

The
Annual Report of
the Lay Observer
for Northern Ireland

2021/22

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SOLICITORS (NORTHERN IRELAND) ORDER 1976

SOLICITORS (AMENDMENT) (NORTHERN IRELAND) ORDER 1989

Presented to the Lady Chief Justice of Northern Ireland, the Permanent Secretary Department of Finance, and the Council of the Law Society Northern Ireland pursuant to Article 42 of the Solicitors (Northern Ireland) Order 1976 and Article 17 of the Solicitors (Amendment) (Northern Ireland) Order 1989.

Laid before the Northern Ireland Assembly pursuant to Article 42(8) of the Solicitors (Northern Ireland) Order 1976.

Chapter 1:

Opening Comments



Marian Cree

- 1.1 This is my fifth report since being appointed on 3rd April 2017 as Northern Ireland's first Legal Services Oversight Commissioner (LSOC). As set out in all my previous reports, the secondary legislation necessary to enact all the LSOC powers has still not been made. This was initially due to the collapse of the NI Assembly in January 2017. Subsequently, when the NI Assembly did resume in 2020, Covid 19 arrived, which impacted on Assembly business. Following the resumption of Assembly business (after Covid 19), the Assembly collapsed again in February 2022. It is therefore yet to pass the legislation associated with my office. Consequently, I continue to act in a dual role as both LSOC, carrying out some preliminary work, and, primarily, as the Lay Observer for Northern Ireland. Although the Act provides for an LSOC report, that provision is not yet commenced, therefore this report is provided under the existing Lay Observer legislation, the Solicitors Order (Northern Ireland) 1976. It focuses on my work as Lay Observer but does also include some narrative on my work as LSOC.
- 1.2 This report reflects my work from April 2021 to March 2022, in the context of the complaints process as it relates to Solicitors and the Law Society NI. The Lay Observer role relates only to complaints associated with solicitors and, ultimately, the Law Society. The LSOC role is more embracing in the context that it will, once fully implemented, relate to both solicitors and barristers.

- 1.3 As stated in my previous reports, a key trend in the resolution of complaints for clients is that it does not always result in the outcome the client hopes for. This is due to a number of reasons, not least the fact that the powers of both the Law Society and my office in dealing with this aspect of complaints handling are limited. Consequently, the existing process that is operated within the boundaries of legislation has yet again flagged up the fact it does not always serve the needs and interests of the client – something which the new process, envisaged under the Act, would aim to address. This report, however, presents another twelve month period which has seen a continued positive trend in how complaints are registered and handled by the Law Society.

Chapter 2:

Role of the Lay Observer

- 2.1 The Lay Observer for Northern Ireland is the public official charged with overseeing the Complaints Handling System in place covering the solicitor profession in Northern Ireland. The work of the Lay Observer is governed by a set of principles clearly laid out on my website (www.layobserverni.com). It is to be noted that I also operate my role to the standards laid down by the Ombudsman Association, of which I am a member. It is from these standards that, in part, I derive my legitimacy as a complaint's handler and in the way I carry out my work.
- 2.2 I investigate complaints from clients who have exhausted the complaints process, firstly with their solicitors (Tier 1), and secondly, the solicitors' representative and regulating body – the Law Society of Northern Ireland (Tier 2). Mine is the final stage in the Complaints Handling Process (Tier 3).
- 2.3 My post as the Lay Observer for Northern Ireland is part-time. I employ no staff and all administrative tasks and secretarial work are carried out by me directly, in addition to investigations and auditing. My work is located either at the Law Society or in my own home.
- 2.4 During the year I have had valuable meetings with the President, the Senior Team and with the Chief Executive of the Law Society, representing the Council. I am grateful for these meetings, and for their generally most constructive nature. I value this contact as it enables both parties to consider strategic matters and provide an exchange of views and information appropriate to that level.
- 2.5 My day-to-day links are with the Law Society's Head of Professional Conduct and his staff. I can report that in 2021/22 I found them to be very helpful, accommodating and professional. I am particularly grateful for the efforts they made to provide me with necessary data to assist in the completion of my report, especially as some of the working constraints brought about by Covid 19 were still in existence during this time period.
- 2.6 I maintain helpful and excellent contact with the Department of Finance at all levels. This is my sponsoring Government Department, and appropriate personnel provide support for my function in several ways. In particular, I can be contacted by complainants through their address, as well as a website, which technical persons in the Department maintain on my behalf. I wish to thank the Permanent Secretary for making all this possible.

- 2.7 On day to day matters, I link with Mr Jonathan McNaught and his colleagues. I thank them for their very willing and invaluable facilitation, which is often proactive, and always imaginative, in providing advice and help in solving any problem I may face.
- 2.8 The Lady Chief Justice takes an interest in my work. Her role in our Justice System provides a distinctive overview of the work of the solicitors' profession, and I value her advice and observations. She is, of course, a formal recipient of my Annual Report under the legislation.

Chapter 3:

Law Society Complaints Statistics 2021/22

Table 1: Circumstances of the Complaint / number of associated Complaints

Circumstance of complaint	Number	Circumstance of complaint	Number
A. Accidents	22	L. Immigration & Asylum	1
B. Bankruptcy & Insolvency Debt	2	M. Land & Property Disputes	4
C. Commercial Work	2	N. Libel & Slander	
D. Contract Disputes	1	O. Licensing	
E. Conveyancing	19	P. Mental Health	
F. Criminal Injuries & Criminal Damage compensation		Q. Planning	
G. Criminal Law	1	R. Personal Injury	6
H. Employment Law, Equality/Discrimination Issues	1	S. Professional Negligence	
I. Enforcement of Judgments	2	T. Trusts, Tax & Financial Planning	
J. Family Law – Children	5	U. Wills, Probate & Intestacy	11
K. Family Law – General	11	TOTAL	70

Note: *In most cases a single complaint may be included under one or more heading.*

Table 2: Category of Complaints / number of associated Complainants

Nature of Complaints		
Code	Category	Number of Complainants
1	Undue delay or inaction	58
2	Failure to keep client properly informed	75
3	Delay/Failure to respond to reasonable enquiries	65
4	Withholding/loss of documents	16
5	Disclosing confidential information	6
6	Acting in conflict of interest situation	6
7	Acting contrary to the client's instructions	30
8	Breach of undertakings	2
9	Failure to provide bills of costs/cash statements; incurring expense without client's authority	13
10	Failure to deal with legal aid issues properly	3
11	Failure to provide proper client care information or not complying with agreed client care arrangements	5
12	Failure to provide proper costs information including Legal Aid Rules at the outset of the transaction or not adhering to arrangements made	3
13	Failure to properly consider client's complaints under solicitor's own in-house complaints procedure	53
14	Other factors	
	All factors (total 1 – 14)	335

Chapter 4:

Comment on Complaints Statistics 2021/22

Number of Complaints

4.1 In the 2021/22 year the Law Society received a total of 90 individual complaints covering 335 categorised areas. These complaints were made in relation to 89 solicitors. 11 solicitors' firms had more than one complaint made against them during the period of this report. It is worth noting that 22 of the 90 complainants related to these 11 solicitors' firms, which equates to approximately 25% of the complaints received by the Law Society.

Not Upheld	36
Upheld	37
Discontinued	11
Resolved	2
Ongoing	4

4.2 It is worth noting that 6 of the 37 upheld complaints also resulted in the solicitor being referred to the Solicitors Disciplinary Tribunal, which can have a profound effect on the solicitor's ability to practise. Whilst all of the other upheld cases had some degree of sanction against the solicitor, it should be noted that 31 cases had a formal warning/reprimand associated with them. I would suggest this reflects that the Law Society continues to take a sterner approach to the area of complaints.

4.3 These outcomes are extremely positive and demonstrate the extent to which the Client Complaints Committee (CCC) strives to deliver a fair outcome based on all the facts they gather to inform their decision. It also demonstrates the Law Society's commitment to maintain standards and execute their powers as the Regulator for the sector.

Circumstances of the Complaint

- 4.4 In my previous reports, Conveyancing received the highest number of complaints, accounting for 14 of the 70 complaints the Law Society received in 2020/21, which equated to 20% of all of the complaints received in that year. In this reporting period, however, it accounted for 19 of the 90 complaints, which equates to 21% of the complaints received. Although this circumstance of complaint area is showing no signs of improvement, chapter 5 of my report highlights steps the Law Society has taken (and have planned) to address this area of complaint. Furthermore, complaints under the heading of Accidents, which also featured in last year's report as an area of concern, remains high this year with 22 complaints and equates to 25% of the complaints received. During this reporting period, Wills, Probate and Intestacy had 11 complaints associated with it compared to 17 in 2020/21. This equates to approximately 12% of the complaints received. Family Law (general) also received 11 complaints (12%). In essence, these 4 areas make up 70% of all complaints received during 2021/22.
- 4.5 I am aware the Law Society uses this data and identifies trends to inform the Continuous Professional Development (CPD) programme for solicitors – I commend this approach. I am also aware of the proactive steps the Law Society continues to take in picking up on these types of trends and addressing them through several strategies. I will comment further on this in Chapter 5 of my report.

Category of Complaints

- 4.6 On review of the overall categorised complaints figures outlined in table 2, in the majority of complaints made, the key issue was poor communication on behalf of the solicitor – this has been the key issue in all my reports since I took up office. Categories 1, 2, 3, 7, 11 and 12 above, all of which relate to communicating with the client, were the basis for 236 of the 335 categorises associated with the 90 complaints the Law Society received – in essence, approximately 70%. So often, my role in dealing with complaints is explaining to the complainant what the solicitor, and in some instances the Law Society, seems to have been unable to communicate when they have attempted to resolve a complaint. It could be surmised that many of the complaints would not have got to the second tier of the complaints process if the solicitors who had complaints made against them had adopted a more proactive and regular communication approach with their client. I have made this statement in every report that I have produced since taking up office, yet the trend continues.

- 4.7 A more concerning issue is the fact that 53 of the categorised complaints related to the solicitor failing to properly consider the client's complaints under the solicitor's own in-house complaints procedure. Whilst the Law Society has continued to take significant steps to address this issue and remind solicitors of their obligations regarding complaints, it is unacceptable that a solicitor would believe that not dealing appropriately with a complaint from a client who has paid for their services is acceptable.
- 4.8 Finally, it is most important to note that **the level of complaints against solicitors in Northern Ireland remains very low**, unlike in the legal professions elsewhere in the United Kingdom and in comparison with many other fields of professional activity. This should be seen, as I have emphasised before, in the light of the enormous volume of transactions that solicitors here must undertake for clients every year. No-one knows how many this must be but given there were 461 firms (excluding sub offices) practising within private practice on 24th March 2022, then I would assume the volumes of transactions are in the thousands.

Chapter 5:

Work of the Lay Observer 2021/22

Review Requests/Outcomes

- 5.1 During this reporting period I received 41 (25 last year) requests from individuals requesting that I investigate their complaints relating to the legal profession. I formally reviewed 17 of these complaints, which had already been reviewed by the Law Society's Client Complaints Committee (Tier 2). This equates to 19% of the complaints that were subject to the Tier 2 process. This compares to the 16% that I reviewed last year. It could be argued that this is a negative trend. However, it could also be as a result of more people being aware of my role (Tier 3) and coming forward with complaints. It may also be due to the delays some complainants experienced due to the working constraints of solicitors and the legal system due to Covid 19 restrictions, which still existed during the time period covered by this report. I upheld 3 of the 17 complaints that I reviewed.
- 5.2 I also dealt with 24 other queries from complainants where the nature of their query was either outside of my remit, or I carried out some remedial investigation to enable me to signpost them to other organisations/bodies who could provide assistance. These queries can be equally as complicated or time consuming. The frustration for both me and the complainant is the fact that, in many of the complaints I received, there has been the basis for a complaint but the current legislation does not permit me or the Law Society to accept their complaint. In other cases, the complainants were wishing to complain about legal fees, conduct issues or Barristers.
- 5.3 I also received correspondence from Members of the Local Assembly. Their queries related mainly to the lack of powers associated with the Lay Observer and queries regarding the implementation of the full powers associated with the Legal Services Oversight Commissioner.
- 5.4 As with previous reports by the Lay Observer, the cases I received during the period of this report were mainly complex in nature. The complexity derives mainly from the fact that many complaints have multiple categories associated with them as outlined in the above statistics. The increase in categorised complaints has contributed to the length of time it takes for me to review a case, as I have to satisfy myself that I have reviewed every aspect of the complaint. On average it takes 6 weeks to investigate a complaint from the time I receive it until I issue my final report.

Key Issues

- 5.5 With regards to the complaints I upheld, the main issue for me was unacceptable levels of communication by the solicitors with their clients.
- 5.6 A worrying trend in several of the complaints I reviewed relates to the fact that estimated costs were not being provided by the solicitors for their clients at the outset of business. The justification around this issue by the solicitors and the CCC appeared to be that proper costs information had been provided via a Client Care letter, as required by the Client Communication Practice Regulations 2008. The legal system can be very intimidating and confusing to lay people who are not versed in it. As the solicitors' clients are laypeople, they need to be communicated with in a manner that acknowledges that they are not versed in legal jargon. Solicitors and the Law Society should be ensuring that something as important as a Client Care letter contains actual estimated costs, set out in layman terms, with clear plain English explanations on potential reasons for changes. This (in my view) would be the only acceptable outcome.
- 5.7 From my oversight perspective, I would like to see a statement coming from the Regulator to solicitors advising of the importance of clarity in costings up front, and ongoing updates as costings start to accrue over and above what may have been agreed with a client. I would also hope that a more serious penalty would be adopted for solicitors not providing this type of clarity, should similar complaints come before the Law Society in the future.
- 5.8 Solicitor's failing to properly consider the client's complaint under the solicitor's own in-house complaints procedures is also an all too familiar issue in the complaints I reviewed. This issue has appeared every year in my Annual Report as an area of concern yet is still a dominant feature of the complaints analysis. I would suggest the Law Society may wish to consider taking a much sterner approach on this issue when deciding on sanctions against a solicitor.

Law Society Enhancements/Training

- 5.9 As I stated earlier in my report, it is very positive to note that the Law Society, and specifically the Client Complaints Committee (Committee), have taken a proactive approach to the issues I have raised with them and have taken steps to address some of these issues. In the period covered by this report, the Law Society has introduced a number of enhancements to the complaints process, as well as providing training on a number of issues relating to complaints. These include:
- The consolidation of work commenced in relation to Client Care, Communication and Complaints Hub on the Members' Section of the website. Feedback from practitioners has been positive and this has demonstrated a useful tool that

members can access to obtain information on client care correspondence, in-house complaint management and dealing with complaints relating to a Bill of Costs, along with guidance on how to respond to a client complaint raised by the Society.

- The Hub also contains an overview of how the Society investigates and determines client complaints as well as providing links to the Lay Observer's reports and website for further information.
- In addition, the Client Complaints Committee's (Committee) online video setting out the requirements to ensure effective communication with clients, to include proper responses to in-house complaints raised, has been widely viewed and serves as a useful reinforcement reminder of the importance of having a robust complaints process in place.
- It is very positive to note the Law Society, and specifically the Committee, continue to establish any patterns in complaints and to use that knowledge to tailor appropriate CPD talks. By way of example, the Committee identified a number of separate complaints regarding lack of communication post completion, when the conveyancing process had gone very smoothly but post completion there was a failure on the vendor's part to discharge undertakings or provide required documents. The complaints arose because the client was not advised about these problems and only became aware of same when the house was to be sold or re-mortgaged. To address this trend, the Law Society has scheduled a series of CPD seminars to assist the profession to understand the types of conveyancing complaints and suggesting practical ways to avoid complaints and outlining procedures to effectively manage complaints when they arise.
- The Society continues to provide a suite of client complaint focused CPD events throughout the year, which demonstrates a clear commitment to inform and instruct its members about how to deal with complaints. Throughout 2021/22 the Society delivered a client complaints series focusing on family, litigation, probate and conveyancing complaints.
- The Head of Professional Conduct delivered a number of online seminars on areas including Client Care and In house Complaints. A further interactive online workshop took place with trainees on client complaint management. These measures are part of the Society's ongoing approach to inform solicitors at the very earliest stage of their careers of their Regulatory obligations, as well as demonstrating best practice in an area that continues to cause complaint.

5.10 All of the above demonstrates a willingness within the Law Society to continue to improve their complaints process for all concerned. It shows their desire to make the process more transparent and customer focused, whilst still working within the legislative and regulatory framework which governs them and all solicitors in Northern Ireland.

5.11 Whilst my office is independent from the Law Society, there is still an element of working together in the interests of the overarching complaints process. Regular meetings with the Society's Head of Solicitor Complaints and members of the CCC have resulted in many of the changes I have outlined above being developed and introduced by the Society. A copy of the Law Society's response to the Lay Observer Report 2020/21 is attached at appendix 1.

Chapter 6:

Work of the Legal Services Oversight Commissioner

- 6.1 As noted earlier in this report, I am still operating in a dual role, albeit the greater percentage of my time has been devoted to the Lay Observer functions. The Lay Observer role relates only to complaints associated with solicitors and ultimately the Law Society. The LSOC role is more embracing in the context that it will, once fully implemented, relate to both solicitors and barristers. In the past 12 months I have continued to maintain communication with both the Law Society, the Bar Council and the Lady Chief Justice in relation to the new processes envisaged under the Legal Complaints and Regulation Act (Northern Ireland) 2016 (the 'Act'). In my last report I referenced the fact that the Department of Finance had commenced the remedial work necessary for the secondary legislation to be brought before the NI Assembly. Unfortunately, the NI Assembly collapsed again on 3rd February 2022 and the Department has been unable to progress the legislation. Discussions are still ongoing between me, the Department, the Law Society, the Bar Council and the Lady Chief Justice on next steps. Both professional organisations continue to progress their work on the development of plans associated with the implementation of the new processes as soon as the legislation is passed.
- 6.2 As with previous reporting periods, I have received a number of complaints from individuals that I have been unable to assist as their complaints did not fall within the legislation associated with the Lay Observer and the current Law Society complaints process. These complainants, however, would have been able to have their complaint investigated under the new legislation associated with the LSOC. Issues such as the complaint not being received within the legislative timeframe or the complainant relating to issues of potential negligence are examples of issues that would be eligible under the new Act.
- 6.3 The inability to award compensation to those complainants whose complaints have been upheld is another issue that would be possible under the new process and was yet again a key area of complaint for a number of individuals who wrote to me. I have found myself apologising to those complainants that, whilst their complaint has been upheld, there is no financial recompense available to them. This has been very regrettable and frustrating for both me and the individuals. I have had to explain to those individuals that whilst the office of the LSOC has been established, the complaints process that sits alongside that office has not been introduced.

Chapter 7:

Closing Comments

- 7.1 Whilst I continue to enjoy the challenges of both the Lay Observer role and that of the LSOC, it has been another frustrating year due to the limited progress that has been made on the new complaints processes. In essence, the Complaints Handling System of the Law Society continues to operate under the current legislation whilst preliminary work continues to run alongside it in preparation for the practicalities of the new arrangements. This position is one that the Law Society (like me) have no other choice but to operate, as they too must abide with the legislation as it exists today.
- 7.2 Notwithstanding the above, the positive issues I have outlined in my report demonstrate the willingness and commitment by the Law Society to continue to improve the complaints process. Although all improvements to the current processes bring the Society closer to the type of complaints service envisaged under the new Act, it must be emphasised that the current process is not delivering many of the outcomes that should be available from a complainant's perspective. Even an 'upheld' decision by the Client Complaints Committee does not bring the complainant any tangible outcome against the solicitor. Independent legal advice and a potential long and costly legal process is still their only option to seek compensation for poor or negligible services received from a solicitor. I genuinely hope I am still in office to see the new powers introduced and a more balanced complaints process in operation.
- 7.3 This Annual Report is presented to the Lady Chief Justice of Northern Ireland, the Permanent Secretary Department of Finance and the Council of the Law Society Northern Ireland, pursuant to Article 42 of the Solicitors (Northern Ireland) Order 1976 and Article 17 of the Solicitors (Amendment) (Northern Ireland) Order 1989. It is also laid before the Northern Ireland Assembly pursuant to Article 42(8) of the Solicitors (Northern Ireland) Order 1976.

7.4 I understand the Law Society will take steps to ensure that every solicitor on the Northern Ireland register receives a copy electronically. **I hope that solicitors will make it their business to review the content of the report and to determine its relevance to the work of their own firms.**



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Appendix 1:

Law Society Response to Lay Observer Report 2020/21

RESPONSE OF THE LAW SOCIETY OF NORTHERN IRELAND TO THE 2020/21 ANNUAL REPORT OF THE LAY OBSERVER FOR NORTHERN IRELAND

Introduction

- 1.1 This is the Law Society of Northern Ireland's formal response to the Lay Observer's Report for 2020/21.
- 2.1 The Society welcomes the Lay Observer's Report, which is the fourth such report published by Ms Marian Cree, since her appointment as Legal Services Oversight Commissioner in April 2017.
- 3.1 The Society has taken time to review the comments of the Lay Observer. The Annual Report was considered at length by the Society's Client Complaints Committee and Council. The report was also made available to all Society members who were encouraged to review the report's findings. The Society acknowledges the positive assessment of work undertaken in the management of client complaints during 2020/21 and the reference to the Society's approach to our complaint processes during periods of Covid-19 restrictions.
- 4.1 The Society wishes to place on record our recognition of the important role that the Lay Observer continues to play in assisting the Society to improve the overall effectiveness of our complaint management procedures. The Lay Observer's reports are reviewed at each meeting of the Society's Client Complaints Committee ('the committee') and service improvement suggestions are implemented where appropriate.
- 5.1 The Society also wishes to acknowledge the work of the members of the Committee who have continued to meet throughout the pandemic period. The Committee relies on its' members to provide insight and expertise on areas of legal practice.
- 6.1 The Lay members on the Committee provide a unique perspective which assists in determining complaints fairly as well as ensuring that decisions are set out to complainants in a clear and easy to understand fashion. The Society takes assurance from the Lay Observer's comments that the Committee's deliberations demonstrate the extent to which they strive to deliver a fair outcome.

- 7.1 The Society notes the Lay Observer's comments that the level of complaints against solicitors in Northern Ireland remains very low. This trend in complaint figures is encouraging in light of the volume of transactions that solicitors undertake for clients every year.
- 8.1 The Lay Observer has provided informed commentary on complaint trends identified during the year. The Society has set out below detailed comments on service improvements with a focus on effective communication and in-house complaint management.
- 9.1 The Society remains committed to working collaboratively with the Lay Observer to maintain effective systems of complaint management, highlighting best practice in the area of complaint management and using complaint experiences to drive improvement in the adequacy of professional services provided by solicitors.

Continuing Professional Development (CPD)

- 10.1 The Lay Observer commends the Society's use of complaints data and trends to inform the CPD programme for solicitors. The Society also identify topics for CPD seminars through analysis of the operational work of the Committee. The substance of complaints received by the Committee provides the basis of anonymised case studies referenced in CPD seminars. Analysis of complaint headlines and themes also inform the provision of regulatory notices to members outlining professional obligations and best practice in the management of client complaints.
- 10.2 The Society requires solicitors to undertake three hours Client Care and Practice Management group study annually. This forms an important component of a solicitor's annual programme of Continuing Professional Development.
- 10.3 The delivery of CPD seminars has evolved during the lockdown period of the last 20 months. Seminars are now provided online with a library of recorded seminars also available to members of the legal profession. The provision of online content has enhanced accessibility of online materials on best practice in complaint management.
- 10.4 Seminars have been delivered in the areas of Litigation, Family Law and Probate. A Conveyancing seminar is also scheduled shortly. These focused seminars are delivered by experienced practitioners with a focus on the importance of communication and how to manage the complaint investigation effectively.
- 10.5 Following consideration of the Lay Observer's reports the Committee supported the delivery of online CPD events to members on Bills of Costs and Effective Communication. Earlier in January 2022, the Head of Professional Conduct presented an online CPD seminar on the topic of effective in-house complaint management. This presentation outlined the regulatory obligations on a solicitor to manage the in-house complaints process.

- 10.6 The Society recognises and routinely emphasises the impact that good client care can have on reducing risk, both legal and reputational. Since January 2017 all Principal Solicitors, Consultants and Assistant Solicitors in private practice are required to complete at least two hours of Compulsory Risk Management CPD annually. The Society has designed a bespoke Risk Management module which covers three key areas: Letters of Engagement, Insurance Master Policy and Anti Money Laundering Regulations. The Letters of Engagement CPD was introduced to focus on a key element of client complaints. The seminar provides practitioners with insight into the benefits of clear communication and producing comprehensive letters of engagement setting out the terms of business and the basis for the client/solicitor relationship.
- 10.7 The Society delivers a Client Complaints seminar for trainees at the Institute of Professional Legal Studies. This seminar emphasises the professional requirements in the management of client complaints at an early stage in a trainee's career and encourages the use of effective communication and best practice when managing service complaints. The IPLS seminar refers to anonymised case studies providing examples of cases dealt with by the Committee. The session also includes an online interactive question and answer session on best practice in complaint management.
- 10.8 The Society is looking forward to the forthcoming Client Complaints CPD seminar which is being delivered by the Lay Observer, the Chair of the Client Complaints Committee and the Head of Professional Conduct. The event will provide the Lay Observer with an opportunity to set out her observations on effective complaint management as well as the key components of enhancing the adequacy of professional services.

Complaint Statistics 2020/21

- 11.1 The Society notes, as a positive trend, the reduction of categorised complaints received in 2020/21 when compared to the preceding year. Similarly, the number of registered complaints has reduced in the same period. The Society is encouraged by these results.
- 11.2 The Society has noticed that a number of complainants continue to raise concerns regarding a solicitor's failure to properly deal with a complaint under their in-house complaint procedure. The Society agrees with the Lay Observer's comments that a failure to deal properly with in-house complaints is unacceptable. The Society considers a failure to deal properly with an in-house complaint to be a regulatory breach. Where a firm fails to deal adequately with an in-house complaint the Committee record a warning against the firm. The Society will also consider further regulatory action, including a referral to the Solicitors Disciplinary Tribunal, where there is evidence of systemic or repeated failures to deal with complaints under a firm's in-house complaints procedure.

- 11.3 The Society regularly reminds members of their obligation to respond appropriately to in-house complaints as well as highlighting in our CPD seminars the benefits of properly and fully addressing complaints at first instance. The Society delivered a standalone In-house complaint seminar in January 2022 providing insight as to how firms can effectively deal with complaints. In addition, the Society produced an online video for members setting out their professional and regulatory obligations where complaints are received.
- 11.4 In 2020/21 the Lay Observer investigated 11 referrals from complainants compared to 15 in 2019/20. The Lay Observer notes that this equates in percentage terms to 15% of complaints compared to 17% the year before. These latest figures demonstrate a continuing positive trend for the Society particularly where the Committee reminds all complainants of their right to refer their case to the Lay Observer if they are dissatisfied with the treatment of their complaint by the Society.

Outcomes

- 12.1 The Society notes the Lay Observer's observations that the complaint outcomes from 2020/21 were extremely positive and demonstrate the extent to which the Client Complaints Committee strive to deliver a fair outcome as well as the Society's commitment to maintain standards and exercise powers as Regulator.
- 12.2 The Committee continues to review the comments of the Lay Observer provided in her periodic reports. The Committee incorporates the recommendations into our complaints procedures to enhance our service delivery. The Society considers this engagement to be a key component in improving our treatment of client complaints. The Society is pleased to note the Lay Observer's observation that the Committee has taken a proactive approach to the issues raised by her.

Service Improvements

- 13.1 As the Lay Observer indicates, during the period of this report the Society has introduced a number of enhancements to our complaints process. The Society takes this opportunity to reference two important pieces of work undertaken with a view to improving our complaint process and the service we provide:
- *Members Hub* – The Society has created an online complaints hub on the members section of our website which provides information on complaints management, effective communication and in-house complaint management. The Hub also contains the Effective Communication video guidance to inform members of the profession of their regulatory obligations.

- *CPD Delivery* – The Society introduced a standalone seminar on managing in-house complaints effectively. Managing complaints at the first-tier is of critical importance. The Society recognise that dealing with a complaint properly when first raised can benefit the client and solicitor firm to resolve issues early. The Society will continue to focus on this key area of complaint management in all our CPD seminars in the year ahead.

Concluding Remarks

- 14.1 The Law Society welcomes the report of the Legal Services Oversight Commissioner in her capacity as the Lay Observer for Northern Ireland.
- 14.2 The Society considers the effective resolution of client complaints as a key element in the regulation of the solicitor profession. The Lay Observer plays an important role in enhancing the effectiveness of complaint management. The work of the Lay Observer helps to drive improvement in this important area of the Society's work.
- 14.3 The Society appreciates the findings of the Lay Observer and takes assurance from her view that this report presents another twelve-month period which has seen a continued positive trend in how complaints are registered and handled by the Society.
- 14.4 The Society looks forward to working collaboratively with the Legal Services Oversight Commissioner to continue to improve upon our complaint processes whilst also preparing for the full implementation of the Legal Complaints and Regulation Act (NI) 2016.



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