

The  
Annual Report of  
the Lay Observer  
for Northern Ireland

2019/20

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SOLICITORS (NORTHERN IRELAND) ORDER 1976

SOLICITORS (AMENDMENT) (NORTHERN IRELAND) ORDER 1989

Presented to the Lord 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 third report since being appointed on 3rd April 2017 as Northern Ireland's first Legal Services Oversight Commissioner (LSOC). As set out in my previous reports, the secondary legislation necessary to enact all of the LSOC powers has still not been made. This was initially due to the collapse of the NI Assembly in January 2017. However, whilst the Assembly has now resumed its functions, it is yet to pass the legislation associated with my office. Therefore I continue to act in a dual role as both LSOC, carrying out some preliminary work, and, primarily, as the Lay Observer. Although the Act provides for a 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 2019 to March 2020 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 implemented, relate to both solicitors and barristers.

- 1.3 I am writing this report in the current climate associated with Covid 19. Whilst the period covered by this report covers mainly a time period before the restrictions that we are all becoming used to came into effect, accessing the data needed for the report and bringing the report to the proofing and publication stages, have all been carried against the backdrop and constraints of Covid 19 restrictions .
- 1.4 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 that the client hopes for. This is due to a number of reasons, not least the fact that the powers of the Law Society in dealing with this aspect of Complaints Handling are limited. Issues that frequently resulted in an individual complaining to me, as they were unable to have their complaint investigated by the Law Society, included the complaint being outside the 6 month limit, as set out in the legislative framework, and conduct issues relating to a solicitor as well as complaints about Barristers. Consequently, the existing process that is operated within the boundaries of legislation has yet again flagged up the fact that it does not always serve the needs and interests of the client. The new process would have allowed the issues I have listed to be included in the complaints process but unfortunately we are not there yet. However, this report 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 work of the Lay Observer is governed by a set of principles clearly laid out on my website. 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 complaints handler and in the way I carry out my work.
- 2.2 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. I investigate complaints from clients who have exhausted the complaints process firstly with their solicitors (Tier 1), and secondly, 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 and 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 Director of Client (Solicitors) Complaints and his staff. I can report that in 2019/20 I found them to be very helpful and accommodating as well as professional. I am particularly grateful to the Head of Client Complaints and his team for the efforts they made to provide me with necessary data to assist in the completion of my report, especially as they did so with all of the working constraints brought about by Covid 19.
- 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 a number of 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 Lord Chief Justice takes an interest in my work. His role over our Justice System provides a distinctive overview of the work of the solicitors' profession, and I value his advice and observations. He is, of course, a formal recipient of my Annual Report under the legislation.



# Chapter 3:

## Law Society Complaints Statistics 2019/20

3.1 When the Law Society receives a complaint, it classifies the complaint firstly according to the type of professional work involved in the cases concerned. These are termed **circumstances of complaints**. They then assign a **category** to the complaint which in most cases can be analysed under several different categories of types of complaints. The figures provided by the Law Society for 2019/20 are as follows:

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

Circumstance of complaint	Number	Circumstance of complaint	Number
A. Accidents/General Litigation	15	L. Immigration & Asylum	2
B. Bankruptcy & Insolvency Debt	0	M. Land & Property Disputes	1
C. Commercial Work	0	N. Libel & Slander	0
D. Contract Disputes	0	O. Licensing	0
E. Conveyancing	25	P. Mental Health	0
F. Criminal Injuries & Criminal Damage compensation	0	Q. Planning	0
G. Criminal Law	4	R. Personal Injury	5
H. Employment Law, Equality/Discrimination Issues	5	S. Professional Negligence	1
I. Enforcement of Judgments	1	T. Trusts, Tax & Financial Planning	3
J. Family Law – Children	4	U. Wills, Probate & Intestacy	5
K. Family Law – General	15	<b>TOTAL</b>	<b>86</b>

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	68
2	Failure to keep client properly informed	79
3	Delay/Failure to respond to reasonable enquiries	69
4	Withholding/loss of documents	20
5	Disclosing confidential information	1
6	Acting in conflict of interest situation	4
7	Acting contrary to the client's instructions	19
8	Breach of undertakings	0
9	Failure to provide bills of costs/cash statements; incurring expense without client's authority	15
10	Failure to deal with legal aid issues properly	2
11	Failure to provide proper client care information or not complying with agreed client care arrangements	1
12	Failure to provide proper costs information including Legal Aid Rules at the outset of the transaction or not adhering to arrangements made	18
13	Failure to properly consider client's complaints under solicitor's own in-house complaints procedure	52
14	Other factors	2
	<b>All factors (total 1 – 14)</b>	<b>350</b>

# Chapter 4:

## Comment on Complaints Statistics 2019/20

4.1 In the 2019/20 year the Law Society received a total of 350 categorised complaints from 86 complainants. These complaints were made in relation to 71 solicitors. 8 solicitors' firms had more than one complaint made against them during the period of this report with 1 solicitors' firm receiving 4 complaints. It is worth noting that 21 of the 86 complaints were made against these 8 solicitors firms which equates to approximately 24.4% of the complaints received by the Law Society. The number of categorised complaints has reduced from the 450 recorded in 2018/19 as has the number of complainants which seen a reduction from 101 recorded in 2018/19 to 86 in 2019/20. This is a positive trend.

The outcomes of the 86 individual complainants that were received by the Law Society were:

Not Upheld	38
Upheld	32
Discontinued	6
Resolved	2
Ongoing	7
Other	1

4.2 It is worth noting that two of the 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 twenty seven cases had a formal warning/ reprimand associated with them. I would suggest that 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 of the facts that 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.

- 4.4 As with my last two Annual reports, Conveyancing remains the area that received the highest number of complaints, accounting for 25 of the 86 complaints that the Law Society received. This equates to 29% of all of the complaints received in 2019/20. Furthermore, 'Accidents and 'Family Law' received 15 complaints each. Jointly they equate to 34.8% of complaints in 2019/20. In essence these 3 areas make up 63.8% of all complaints received in that year. Whilst this demonstrates a downward trend in the area of conveyancing from the complaints received in 2018/19 which seen 33 complaints it is an upward trend for Accidents and Family Law which received 20 and 19 complaints respectively. I am aware that 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 steps that the Law Society have taken and remain proactive in picking up on these type of trends and addressing them through a number of strategies. I will comment further on this in Chapter 5 of my report.
- 4.5 Finally, it is most important to note that **the level of complaints against solicitors in Northern Ireland still remains very low**, unlike in the legal professions elsewhere in the United Kingdom, and as well as 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 that at 31st August 2019 there were 473 firms (excluding sub offices) practising within private practice, then I would assume the volumes of transactions are in the thousands.

# Chapter 5:

## Work of the Lay Observer 2019/20

- 5.1 During this reporting period I received 36 requests from individuals requesting that I investigate their complaints relating to the legal profession. I subsequently investigated 15 of these complaints after they had been reviewed by the Law Society's Client Complaints Committee (Tier 2). This equates to 17.4% of the complaints that were subject to the Tier 2 process. This compares to the 21% that I reviewed last year, which demonstrates a positive trend of less complaints reaching the Lay Observer process (Tier 3). None of the 15 complaints that I investigated were upheld. I also dealt with 21 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. In one particular case the complainant sent 32 separate emails to me all of which had to be responded to. In other cases the complainants were wishing to complain about legal fees, conduct issues, or Barristers. A common issue I receive relates to complainants that wish to complain about a solicitor who they are not a client of.
- 5.2 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.
- 5.3 On review of the overall categorised complaints figures outlined in table 2, it is clear that in the majority of complaints made, a key issue was poor communication on behalf of the solicitor. Categories 2, 3, 7, 11, and 13 above, all of which relate to communicating with the client, were the basis for 220 of the 350 categorised complaints that the Law Society received – in essence approximately 62%. 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. Quoting pieces of legislation and/or subsections of legislation in response to a complainant appears to create more confusion and frustration rather than explain why a certain decision could or could not be made.

5.4 A more concerning issue is the fact that 52 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 taken 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.

5.5 As I stated earlier in my report, it is very positive to note that the Law Society, and specifically the CCC, have taken a proactive approach to the issues I have raised with them and have taken steps to address some of these issues in a number of ways, including:

- The provision of CPD seminars in Family Law, Conveyancing and Probate matters. The seminars focused on each area of practice and were tailored towards complaint management in the individual area of Law. Experienced practitioners in each discipline presented the seminars. Two CPD seminars on Conveyancing complaints management were also delivered as this area has been consistently highlighted in my reports as a key issue in complaints. The Chair of the Law Society's Conveyancing Committee presented these seminars. The Head of Professional Conduct is a member of the Society's CPD Prospectus Group. This enables complaint trends and topics identified to be delivered as part of the annual CPD programme.
- A Seminar on the Preparation of Bills and the Provision of Client Care and Costs Information was also delivered. This seminar was presented to Solicitor Trainees and is part of our 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.
- The Society established a [complaints@lawsoc-ni.org](mailto:complaints@lawsoc-ni.org) email address. This provides complainants with a single contact address to engage with the Society in relation to their client complaint. The email address was set up at the outset of the Lockdown period to assist complaints to continue to correspond with the Society on their ongoing and new cases.
- The Society launched an online complaints portal this year. The portal allows complainants to submit their complaint forms and documentation online through the website. The online submission generates an automated response assuring complainants that the complaint forms have been received and will be reviewed shortly thereafter. This measure has proved successful and enhances accessibility to the complaints process.

- As part of the online work the Law Society streamlined the complaints form to make it as straightforward as possible and easy to follow for complainants. The online form has mandatory fields and means that fewer incomplete forms are received saving some back and forth correspondence between the Law Society and the complainants.

- 5.6 The Client Complaints Committee through its work is also tasked with identifying trends among the complaints coming before it. The Committee has provided regulatory reminders to solicitors advising of their obligations in the management of client complaints. In the 2019/20 year, the Committee has brought particular focus on the management of in-house complaints and the provision of client care and costs correspondence with Regulatory Notices circulated to all the general membership in that regard.
- 5.7 The Society's complaint management procedures, overseen by the Committee, were subject to external audit and examination in February 2020. The assessment of the complaint procedures did not identify any non-conformities and the requisite standard was satisfied to ensure continued certification to ISO 9001:20015. The auditor's Report indicated that *'planned results have been achieved, confirming an effective process'*.
- 5.8 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.
- 5.9 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 that I have outlined above being developed and introduced by the Society.
- 5.10 I received one complaint during this reporting period where I had a conflict of interest. At my request, the Scottish Legal Complaints Commission (SLCC) dealt with the investigation into this case. The complainant was notified by me of the conflict of interest at the outset and was content that the SLCC would review their complaint.

# 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 and the Bar Council in relation to the new processes envisaged under the Legal Complaints and Regulation Act (Northern Ireland) 2016 (the 'Act'). However, without the necessary secondary legislation being in place to introduce the outworking's of the Act, momentum for developing the new processes is diminishing. It would be regrettable for both me personally, and for those individuals who avail of legal services, if the excellent preparatory work that was carried out by the professional bodies representing the legal profession was lost.
- 6.2 Throughout the period of this report 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. However, these complainants 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 not being the direct client of the solicitor are a few 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. 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 However, the positive issues that I have outlined in my report demonstrate the willingness and commitment by the Law Society to continue to improve the complaints process. All improvements to the current processes bring the Society closer to the type of complaints service envisaged under the new Act. I genuinely hope that the new powers are introduced during my term in Office.
- 7.3 This Report is presented to the Lord 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 that the Law Society will take steps to ensure that every solicitor on the NI register receives a copy electronically. **I hope that solicitors will make it their business to review the content of the Report to determine its relevance to the work of their own firms.**



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# Appendix 1:

## Who is the Legal Services Oversight Commissioner?

I, Marian Cree, have been the Legal Services Oversight Commissioner since 1st April 2017. My appointment is for an initial terms of 3 years and has recently been renewed for a further 3 years.

My career has been varied. I left school aged sixteen and joined the Northern Ireland Civil Service. I became a career civil servant spending the next thirty two years working across a wide range of posts including Head of Learning and Curriculum Policy within the Further Education Division with lead responsibility in NI for the Reform and Regulation of Vocational Qualifications and the curriculum within the FE sector. I had lead responsibility within the Department for Employment and Learning (DEL) for the joint working policies with the Department of Education on 14-19 reforms including the Post Primary Review. I was also Deputy Programme Manager for a range of joint DEL/ Social Security Agency Welfare Reform Projects.

In more recent years I was the Head of Energy Policy at the Consumer Council NI (CCNI) with responsibility for developing policies in line with CCNI's statutory duties on all aspects of the energy market in NI. A key function of my role was to represent consumers' interests in the 'Price Control' and 'Tariff Review' process for regulated energy companies.

I was the initial appointee as the Head of the Competition and Markets Authority (CMA) Office NI office when it opened in May 2015. My role brought me into contact with a wide range of organisations in both the private and public sector organisations such as the Institute of Directors, Confederation of British Industry, Federation of Small Businesses, Manufacturing NI, and law firms in NI which provide advice and services on competition law. I was involved in a number of the CMA Market Studies including Energy, Legal Services, Pay Day Loans, Care Homes, and Banking. Whilst not all of these Market Studies covered Northern Ireland within their scope, I was responsible for ensuring that the outworking's of these Market Studies were brought to the attention of the relevant Regulators and Government Departments in NI and to assess the extent to which they could be incorporated in their policies going forward.

I also hold a non-remunerated Board position with ASCERT. This is an organisation that helps young people and adults with addiction problems by providing initiatives and support programmes to reduce harm and support positive change.

I am a mother and a grandmother and play a very active role in my daughter, and her two children's lives.

# Appendix 2:

## Law Society Response to Lay Observer Report 2019/20

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### **RESPONSE OF THE LAW SOCIETY OF NORTHERN IRELAND TO THE 2018/2019 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 2018/19.
- 2.1 The Society welcomes the Lay Observer's (LO) Report, which is the second such report published by Ms Marian Cree, since her appointment in April 2017.
- 3.1 As the LO indicates in her report, the Legal Complaints and Regulation Act (Northern Ireland) 2016 is not yet fully operational. The Society looks forward to the commencement of the Act and to the introduction of the new functions of the Solicitors Complaints Committee. The Society has been engaged in preparatory work to ensure that effective systems are in place when the new legislation becomes fully operational.
- 4.1 The Society continues to emphasise the importance of effective complaint management by solicitors, particularly within their own in-house procedures. This is an area that the Society continues to highlight through its CPD programme as well as through ongoing communications work directly with members to ensure that effective in-house complaints procedures are in place. The need for solicitors to communicate clearly in a straightforward manner with clients, particularly when dealing with complaints, is a theme that the Society reinforces through our CPD programme as well as through correspondence from the Client Complaints Committee.
- 5.1 The Society, through our CPD programme, continues to impress upon solicitors the risks where complaints are not dealt with appropriately. The Society delivers a standalone client complaints seminar as part of our 'Risk Management' series highlighting the reputational, legal and regulatory risks involved in complaint management and client care.
- 6.1 The Society notes the LO's comments that the level of complaints against solicitors in Northern Ireland remains very low. The low level of complaints is encouraging in light of the enormous volume of transactions that solicitors undertake for clients every year.
- 7.1 The Society recognises that the number of referrals to the LO continues to decrease and takes encouragement from the LO's findings. The Society remains committed to working collaboratively with the Lay Observer to maintain effective systems of complaint management, taking available opportunities to remind solicitors of the opportunity to learn lessons from complaints and using complaint experiences to improve standards of professional service.

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### **Continuing Professional Development (CPD)**

- 8.1. The LO commends the Society on its use of data and trends to inform the CPD programme for solicitors. The Society believes that this approach can be an effective way to identify areas where additional focus and training may be required. The seminars provide insight to members and address the main categories of complaint received including delay, keeping client's informed and responding to client enquiries.
- 8.2. The CPD programme is used to feed the complaints experience back to the profession. All solicitors are required to include three hours Client Care and Practice Management group study in their personal CPD programme. All solicitors are obliged to do a minimum of ten hours group study overall and a further five hours of private study. Group study may consist of workshops, seminars, lectures and tutorials.
- 8.3. The CPD sessions are themed and include input from a range of professionals on relevant and topical issues. Within the last year the Society has provided a number of specific standalone Client Complaints Seminars including: Managing Client Complaints in Family Proceedings, Client Complaints in Probate Law, Client Complaints in Conveyancing Cases and Effective Client Complaint Management.
- 8.4. The 'Effective Client Complaint Management' seminar was delivered by the Head of Solicitor Complaints. Participants were advised of current regulatory requirements, updated on complaint handling, provided with tips to help avoid complaints occurring and reminded solicitors of their obligations when complaints are raised.
- 8.5. The 'Managing Client Complaints' series in Family Proceedings, Probate and Conveyancing was an interactive seminar series delivered by experienced local practitioners. The events provided practical advice from practitioners dealing with areas of law that historically have seen a large proportion of complaints. The series will be extended this year with the Introduction of a complaint event on Litigation. The Society utilises these seminars as an opportunity to remind the profession of the benefit of effectively dealing with complaints at the earliest opportunity.
- 8.6. The Society recognises the need to identify and highlight 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 portion has been introduced to focus on a key element of client complaints. The seminar provides practitioners with clear insight into applicable risks associated with the provision of client care and costs information as well as the risk management benefit of effective in-house complaint procedures.

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- 8.7. The Society is introducing two new Client Communication CPD seminars which will be conducted in 2020. These seminars will focus extensively on client care communication, the provision of costs information to clients and responding effectively to in-house client complaints.
- 8.8. The CPD programme is reviewed annually to ensure that Conveyancing Course topics are available to ensure that practitioner's skills and knowledge base are up to date and current. The Society's Conveyancing Committee Chair delivered two Client Complaint seminars providing an insight into practical experience of dealing with complaints and communicating effectively with clients.
- 8.9. The Society is aware that complaints in relation to Wills, Probate and Intestacy are comparatively higher than a lot of other areas of practice. To address this issue, the Society has introduced varied and detailed CPD seminars to provide advice, assistance and to demonstrate best practice in this area of Law.
- 8.10. The Society recognise that professional development commences at an early stage of a solicitor's career. The Society have taken the opportunity to provide guidance to trainee solicitors attending the Institute of Professional Legal Studies through a standalone client complaints training event delivered by the Head of Solicitor Complaints.
- 8.11. The Head of Solicitor Complaints also provided a separate seminar to Trainees on the preparation and delivery of Bills of Costs. This is an area that continues to attract complaints. The seminar covered the statutory requirements when preparing a Bill and elaborated on the need for effective communication with clients when setting out, discussing and agreeing costs.

### **Complaint Statistics 2018/19**

- 9.1. The LO notes that the number of complaints received during the period of 2018/19 was higher than the previous year. This reflects new administrative arrangements introduced by the Society which reviews the complete complaint received and considers the complaint content against each recorded headline of complaint.
- 9.2. The Society recognise that assessing complaints in this manner may lead to an increase in the number of categorised complaints however consider it an important task to assist lay complainants and solicitors understand all areas of complaint under adjudication.
- 9.3. In 2018/19 the LO dealt with twenty-two referrals from complainants compared to twenty three in 2017/18. The LO notes that this equates in percentage terms to 21% of complaints compared to 31% the year before. This is a positive outcome for the Society.

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### **Outcomes**

- 10.1. The Society notes the LO's observations that the complaint outcomes from 2018/19 were extremely positive and demonstrates the extent to which the Client Complaints Committee strive to deliver a fair outcome based on all the facts as well as the Society's commitment to maintain standards and execute their powers as the Regulator.
- 10.2. The LO has provided suggestions for service improvement through her case reports and the Society has taken those matters under consideration to enhance our overall service delivery. The Society considers this engagement as a key component in improving our treatment of client complaints.
- 10.3 The Society would take the opportunity to reference two important pieces of work undertaken with a view to improving our complaint process:
  - *Complaint Video* – The Society created a video guide to assist prospective complainants. The video is available on the Society's website.
  - *Browsealoud* – The Society introduced software to assist complainants who do not have English as a first language. The software translates complaint documentation into a number of languages and is user friendly. This work was completed to enhance the accessibility of our complaint procedures.

### **Concluding Remarks**

- 11.1. The Law Society welcomes this report of the Lay Observer for Northern Ireland.
- 11.2. The Society considers the review, investigation and determination of client complaints as a vital part of our regulatory role. The Society also acknowledges the important role that the Lay Observer plays assisting in the management of service complaints.
- 11.3. The Society is encouraged by many of the findings of the Lay Observer in her report and remain committed to overseeing a complaint process that enhances the adequacy and effectiveness of professional services provided by solicitors

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