

The Language of Complaints

Legal Ombudsman

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The Language of Complaints

A report on findings from qualitative research

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1 Executive Summary

Implications for legal service providers and claims management companies

Customers' experiences of complaining to a legal services provider or claims management company are usually overshadowed by a feeling that the provider has already behaved poorly towards them, therefore the likelihood that their complaint will be received or handled well is thought to be low. This is sometimes complicated by reluctance to revisit a stressful event, i.e. which was the subject of the legal or claims management case, or about diverting time and attention away from the case itself.

While some users of legal service providers or claims management companies feel entitled to complain if the service falls short of expectations, for others the decision to complain is not taken lightly – with concerns about being bamboozled by legal jargon; about complaining being time-consuming or emotionally taxing (when perhaps you just want to 'move on') and/or about the complaints process potentially being just as negative as the original experience with the provider.

Unhelpful instances of provider communication and language use in the complaints process sometimes serve to confirm these fears:

- Lengthy written communications and complex wordings – seeming calculated to 'overwhelm' or 'intimidate' the customer;
- Focusing on justifying the provider's actions to date – playing into customer fears that the complaint handling stage will be subject to the same negativity as the original transaction (while also 'burying' any apology).

Recommendations

Providers can take positive steps to restore the customer's confidence and improve the chance of reaching an amicable resolution. They can demonstrate that they will manage the complaint professionally, and that it will be a break from the negativity of the original problem, by giving the customer a formal acknowledgement and outlining their procedure. Complaint responses should ideally avoid unnecessary jargon or detail and should breakdown the various elements of the complaints with subheadings, so that the complainant can easily understand how their concerns were investigated and how the provider has reached its conclusions. They can also thank the customer for bringing the matter to their attention and for the opportunity to improve – thus reassuring customers of the positive aspects of complaining. Above all, if an apology needs to be given, it should be made upfront, without caveat, and clearly acknowledge the stress caused to the customer.

Implications for the Legal Ombudsman

While the communication from the Legal Ombudsman is felt to be relatively clear, address what the customer wishes to know and is a perceived improvement on that often experienced with the original provider, there are some issues that might usefully be addressed to achieve better practice.

There is felt to be some use of jargon within the process: while this is not interpreted in the same way as it is for providers (as an attempt to 'mystify' or intimidate the customer), it does cause confusion and in our view unhelpfully adds to the accumulation of technical language that the customer will have encountered in their complaint 'journey'.

Recommendations

There are specific terms used by the Legal Ombudsman – such as 'remedy', 'premature' and 'out of time' – which are either felt to be meaningless jargon or to have off-putting and unhelpful connotations. The Legal Ombudsman might instead express things in a straightforward manner and, as far as possible, say directly what they mean.

Equally some phrases - such as 'preliminary' or 'provisional' decision and 'informal resolution' - confuse the customer and mean that the steps involved in the process of taking a complaint to the Legal Ombudsman is not as clear as it should be (while 'informal' is also jarring as it downplays the importance of a complaint). Again, this could be addressed through more direct wordings. A visual flowchart illustrating the process and what each stage is called may also help to orientate customers.

Finally, case studies may help to give prospective customers a better understanding of the Legal Ombudsman's role, as well as a realistic idea of what might be appropriate in their own case (and this would therefore help to 'manage expectations').

In particular, there is scope for verbal communications to be improved: in the phone call role play recordings, the delivery of information tended to be too rapid and too unstructured, and the opportunities for the customer to pause, digest and clarify were too few. This seems likely to leave customers feeling overwhelmed in a manner that is reminiscent of how they may have felt following dealings with their provider.

Recommendations

Training call handlers to plan and structure their call and to deliver information in 'bite size' pieces (or bullet points) will help complainants to digest information and enable them to better understand the information they are being given.

It is important that customers are given plenty of opportunities to clarify information should they need to, so call handlers should be reminded to pause and ask the customer if it is ok to move on or whether they have questions.

To ensure that the customer feels listened to and valued, call handlers should paraphrase the customer's complaint where appropriate. This will help to reassure customers that their complaint has been understood correctly.

2 Introduction

Background

The complaints process and the role of the Legal Ombudsman

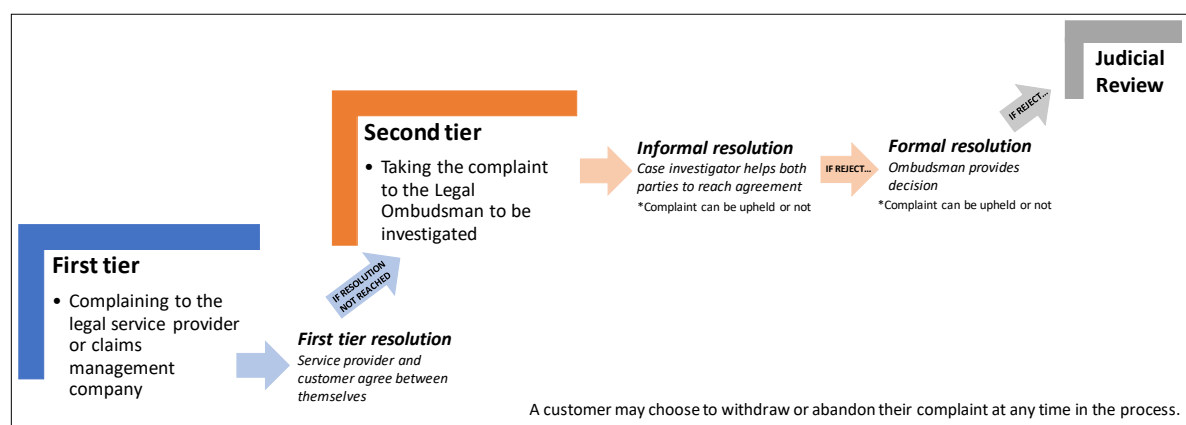
The Legal Ombudsman is an impartial organisation, established to investigate complaints of poor service against legal service providers and claims management companies. They are not consumer champions or part of the legal profession, and are independent of government. Their service is paid for by legal and claims management companies and is free to consumers to use.

If a customer is unhappy with the service they have received from a legal service provider or a claims management company, they can make a complaint. As Figure 2.1 shows, this complaint moves through two tiers of the complaints procedures, during which time it may be 'resolved' (or abandoned/withdrawn). The first tier involves a customer raising a complaint directly with their service provider. Once the service provider has been given reasonable opportunity to respond to the complaint, dissatisfied consumers can progress their complaint to the second tier; the Legal Ombudsman.

Once the complaint has reached the Legal Ombudsman, it is first assessed by responders in the assessment centre to ensure that it falls under their jurisdiction. Once a complaint has been accepted, it will be passed to an investigator who will listen to both sides, look at the facts, weigh up the evidence and take a view. If a case is resolved at this stage, it is resolved 'informally'. The Legal Ombudsman aims to resolve complaints this way; currently, approximately 30% of cases are resolved like this. If a claim is not resolved in this way (because either party does not accept what the investigator says), an ombudsman's decision can be requested. This is then described as the 'formal resolution' stage and, whether accepted or rejected by the customer, closes the case. Approximately 40% of cases which reach the Ombudsman are resolved through an ombudsman's decision.

When an Ombudsman makes a decision, it is final and cannot be overturned. If a customer does not agree with the way in which an ombudsman has arrived at a decision (as opposed to the individual facts and merits of the complaint itself), they may apply to take their case for a judicial review.

Figure 2.1 The complaints process, showing possible outcomes



Research aims

The Legal Ombudsman aims to provide a complaint handling service that is fair, accessible, easy to use and focused on resolving complaints informally and quickly, so commissioned research to understand how language can impact on consumers' behaviour and choices, and to identify better practice for the use of language by both the Ombudsman and service providers.

Specifically, findings from this research will be used:

- To provide evidence of how the language and terminology used in complaints processes impact on consumers' behaviour and choices to drive improvements in the operational efficiency of the Legal Ombudsman.
- To raise awareness and understanding of the impact of language and communication in the resolution of complaints to feedback and make recommendations to the profession on how these can be accommodated at the first tier of complaints resolution.
- To inform communication and awareness raising activity to promote accessibility to the Legal Ombudsman.
- To inform training for Legal Ombudsman staff on written and verbal communication.

Methodology

A qualitative methodology was selected for this study as it would allow us to capture nuanced feedback on the language of both written and verbal communication used in the complaints process; and communication from both the Ombudsman and the providers (legal service providers; claims management companies) who are the subject of the complaint.

Stages of the research

The research was designed in three stages:

Stage One was a consultation with Legal Ombudsman staff (both investigators, assessors and team leaders), to explore their observations about the language that they believe is problematic or influences complainant actions. Findings from this were used to inform the design of the research instruments for use with customers and non-customers, and are referenced in this report.

Stage Two involved research with customers, which took the form of 15 face-to-face depths and four mini-groups with members of the public who had brought a complaint to the Legal Ombudsman and recently reached an outcome. These were structured by whether the customer had used a claims management company or a legal service provider. The face-to-face depth interviews were then further structured by the customer's socio-economic group¹, while the mini-groups were structured according to whether their complaint been upheld or not.

¹ Socio-economic groups are defined based on the household's chief income earner's occupation. We allocated respondents to either the ABC1 or C2DE discussion group accordingly. 'A' comprises those in a higher managerial, administrative or professional role; 'B' is intermediate managerial, administrative or professional; 'C1' is supervisory or clerical and junior managerial, administrative or professional; 'C2' is skilled manual workers; 'D' is semi-skilled and unskilled manual workers; and 'E'

Stage Three involved research with members of the public who have recently used a legal services provider or a claims management company (e.g. within the past 6-12 months), but who have never complained. This took the form of two focus groups, which were structured by social grade and occupation. The reason for including this audience is that previous customers – while a rich source of insights into what happens within the complaint process – will have become ‘educated’ by the process of complaining, and thus their understanding of complaint terminology will have built up over time. Those who have never complained thus mimic the reactions of complainants when engaging with complaints process for the first time.

Our approach to obtaining feedback on language

Use of language is a challengingly subtle issue, likely to be affected by imperfect memory. A particular challenge was how to obtain feedback on verbal communication, given its ephemeral nature. We therefore designed stimulus, as shown in Table 2.1, to capture feedback on both Ombudsman and provider communications, and to keep this as ‘grounded’ and ‘real’ as possible. This stimulus involved both anonymised examples of letters, but also playing recordings of role plays with genuine Legal Ombudsman staff at various stages of the complaints process.

In the customer research, we aimed to explore how language used by their service provider and the Ombudsman during the complaint process influenced customers’ behaviour and how they felt about the process and outcome. In the groups, this was done with the aid of real examples of anonymised materials and by playing recordings of role play conversations. In the depths, this was supported by a customer journey mapping technique, where we plotted out all the points of contact throughout the customer’s actual individual experience of complaining. In both instances, our goal was to stimulate participants’ memories of how language was used and how they felt about it.

With the non-customer research, we looked to gain a vital insight into how the complainant initially feels about complaints process language when first making their complaint (as these first stages are when customers can become discouraged and decide not to pursue their case further). This was done by showing non-customers the Legal Ombudsman website, factsheets, examples of complaint process letters, and playing recordings of role play conversations.

is casual or lowest grade workers, pensioners, and others who depend on the welfare state for their income.

Table 2.1 Stimulus materials used during the research

	Ombudsman	Service provider
Written communications	<p>Sample of factsheets and key pages of Legal Ombudsman website</p> <p>Using anonymised, genuine samples of letters provided by the Legal Ombudsman – so not simply ‘best practice’ wordings</p>	<p>Legal Ombudsman provided a range of real, anonymised provider communications for customer & non-customer feedback</p>
Verbal communications	<p>Explored the Legal Ombudsman staff perceptions of problematic terms, process steps</p> <p>Customer journey techniques to stimulate customer recall of their individual complaint</p> <p>IFF recorded actors role-playing interactions with the Legal Ombudsman case handlers and investigators at four key stages in the process, as basis for customer & non-customer comment</p>	<p>Explored what customers recalled about providers’ verbal communication - using customer journey techniques to stimulate recall</p>

3 Provider communication

This chapter will explore attitudes to making a complaint among non-complainants, what barriers to making a complaint those experiencing poor service might face as well as what would better enable those who had received poor service to raise a complaint with their provider. It will then go on to look at how the language used by their provider affects the experience of those who have made a complaint.

Attitudes to making an initial complaint to provider

Non-customers were asked about how they would feel about making a complaint to their provider.

While some users of legal service providers and claims management companies feel entitled to complain if the service falls short of expectations, for others the decision to complain is not taken lightly. Those who felt entitled to complain associated this with standing up for themselves and helping the provider to improve their service for future customers.

“I’m quite good at complaining...By complaining you can make a difference. That’s the bottom line.”

“Hopefully they will improve.”

“It’s about, sort of, making the service better then, if you complain. They know where the faults lie. If they learn from it, it’s better, isn’t it?”

Male and female, non-customers, ABC1

However, many non-customers of all socio-economic groups felt quite negatively about complaining. C2DE non-customers seemed more reluctant but experienced more generic barriers such as feeling generally that it’s a negative thing to do or feeling daunted by not knowing what the reaction will be. It was felt that ‘making a complaint’ was quite a serious thing to do to someone, and they harboured doubt that their complaint would be important enough or if they’d understand the process. Some would look on forums to see if others have complained, or would google how to go about complaining to a legal service.

“I don’t think we complain enough in this country. Or haven’t in the past.”

“We’re getting better at it, just from going into a supermarket and having a problem to legal services, but I think we’re still a bit uncomfortable with it.”

Male and female, non-customers, C2DE

A key practical barrier was simply not knowing who to complain to. Firstly, non-customers who are new to the complaints process may not know how to start the process of complaining to their service provider, which could be addressed by providers advertising their processes more clearly, or in a way that is easier to understand, on their website or in their communication. Secondly, there was limited awareness of the Legal Ombudsman (although people generally assumed that there must be an ombudsman for these types of issues because there is for other sectors).

For others, more often ABC1 non-customers, the barriers related to the level of emotional investment or interconnectedness of their complaint with a “live” case. Regarding the former, they felt that complaining would mean revisiting an issue which had been distressing in the first place, or that if they’d been treated badly by the provider initially then they would be treated the same way if they made a complaint.

"It's putting you back into that place again of being the victim and ...you want to move on."

"I'm thinking, 'If this is the attitude, how are you going to help me? Do I really want to bother and waste my time and my energy, and my mental health wellbeing?"

(Female, non-customers, ABC1)

Regarding the latter barrier, ABC1 non-customers tended to feel that they risked 'rocking the boat' by complaining to a service provider that they were still reliant on. Overall there was little confidence that making a complaint to a legal services provider or claims management company would be handled well.

For some, the idea of 'making a complaint', whether it was to the service provider or the Legal Ombudsman was perceived to require a certain level of commitment. Non-customers, particularly female ones, felt the complaints process would be long and onerous and that they would benefit more from investing their time in resolving the original case or claim. Legal Ombudsman staff mentioned that customers can feel that if they start the process of complaining and then withdraw, that they would 'lose face'. Both of these issues could be tackled by building into the process reassurances from Legal Ombudsman staff that the customer can notify the Legal Ombudsman at any time if they wish to withdraw their complaint.

A running thread of non-customers' attitudes to complaining was a lack of confidence that the problem will be handled well. As confidence in providers is fragile, a 'make our service better' message could be empowering; and the way the provider handles communication is critical in not confirming negative expectations.

Non-customers preferred channels for making a complaint

When asked how they would go about posing their complaint, many non-customers see a role for a mix of channels.

Verbal communication is felt to be beneficial because it is immediate². It is also perceived to be useful to convey or assess emotional tone and allows people to 'sound out' the provider's reaction and gauge how seriously their issue is being taken. For C2DE non-customers particularly, verbal communication can also allow them to convey anger or distress more easily than in writing.

"It's all about, like, your tonality and stuff, isn't it? Like, when you speak to someone over the phone, you know if they're taking you seriously, or what they say they're going to do, you gauge from how they're saying it. On the phone much more so than by email or by letter or other ways of contact.

"Then you, kind of, know if they're not taking you seriously.

"I think they can tell as well, by your tone of voice, you know, how upset and angry you are, rather than-, over email it's quite hard to get across sometimes your actual feelings."

Female, non-customer, C2DE

Written communication however is perceived to have the advantage of documenting what is being said and what action is being taken. Non-customers felt that although it is more time consuming,

² Legal Ombudsman accept verbal complaints at the first tier and would not deem them to be premature, although they advise customers that it is best to make a complaint to their provider in writing to have an audit trail. The firm may have their own policies which would require the customer to have made a written complaint.

having communication recorded in 'black and white' serves the purpose of evidencing what you have complained about and how the provider has responded, with less room for interpretation. Letters and emails thus allow customers to hold providers to account.

"I would, in the first instance, document it because conversations can be open to interpretation, can't they, as can letters, but if it's documented and it's formal and they've got that to always go back on, it's there in black and white, so to speak."

Male, non-customer, ABC1

It was also felt that letters and emails have gravitas - they would be taken more seriously than a phone call and were harder to ignore. This was particularly true for letters which are now 'rarer' so people pay more attention to them.

Provider communication at the first tier

The issues and how they made customers feel

A key issue with providers' communication was that they were perceived to be using 'intimidating' language to discourage complaints from being made or, once made, progressed.

Perceived intimidating language was the most significant barrier for customers and was commonly raised in both the focus groups and interviews. Perceived 'intimidation' can either come in the form of legal terminology and complex language, which leaves the customer with the feeling of having been 'put in their place', or by the provider simply stating that the issue is too complicated to explain. The feeling of being dismissed or intimidated undermines the customers' already-fragile confidence in the complaints process.

"It's very, very intimidating... you don't know what's right or wrong... you can't win against a solicitor."

"It was just really longwinded, high-fallutin, legal jargon, the way that solicitors write letters, they make it so that you have to use a solicitor just to understand the language."

Customer, legal service provider, male, 50-60 years, complaint withdrawn

Additionally, providers often gave the impression of not taking a complainant seriously. The feeling of being passed around or 'brushed off' was frequently mentioned and could come from various provider behaviours:

- Not replying at all to the customer's communication;
- Passing customers from department to department without resolving their issue;
- Giving overly informal response, such as "we've had a word..." The customer is then left unsure whether their complaint is being dealt with through a proper process or not;
- Responding to the customer but not acknowledging any mistake on the provider's side or making a formal apology.

One customer who experienced issues with a claims management company's service cited the tone/attitude conveyed by their handling of his calls as an extreme example of seemingly not taking the issue seriously:

“In the end I remember ringing once and being quite upset on the phone and the person was laughing at me. I was saying, “I want my money back, I want my money back”.”

Customer, claims management company, male, 40-49 years, complaint supported

Customers also felt providers were too readily switching into self-justification mode and trying to shift the blame back on to them. They reported that the provider could be overly defensive: “*we haven’t seen any evidence of that*”, or try to justify their course of action by accusing the client of not doing what was required of them, for example by not supplying documents or causing delays. The provider was perceived to be unwilling to examine what had happened in a fair way, and consider the possibility that they might have made a mistake themselves.

There is a risk that justifying the provider’s actions to date plays into customer fears that the complaint handling stage will be subject to the same negativity as the original transaction.

Provider communication: a customer story

The background

Mary was dealing with a family law issue involving a court case. She complained when it came to her attention that her legal service provider had lost some of her paperwork and did not attend a court hearing.

The complaints process

When she tried to complain, she felt that the receptionist was ‘making excuses’ for why she couldn’t speak to her solicitor, who never seemed to be available; she also felt that the provider was using legal jargon and emphasising the status and importance of her solicitor, to try to ‘put her in her place’.

“They were trying to use a lot of legal jargon to make me feel stupid. I didn’t think they thought I had it in me to go to the Legal Ombudsman and challenge a law firm. They tried to exert authority... once they knew I had complained, the language was like ‘how dare you try to challenge us, we know better’. In the written context, it was very professional, but when they were communicating with me verbally they were saying all sorts because it wasn’t recorded.”

“‘I’m sorry you have felt the need to complain’ – it was simple but patronising.”

The outcome

After she involved the Legal Ombudsman, she was eventually awarded compensation – but she felt the wording the provider used deliberately fell short of being an apology.

“It was not an actual apology, it said: ‘for the inconvenience caused, we would like to award you £250’. That was a slap in the face.”

Lessons from poor examples

The problems cited above were common in both verbal and written communication. Table 3.1 shows some examples of specific wording issues which were identified in providers' written communication.

Table 3.1 Providers: common wording issues

Wording issue	Example
'Pretentious' language and jargon feels intimidating to the customer	<ul style="list-style-type: none"> Language is too wordy, long or confusing Use of legal terms and jargon Customers feel this is being used to 'put you in your place' <p><i>...In the circumstances, our client is considered that [name] was accordingly negligent, failing to advise the impact of utilisation of the CMS. Namely once the detriment was made there was no enforcement of the maintenance, against the maintenance continued to do so in the event....</i></p>
Communications imply that the complaint is not being taken seriously	<ul style="list-style-type: none"> Language is very informal or unprofessional which suggests that no formal investigation is underway <p><i>We've had a word...</i></p> <ul style="list-style-type: none"> Poor grammar, or mistakes such as sending two letters on same day No apology for what actually happened No explanation of why the problem occurred
Apology wording does not sound genuine	<ul style="list-style-type: none"> "I'm sorry you feel this way" rather than "I'm sorry" Stopping short of a proper apology by using terms like: "we understand your frustration" "thank you for patience" "I acknowledge..." <p><i>For the inconvenience caused, we would like to award you £250... Please note that the offer is made on an entirely prejudicial basis without making any formal admission and made purely and simply to deal with the complaint</i></p> <ul style="list-style-type: none"> The response does not acknowledge the stress caused Repeating details of the complaint or justifying the provider's actions to the extent that any apology is 'buried' after pages of other material.

Despite the apparent effort that the provider has made to investigate the customer's complaint, they ultimately repeat details and justify their actions to such an extent that the apology appears 'buried' after pages of other material, as Figure 3.2 shows. Furthermore, the apology is caveated and doesn't fully acknowledge the distress caused to the customer.

Page 1

Date: 25 August 2018

Dear [redacted],

I refer further to your letter dated 11 June 2018 received on 18 June 2018. I have now received your letter and documents your complaint and I am sorry that I have not been able to respond to you more quickly.

1. You are unhappy we have failed to you to send us your marriage certificate

Using matrimonial year 11 I confirm that you sent a letter on 5 October 2014 advising you we had applied for a copy of your marriage certificate. These applications were made October 2014 and then again on the 17 December 2014. I have attached a letter for your attention. I have also attached a letter to the General Registry Office as we require, we will then provide you with a copy of the certificate.

As you were under the impression that [redacted] had the original certificate, [redacted] requested you to inquire with her to ensure that the certificate is not lost. It would be helpful if you could try to get the certificate from her. I have not yet received any response from her. I have not yet received any response from her. I have not yet received any response from her.

You confirmed to email on the 26 April 2015 that [redacted] had provided you with your original marriage certificate. This was [redacted] to confirm whether she had provided a copy of it. She responded on 27 April 2015 that she would need a copy and would appreciate if you could try to get the certificate from her. I have not yet received any response from her. I have not yet received any response from her. I have not yet received any response from her.

You stated in your complaint letter that you had already provided your marriage certificate, at the time dated when you first contacted us, which is what we had. However, we had not received your marriage certificate and due to the importance of this to you I have asked that you email us with a copy of the certificate.

Page 2

2. You are unhappy we have failed to you to send us your marriage certificate

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Page 3

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Page 4

4. You are unhappy we have failed to you to send us your marriage certificate

Using matrimonial year 11 I confirm that you sent a letter on 5 October 2014 advising you we had applied for a copy of your marriage certificate. These applications were made October 2014 and then again on the 17 December 2014. I have attached a letter for your attention. I have also attached a letter to the General Registry Office as we require, we will then provide you with a copy of the certificate.

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"If you were writing a complaint to the company you've been dealing with, they should acknowledge how you're feeling and what they've done. [Instead]...they put the apology, sort of, nearly at the end, but now the apology goes at the beginning. 'They're not saying, 'I'm sorry that this happened,' they're just saying, 'I'm sorry that you feel this way about it.'"

"It's not an apology, is it?"

"It's an excuse."

"It's dragged away with the first words, 'I acknowledge' is not really saying, 'We're sorry for this delay and loss of evidence'."

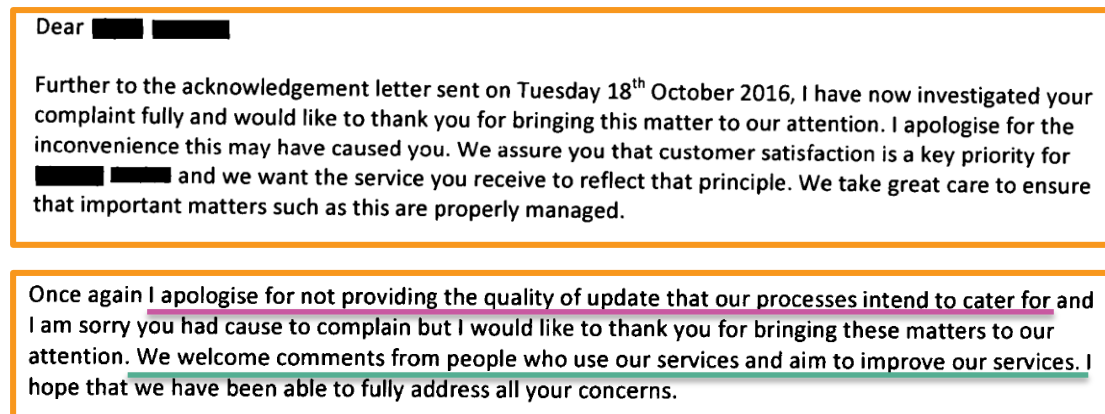
Male and female customers, Claims Management Companies, upheld

Lessons from good examples

Customers highlighted other examples of providers' written communications that they found helpful (see Figure 3.3, below). Firstly, it was felt to be helpful where a provider's final response to the complaint includes a proper apology early on in a letter and acknowledged the stress or inconvenience that had been caused to the customer, demonstrating genuine concern and acknowledging that their service has fallen short of what they usually hope to deliver, irrespective of the specific merits of the individual's case. Statements like *"I apologise for not providing the quality of update that our processes intend to cater for"* shows that they have investigated and acknowledged some failing on their part.

It was also reassuring to customers if the provider thanks them for bringing a problem to their attention, reinforcing positive ideas about making a complaint to improve services for future customers.

Figure 3.3 Good examples of an apology by a provider



An **apology** appears at the start and end of the letter and it is (very nearly) a full apology without caveat; it also reinforces the positive aspect of complaining at both the start and the end

Statements like these empower the customer and quell fears discussed in the previous section about how the complaint will be taken. This restores the customer's faith that their concerns are valid and that the provider cares about their experience.

“They’ve...apologised and [said] that our experience matters to them.

“They’re concerned about you. They’ve apologised and they’re concerned about you.

“It’s more personal, that you’re not just another number, they’re actually concerned about your case.”

Male and female customers, Claims Management Companies, upheld

Secondly, providers are required, at the beginning of the case, to inform the client in writing of their right to complain and how complaints can be made. In order to do this better, it would be helpful for providers to share a clear outline of their complaints procedure, and to ensure that it includes the following elements:

- A timeframe for acknowledgement and response. This reassures the customer that the complaint process will not be interminable;
- An indication of how they will respond, for example by email or letter, so that the customer doesn’t have to keep checking a range of communication channels and knows what to look out for;
- Clearly and concisely signalled next steps available to the customer if they are not satisfied with the complaint response. While this is already a regulatory requirement, it could be improved by ensuring that the option of recourse to the Legal Ombudsman is clearly marked as part of the complaints process (along with contact details and an explanation of their role), rather than being hidden in the small print. This gives the customer further reassurance that there are other avenues through which they could resolve the matter.

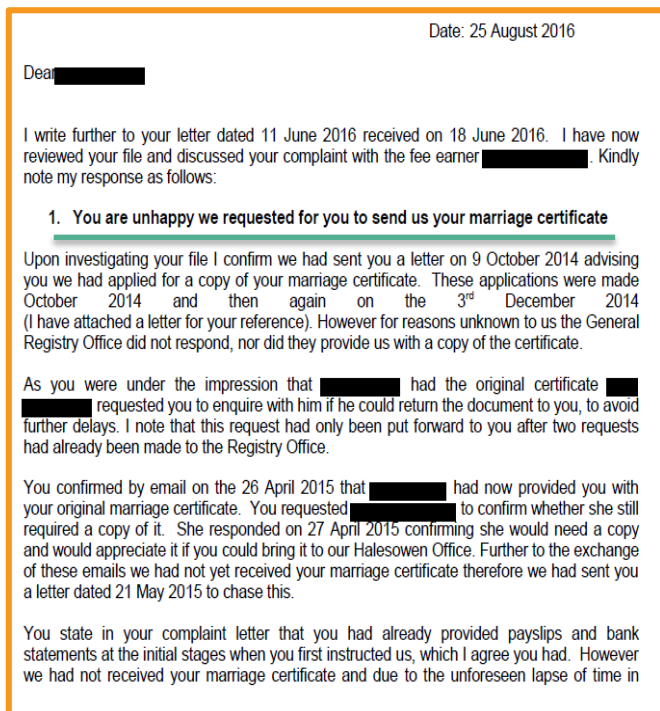
This could come in the form of a separate complaints procedure leaflet or in the main body of an acknowledgement letter or email. Short and clear information covering the points above, especially in bullet points or using sub-headings, is both useful to the customer and gives the impression that their complaint is being taken seriously and will be handled in a professional manner.

“it’s nice to know that you’ve got that timeframe because you want to, kind of, know that in eight weeks’ time you’re going to get a resolution from it, whether it be good or bad.”

Female, non-customer, C2DE

Thirdly, in the response to the complaint, customers liked it when providers demonstrated how they had conducted their investigation. Paraphrasing the customers’ concerns and using each separate element of the overall complaint as sub-headings in bold, as demonstrated by Figure 3.4. This was felt to aid navigation and show that each element of the complaint has been recognised. It is also important to explain what evidence has been looked at, and how conclusions have been reached. Customers found this useful so that they know what each part of the response is about and how it was dealt with.

Figure 3.4 Good example of a provider using subheadings



Although too long, this example uses bold headings to structure the response around the customer's issues

Non-customers discussed this helpful signposting and structure, while also acknowledging that too much detail could be overwhelming.

"It's all too much detail, really...but I do like the headings of every different section...It tells you what that little bit is about...That particular bit tells you exactly what has happened regarding the marriage certificate... That's about the length of time, etc. etc. right down to the conclusion."

Female, non-customer, C2DE

The text underneath each heading would therefore ideally include an explanation of what went wrong and what evidence was looked at, without becoming overly detailed.

4 Legal Ombudsman communication

This chapter will explore the Legal Ombudsman's use of language in their public-facing materials and throughout the process of investigating a customer's complaint, and how this impacts on the customer experience. As part of this, it will investigate to what extent the role of the Legal Ombudsman is made clear through their use of language.

Public facing materials

Given that public-facing materials such as the website will often be the first point of contact with the Legal Ombudsman for many customers, it is important for the language used to be as clear as possible so that customers understand the Legal Ombudsman's role, the type of scenarios it can assist with, and its processes.

The website

When non-customers were shown a print-out of the Legal Ombudsman website home page³, they were positive about many aspects of the layout and the language used. Most felt that, overall, the website was a helpful first point of contact and adequately communicated what the Ombudsman could do for you.

"I think it's quite direct, I think it's simple...giving me step by steps about things that before going on this, I didn't know the answers to. If I want to expand on their comments, it's given me opportunities to go into different areas, fact sheets, different links...skimming through it for fifteen minutes, I feel like I've got a pretty sound understanding of what they're trying to tell me."

Male, non-customer, ABC1

As Figure 4.1 shows, there were several perceived strengths of the home page as well as possible areas for improvement.

They particularly liked that the button showing how to 'make a complaint' was clearly labelled. This was felt to be exactly what someone seeking to take their complaint against a legal or claims management service provider to the Legal Ombudsman would be looking for, and the fact that it is displayed in a prominent position at the top left hand side of the page would help them to orientate themselves around the site more efficiently.

Furthermore, when looking at the page that would be accessed through clicking on the 'making a complaint' button, non-customers liked that there were clear instructions about where to send the form and that they would not have to hunt to find out which address to send it to.

³ Note that, due to time limitations in the discussion groups, non-customers were only shown the home page (<http://www.legalombudsman.org.uk/>), the page related to helping the public (<http://www.legalombudsman.org.uk/helping-the-public/>) and the page related to making a complaint (<http://www.legalombudsman.org.uk/?portfolio=complaint-form-legal>). These were shown as print outs of the screen-grabs, rather than as a live, digital user-testing experience.

Other non-customers liked the fact that the home page provided lots of helpful links, feeling that they would be able to access the things that they might need when making a complaint. Among the links included at the top right hand side of the home page, was a link to a template letter. Again, this was felt to be exactly what members of the public looking to make a complaint would need; and was particularly reassuring for those who felt they would be quite nervous about doing so. Having the template letter provides reassurance that you would include all the necessary information when making your initial complaint to the service provider, and that the process would thus not get held up as a result of something vital being missing.

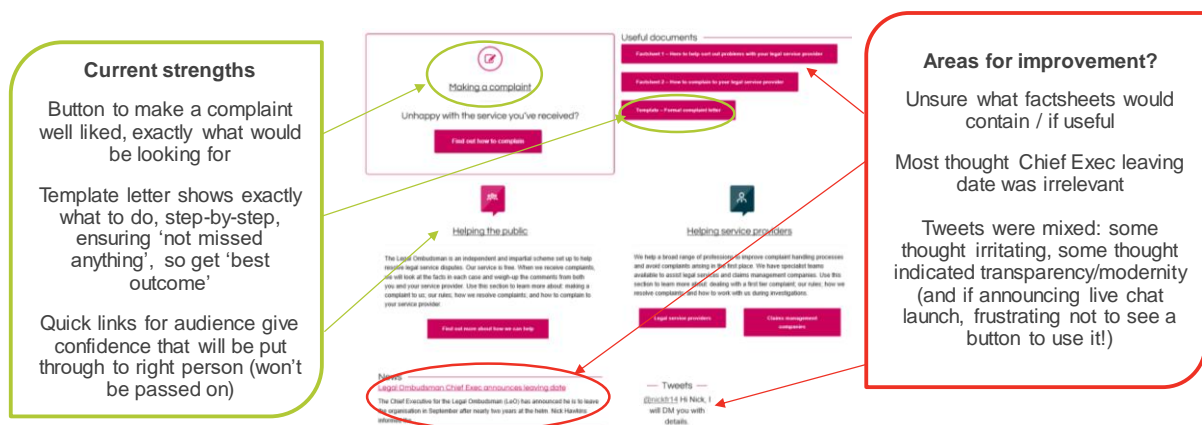
Alongside the template letter, there are also links to two factsheets on the top right hand side of the home page; these elicited slightly more mixed reactions from non-customers, who felt that they could be of interest but that it wasn't quite clear what information they would contain. They queried whether these would contain different information from that which could be accessed through the 'making a complaint', and the 'helping the public – find out more about how we can help' buttons. Having more than one place to go for the same information was seen as a potential source of confusion.

Other aspects of the website which non-customers liked were the quick links for each audience ('Helping the public' and 'Helping service providers'). This gave confidence that they would be put through to the right person and would not be passed from department to department within the Legal Ombudsman.

There were a couple of elements of the home page which were considered less helpful - even off-putting for some. This included the section labelled as 'News', which presented headlines of the Ombudsman's internal activities, events and news. At the time of the research, this showed an excerpt about the Legal Ombudsman launching a new live chat function; non-customers would prefer to instead see a button clearly displayed on the home page where they could actually use this. This has now been actioned.

The tweets feature on the home page also got a mixed reaction: some felt that this showed the Legal Ombudsman in a positive light, as a modern organisation who were transparent about what sort of informal conversations they were having with the public. Others thought the tweets were irritating and/or pointless.L

Figure 4.1 Screen grab of the Legal Ombudsman home page



Generally the use of language on the home page of the website was felt to be clear, 'easy to understand' and 'jargon-free'. The following discussion amongst C2DE non-customers illustrates the positive reaction to the language used here.

“Simple.

“Plain English.

“No solicitor talk on there.

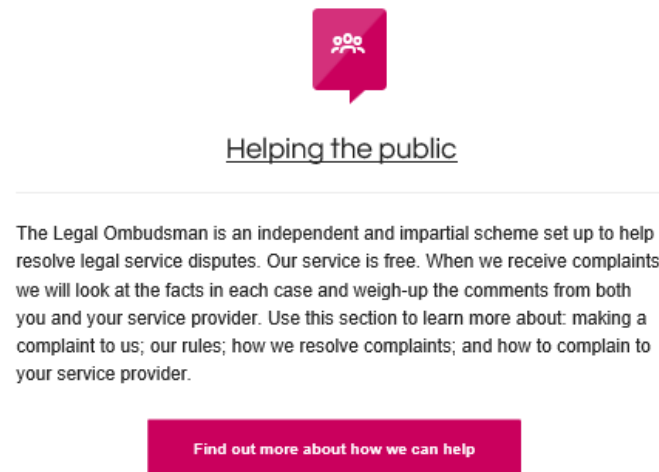
“Human...Your everyday person will understand it.

“Relevant...It just tells me what you need to do...and it addresses all of the concerns that you possibly would have, and doesn't waffle around ...basically, it's straight-talk.”

Male and female, non-customers, C2DE

One specific issue that was discussed in relation to the website was how the Legal Ombudsman's role was communicated and how customers felt about this. The section of the homepage shown to participants (see Figure 4.2, below) was felt to clearly convey the concept of the Legal Ombudsman being impartial.

Figure 4.2 A screen-grab from the homepage of the Legal Ombudsman website that was shown to non-customers



The phrase ‘we will look at the facts in each case’ was felt to convey the Ombudsman's impartial approach particularly well, while the idea of the Ombudsman ‘weighing up the comments’ from the customer and the service provider meant that several non-customers interpreted the Ombudsman's role as being like a pair of scales.

Others spoke about how this led them to expect that the Legal Ombudsman would act as a check that the service provider has adhered to their own processes and policies for serving the customer.

“Actually look at company policy...human nature takes over a lot of the time, so [service delivery] doesn't fully follow that company policy...”

“You would expect [the Legal Ombudsman] to actually look at the company policy and say, ‘Well, no, it actually says this, and this is what you have to do.’”

Male and female, non-customers, C2DE

Reactions to the concept of impartiality

This explanation of the Legal Ombudsman's role prompted discussion of the idea of impartiality in the non-customer groups. On the whole, it was thought to be fair that the Ombudsman would not necessarily take the customer side. Non-customers, particularly those in the C2DE group, acknowledged that the customer can sometimes be wrong.

"It may be that your complaint isn't valid anyway...sometimes you may have got your facts wrong, or the communication isn't right, and they would explain everything for you, both sides. So, you need that. It's like a scale in the middle, isn't it?"

"So, they are making it clear that they're, you know, not just going to take your side, they're not going to take the legal... side, they're going to look at it fairly and look at the facts first."

Female, non-customers, C2DE

However, there were some non-customers, particularly those in the ABC1 group, who were more mixed about the idea of impartiality. Some interpreted this as signalling that the Legal Ombudsman might 'sit on the fence', 'lack teeth' to address issues or decide not to intervene if the case were a difficult or complex one.

"...impartial to me. It doesn't have that strength."

"...when you think of Ombudsman, you think of an independent party that can tell off, for want of a better word, a service or a type of organisation."

"It's a type of sitting on the fence."

"I like impartial. There are two different sides and they'll...make a decision on what they can see to be fair."

"It's a really strange quandary you're in. You're in the impartiality side but I want [Leo] to be on my side."

"...by making a complaint, you are saying, 'This is already an unfair situation.'"

"I like to feel that they're going to give me an honest account..."

Just because they tell me what I don't want to hear, doesn't necessarily mean that they're wrong.."

Male and female, non-customers, ABC1

To provide clarification around what the Legal Ombudsman can achieve and address some of the concerns around the Legal Ombudsman not being 'strong enough', it may help to display case studies of different types of complaints together with their outcome, as well as reviews from the Legal Ombudsman customers, in a prominent position on the website. This would also give prospective customers an idea of the range of remedies that might be appropriate in their case.

Factsheets

Non-customers and customers were also shown the *Our process* and *Our service principles* factsheets.

Both factsheets were felt to be laid out clearly and in a way that aids reader understanding; having it broken down into headers, bullets and summaries, and the use of short sentences, meant that the information in both was easily digestible. There were no particular issues with the language used in either factsheet: on the whole, it was thought to be direct, simple and straightforward.

In the *Our process* factsheet, the most positive aspects were thought to be where it gave a specified timeframe (e.g. “10 working days”) for next steps, which customers felt helped you to ‘know where you are’.

How long will it take you to look at my complaint in detail?

Once we've taken your initial details and confirmed what your complaint is about, your investigator will look at the information you have provided and will contact you within 10 working days. When they contact you, your investigator will provide you with their direct contact details.

Heading – aids understanding

Clear timescales

It also provided clarity over the Ombudsman's decision being final and binding for the claims management company (or legal service provider), which again was important to know as it ‘takes the stress off’ the customer as they would have recourse to the Legal Ombudsman if the provider doesn't comply.

Is the ombudsman's decision final?

After an ombudsman has made a decision, we will ask you if you accept it. If you accept it, then the claims management company must do what it says.

Binding decision – takes stress off as have recourse to LeO if provider doesn't comply

Although customers and non-customers generally preferred shorter, snappier sentences and felt that lengthier sections were more onerous to read, there was one instance on the *Our process* factsheet where they felt more detail was needed. This related to the possibility of the Legal Ombudsman ending their investigation partway through. The factsheet provided one example of such a situation; however, customers and non-customers were keen to know whether there were other examples in which the Legal Ombudsman may choose to stop investigating as this would help them to take appropriate action in their own case.

Do you ever end an investigation for any reason?

You should know that if we receive further information during an investigation which shows we can't look at the complaint under our rules, we could stop the investigation and close the case. For example, this could be because the complaint actually falls outside of our time limits.

Desire for more examples – help judge if ‘waste of time’?

“If you receive further information during the investigation which shows we can’t look at the complaint under our rules.’ Well, I’m not sure what rules are there. Are they just exclusive to these, or is it just rules that we know?”

Female, customer, not upheld, legal service provider

“You might see these examples and match them up and think, ‘You know what? I’m getting nowhere now, it’s not worth my time’.”

Male, non-customer, C2DE

The *Our service principles* factsheet generally received positive reactions: most of the principles described were felt to align with what a prospective customer would want from the Ombudsman. Some felt that there were perhaps a few too many headlines, and that this diluted their impact. Equally, a few dismissed the headlines as ‘corporate slogans’, and questioned whether the Legal Ombudsman can really focus on delivering all of their principles.



One or two suggested that the sentence descriptor was more effective than the ‘slogan’ preceding it in communicating the service principle effectively.

“It’s so overused with other companies...every company out there that does that...It’s impersonal and it just looks like it’s corporate.

“[Say] it in a sentence rather than having slogans.”

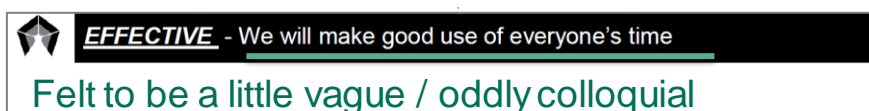
Female, non-customers, ABC1

The most positive and reassuring headlines were those which referenced transparency and clear communication; several also liked the point around informing debate, which demonstrates the impact that the Ombudsman has in a wider context.

“They’re explaining that action to you, so you think that this is an organisation that does something and this is what they do. To know what they do, to know what their job is and to know what actions they’re taking, I think it’s really important.”

Female, non-customer, ABC1

One headline was felt to be slightly vague and to use an oddly colloquial turn of phrase: “good use of everyone’s time”, which came across as a bit meaningless.



Verbal communication

Customers and non-customers were played call recordings of role plays from four different stages of the complaints process:

- The assessment of the complaint before it is taken accepted for investigation;
- The initial contact once the complaint has been taken on;
- A discussion of how the complaint might be informally resolved where the complaint has been upheld, with the investigator suggesting a remedy;
- A discussion where the complainant is told that their complaint has not been upheld and there is no remedy proposed.

Overall, while there were some difficulties with jargon and tone in the role-play calls, the key issues were pace and lack of structure.

Both customers and non-customers felt that the call handlers tended to speak too fast and, in a couple of instances, the call handler had cut across what the customer was saying; this makes it feel as though the call handler is rushing to get to the next call. Furthermore, those listening to the role-play calls felt that call handlers tended to present the customer with too much information without any pauses to check whether they had understood it or to allow them opportunity to clarify if they hadn't understood something: this gave the impression that the call handler was well rehearsed in saying these things and had forgotten that the caller was hearing the information for the first time. All this seems likely to leave customers feeling overwhelmed in a manner that can be reminiscent of how they may have felt following dealings with their provider.

Feedback was most positive where the call handler pauses to check that the customer has understood – *“is that okay?”* Equally, calls received positive feedback where the call handler had briefly recapped the customer situation, which importantly helped to structure the call as well as demonstrate that they had listened and taken on board what the customer is saying.

Meanwhile, several of the calls were felt to be overwhelming and hard to understand. This was due, in large part, to their lack of structure which felt baffling to the customer: for example, the informal resolution with remedy call started with the staff delivering a decision, when later it became apparent that this was actually a first offer (*“It began as a decision, then it became a bartering thing.”*) Both non-customers and customers suggested it would be better if call handlers started the call by clearly setting out the agenda: *“I’m going to say this, then you can tell me what you think”*.

Feedback on the role-play calls also suggests that more clearly structured calls can work if the call handlers sound natural. The ‘initial contact’ role was best liked of all four role-play calls: customers and non-customers felt it sounded like the call handler was talking in bullet points, which meant that the information was clear, easily digestible and had a structure that flowed well.

There were some specific issues with tone that were picked up on in the role-play calls. One point, which was highlighted in both the role-play calls and in customers' own experiences, was that call handlers needed to strike the right balance of sympathy with impartiality. It was important for the call handler to acknowledge the distress that a customer may be feeling by the time of getting in touch with the Legal Ombudsman – and to express sympathy if the customer has experienced a traumatic event, such as, for example, a death in the family. At the same time, sympathising with the complainant about aspects of the poor service they have received can create the expectation that the Legal Ombudsman is 'on your side', which can cause frustration later in the process, for example if the Ombudsman does not uphold your case.

"You don't want him to be too pally-pally because then you are going to get the wrong idea of, 'Yes, he is going to help me. I'm going to win this case.' But then you don't want him to be like, 'Wow, that's how long it's going to take,' because then you're thinking, 'Well you're siding.' Do you know what I mean? If you're talking professionally, like saying, 'Sometimes it can take this long, but in the complaint we will see why it's taken this long and if it should have taken this long.' Then you're kind of getting that little bit of clarity then."

Female, non-customer, C2DE

One customer had experienced the impact of this personally: they recalled being told by a Legal Ombudsman case investigator that they had a 'good case' at the beginning of the process but their complaint had ultimately not been upheld after investigation, which resulted in the customer feeling very disappointed and frustrated with the Legal Ombudsman for, in their view, raising their expectations. This customer felt it was important for the Legal Ombudsman to take care to remain neutral and impartial.

"They should say they are 'looking into your case' and not that you have a 'good case' or a 'good chance'."

Customer, claims management company, male, 60+ years, complaint not supported

There were a couple of other specific issues with tone noted in the role-play calls, such as the call handler coming across as dictatorial or condescending. These are described in more detail in Table 4.1, along with customer and non-customer suggestions for how these can be better phrased.

Table 4.1 Issues with tone in Legal Ombudsman verbal communication

Issue	Examples – and suggestions for ways to better phrase	Rationale
Tone is taken as dictatorial / self-important	<p><i>‘You would have to do it...’ > You would need to ...</i></p> <p><i>‘I will decide if x happens...’ > Based on the evidence, we will decide ...</i></p> <p><i>‘You have to accept this’</i></p> <p><i>‘This is what you have to do’</i></p>	<p>The tone should ideally be softened slightly to avoid irritating the customer and to appear more helpful.</p> <p>When the investigator gives a decision, participants felt it is important to have the weight of the organisation behind that decision, as they had some concerns about the individual case investigator’s authority to say these things (the Ombudsman’s role will be discussed in more detail in the next section).</p>
Tone is felt to be condescending / presumptuous	<p><i>‘I don’t think that should be a concern of yours’</i></p> <p><i>‘You know . . .’</i></p> <p><i>‘I’m assuming ...’ > I’ve got this, this, this, is that correct?</i></p>	<p>Rather than ‘assuming’, the Legal Ombudsman case investigators should use as an opportunity to paraphrase the customer’s complaint and show they are listening.</p>

There were also a few examples of jargon or conversely some examples of the language used by the Legal Ombudsman call handlers throughout the process being too casual.

Table 4.2 Issues with language in Legal Ombudsman verbal communication

Issue	Examples – and suggestions for ways to better phrase	Rationale
Use of words is too casual	<p><i>'Provider fobbing off...'</i> > Not being completely clear / responsive</p> <p><i>'What's the problem?'</i> > What's your complaint?</p> <p><i>'I'm kind of going to do x...'</i> > I'm going to do x</p>	While members of the public did not react well to what they deemed deliberately 'pretentious', flowery language, at the same time they expected a level of professionalism and as a result casual language was not regarded as appropriate as it undermines the case investigator's authority. There was general agreement that it would only be acceptable to use casual language where it echoed the language the complainant themselves had used (as it may indicate that the call handler is really listening)
Use of jargon	<p><i>Beneficiary; Executor; Probate</i></p> <p><i>Manage expectations; Evidence bundle; Remedy; Preliminary decision</i></p> <p><i>Service failing</i> > Poor service</p> <p><i>Betterment</i> > What's in your interests</p> <p><i>Evidence-based</i> > we review the information we have on your case</p>	There are several instances where jargon is being used. Generally, these should be phrased more directly (in layman's terms), or if the call handler does feel they need to use the technical term, then they should explain what it means ("all that is, is...")

Specific terms

In addition, the Legal Ombudsman uses certain recurring terminology within their complaints process. These terms arose in communication, both verbal and written, presented to customers and non-customers in our focus groups. Some of the terms were also presented to customers on cards to stimulate discussion.

Making a complaint

Generally few participants took issue with the process being referred to as 'making a complaint'. While a handful explained that, for them, the phrase had some negative connotations as you are 'doing something quite serious to someone' by complaining about them, most felt that actually the phrase has appropriate gravity. This was because participants mostly felt that by the time your case had reached the Legal Ombudsman, your issue was probably serious enough that it merited being described as a 'complaint'.

Premature

There was a consensus that this particular word was meaningless in the context of the complaints process: some associated it with small babies or with a sexual context. They therefore suggested that the actual intended meaning needs to be expressed in a more straightforward way, perhaps as 'you have brought your case to us too soon' or 'Ok, thanks for sharing information about your case with me. I'll be able to help you. This is what you need to do now, then X, then Y, then I can help to investigate...'

Out of time

'Out of time' was also felt to be a meaningless term and, in a similar manner to 'premature', needs to be expressed more directly. Participants felt this should be phrased instead as 'you have brought your case to us too late'.

Evidence bundle

This was intimidating in its evocation of courtrooms, and was perceived to signal that the matter is closed (since once evidence is bundled up it implies it is being submitted for the final time). This did not feel empowering when used in the context of inviting the customer to review the evidence. This could be better phrased as 'there will be documents provided alongside my letter'.

'Informal' resolution

There was a lack of clarity among both customers and non-customers about what the stages of the complaints process are, and therefore what "informal resolution" means. For some, the word 'informal' is jarring: taking their complaint to the Legal Ombudsman feels like a formal process to them, so implying that their complaint is informal feels to some as though their complaint is being downplayed and that its importance is devalued by the term. An alternative suggestion was 'first stage resolution' or 'try to come to an amicable resolution'.

Preliminary/provisional decision

Again, there was a lack of clarity among participants about the different stages of the process, and, in particular, what the difference between a 'preliminary' and 'provisional' decision means in practise. Few customers were certain whether they had received one or both (with one or two believing that the preliminary decision was when the Legal Ombudsman assesses your case and decides to take it on, and one or two others believing that the preliminary decision they had received from an investigator on their case was in fact a 'final decision').

“After he sent the letter confirming that, he said, ‘I will confirm the stages, I have completed my investigation and I enclose my decision. If you and the claims management company agree (which surprised me because I didn’t think they should have to agree) ... if you do not agree you should let me know with your reasons and why you want the LO to review your case’ and then it says, ‘the LO’s decision is final’”.

Customer, claims management company, female, 50-60, complaint upheld

In relation to both of these above points, Legal Ombudsman staff suggested that a visual process chart showing the different stages of the complaints process and what these stages are called (possibly with an arrow showing where the customer is at that moment) may help to orientate the customer through the process and address some of this confusion.

The terminology of ‘preliminary’ and ‘provisional’, with their connotations of things like a provisional driving license, elicited concerns that not enough thought gone into the investigation and that perhaps it did not mean much (just as a provisional driving license is ‘essentially worthless’). Instead, participants gave the suggestion of ‘our initial view’ / ‘first decision’.

“A first round, they would have looked at a quick and dirty response that says, ‘Sorry, here’s £200, go away’.”

Customer, legal service provider, male, under 30 years, complaint not supported

Manage expectations

This phrase was felt to be clunky and to ‘get the complainant’s back up’ as it immediately implies they have unrealistic expectations of the process. Participants noted that it was important to ensure that the customer understands what the Legal Ombudsman can realistically do. Participants suggested that perhaps the Ombudsman could instead open up a discussion of this by asking ‘what do you want out of this?’ Or by giving real examples of outcomes via case studies of a range of types of complaint and the corresponding outcomes that the Legal Ombudsman has helped to achieve. Sharing case studies so that a new customer may get a feel for what might be appropriate in their case was felt to be a more neutral approach than, for example, giving a range of how much money somebody might receive.

Remedy

This term has medicinal overtones, with some participants not happy about the implication that your problem should be ‘fixed’ as a result.

“It’s not that it makes it better. You could’ve been injured by something [as part of the original issue]. It’s not actually going to make you uninjured. It’s just that you’ll get some money.”

Male, non-customer, C2DE

Again, participants suggested that the Legal Ombudsman should instead express in a more direct manner what the remedy offered will be. For example, if the remedy will be a financial one, then it could be expressed as ‘compensation’ or ‘cash settlement’.

“They previously used ‘remedy’ which is less strong than compensation and makes it less certain that you will get something. Remedy is not a strong word. Compensation is a big, blunt word – you’re going to get something. Remedy is a maybe/maybe not.”

Customer, legal service provider, male, under 30 years, complaint not supported

As a broad term encompassing both financial and non-financial outcomes, some thought 'settlement' might be more appropriate than 'remedy' as it would not imply that things should be 'fixed'.

Final decision

Generally, customers are happy with the use of the term 'final decision' and were clear on what it meant. Another suggested way of phrasing this was: 'case closed'.

As before, there was some confusion over which stage of the process the customer was at when they reached a final decision: one or two were left feeling confused by the decision letter they had received because it mentioned a 'final decision' but also the opportunity to 'review'.

Comprehension of the Legal Ombudsman role

From external communication materials through to final letters, there are comprehension issues around organisational and individual roles that can trigger disillusionment with the process and outcomes.

As discussed earlier, there were mixed views on impartiality and although many buy-in to the idea of the Legal Ombudsman looking at the facts from both sides and remaining neutral when considering a decision, some are concerned that this impartiality implies that the Legal Ombudsman might tend to sit on the fence or 'lack teeth' when it comes to redressing a wrong.

Alongside this, there was a clear lack of comprehension among some customers and non-customers regarding what the Ombudsman is, as a professional role. Some customers expected that case investigators would be trained solicitors, which led to disillusionment when it transpired they could not give opinions on the legal advice given.

"[I expected] they understand the law and being an ombudsman they could rectify the situation to a happy conclusion for us and the solicitors."

Customer, legal service provider, female, 40-49 years, complaint withdrawn

This misconception around what the Legal Ombudsman can do for customers, and whether its investigators are trained legal professionals, was also raised by the Legal Ombudsman staff.

Reflecting on whether this can be solved, difficulty explaining an Ombudsman role is common to other Ombudsman organisation (such as the Parliamentary and Health Service Ombudsman); and the Legal Ombudsman external communication materials were relatively successful in explaining its role. Altogether there is probably limited scope to improve communication of this, though case studies explaining scenarios, the Legal Ombudsman's role and outcomes of different cases may help.

There were also some mixed views from customers around who would be investigating their case: some participants noted the escalating seniority of some of the job titles mentioned, from 'investigator' via 'senior investigator' through to 'Ombudsman'. While for some this escalation of roles was positive as it signalled that you could take your case further if you were unhappy with the outcome, for a few it either felt intimidating – like having to try to scale an edifice to progress your case – or gave the sense of being 'owed' an Ombudsman's decision. For a handful, this meant they had concluded that the investigator opinion is less valuable. This was also raised in the Legal Ombudsman staff feedback.

Alongside this, customers and non-customers noted during the role-play recordings the use of “I” when investigators were explaining how decisions are reached. For some, this undermined the authority of the decision as, if you disagreed, you could try someone else.

“I was just wasting my time with someone who didn’t have any influence anyway, they were just there to shuffle paper about, they don’t have actual influence over a decision, whatever they say can just be rejected by the other party – what’s the point?”

Customer, legal service provider, male, 50-60 years, complaint withdrawn

Regarding whether this can be solved, while “I” arguably signals an operative taking responsibility, the use of “we” might give decisions more authority and help avoid a feeling that you must have the Ombudsman involved or else you haven’t received a proper decision.

Alternatively, a proactive, knowledgeable individual acting as your point of contact appears to allay fears and succeed in defusing this issue.

“She was obviously the person who was going to be my point of contact...because she was very confident, clear and friendly, I wasn’t fussed who she was and probably didn’t even see [her job title] until just now.”

Customer, male, claims management company, 40-49, supported

Legal Ombudsman communication: a customer story

The background

Sarah felt she had received incorrect legal advice in relation to a family law matter, which involved a substantial sum of money. She felt she had gone as far as she could with the provider's own complaints process and contacted the Legal Ombudsman after seeing it mentioned in one of the provider's letters. She felt it was 'scary' to be complaining about your solicitor – they have the power.

“Complaining to the solicitor I felt I needed to be a solicitor, due to the level of information they expected me to give them – which they already had – and the language they used in their letters”.

The Legal Ombudsman assessment

Her confidence in the Legal Ombudsman dropped when one of the first emails received got some details of her case wrong. She also felt that the Legal Ombudsman seemed wary of taking on her case due to the sum of money at stake – and felt that the language used was 'non-committal'. One of the letters made it clear that her case could be escalated to the Ombudsman at a later stage, which led her to feel the staff she had been dealing with were insufficiently 'expert'.

“They said things like ‘The Legal Ombudsman is unable to speculate on issues or make findings or make recommendations based on what might or could have happened’ and ‘I advise you that there may be severe difficulties in establishing a detriment that would lead to a recommendation near to your level of expectations’. It felt like they might or might not be bothered to help me.”

The outcome

Disappointed that the Legal Ombudsman staff seemed 'non-committal' about her case and seemed not to be 'legally trained'; and feeling it was difficult to get hold of the same person twice to discuss her case – she decided to withdraw it.

“If one or more of the parties disagreed with the investigators decision, it would then be sent to an Ombudsman’. This made me realise I was just dealing with ‘the office plebs’.”

Overall reflections on the language being used

Legal service providers / claims management companies

Both customers and non-customers felt that the process of complaining to their provider was (or was likely to be) daunting. This expectation is often reinforced, once the customer makes a complaint, by the provider's use of language or behaviour indicating that they are not taking the complaint seriously (such as passing the customer around from department to department, making simple mistakes such as sending two letters on one day, or using overly casual language such as 'we've had a word...'), or using complicated 'legalese' language, which customers believe is designed to intimidate. This led to the customer perceiving the process of making and persevering with a complaint as onerous, confusing – and possibly even emotionally difficult, particularly if the original issue they had used the solicitor for is sensitive and/or unresolved.

Provider communication as part of the complaints process should ideally be re-framed to make the customer feel that their complaint will be taken seriously and that it has been received in a positive light. The provider response should emphasise the positive aspects of complaining, for example by reiterating that it is an opportunity to improve their service for others and thanking the customer for bringing the issue to their attention.

When responding to complaints, providers should ideally acknowledge that the customer may be experiencing stress or inconvenience, and apologise for this, rather than letting self-justification dominate their communications. They should also avoid caveating their apologies or burying them at the end of lengthy written responses.

Clearer signposting of the complaints process and the role of the Legal Ombudsman will assuage concerns that customers had around not knowing who to complain to or how the process will work. Ideally provider responses would include a clearly specified timeframe for next steps and details around things like expected mode of response, to orientate a customer in the process and reassure them that the process will not be overly time-consuming.

Finally, paraphrasing a customer's complaint (for example, by breaking down the complaint into its separate components and using these as headings in a complaint response) is important to help show that each element of the complaint has been considered and responded to.

Legal Ombudsman

On the whole, communication from the Legal Ombudsman is felt to be much clearer than that from legal service providers or claims management companies and, by contrast, is not felt to be deliberately intimidating or confusing. Legal Ombudsman public-facing materials, in particular, are well signposted, giving customers confidence that they would be able to find the information they need. The language used in public-facing materials is also clear overall, and was praised by one group for being in 'plain English'. Participants pointed to the service principles factsheet as an example of 'easy to understand' language being used; they particularly liked examples where there was a clearly specified timeframe (again as it helps customers to orientate themselves in the process).

The key issues with Legal Ombudsman communication related to pace and lack of structure in verbal communication by telephone. Participants felt that call handlers seemed to be rushing through calls and often presenting too much information, which became difficult for the customer to digest: they felt it was important that call handlers remember that this is often the first time that callers may be hearing this information. Training call handlers to structure their calls, setting out an agenda of what will be covered at the beginning of the call, and to provide information in 'bite size' chunks, may help customers to digest the information from the Legal Ombudsman.

Call handlers should also pause to check that the customer has understood the information being given so far and give an opportunity to clarify anything. Lastly, it was important for call handlers to strike the right balance between empathy and impartiality: while customers did want to see some level of empathy regarding the original issue (e.g. a death in the family), sympathising with a customer regarding the service they feel they have received from their solicitor can run the risk of creating false expectations that the Legal Ombudsman will find in the customer's favour.

There were a few examples of unclear or complicated terms being used in both the verbal and written materials, which participants felt could usually be expressed more directly or in layman's terms. If the technical term must be used, then its meaning should be explained immediately afterwards to reassure customers.

Often, these terms contributed to a lack of clarity among participants as to the stages of the process involved in taking a complaint to the Legal Ombudsman. For example, while 'final decision' was generally clear, many were left confused or unsure what 'preliminary decision' meant and how it was different from 'provisional decision'. This, combined with a sense that some phrases carried connotations inappropriate to the context (such as 'informal' which was felt to downplay the importance of a customer's complaint, 'premature' which was felt to have unhelpful baby/sexual connotations, or 'remedy' which was felt to be medicinal and imply that the issue could be 'made better'), led to a feeling that the 'process language' being used by the Legal Ombudsman wasn't always as clear as it could be. Sharing a more visual depiction of the complaint process, such as a flowchart, with customers, possibly with an arrow to denote where the customer currently is, may also help to clarify what the different terms mean and to orientate the customer.

The impartial role of the Ombudsman is felt to be clearly communicated in public-facing materials, though the impartiality garnered a mixed reaction, with a few either concerned that the Ombudsman may not be strong enough to be effective or expecting it to be more of a consumer champion. There was some confusion as to the professional role of an Ombudsman; those who thought that Legal Ombudsman staff were trained solicitors, described a sense of disappointment when they realised what the Ombudsman could realistically do. Case studies showing what the Ombudsman has been able to achieve for the customer in a range of different cases may help to demonstrate its role and help set realistic expectations of what it can deliver.

5 Appendix

The appendix contains more information on who was spoken to at each stage of the research.

Structure of interviews

Depth interviews with customers

These were structured by type of legal service provider and socio-economic group.

Region	Outcome	LSP/CMC	Gender	Age	Ethnicity	Socio-economic group
South East	Upheld	Solicitor	F	50-60	White British	A
South East	Abandoned	Barrister	M	50-60	White British	C2
East	Upheld	Solicitor	M	50-60	White British	A
East	Not Upheld	Solicitor	M	40-49	Arab	B
Midlands	Upheld	CMC	M	40-49	White British	B
Midlands	Upheld	Solicitor	M	50-60	White British	B
London	Not Upheld	CMC	F	30-39	Asian British	C1
West	Withdrawn	CMC	F	60+	White British	E
West	Upheld	Solicitor	M	50-59	White British	B
Midlands	Upheld	Solicitor	F	40-49	Asian British	E
North East	Not Upheld	CMC	M	60+	White British	C2
Midlands	Not Upheld	Solicitor	M	Under 30	Asian British	C2
East Midlands	Withdrawn	Solicitor	F	30 - 39	White British	C2
North	Withdrawn	Solicitor	F	40-49	White British	C2
London	Upheld	CMC	F	50-60	White British	D

Discussion groups with customers

These were structured by whether the customer had used a claims management company or a legal service provider and according to whether their complaint been upheld or not.

Group 1 – CMC upheld (4)

Location	Outcome	Provider	Gender	Age	Ethnicity	Socio-Economic group
Birmingham	upheld	CMC	M	50-60	White British	D
Birmingham	upheld	CMC	M	60+	White British	C1
Birmingham	upheld	CMC	F	40-49	White British	B
Birmingham	upheld	CMC	M	50-60	White British	B

Group 2 – LSP not upheld (6)

Location	Outcome	Provider	Gender	Age	Ethnicity	Socio-Economic group
Birmingham	not upheld	Lawyer	M	40-49	Black/Black British	C2
Birmingham	not upheld	Lawyer	M	40-49	Asian/Asian British	B
Birmingham	not upheld	Lawyer	M	30-39	Asian/Asian British	C2
Birmingham	not upheld	Lawyer	M	30-39	Asian/Asian British	B
Birmingham	not upheld	Lawyer	M	40-49	Asian/Asian British	A
Birmingham	not upheld	Lawyer	F	50-60	White British	A

Group 3 – CMC/LSP not upheld (4)

Location	Outcome	Provider	Gender	Age	Ethnicity	Socio-Economic group
London	Not upheld	Lawyer	M	40-49	Refused	B
London	Not upheld	Lawyer	F	50-60	Mixed ethnicity	B
London	Not upheld	Lawyer	F	40-49	Black/British	B
London	Not upheld	CMC	F	50-60	Asian British	B

Group 4 – LSP upheld (5)

Location	Outcome	Provider	Gender	Age	Ethnicity	Socio-Economic group
London	Upheld	Lawyer	M	60+	White British	B
London	Upheld	Lawyer	M	Under 30	Asian/Asian British	C1
London	upheld	Lawyer	F	Under 30	White British	C1
London	upheld	Lawyer	M	40-49	Asian/Asian British	B
London	Upheld	Lawyer	M	30-39	Black/Black British	C2

Discussion groups with non-customers

These were structured by social grade and occupation.

Group 1 – C2DE (7)

Region	Age	Socio- economic group	Provider used
Birmingham	40	D	Legal Service Provider
Birmingham	41	C2	Legal Service Provider
Birmingham	36	C2	Legal Service Provider, Claims Management Company
Birmingham	22	D	Legal Service Provider
Birmingham	24	D	Legal Service Provider
Birmingham	49	E	Legal Service Provider, Claims Management Company
Birmingham	63	C2	Claims Management Company

Group 2 – ABC1 (6)

Region	Age	Socio- economic group	Provider used
Birmingham	29	C1	Legal Service Provider
Birmingham	41	B	Claims Management Company
Birmingham	33	B	Claims Management Company
Birmingham	52	C1	Legal Service Provider
Birmingham	49	C1	Claims Management Company
Birmingham	25	B	Legal Service Provider

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