

# Experiences of consumers who may be vulnerable in family law

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## *Research report*

From the perspective of legal firms and consumers, this research explores the accessibility, cost and quality of family law services in the context of recent legal aid reforms. The findings offer insight into the experiences of potentially vulnerable users of family law services.

Download the report (PDF 128 pages, 1.9MB)

[<https://www.sra.org.uk/globalassets/documents/sra/research/vulnerable-consumers.pdf?version=4a1ace>]

See our regulatory response to the report [#findings]

## *Experiences of consumers who may be vulnerable in family law: briefing note*

We have published independent research into the experience of people using family law legal services. The work, conducted by Ecorys UK, involved an online survey completed by 115 firms and a telephone survey with 117 consumers. These surveys were accompanied by in-depth interviews with 16 firms and 23 consumers.

## *Why we commissioned the survey*

We want to explore the experience of potentially vulnerable people using family law services, including whether there are any issues with access, quality and costs. Our Statement of Competence

[<https://www.sra.org.uk/solicitors/competence-statement>] makes it clear that solicitors should consider and adapt their services for consumers who may be vulnerable. Previous research into asylum legal services

[<https://www.sra.org.uk/sra/how-we-work/archive/reports/asylum-report/>] highlighted the knowledge gap between consumers and legal professionals, which is heightened when the consumer is vulnerable. Our Risk Outlook explains that poor service can have a more profound impact if a person is vulnerable.

Family law generates the second highest number of complaints to the Legal Ombudsman, after residential conveyancing. Consumers accessing family law services, including divorce, domestic abuse and child custody arrangements, may be more vulnerable because the legal issues being

addressed are potentially life-changing and because their situation is highly stressful.

### *What we learned*

Surveys and in-depth interviews were used to explore the experiences of consumers who may be vulnerable in family law with a specific focus on access, cost and quality.

#### *Access*

- Most consumers (86 percent) reported that finding a solicitor was easy and 52 percent based their decision on personal recommendations.
- Consumers reported issues with accessing the necessary information to make an informed choice, particularly around cost and an individual solicitor's experience.
- Legal firms reported that they implement several strategies to help consumers make an informed choice about which services to access, including telephone screening systems, trained staff to receive initial calls, longer initial meetings and free initial sessions.

#### *Cost*

- Just under one third of consumers in the survey (31 per cent) reported their solicitor's costs to be unaffordable. It was clear from the interviews with consumers that although some reported to be able to cover the costs themselves, it was not possible without additional finance from other sources.
- Almost half (47 percent) of consumers felt that their solicitor's costs were more than expected. Of this group, two thirds (26 respondents) said that their solicitor had not explained why the cost was higher.
- Legal firms were offering approaches such as unbundling (85 percent) or fixed fees (88 percent) but these could be challenging to implement in family law cases, which can be complex or unpredictable.

#### *Quality*

- There was fairly strong agreement by consumers that their solicitor met the core competencies, particularly those relating to their professional manner.
- Just over half (58 percent) of consumers rated the overall quality of the service they received as either good or excellent.
- Ten percent of the consumers surveyed rated the service as 'very poor'.
- Consumers who were dissatisfied were unlikely to complain, with reasons identified as not being aware of the process, concerns that it would affect their case and not feeling comfortable to complain.

### *What we will do with these findings*

The research has identified a number of core themes and examples of good practice, such as firms helping consumers to make choices about the services they need. It also found areas for improvement, such as improving standards of service and cost information. These findings, which are based on small-scale surveys, provide a good foundation for developing further work in this area. Their publication is timely given the recent release of the Competition and Markets Authority (CMA) report into the legal services market, and supports a number of their findings, notably:

- "consumers generally lack the experience and information they need to find their way round the legal services sector"
- "consumers find it hard to make informed choices because there is very little transparency about price, service and quality"
- "increasing transparency of price, service and quality is therefore essential for consumers to get a better deal".

We are responding to the findings of this research and the CMA report through our work, which includes the following activities:

- working on increasing the availability of data to consumers  
[<https://www.sra.org.uk/sra/consultations/discussion-papers/regulatory-data-consumer-choice-legal-services/>]
- conducting research into costs transparency and first tier complaints
- carrying out further work to determine the prevalence and impact of some of the issues outlined in the research. This is likely to involve visits to family law firms to understand how they provide and adapt their services to meet the needs of consumers who may be vulnerable.

We expect all firms and individuals to comply with the core professional principles detailed in the SRA Standards and Regulations  
[<https://www.sra.org.uk/solicitors/standards-regulations/>]. We will work with those we regulate to help them raise standards and uphold those principles.

### *Regulatory response to the findings of the 'Experiences of consumers who may be vulnerable in family law' report*

We commissioned independent research by Ecorys into the experiences of consumers who may be vulnerable when they access legal services in family law.

Previous research [<https://www.sra.org.uk/sra/how-we-work/archive/reports/asylum-report/>] has highlighted the knowledge gap between consumers and legal

professionals and how this is often heightened when the consumer is vulnerable, either because of their personal characteristics (such as learning difficulties) or their situation (domestic abuse or child custody arrangements).

The majority of the solicitor surveyed in the research, said that they rarely came into contact with consumers who may be vulnerable for personal characteristic reasons, but often people who were vulnerable because of their circumstances. When solicitors had identified that they were providing services to people with vulnerabilities, they sought to adapt their services to the needs of their client.

### *Overall findings and issues of regulatory concern*

The report identified examples of good practice, such as firms helping consumers to make informed choices about the services they need by using trained staff to answer initial calls and holding free initial meetings. However, discussions with consumers uncovered a number of issues that require further investigation, particularly in relation to information on costs and services. A lack of information in this area may make it difficult for the public to choose between different legal service providers.

Among the solicitors surveyed, the majority appear to be providing services in line with the standards we expect. However, some concerns were expressed:

- Consumers reported issues with accessing the necessary information to make an informed choice when choosing a solicitor, particularly around cost and an individual solicitor's experience.
- Almost half (47 percent) of consumers felt that their solicitor's costs were more than expected. Of this group, two thirds said that their solicitor had not explained why the cost was higher.
- Ten percent of the consumers surveyed rated the service as 'very poor'.
- Consumers who were dissatisfied were unlikely to complain, because they were not aware of the process, concerned that it would affect their case or did not feel comfortable to complain.

### *What we are doing*

These findings, which are based on a small-scale survey, provide a good foundation for developing further work in this area. Their publication is timely given the recent release of the Competition and Markets Authority (CMA) report

[<https://assets.publishing.service.gov.uk/media/5887374d40f0b6593700001a/legal-services-market-study-final-report.pdf>] into the legal services market, and supports a number of their findings, notably:

- "consumers generally lack the experience and information they need to find their way round the legal services sector"
- "consumers find it hard to make informed choices because there is very little transparency about price, service and quality"
- "increasing transparency of price, service and quality is therefore essential for consumers to get a better deal".

We are responding to the findings of this research and the CMA report through our work, which includes the following activities:

- We are working on increasing the availability of data to people looking for or using legal services, as we want to help people make informed choices about the legal services they need.
- We are conducting research into costs transparency and first tier complaints during 2017.
- We will be carrying out further work to determine the prevalence and impact of some of the issues outlined above. This is likely to involve visits to family law firms to understand how they provide and adapt their services to meet the needs of consumers who may be vulnerable.

We expect all firms and individuals to comply with the core professional principles detailed in the SRA Standards and Regulations

[<https://www.sra.org.uk/solicitors/standards-regulations/>] . We will work with those we regulate to help them raise standards and uphold those principles.