

User Satisfaction in a Difficult Environment: the 1998 Baseline Revisited

A Summary of a report by Customer
Management Consultancy to the Office of
the Legal Services Ombudsman: May 2001

Key Findings and Recommendations

Comparisons with 1998

The Office of the Legal Services Ombudsman (OLSO) has made great strides in improving complainant satisfaction since 1998, although this is still a very difficult service environment – most complainants continued to receive outcomes which were a considerable disappointment to them.

This rise in complainant satisfaction has not been matched by any drop in practitioner satisfaction. For practitioners the OLSO process is even less visible than in 1998, and their level of satisfaction is predominantly driven by outcome.

Outcome also remains, inevitably, the major driver of complainant satisfaction. There was a modest increase in complainants reporting a positive outcome: 23% in their favour, compared with 17% in 1998.

However, improvements in the OLSO process have had a striking impact on complainant satisfaction with the service received:

- increased first time telephone access from 85% in 1998 to 95% of those telephoning recently (92% over the past year);
- 11% rise in complainants 'very satisfied' with friendliness of OLSO people;

- 22% drop in those 'very dissatisfied' with staff authority to deal with their problem;
- consistent improvement in satisfaction with all aspects of information given;
- more complainants being updated – and more frequently - and a drop in the number who feel the need to chase up their complaint;
- shorter timescales, and reduced dissatisfaction caused by delay amongst both complainants and practitioners.

The time taken to close a case has now emerged as a clear driver of satisfaction. Cases closed in under 3 months had much higher levels of satisfaction than those which took longer. However, some complainants still revealed confusion as to the actual length of the OLSO case process.

The expectations of complainants, however, remained broadly the same as in 1998. It is hard to manage prior expectations of mainly first time users of a service. It is also hard to satisfy those who have unrealistic expectations, such as the 49% who expected the original case with the lawyer to be re-opened.

Key Findings and Recommendations continued

Other findings

Complaint handlers in the professional bodies tended to be somewhat dissatisfied with a number of the Ombudsman's decisions.

No complainants who had complained about barristers were entirely satisfied with OLSO. The Ombudsman tended more commonly to uphold the Bar Council's handling of complaints than it did for the Office for the Supervision of Solicitors (OSS).

Only 35% of complainants believed that OLSO had undertaken an investigation into the professional body's handling of the complaint.

There were very sharp differences in complainant satisfaction with the outcome and the service process. While only 17% were at all satisfied (very + fairly) with the report containing the outcome, some 39% were satisfied with the service – a 22% gap. 'Overall' satisfaction falls between these two points.

OLSO still comes at the top of a 'super-escalated' complaints process, which can involve long delays. Its practice of increasingly referring complaints back to the OSS for re-investigation, however, appears to have had a positive impact on complainant satisfaction, as well as reducing the Ombudsman's workload.

Recommendations

OLSO should:

- aim to close as many cases as possible within 3 months;
- retain its focus on providing clear information, and on updating complainants before they contact the Office to find out what is happening;
- continue to seek to manage customer expectations, not only on timescale and possible outcomes, but also on the nature of the investigation which the investigating officer will undertake.

Background to research

This research was commissioned in 2001 by the Office of the Legal Services Ombudsman (OLSO) from Customer Management Consultancy (CMC), which undertook the baseline survey in 1998. The aim was to examine the quality of service provided by OLSO to its various service users, both updating the earlier baseline research and measuring the impact of changes made in the service process since 1998. The findings were also to be used as a basis for further upgrading service standards.

Survey methodology

Three surveys, using self-completion postal questionnaires, were undertaken:

- Complainants' Survey - people whose case was taken up;
- Practitioners' Survey - solicitors and barristers who were the subject of a complaint;
- Complaint Handlers' Survey - the Office for the Supervision of Solicitors (OSS), the General Council of the Bar (GCB), and the Council for Licensed Conveyancers (CLC); and
- Enquirers' Survey - people who sought information and advice – which was undertaken by telephone.

Samples of complainants and practitioners were drawn from all cases closed over the previous 12 months. This came to around 1,500 cases. Preliminary letters advising of the surveys were sent a week beforehand, and reminder letters were sent some two or more weeks after the questionnaire. The main postal surveys proved very successful.

The enquirers' survey proved more of a problem, since telephone numbers of enquirers were not available in sufficient numbers.

Table 1 opposite shows postal response rates and sample sizes.

Table 1 Postal response rates and sample sizes

	Response Rate	Numbers Achieved Sample
Enquirers	n/a	134 Telephone (143 Telephone and Postal)*
Complainants	55% (38%)*	787 (3550)*
Practitioners	28% (24%)*	425 (250)*
Complaint Handlers	n/a	6 (23)*

* 1998 figures in brackets

Top Box analysis was undertaken, to find out what aspects of service were associated with the highest level of satisfaction, 'very satisfied'.

Context

Super-escalated complaint environment

The complaint environment is described as 'super-escalated' because consumers who wish to complain about legal services face an extended process. All complainants have to complain to the lawyer, and perhaps also to the senior partner in a firm, before taking their complaint to the relevant professional body. Only when that process is complete may they approach the Ombudsman. In other sectors, the complainant can usually go straight from the company to the Ombudsman.

Satisfaction and an Ombudsman 'service'

Improving the service can increase satisfaction with an Ombudsman organisation, as indeed with any kind of service provider. However, while a complaint handler in a company may choose to tailor their decisions for perfectly proper commercial reasons - for example, to keep a valued customer - it is not permissible for an Ombudsman to change decisions to improve satisfaction. Moreover, even if the need to provide justice were laid aside, arbitrary decisions in favour of one party would produce dissatisfaction amongst other parties. An Ombudsman service is, therefore, provided under especially tight constraints.



Main Findings

Who is coming to OLSO and what about?

As in 1998, the majority of consumers who approached OLSO were property-owning males, over the age of 45. However, only 85% described themselves as UK White compared to 90% previously. Some 7% did not speak English as their first language, although most of them were confident in their use of the language. Over a quarter, 29%, reported having at least one disability.

Over nine out of ten complaints were about solicitors, and the rest about barristers. This time none were about licensed conveyancers. Over half of solicitors complained about, 58%, worked in firms with 4 or fewer partners, compared with only 36% nationally.

Complainants and practitioners reported a similar story on the areas of law which were concerned in the complaint. The only differences were that practitioners were more likely to mention criminal court proceedings, and complainants to mention succession.

On complainants' problems with the professional body, however, there was a major difference between the two groups of respondents. Practitioners' perceptions were that complainants simply did not agree with the professional body's decision. For complainants, this was the most commonly mentioned problem - but it only ranked third in the list of main problems, after allegations of bias and of the professional body's failure to look at all the evidence.

Initial contact

OLSO received relatively few enquiries where people were looking for general advice. Most initial contacts were the start of the OLSO complaint process, when the consumer's complaint had been dealt with by the professional body.

The largest number of enquirers and complainants had found out about OLSO from the professional body. Advice agencies or trading standards and other lawyers were other important sources of information.

Some consumers had looked at OLSO's new web-site for initial information. Nearly half were satisfied with it, and most of the rest were non-committal.

Enquirers were somewhat more satisfied with their initial contact with OLSO than complainants – a common finding, since disappointment with a subsequent decision tends to affect complainants' recollected views about the start of the process.

92% of enquirers said that they got through to OLSO first time on the telephone (95% of the more recent enquirers) compared to only 85% in the baseline survey. All the rest got through second time. This represents a significant improvement in service.

The complainants' experience

As in 1998, around two out of three complainants had taken independent advice at the start of their case, and around half of these continued to go back to this source of advice during the process. Again, points of difficulty were making clear what the case was about and understanding why it was taking so long.

However, in 2001 only 29% of complainants were very dissatisfied with the speed of the case, compared with 42% last time. This no doubt reflected the actual reductions in case time. In 2001, 23% of complainants said that their case took less than three months, compared with 7% in 1998. However, in the latest survey no fewer than 20% believed that the OLSO process took longer than 12 months, whereas in the year ending March 2001 only one case took that long in fact. (Many people appear to continue to find it hard to distinguish between the end of the OSS/Bar Council process and the start of the Ombudsman one.)

Moreover, there continued to be a consumer 'expectations' gap, since exactly half of them had expected their case to take less than 3 months (the same as in 1998), which was very different from the time reported. Practitioners, on the other hand, reported that their expectations closely matched reality.

The practitioners found the process even more 'invisible' than in 1998. Not only is it their professional body which deals mostly with OLSO, but the increased use of OLSO's power to recommend that the professional body reconsider (and the related decline in the Ombudsman's investigation of the original complaint) meant that very few practitioners felt able to offer any sort of judgement on OLSO people.

Complainants felt no such inhibition and commented in large numbers on the staff they dealt with. The results given in Table 2 below reveal the significant and consistent improvements in satisfaction across all the 'people' attributes. For example, those very satisfied with friendliness increased from 24% to 35%.

Most notably, those very dissatisfied with staff 'authority to deal with my problem' declined by a remarkable 22%, from 57% to 35%.

On satisfaction with information given to complainants, again there were consistent improvements across all attributes (e.g. clarity, timeliness). Where previously dissatisfaction had exceeded satisfaction on every count, in 2001 the reverse was the case.

One reason for this improvement is to be found in the proportion of complainants who said that OLSO had made contact to update them on their case. This proportion rose from 49% in 1998 to 60% in 2001. Moreover, they were contacted more frequently, with 34% of complainants now contacted two or more times compared to just 22% in 1998.

On the other side of the coin, there was a modest decline from 50% to 44% of complainants who felt the need to 'chase up' OLSO to find out what was happening to their case. This reduction is also likely to have contributed to the increase in satisfaction.

Table 2 | Complainants' views on OLSO people

	% Very Satisfied		% Very Dissatisfied	
	2001	1998	2001	1998
Friendliness	35	24	8	14
Helpfulness	32	24	15	25
Knowledge	23	16	17	30
Reliability/efficiency	29	16	15	29
Understanding of my problem	20	16	33	47
Authority to deal with my problem	18	12	35	57

Complainant satisfaction

Complainants were asked three main satisfaction questions - about the service process (which was not asked in 1998), about the report containing the decision and about the overall handling of the case by OLSO. Comparable information was gathered for the latter two questions.

There was a big gap in satisfaction between the service process, where nearly as many complainants were satisfied as dissatisfied, and the report, where nearly four times as many were dissatisfied as satisfied. The overall satisfaction with handling lay between these scales - although those very dissatisfied matched closely the figure for those very dissatisfied with the report. See Table 3 below.



Table 3 | Satisfaction in 2001

	Service % 2001	Report % 2001	Overall % 2001
Very satisfied	16	6	13
Fairly satisfied	23	11	16
Neither/nor	17	17	10
Fairly dissatisfied	12	14	12
Very dissatisfied	31	52	49

Complainant satisfaction with overall handling increased somewhat compared with 1998, from 19% to 29%, with those very dissatisfied declining from 62% to 49%. This improvement was not matched by any decline in practitioner satisfaction, which remained static at 80%. See Table 4 below

Table 4 | Overall satisfaction with OLSO handling

	Complainant % 2001	Complainant % 1998	Practitioners % 2001
Very satisfied	13	9	45
Fairly satisfied	16	10	35
Neither/nor	10	7	11
Fairly dissatisfied	12	13	3
Very dissatisfied	49	62	6

The conclusion is that many complainants can and do see service as good, even when the outcome is disappointing.

The Ombudsman's decision

The outcome of cases was recorded in two ways. First, outcomes pre-coded on both practitioners' and complainants' questionnaires were recorded. Next, respondents were asked whether the outcome had been in the complainant's favour or not.

The pre-coded information for both groups is given in Table 5.

A similar story is told by both sets of respondents although a higher percentage of practitioners' responses involved 'no reconsideration or criticism of the professional body'. This probably accounts for the fact that only 17% of practitioners believed that the decision was completely or on balance in the complainant's favour, compared to the 23% of complainants who did so.



Table 5 Actual outcome

	Complainants %	Practitioners %
Formal criticism of professional body	7	5
No reconsideration or criticism of professional body	57	68
Professional body to compensate only	16	13
Professional body to reconsider and compensate	6	4
Professional body to reconsider only	15	11

Table 6 shows the relationship between the actual decision and complainants' perception of the outcome. Only where the professional body was told both to pay compensation and to reconsider the case did complainants feel in large numbers that they had 'won' – the view of 75%. Where the decision was simply to require reconsideration, only 53% felt that they had won and 39% believed that the decision had gone against them. Where the decision was compensation only, a clear majority felt that they had lost, 56%, compared to 29% who believed the case had gone their way. Where the professional body's decision was upheld – which it was in the majority of investigations - very few complainants believed that it had gone in their favour.

Table 6 Complainants' perception of outcome

	Completely in my favour	On balance in my favour	On balance it was a draw	On balance against me	Completely against me
No reconsideration or criticism of professional body	3.6%	4.2%	3.3%	21.7%	67.2%
Formal criticism of professional body	2.2%	17.8%	8.9%	17.8%	53.3%
Professional body to compensate only	10.6%	18.3%	15.4%	22.1%	33.7%
Professional body reconsider only	27.4%	25.3%	8.4%	13.7%	25.3%
Professional body to reconsider and compensate	32.5%	42.5%	12.5%	12.5%	0

In view of these disappointments for the majority, it is not surprising that the great majority of complainants said that their confidence in complaint handling by OLSO and by the professional body had declined. In both cases, however, somewhat fewer said that it had done so than in 1998.

The lawyers' and the professional bodies' experience

As in 1998, most practitioners in the survey were satisfied by the professional bodies' original decision and by the Ombudsman's reports, which mainly upheld these decisions. Moreover, practitioner satisfaction did not decline as complainant satisfaction rose.

Practitioners' views on complaint handling in general were very similar to those expressed in 1998. Overwhelmingly, they reported that they took complaints seriously and they disagreed that internal complaint procedures were a waste of time.

On balance, lawyers agreed that their professional bodies could be unfair to many practitioners who were complained about, in an attempt to be seen to be fair to complainants. Solicitors tended to agree that the OSS did their best to get the two sides to settle.

On OLSO, few disagreed with statements that the Ombudsman's decisions were based on the facts of the matter and that it was even-handed, taking a balanced view.

The complaint handlers' perspective

The views of the professional bodies are based on very small numbers; six responses were received in total. They reported very good relations with OLSO people, but somewhat lesser satisfaction with the speed of the process and with the decisions. The even-handedness of decisions was queried by some. The main recommendation was to speed up the process; a target of 90% of cases closed in 3 months was suggested.

Drivers of satisfaction

What features of the system did the 2001 research highlight as being the key elements that drive satisfaction?

The main driver, as always for those who complain to Ombudsmen and for those who are complained about, is outcome. Thus, where the Ombudsman completely upheld the professional body's decision, only 4% of complainants were very satisfied and 66% were very dissatisfied. At the other end of the decision scale (reconsider and compensate) some 48% of complainants were very satisfied and 3% very dissatisfied. Practitioners' views directly mirrored these.

Service drivers

Aspects of service are also major drivers of satisfaction. The most important ones are:

Pro-active updating of complainants – before they contact OLSO to find out what is happening:

- those whom OLSO did not contact were only 6% very satisfied, with 67% very dissatisfied, whereas
- those whom OLSO did contact three or more times were 27% very satisfied, with 37% very dissatisfied: and
- those who contacted OLSO frequently were only 7% very satisfied, with 71% very dissatisfied, whereas
- those who did not feel the need to chase up OLSO at all were 16% very satisfied, with 43% very dissatisfied.

Speed of closure - for both complainants and practitioners:

- cases closed in under 3 months saw 24% of complainants very satisfied, compared to 17% for 3 to 4 months
- for practitioners, 59% were very satisfied where cases were closed in under 3 months, compared with only 19% for 3 to 4 months.

Recommendations to improve the service

Key recommendations to improve service and to increase user satisfaction are that OLSO should:

- aim to close as many cases as possible within three months;
- retain its focus on providing clear information and on updating complainants before they contact the Office;
- continue to seek to manage complainant expectations, on timescales, possible outcomes and the nature of the investigation to be undertaken;
- congratulate its staff on their achievements over the past three years in a most challenging service environment.

For further information on this research:

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