121 820 2540.

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**SRA Corporate Complaints November 2020 - October 2021****Background**

- 1 2020/2021 has been busier operationally for us than the year before, when the arrival of the pandemic presented particular challenges for everyone. Our contact centre dealt with nearly 250,000 emails and calls. We received around 10,500 concerns about solicitors and dealt with nearly 2,000 claims to our Compensation Fund. Against this backdrop, we dealt with just under 1,000 complaints about our service - a little higher than the last reporting period, but this is similar proportionately when taking into account the number of cases we dealt with.
- 2 Although the Independent Reviewer (IR) reminds us of some of the things we do well in its annual report (annex 1), and the complaints we receive remain a small proportion of the many thousands of contacts we have with those who use our services, we know that we have not always consistently been able to deliver to the high standards we expect, and we are committed to continuous improvement
- 3 Our complaints process provides us with both insight into areas where we need to do more, and an invaluable opportunity to address areas of concern with people direct. How we respond individually really matters to us. We know from the feedback we receive that even when we are not able to give somebody what they have asked for, customers welcome the opportunity to raise concerns and appreciate our considered responses. This report highlights what our customers have been telling us about our service in 2020-2021, and what we are doing, as a result.
- 4 We have a comprehensive three stage procedure for handling complaints made about our service. We are often able to resolve issues that arise quickly and informally when raised with us. Where this is not possible, Stage 1 complaints are dealt with by staff in the operational area in which the complaint arose. If the complainant remains dissatisfied, the concerns are escalated to Stage 2 and are dealt with by our central Corporate Complaints Team (CCT). This provides a fresh perspective on a complaint because our CCT is not attached to any operational department. Our complaints process is flexible and, in some circumstances, our CCT will proactively step in early and work with operational units to help ensure things get back on track quickly.
- 5 If a complainant remains unhappy, they can ask for an independent review at Stage 3. This Stage provides a further check and balance on our customer service, and helps to provide independent assurance to our customers.
- 6 The Centre for Effective Dispute Resolution (CEDR) was appointed as our Independent Reviewer (IR) in 2018, and this is its third annual report. We are very grateful for all the work it does for our customers in reviewing individual

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concerns, auditing our complaints work, and for its annual reports with insights and feedback.

**Discussion****Number of corporate complaints November 2020-October 2021**

- 7 We responded to 972 complaints in this period at Stages 1 and 2 of our complaints process. This was just over 5% higher than the year before.

<b>Year</b>	<b>Stages 1 and 2</b>	<b>Stage 3</b>
Nov 2016 - Oct 2017	958	37
Nov 2017 - Oct 2018	827	26
Nov 2018 - Oct 2019	815	57
Nov 2019-Oct 2020	927	105
Nov 2020-Oct 2021	972	115

- 8 You can see from the table below that there was an increase in complaints to our Contact Centre (which deal with general enquiries) and Claims Management Unit (which deal with interventions<sup>1</sup> and claims to our compensation fund), and a drop in complaints about our Investigation & Supervision Unit (which deal with concerns about the ethical behaviour of solicitors).

<b>Year</b>	<b>Contact Centre</b>	<b>Investigations &amp; Supervision</b>	<b>Claims Management</b>
Nov 2019 - Oct 2020	139	672	69
Nov 2020 - Oct 2021	175	545	172

- 9 Much of the increase related to Claims Management was an uplift in intervention archive complaints. We effected one of our biggest ever interventions in August 2020 into a law firm with 16 offices, taking many hundreds of thousands of files into our care. We worked as quickly as we could, but processing the volume was time consuming and meant some former clients needed to wait longer than we would usually expect for the return of their documents. This caused some understandable frustration and concern and led to a number of complaints being raised with us.
- 10 There was also an increase in complaints to our Contact Centre, as a result of our PC renewal exercise in 2020 in which we used our newly implemented IT and telephony platforms. Teething problems with our new systems caused inconvenience to some firms and individuals. While we saw an increase in

<sup>1</sup> An intervention is when we close down a firm taking control of the practice's papers and monies in order to protect the public

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complaints, these were resolved swiftly by our contact centre and IT colleagues who provided dedicated support for those experiencing difficulties. No Stage 2 complaints (escalated complaints) were received.

- 11 During 2020/21, 91% of Stage 1 complaints were dealt with within 10 working days of acknowledgement and 95% within 20 working days of acknowledgement by the CCT at Stage 2.

**Learning from complaints and improving our services**

- 12 The majority of the corporate complaints we receive each year continue to be about how we handle complaints about solicitors, and these represented 56% of the complaints we received for this period. Overall around 6% of those who brought concerns to us about a solicitor went on to complain about our handling of their concern.
- 13 The top three complaints themes we and the IR have identified remain the same as the last period - concerns about the outcome of cases, concerns about delay, and concerns about our communication.

Year	Outcome	Delay	Our communication
Nov 2019 - Oct 2020	650	96	151
Nov 2020 - Oct 2021	392	102	144

- 14 While there has not been a statistically significant change in the number of complaints about delay and communication, complaints about outcome have reduced significantly.

**Concerns about the outcome of our regulatory investigations**

- 15 Dissatisfaction with the outcome of a complaint made to us about a solicitor, and in particular our decision to close a case because the concern has not met our criteria for investigation, continues to be the top reason why our customers complain. Some of this dissatisfaction, as reported in previous years, arises from a mismatch between what the public may expect or want us to do as regulator and what we in fact do.
- 16 However, there has been a sizeable decrease (40%) from the previous year in complaints about outcome at stages 1&2. And a similar reduction at Stage 3 as shown in the IR’s report (page 4/5). It is difficult to attribute a single causal link to this decrease and we sometimes see fluctuations, but this may reflect some of our work over recent years in improving information on our website about the high standards we expect and our interest in receiving regulatory information. Our range of case studies and topic guides for example enable people to better gauge if we may take action in the circumstances of their case.

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- 17 But we recognise there is still more to do. We have started work to improve the range and quality of information and tools on our website (which will include for example explainer videos) to help people understand how we deal with complaints about solicitors, and whether we are the right place to raise concerns. This will include improving information about the types of concerns we can look at, how we deal with reports, what the outcomes could be, how long it takes us to look into cases, and information about other organisations that may be able to help.
- 18 As noted in the IR's annual report (page 6) there are some common reasons why people get in touch with us, but often we are not the right organisation to help. For example, we receive many concerns about family disputes with wills and inheritance, neighbour disputes and small claims where complainants are unrepresented. We will develop information on these frequently raised topic areas to signpost complainants to organisations best able to help, and to explain what information may be of regulatory importance to us.
- 19 The reduced numbers of complaints about outcome we saw in this period may also reflect steps we have taken to provide more information about the reasons we have taken our decisions, updating our internal guidance for staff on our approach to disclosure of information. This may have helped to address complainant perceptions we had reached the wrong conclusions because we had not explained the detail of what we had done and found.

**Our timeliness**

- 20 The IR highlights that delay (outside of concerns about our decisions) is the most common cause of complaint. The number of cases of delay to the IR was smaller than last year, although at stages 1 & 2 numbers have remained static.
- 21 While the volume and complexity of some of the cases we deal with mean we are not always able to conclude cases as quickly as we would like, we have committed to do more to address the timeliness of our investigations. We published last [month](#) specific details about what we are doing to improve the timeliness of our enforcement work, having identified process, capability and capacity improvements we need to make. We will keep the Board updated, through our quarterly performance reports, on progress and will continue to monitor the corporate complaints we receive.

**Our communication**

- 22 The third biggest source of complaint for the IR, but second biggest source for us at stages 1&2 of our complaints process is concerns about our communication. The number of complaints about communication have remained static, but there are two areas we are focusing on this year. The first is on our general customer service. We received a number of complaints about our failure to reply to correspondence and calls, and our failure to keep our customers updated.

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- 23 We have developed new customer service e-learning for our staff, which we will launch shortly, looking at the practical things we must all practise daily to provide excellent customer service. From taking the time to listen and engage authentically with our customers, providing timely acknowledgments and dates when we will be in touch, to setting out clearly the next steps we are taking.
- 24 Secondly, the complaints we have received have also shown us that we are not always as clear as we can be in our writing, and our tone is really important to give our customers confidence that we care about high standards for solicitors. We made good progress in improving this when we launched our Writing the SRA Way guidance to our staff four years ago, but we recognise this needs refreshing. We will take the opportunity, now that we are together again in the office, to train our staff face to face, which we know can better facilitate personal interaction and collaboration. We have scheduled face to face training with key areas of the business over the coming months.

**Treating people fairly**

- 25 Fairness and impartiality is at the heart of everything we do, and it is important we maintain customer confidence in our approach. We take any concerns of bias and discrimination very seriously.
- 26 The number of complaints the IR received in this area was much lower in this period (two) than the year before (10). At stages 1&2 we received 23 complaints of bias, and 12 complaints of discrimination, having received 26 complaints of bias and discrimination in the period before.
- 27 The IR found no evidence of any bias or discrimination in the individual complaint cases it considered or in its audit of our complaints (page 8 of the IR report).
- 28 Of the twelve complaints of discrimination we investigated at stages 1&2, most of these were received from members of the public. Eight complaints were made of racial discrimination and four of disability discrimination.
- 29 In relation to complaints from solicitors, one complaint of race discrimination related to a Black Asian and minority ethnic solicitor. The solicitor's concern was that while taking action against them, we had not taken action in relation to their report about a firm that had majority White ownership. While the solicitor felt the regulatory issues were comparable, it was clear our different approaches stood up to scrutiny when looking at the individual facts and circumstances of each case.
- 30 In another complaint, a solicitor considered our communications were unnecessarily 'bullish' and that this reflected bias. We found some examples where our tone was clumsy, and we could understand how this perception may have formed. The substantive regulatory issues warranted our investigation however and were not a result of bias. Nonetheless, the way we write is really

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important to demonstrate our impartiality and while this is reflected in our Writing the SRA Way guidance, as mentioned at paragraph 24 we will be refreshing this and resuming face to face training this year.

- 31 In relation to the complaints of disability discrimination we received, in one case we reviewed we found we had failed, on more than one occasion, to make the reasonable adjustment we had agreed at the outset and this oversight happened when the case had been passed to new members of staff. This caused understandable frustration and upset and reminds us of the importance of checking our records at any handover points.
- 32 Most of the 23 complaints of bias we received were from members of the public who were concerned we acted in a way to protect solicitors. Many complainants explained they were of this view because we had not asked them for further details or evidence about their concerns before going on to close their cases without any regulatory action.
- 33 We do need to take the time to make sure we properly understand the concerns raised with us about solicitors, and complainants are much more likely to feel they have been treated fairly if they have been given an opportunity to be heard. It is clear that some of these complaints would not have arisen had we discussed matters with complainants before going on to close their concerns, and in a small number of cases, had we done so, we would not have closed the case at that stage. So the right engagement at the right time is important, not only so people feel they have been treated fairly but to help us make the right decisions.
- 34 However, in many cases it is immediately apparent from the nature of the issues brought to us that we are not the appropriate body to help and that serious regulatory issues do not arise. In these cases, while some complainants would have welcomed more discussion, closing a case without prior discussion, is not unfair.

**Recommendation: the Board is asked to note the Independent Reviewer's annual report 2020/21 and the key areas we continue to focus on to improve our service.**

**Next steps**

- 35 The key actions we are taking to continue to improve our services over this next period includes focusing our training on customer service and our writing; improving the content and tools on our website so customers better understand what we do and how, and there are a number of actions we are taking in relation to our enforcement work which we published last month to tackle delays. We will continue to be responsive to the complaints we receive, and to learn and share lessons to improve our service. And we will keep the Board updated on our progress.

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**Supporting information**

**Links to the Corporate Strategy and / or Business Plan**

- 36 Our corporate complaints processes supports our strategic objective 1: *'We will set and maintain high professional standards for solicitors... and ensure we provide an equally high level of operational service.'*

**How the issues support the regulatory objectives and best regulatory practice**

- 37 The issues discussed in this paper support the regulatory objective to protect and promote the public interest, and Better Regulation Principles of transparency, accountability and proportionality.

**Public/Consumer impact**

- 38 Our corporate complaints reporting at all Stages helps us to better understand the experience of the public and businesses who use our services and learn where we can make improvements.

**What engagement approach has been used to inform the work and what further communication and engagement is needed?**

- 39 The IR's Annual Reports each year are published by us and the IR, and we use its feedback to improve our service.

**What equality and diversity considerations relate to this issue?**

- 40 This paper covers complaints about bias and discrimination within our services, setting out what we are doing to address any issues of this nature. We also recognise that the clarity of our writing is key, and note that we provide reasonable adjustments as needed.

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**Annexes**

**Annex 1** SRA Independent Reviewer Annual Report November 2020 - October 2021