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Guidance

Engaging with feedback from consumers of legal services

Why we have published this guidance

This guidance seeks to establish and share good practice for barristers, chambers and BSB entities to engage with feedback from their clients. In developing this guidance, we have consulted with a range of people, including barristers, clerks, practice managers and those involved running legal businesses.

We do not set specific requirements in our Handbook, but there are a number of reasons behind our decision to publish this guidance which are set out below.

1. As a public interest regulator, the BSB has a duty under the Legal Services Act 2007, in the Regulatory Objectives¹, to protect and promote the interests of consumers. Our publication of this guidance is accompanied by guidance that we have published for consumers, which we have developed with the support of the Legal Services Consumer Panel.
2. In 2016, the Legal Services Board (“LSB”) updated its section 112 guidance² saying (paragraph 18): *“In addition to notifying clients of their complaints handling rights in writing, approved regulators may set guidance on how authorised persons can communicate with consumers in other ways, including, for example, through website content.”*

¹ <https://www.legislation.gov.uk/ukpga/2007/29/section/1>

² http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/2016/201607_Version_2_Requirements_Guidance.pdf

3. In 2016, the Competition and Markets Authority (CMA)³ set out a range of measures including encouraging legal service providers to engage with feedback as well as review platforms, to ensure that customers can benefit from the experience of others before making their choice.
4. In 2017, the Legal Ombudsman published research⁴ that indicated that there are barriers for some consumers to initiate formal complaints procedures. Encouraging clients to communicate their concerns to you less formally may help to identify problems early on, support service improvement and ensure that high standards are maintained.

What are the barriers to collecting feedback?

A number of people told us that they do not collect feedback and they gave a range of reasons for this:

“Feedback is distracting because clients who have lost their case give disproportionately negative feedback.”

“Clients see it as a way to complain.”

“It’s difficult for lay clients to assess and give feedback on legal skills.”

“We struggle to get responses to questionnaires sent to solicitors.”

“Some solicitors asked us to stop sending them questionnaires. Some even threatened to stop instructing chambers if we did not stop sending them questionnaires.”

“It would not work trying to get feedback from lay clients through solicitors.”

“We don’t need feedback from the lay client; repeat business comes from the solicitor not the lay client, so it’s feedback from the solicitor that matters.”

“Chambers don’t know what questions the solicitors ask their lay clients when they seek feedback.”

“Professional clients always used to attend court but increasingly do not, so they don’t see barristers in action. That makes it harder for them to give constructive feedback.”

We recognise that there can be challenges to collecting feedback and that these will vary according to practice area, so we are not recommending any single way of doing so. This guidance is set out to assist barristers, chambers and BSB entities in considering why they might collect feedback and in thinking about which method would work best for their practice.

³ <https://www.gov.uk/cma-cases/legal-services-market-study>

⁴ <http://www.legalombudsman.org.uk/wp-content/uploads/2014/09/Language-of-complaints-Report-.pdf>

Why the Bar engages with feedback

Most barristers, chambers and BSB entities already engage in mechanisms to obtain feedback about their services. These are the reasons that they gave us for seeking feedback:

“Information that we get can be used constructively to improve our services.”
“Positive feedback helps us to identify what we’re doing well.”
“It supports our marketing strategy by helping us to understand how clients heard about us and what they want from us.”
“It has helped us to improve the information we provide on our website.”
“It’s an opportunity to ask how we compare to other chambers.”
“It helps to build trust because our clients know that chambers want to find out how we can provide a better service to them.”
“We can identify a problem before it turns into a complaint.”
“It helps to identify staff, barrister and pupil training needs.”
“Personal recommendations play a significant part in my area of practice, so feedback is important to help build my practice.”
“It’s helped us to improve the culture in chambers.”
“It gives the management committee a good overview of how chambers is working.”
“We use feedback that we’ve obtained when we have practice development meetings between clerks and barristers.”

How the Bar collects feedback from clients

Barristers, chambers and BSB entities that we spoke to take a variety of approaches to obtaining feedback. This ranges from:

- contacting the lay client directly to reaching out to the lay client through the solicitor;
- waiting until all proceedings have concluded before asking for feedback thereby allowing the client to reflect on the overall service provided; and
- making information about feedback mechanisms available through various media to actively asking clients to give feedback.

Here are some of the ways that they gather feedback:

- Logging informal feedback received through daily contact with the clerks' room and barristers.
- Routine requests for feedback at the conclusion of each case.
- Emailing a [Survey Monkey](#) link after each case.
- Asking the solicitors for particular types of feedback from lay clients.
- Surveys to solicitors who instruct chambers.
- Practice review meetings with key professional clients.
- Informal meetings between clerks and professional clients.
- Engagement of consultants to conduct client service reviews.
- Downloadable forms on the website.
- Client information sheets handed to the lay client directly or via the solicitor.
- Providing a link to the feedback page on the website in the client care letter.
- Including a client feedback form in the complaints information given to lay clients.

Collecting feedback from the lay client or the professional client?

We recognise that most work is obtained through solicitors and that there can be challenges to getting feedback from the lay client.

Core Duty 7 of the BSB Handbook states “*you must provide a competent standard of work and service to each client*”. Guidance gC36 of the Handbook explains that your duty is to the client for whom you act and not your professional client. Therefore, having systems in place for feedback is an effective way of assuring yourself that you meet the Duty.

The Legal Services Consumer Panel carries out an annual Tracker Survey of how consumers choose legal services⁵. The Tracker Survey looks at complaints behaviour of the public and in particular the ‘silent sufferers’. These are consumers who were dissatisfied with the services they received but did nothing about it.

49% of dissatisfied consumers in the 2017 survey did nothing about it.

Solicitors who are members of certain Law Society Quality Schemes and Lexcel⁶ are required to have a process to monitor client satisfaction.

⁵http://www.legalservicesconsumerpanel.org.uk/publications/research_and_reports/documents/How_consumers_are_using_Financial_2017.pdf

⁶<http://www.lawsociety.org.uk/support-services/accreditation/lexcel/>

Research by the SRA and The Legal Ombudsman⁷ describes various forms of feedback used by solicitors.

Consider: do you know what feedback the solicitor asks from your lay client? Could you ask them to ask specific questions for you?

What questions does the Bar ask about when seeking feedback?

Barristers, chambers and BSB entities told us that they ask the following questions when seeking feedback:

- How responsive was the barrister?
- Would you recommend us?
- How were the clerking services?
- How did you find out about us/me?
- Were our staff/barristers polite and approachable?
- Did we explain everything to you clearly in a way that you could understand?
- Did we respond to your enquiries in a timely manner?
- Did we keep you updated on the progress of your case?
- Do you have any suggestions for us to improve our service?

What the Bar does with feedback

Barristers, chambers and BSB entities told us that it is important to capture and analyse feedback systematically to make the best possible use of it. They use feedback in a number of ways:

- Practice leads hold periodic or annual practice reviews with each barrister, where feedback is an integral part of the discussion.
- Management committees receive reports on feedback in the same way that they do for complaints, so that they can look at trends and consider what to do differently. They also look at what they are doing well and share it between practice groups.
- Feedback is used for entries in publications such as *The Legal 500* and *Chambers and Partners*.
- Examples of feedback are published on the chambers/entity website.

⁷ <http://www.legalombudsman.org.uk/wp-content/uploads/2017/11/FINAL-First-Tier-Complaints-Report.pdf>

In our focus groups, some people were sceptical of the value in publishing feedback online. They felt that people would not trust it, particularly if only positive feedback were published. In our review of immigration services in 2016⁸, however, we highlighted the fact that the lack of accessible, quality market information to inform consumer choice is a real problem for those seeking help with their legal problems. Publishing feedback increases the amount of information available to potential clients about the quality of services.

When should I treat feedback as a complaint?

Feedback obviously involves gathering and receiving comments, both positive or negative, on the service you have provided.

Whether or not you feel that you should treat expressions of dissatisfaction by a client formally through your published complaints process is for you to decide.

Online platforms and engaging with public reviews

The CMA report encouraged legal service providers to engage with review platforms to ensure that customers can benefit from the experience of others before making their choice.

The Legal Services Consumer Panel considers that there is a lack of data that enables consumers to choose a legal services provider based on quality. They see online reviews as one development which would empower consumer choice and are keen for providers to engage with these platforms⁹.

We recognise that online platforms are not developed for barristers' services. However, the technology for online feedback platforms and comparison tools is continuously being developed and barristers, chambers and BSB entities are increasingly thinking about how to enhance their online presence. This may be an area to watch for the future.

⁸ https://www.barstandardsboard.org.uk/media/1760828/immigration_thematic_review_report_may_2016.pdf

⁹ http://www.legalservicesconsumerpanel.org.uk/ourwork/documents/CMAcallforinformationonlinereviewsfinal_000.pdf