

Legal Services Board

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29 November 2021

Dear Sirs

**Draft statement of policy on empowering consumers**

We welcome the opportunity to respond to the Legal Services Board on their draft statement of policy on empowering consumers. We have commented on the draft statement of policy itself, rather than the consultation document. In this response, reference to “personal injury” encompasses all types of claim brought because a person has been injured through the negligence of another.

*Principles*

We are pleased to note that the statement of policy suggests that regulators should pay particular attention to individuals and small businesses, and there is a recognition that there must be consideration of how consumers in vulnerable circumstances can most easily make informed choices and comparisons between providers. As stated in our response to the Legal Services Board in April 2021, clients in personal injury cases are often vulnerable, and an enhanced level of information should be provided to consumers to help inform their choice of legal provider. This could include information on professional membership, which demonstrates commitment and interest in a specific area of law, and commitment to abide by an enhanced professional code of conduct and consumer charter.

We also welcome the acknowledgement at 12(c) of the draft statement that different areas of law will require a different approach. The work of a personal injury lawyer will differ from, for example, that of conveyancing lawyer which is perhaps more easily commoditised. Implementing one set of quality indicators for all areas of law despite those differences could lead to misrepresentation of the quality of service and technical expertise provided in personal injury cases.

*Specific expectations – information about price*

We remain cautious of the LSB’s approach of information on price being a key method of enabling effective consumer choice. Price is a difficult comparison to make, particularly for personal injury cases, and does not determine the competence of the legal provider in question.

*Specific expectations - Information about quality*

In relation to the information that should be made available to consumers for them to determine quality according to the draft statement of policy, we agree that customer feedback is important and should be made available. Consumer feedback is a good way for potential clients to get a feel for a firm by recognising the experience of others. This is particularly important for personal injury firms because customer service is critical to ensure that a client is as comfortable as possible about how their case will be pursued and their expectations are managed appropriately on a case-by-case basis. These clients appreciate honesty at the outset and often the financial outcome to them is not as important as the way they feel about getting answers. Consumers place a lot of value on online comparison tools such as Trust Pilot and use them to collect their data to make an informed decision.

As set out in our response to the LSB from April 2021, outcomes and success rates are not necessarily reflective of the technical and service quality of the provider. All cases are different, with different factors in play which may determine the success of a case. Some firms may take on extremely difficult and complex cases, which may not always result in damages, but the client still feels that they have been advised well as they knew the risks involved from the outset. Taking outcomes out of context as an instant indicator of quality will reflect unfairly on those providers who take on riskier cases.

Caution should also be exercised around the display of data about complaints, to ensure that it is not misleading. While information about complaints can be useful to consumers, it should be provided in context.

The most effective way for consumers to easily determine quality of legal providers is for there to be an accreditation scheme to which legal providers can sign up. In order to be accredited, legal providers must prove that they meet certain criteria, and thus can provide a certain level of quality of service and technical expertise. APIL operates an accreditation scheme for its members and prides itself on aiming for all eligible members to be APIL accredited to ensure that those seeking legal services in relation to personal injury cases are receiving a knowledgeable and specialist service. APIL’s accreditation scheme gives consumers a definable kite mark of quality to look for when seeking advice on a personal injury claim. Accreditation should form part of the technical quality which the LSB consider because this is something that consumers can recognise, and provides them with reassurance that a certain legal provider meets certain standards in terms of quality. Accreditation schemes can also go hand in hand with ensuring continuing competence within the legal profession. APIL’s accreditation scheme, for example, requires those holding accreditation to complete 16 hours of relevant CPD training every year. In areas of law such as personal injury, it is vital that legal professionals undertake CPD as the law is continually changing and evolving and practitioners must remain up to date in order to provide the best service.

*How information is made available to consumers*

We welcome that the draft statement of policy encourages the development and use of digital comparison tools (DCTs), online registers and review sites. In order to assess which firm would be best for them, a consumer should be able to shop around and use different websites, including DCTs and law firms’ websites to get a feel of the different firms, the services they provide and what they would expect. Even if a consumer looks through consumer feedback on Trust Pilot, they may still want to go onto the law firm’s website to get a further understanding of the expertise of the firm prior to making contact. A single digital register may be beneficial to have some law firm information in one place, however it won’t be as in-depth as the information provided on the firm’s own website or the website of a professional organisation displaying accredited members, levels of accreditation and profiles.

We hope that our comments prove useful. Any queries in relation to this response should be directed to Alice Taylor, Legal Policy Manager, [alice.taylor@apil.org.uk](mailto:alice.taylor@apil.org.uk), in the first instance.

Yours faithfully



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