

ON-LINE SURVEY RESPONSES

For

Consultation: on the proposed rules setting out the information we require our regulated firms to publish to deliver transparency information for consumers in the legal services market

Types of respondent	Percentage of all respondents
Individual regulated by CILEx Regulation	80.2%
Employee of firm regulated by CILEx Regulation	9.1%
Member of the public	2.5%
Other	8.3%

The consultation asked:

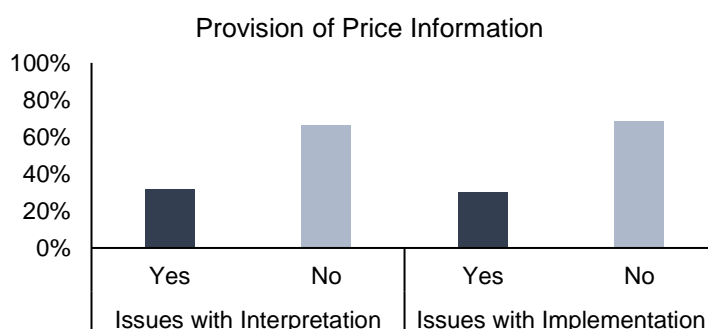
Q1. Do you foresee any issues with the interpretation of the rules in relation to provision of Price information?

Q2. Do you foresee any issues with the implementation of the rules in relation to provision of Price information?

Q1 - Q2:

Issues with Interpretation	Yes	31.4%
	No	66.1%

Issues with Implementation	Yes	29.8%
	No	68.6%



Issues with interpretation included:

- Price provision will lead to undercutting and increased costs at the end of the case.
- Competitive pricing by firms will devalue legal work.
- Providing a total price at the outset is not always possible and how do firms address cases where unforeseen issues arise which increase the total price.
- Price is just one element of legal services and consumers may be annoyed if they discover that the legal service they need for their situation is not available at the headline price.
- Provision of a clear indication of price prior to a full client discussion is impossible.
- It will lead to a "rush to the bottom" and to cases being handled by unqualified or inexperienced fee earners and cutting of corners.
- Price is commercially sensitive information.

Where no issues were seen with interpretation this was because:

- Some firms are already transparent about prices and this was viewed as how it should be.
- The draft rules are relatively concise and straightforward and the information provided is comprehensive.

Issues with implementation included:

- The large range of variables in conveyancing services, especially if a lease extension is required, will make it hard to publish a price in the way required by the rules.
- Queries about how implementation will be policed.
- Concerns that consumers will assume that the total price published is fixed, but no "one size fits all."
- Exact pricing ahead of work being done, is difficult because the amount of work involved is unknown.
- Flexibility is needed because pricing is complex. Firms, with offices in different locations may have separate pricing for each office.
- Clients are often secured through customer service provided while providing a quote. Publishing prices on a firm's website may feel impersonal.
- Firms may not voluntarily publish prices fully and effectively.

Where no issues were seen with implementation this was because:

- The rules seem clear for implementation.
- The guidance is helpful, especially the provision of examples.

The consultation asked:

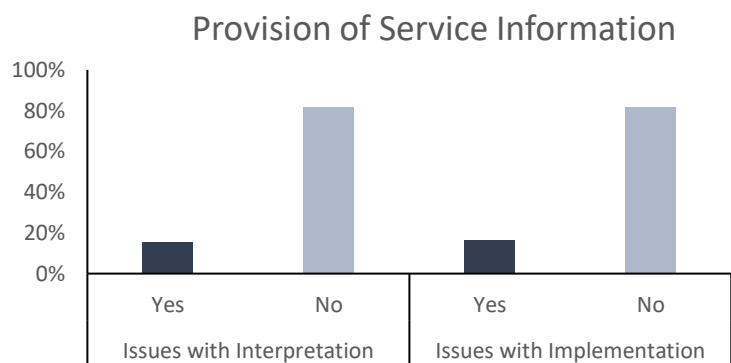
Q3. Do you foresee any issues with the interpretation of the rules in relation to provision of Service information?

Q4. Do you foresee any issues with the implementation of the rules in relation to provision of Service Information?

Q3 - Q4

Issues with Interpretation	Yes	15.7%
	No	81.8%

Issues with Implementation	Yes	16.5%
	No	81.8%

**Issues with interpretation included:**

- A firm may offer something, but not actually deliver what they offer.
- Uncertainty about what would be covered.
- The service provided is client specific and adequately covered in the client care letter.
- Timescales are always problematic particularly in leasehold. Firms will need to emphasise possible delays at an early stage.
- "One size fits all" does not work for legal service.
- There are too many unforeseens in probate to provide timescales.

Where no issues were seen with implementation this was because:

- The rules seem quite simple, straightforward and the wording seems quite clear. The guidelines are clear
- Firms should be transparent about this information, so interpretation should not be problematic.

Issues with implementation included:

- There could be an issue because the rule states "typical." It maybe difficult for some clients to understand that their case may not be typical.
- It appears that insufficient service information is seems to be obligatory to enable consumers to make an informed choice.

- Legal services are not "one size fits all."

Where no issues were seen with implementation this was because:

- Client care letters and terms of business are already a blueprint for this information.
- Firms should want to advertise such information, so this should not cause problems.
- Useful examples on how to describe services is given in the guidance and firms should aim not to over complicate the information they provide.
- As professionals lawyers should be able to get to grips with providing the information required.

The consultation asked:

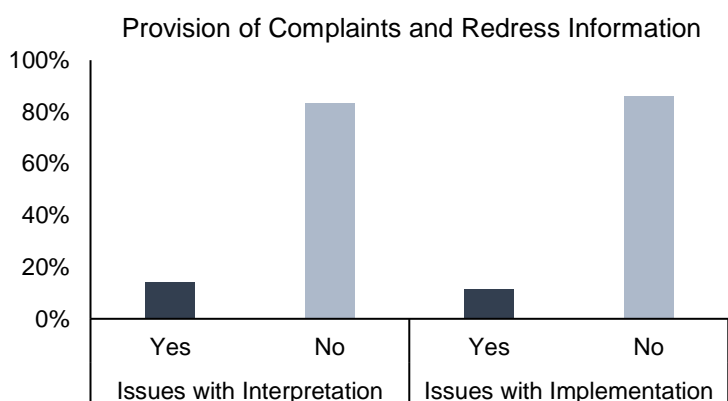
Q5. Do you foresee any issues with the interpretation of the rules in relation to provision of Complaints and Redress information?

Q6. Do you foresee any issues with the implementation of the rules in relation to provision of Complaints and Redress information?

Q5 - Q6

Issues with Interpretation	Yes	14.0%
	No	83.5%

Issues with Implementation	Yes	11.6%
	No	86.0%



Issues with interpretation included:

- This is sensitive information, publication of which could impact on winning business. Firms will consequently be reluctant to publish it. They will aim for loose interpretation to release the least information possible.
- The ability to differentiate insurance from a compensation fund.
- Un-founded complaints may increase because some clients may interpret the information as encouraging them to complain. It might be best not to work for clients who focus on complaints procedures.
- The CILEx Code of Conduct already requires that clients are provided with details of the complaints procedure.

Where no issues were seen with implementation this was because:

- Firms should already provide clear details of their complaints and redress procedure at the beginning. A good firm should be happy to give this information.
- The rules are clear, so there should be no issue with implementing them.

Issues with implementation included:

- The prominence of and the way this information should be presented should be made clearer to avoid information being buried on a website so it is not easy to find.
- Clarity about what constitutes a genuine complaint is required.

Where no issues were seen with implementation this was because:

- Provision of complaints information has been required for so many years now that there should not be any issues.

The consultation asked:

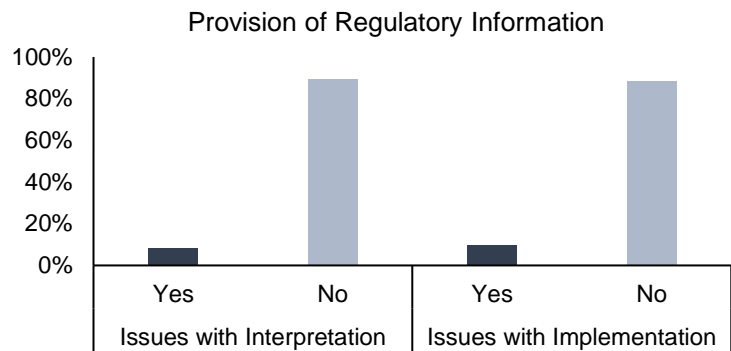
Q7. Do you foresee any issues with the interpretation of the rules in relation to provision of Regulatory information?

Q8. Do you foresee any issues with the implementation of the rules in relation to provision of Regulatory Information?

Q7 - Q8

Issues with Interpretation	Yes	8.3%
	No	89.3%

Issues with Implementation	Yes	9.9%
	No	88.4%



Issues with interpretation included:

- There will not be a comparison of the same legal services, so this will not work.
- Consumers may interpretation complicated information in different and even incorrect ways.

Where no issues were seen with implementation this was because:

- Firms know exactly what is required and should already by providing this information. The rules are clear.
- Good firms that provide good customer service should not have any problems publishing regulatory information.

Issues with implementation included:

- Too dull - the clients will not read it or care - adversely affects the look of the website
- Unworkable.

Where no issues were seen with implementation this was because:

- This is simple and clear with good examples in the guidance, so it ought to be straight forward.
- This information is highly important.

The consultation asked:

Q9. Do you have any comments on the transparency guidance provided to support firms in implementing the Transparency Rules?

Comments on the guidance included:

- While transparency of service, complaints and redress are straightforward and should not cause issues, transparency on price is going to be very hard to comply with.
- There needs to be clarification about whether estimates are still permissible.
- The approach taken appears to be reasonable and proportionate.
- Regulators do not understand how delivering legal services really works.
- The guidance is comprehensive, informative and clear.