

Appendix 2: Service Complaints Adjudicator's Annual Report 2023/24

Introduction

1. This report sets out a summary of the service complaints I have dealt with in 2023/24; the nature of the complaints, outcomes, and recommendations I have made, along with the LeO's responses.
2. This year has seen an increase in the number of complaints escalated to stage 3, however there has been a reduction in the proportion of stage 2 complaints that remain unresolved. Annex 1 provides the detail.
3. 17 cases have been referred to me (one was subsequently withdrawn), and I provide brief summary of the issues and my recommendations, alongside action taken by the LeO, in Annex 2*. 13 complaints were brought by (or on behalf of) users of legal services, and three by service providers.

Complaint Themes and Areas for Service Improvement

4. By way of context, I will note at the outset that complaints I see can date back up to two years, particularly where the complaint relates to issues which arose soon after the lawyer complaint was brought. This is because the lawyer complaint is usually concluded before the service complaints team are in a position to issue their stage 1 response, and as the board is aware from my previous reports, due to resourcing issues, the time taken for responses to be issued at both stage 1 and stage 2 have taken longer than the service would like.

5. As a result, some of the service complaints reaching me arise out of matters that the LeO has addressed. For example, I have seen complaints from customers arising out of understandable dissatisfaction that, having waiting over a year for their lawyer complaint to be assessed, it has then been dismissed without investigation. These complaints date from prior to the introduction of the Front-End-Team which reviews cases queued and identifies those which may not require a full investigation. So the LeO has already taken action to address the issue leading to frustration.
6. A similar example is prioritisation requests, and complaints that the service has been slow to deal with these. This is an area where I have upheld complaints, however again this is historic, as a new process for responding to such requests has already been introduced. It is positive that the LeO is identifying areas for service improvement, and proactively taking action to address them, before matters reach me.
7. A key focus in a number of the complaints escalated to me continues to be disagreement with the decision in the lawyer complaint. This is nothing new and is a driver for service complaints. Some customers seek to have lawyer complaints re-opened notwithstanding having been informed that this cannot be achieved through the service complaint process.

* For privacy reasons, Annex 2 is not published alongside this Annual Report and Accounts

8. This year I have had six complainants who required adjustments due to disability or vulnerability. Some of their service complaints were that agreed reasonable adjustments had not always been acted on, or in one case, that a requested adjustment had been rejected without proper consideration (request to speak to an ombudsman). Whilst some of these complaints have been upheld, that has generally been where, due to oversight there was an isolated incident. For example, an email or letter was sent without the customer having been called. I am pleased to report that in the main, in the snapshot of cases I have seen, the LeO has been pro-active in asking customers who appear to be struggling to access the service whether the LeO can put anything in place to assist them, and then those requests are noted on the file and acted upon. I am aware that the LeO has worked to increase the number of Vulnerable Customer Champions, and that appears to have been valuable to a number of the complainants I have seen. Of course, those for whom the procedure has worked as intended will not come to me.
9. It is difficult to analyse, particularly on the small number of cases I see, whether the fact that I am seeing a notable proportion of service complaints from customers with additional needs is a positive or a negative. On the one hand, it could lead to the interpretation that the service does not meet the needs of these customers as well as it could. Alternatively, it could be viewed as a positive that the service has made itself accessible to these customers, and enabled their voices to be heard. I am aware from other complaints work I have done that there is perhaps greater concern when organisations appear not to get complaints from vulnerable customers, as that can indicate that such people simply cannot access the service or the complaints process.
10. As before, a minority of the matters escalated to me have been complaints from service providers. These were relatively minor service issues, that were in part driven by irritation that the LeO was investigating a complaint about them, or the distress of the complaint having been upheld.
11. Last year I reported that I was seeing cases that were not in fact service complaints, but which had been escalated as the service seemed to have nowhere else to send those customers. I am pleased to say that I have not had any such cases this year.
12. As previously, review of compensation was a common reason for escalation. Complainants did not believe that the compensation offered reflected the impact of the poor service. I in the main disagreed, and found that complainants were factoring in matters that resulted from the lawyers' service, or where of the view that they should be compensated, at an hourly rate, for the time they had spent engaging with the LeO.

13. Finally, whilst I have seen a number of cases where the Service Complaints (SC) Team has proactively included and upheld complaints that the customer experienced unreasonable delays in the service complaint process, I am aware that the team is now better resourced. There remains work to get through the backlog of service complaints, so the fruits of this recent recruitment will not be immediate, but it is anticipated that the number of customers who experience delays in getting their service complaint resolved will gradually reduce. Further detail as to progress to date is provided in Annex 1.
14. The SC Team continues to actively identify areas for learning and service improvement through the complaints process. I have found that where I have made recommendations, the issue has often already been noted, and work has been underway to bring service improvements.

Overall Impression

15. I have been impressed by the open and transparent approach taken by the SC Team, and the fact that the service complaints process is used as a vehicle to drive service improvement. I have found the standard of investigation, both in identifying and clarifying service complaints, and the depth of the investigations, to be high.
16. An observation I made last year, that I encouraged the LeO to reflect on, is the number of stages in the service complaint process. The fact that there are three, or on occasion four stages (where initial concerns have been responded to by a Team Leader at 'stage 0') means that complainants who escalate their complaints to me are often weary and find the process to have been long and drawn out. I understand this remains under review.

Susan Bradford

Service Complaints Adjudicator

April 2024

Annex 1

Service complaint data – stages

Year	Number of complaints Stage 1	Number of complaints Stage 2	Percentage Stage 1 (response) to Stage 2	Number of complaints Stage 3	Percentage Stage 2 (response) to Stage 3
2019/20	164	51	31%	36	70.5%
2020/21	91	39	43%	23	59%
2021/22	99	28	28%	12	43%
2022/23	91 (86 responses issued)	30 (15 responses issued)	33%	11	37%
2023/24	95 (120 responses issued)	58 (45 responses issued)	48%	19	42%

1. Data is presented in a slightly different way for the last two years. Rather than escalation percentages being calculated on the number of complaints received, it is on the number of complaints responded to at stages 1 and 2. This is for two reasons, first because there are complaints received in on year that are responded to or escalated in the next, and secondly

it shows where progress has been made in reducing the backlog. Notably, significantly more stage 1 responses have been issued in 23/24 than complaints received. There has also been an increase in the proportion to complaints escalated to stage 2 this year, but a notable reduction in the proportion escalated to stage 3.

2. From the above, it can be seen that the number of service complaints received at stage 1 has remained in the region of the previous three years. The increase in the proportion escalated to stage 2 is in the context of a greater number of stage 1 responses having been issued. I have not identified any particular reason for this in my reviews of the earlier stages in the matters that reach me. Importantly I have not seen a reduction in the quality of stage 1 responses. The increase is likely to be a combination of factors, including the impact on customers of the increased wait times for service complaint responses. This often compounds dissatisfaction with the time for resolution of the lawyer complaint (following initial lengthy waits for investigation). Customers' expectations in terms of financial remedy is another. I have seen that the SC Team has made very fair offers in the hope of achieving resolution, but this has been unsuccessful, due to a mismatch between customer expectations, and reality of awards in line with the LeO's guidance. I am informed that the SC Team will be undertaking work to try to understand the reasons for ongoing dissatisfaction and hence escalation, in the next financial year.
3. I would apply the same analysis to the number of complaints escalated to me at stage 3. Indeed, I have often been of the view that I cannot add to what has been said before, and this is reflected in the proportion of cases where my recommendation has simply been to re-offer the compensation previously offered (see annex 2). The fact that I have seen a notable proportion of complaints brought by customers with vulnerabilities and additional needs, in some cases impacting on their ability to understand what the service complaint process can achieve, and what a realistic outcome may be, is also a contributory factor to the high escalation rate.
4. Going into 2024/25, the SC Team is focussing on its efforts on reducing the backlog of complaints at both stage 1 and stage 2. It is hoped that this, alongside increased internal quality checks will reduce the number of complaints escalated in due course.
5. Mrs Handley has been working with Team Leaders to improve the quality of stage 0 responses, with a view to this reducing the number of complaints received at stage 1.
6. I am informed that the SC Team has, over the last year, had a focus on acting on the information received through complaints. This is consistent with my experience, in that process had already been put in place (such as review of how prioritisation requests are dealt with) to resolve issue that come through to me in complaints. Data analysis has been improved through a switch of platform on which complaints data is recorded.