

**Consumer
Scotland**

Luchd-Cleachdaidh Alba

Using Legal Services

Perceptions and experiences
of consumers in Scotland

January 2024

Executive Summary

The Scottish Parliament is currently considering the *Regulation of Legal Services (Scotland) Bill* which reforms the regulation of legal services. Given these ongoing reforms, and previous concerns raised regarding how well the legal services market meets the needs of consumers, Consumer Scotland undertook research to explore the consumer experience of accessing legal services in Scotland and people's perceptions of, and need for, legal services.

The research consisted of two surveys, the first being a national sample of 1013 adults which explored people's understanding of the legal services market and established incidence rates for both people's experience of issues where legal support may have been needed and for their use of legal services. The sample was representative of adults based in Scotland by age, gender, social grade, urban/rural region, and Scottish region. The second survey was of 1504 adults based in Scotland who had used at least one legal service in the past 2 years. The sample was representative by the type of legal service used, based on the incidence data gained from the first survey.

Legal Support Needs and Use of Legal Services

We found that that 48% of adults in Scotland said they had experienced something in the last two years that indicated they may have needed legal support. The most common reported experiences were buying, selling or re-mortgaging a property (known as conveyancing), and dealing with wills, power of attorney, and estates of people who have died, followed by an issue or dispute to do with employment, welfare, or benefits.

Almost a third (31%) of adults based in Scotland told us they had used legal services in the last two years, most commonly in connection with conveyancing (11%), powers of attorney or wills (both 7%).

Our survey of users of legal services found that 75% said they used a solicitor, with 5% using a Citizens Advice Bureau and smaller numbers reporting using other sources of help such as charities, advice agencies, trade unions or insurance companies.

Perceptions of Legal Professionals, Legal Confidence and Access to Justice

A majority of adults based in Scotland (60%) said they would generally trust legal professionals to tell the truth, with only 16% disagreeing with this statement. This is lower than the level of trust for doctors (83%) but higher than trust in the ordinary person on the street (41%).

When asked to choose from a range of descriptors about legal professionals, people who had used legal services described them as professional (61%), knowledgeable (55%), a necessity (46%) and highly qualified (39%). However, they were also described as expensive (56%) and difficult to understand (22%) while only 12% described them as empathetic and 6% as consumer focussed.

Over a third (37%) of adults in Scotland have low levels of legal confidence, meaning they are not confident they can achieve good outcomes across a range of common legal scenarios. In addition, 24% of adults perceive the justice system in Scotland as being not very accessible.

Choice and Accessibility

When choosing a provider, less than a quarter of legal services users (19%) told us they had shopped around or compared providers. Almost three quarters (73%) did not do so, and 4% said that they wanted to shop around but did not know how to.

Despite most users not shopping around, a majority (69%) said that they had at least a fair amount of choice when deciding which legal service provider to use, while a quarter (25%) felt that they had a great deal of choice. More than a quarter (27%) felt they did not have much or any choice, while 6% said that they did not have any choice at all.

Factors that influenced people's choice of provider included prior use of the provider by friends or family (32%), a recommendation from friends or family (16%) or a referral from another professional or organisation (12%).

When asked to rank the most important factors in choosing a legal services provider, reputation was the most important (83%), followed by previous experience (74%) or specialism in the issue at hand (72%), the presence of local or convenient offices (72%), speed of delivery (69%) and price (68%).

Paying for legal services

Most legal service users paid for the service themselves (68%) through either savings (55%) or regular income (36%). Over a third (35%) paid up to £1000 for their service, with over a quarter (28%) paying over £1,000.

Two thirds (66%) told us it was easy to understand the information provided regarding costs. 59% of users said they were given a written estimate of the total fee or the basis on which they would be charged before any legal work commenced.

Satisfaction with services and knowledge of how to complain

The majority (59%) of legal services users considered their service to be good value for money, while 11% reported that it was poor value for money. We also asked people about their satisfaction with various aspects of the service provided. The majority of those who had used legal services were happy with the professionalism of their provider (84%), the quality of advice (83%) and the explanations provided to help them understand (82%).

Less than half (44%) of legal services users were confident that they knew how to go about making a complaint if they were dissatisfied with the service, with a quarter uncertain (26%) and a significant proportion (30%) saying that they did not know. Almost two-thirds (64%) said they had been told who to contact if they had any concerns about the work being done, but only a little more than a third (36%) recollected being told when a complaint could be referred to the Scottish Legal Services Commission. In addition, where legal service users had taken steps to compare providers, only a minority said it was easy to find information about regulation (40%), whether they could complain to an independent body (35%) or about the availability of professional indemnity insurance (23%).

Even those consumers who said they were confident in knowing how to make a complaint struggled to identify the correct route, with a third (33%) providing answers which suggested an incorrect understanding of the correct route for first tier complaints.

Looking further at regulatory issues, in light of the current reforms we asked our nationally representative sample whether they thought it was acceptable for the same organisation to both regulate and represent lawyers. 63% said this was unacceptable, with just over a fifth (21%) saying it was acceptable and 16% answering “don’t know”. In our second sample, of people who had used legal services, a higher proportion (73%) said this was unacceptable, with only 20% saying it was acceptable.

1. Background

In 2023 Consumer Scotland commissioned survey research to provide insight into consumer perceptions of and experience of using legal services in Scotland. This report presents the preliminary, high-level findings from this research to inform the debate around the development of legislative proposals which are currently before the Scottish Parliament.

About Consumer Scotland

- 1.1 Consumer Scotland is the statutory body for consumers in Scotland. Established by the Consumer Scotland Act 2020, we are accountable to the Scottish Parliament.
- 1.2 Our purpose is to improve outcomes for current and future consumers and our strategic objectives are:
 - to enhance understanding and awareness of consumer issues by strengthening the evidence base
 - to serve the needs and aspirations of current and future consumers by inspiring and influencing the public, private and third sectors
 - to enable the active participation of consumers in a fairer economy by improving access to information and support.
- 1.3 Consumer Scotland uses data, research and analysis to inform our work on the key issues facing consumers in Scotland. In conjunction with that evidence base we seek a consumer perspective through the application of the consumer principles of access, choice, safety, information, fairness, representation, sustainability and redress.
- 1.4 We work across the private, public and third sectors and have a particular focus on three consumer challenges: affordability, climate change mitigation and adaptation, and consumers in vulnerable circumstances.

Legal Services in Scotland

- 1.5 The Legal Services market in Scotland is entirely devolved. It is an important market as legal services can help people to access justice and to resolve legal issues in everyday areas of life such as property law, family and estates and employment matters. Because legal services are often purchased in stressful situations and given the knowledge disparity between professionals and clients,

there are concerns that consumers are potentially at risk of vulnerability in this market. Research by the Legal Services Board in England and Wales found that anyone using legal services can be considered inherently vulnerable, primarily due to the situation that prompts their legal need, but also due to the way the legal services market works. In addition, the review also pointed to specific ‘additional risk factors’ which may influence vulnerability for users of legal services, such as poverty or low income; disabilities; low literacy; digital exclusion; and domestic abuse.¹

- 1.6 The Scottish Government commissioned an independent review of the legal services market in Scotland, which was carried out by Esther Robertson in 2018 (The Robertson Review).² The Review identified a lack of available research regarding the Scottish legal services market and in particular, a lack of research focusing on the consumer experience.
- 1.7 Prior to the Robertson Review, the Competition and Markets Authority (CMA) carried out a Market Study into legal services in England and Wales.³ This found that consumers in England and Wales faced challenges in identifying their legal needs, in finding information on price and quality and judging the quality of service being offered. It also observed low levels of transparency within the sector, preventing consumers from making informed choices. In response to the Robertson Review, the CMA noted that consumers in Scotland were likely to face many of the same issues and that some aspects of the sector may not be delivering good outcomes for consumers.⁴ Following on from the CMA’s response, new price transparency guidance was introduced by the Law Society of Scotland in 2021. However, as yet there is no publicly available analysis of the effect of these reforms on competition or consumer choice.
- 1.8 The Scottish Government has introduced the *Regulation of Legal Services (Scotland) Bill*⁵ to reform the regulation of legal services. The Bill was preceded by a lengthy series of consultations which followed on from the Robertson Review. Given these reforms Consumer Scotland decided to undertake work to understand how consumers experience accessing legal services in Scotland, how satisfied they are with the services used and to gauge levels of understanding of regulatory frameworks. It is intended that the results of this work can provide a baseline against which the impact of the reforms currently being considered in the Scottish Parliament can be assessed.
- 1.9 In designing and carrying out this survey Consumer Scotland has been influenced by the work of England and Wales’s Legal Services Board’s Consumer Panel who run an Annual Tracker Survey about consumer expectations and experience.⁶

Our Research Aims and Methodology

1.10 The aim of the research was to:

- Understand how consumers experience legal services in Scotland

- Explore how satisfied consumers are with their experiences of legal services in Scotland and
- Identify consumer perception on the regulation of legal services in Scotland.

1.11 In undertaking this research, we wished to answer the following questions:

- What types of consumers are using legal services in Scotland?
- The reason for their use
- The type(s) of legal services they accessed
- How they accessed and paid for legal services?
- Whether they had any difficulty in accessing with legal services?
- Their satisfaction with the service they received
- Their knowledge of how to complain if they were not satisfied and their satisfaction with the complaints process if used
- General awareness of the legal profession and regulatory framework surrounding legal services.

1.12 The findings of this research are based on two separate surveys conducted by YouGov. First, a survey of 1,013 adults based in Scotland was conducted between 21st September and 3rd October 2023. The sample was representative of adults based in Scotland by age, gender, social grade, urban/rural region, and Scottish region. This survey explored perceptions of the legal services market as well as establishing incidence rates for respondents' experience of issues requiring legal support and use of legal services. Where the results of this survey are used in this briefing, we refer to this sample as '*adults based in Scotland*'.

1.13 A second, separate survey of 1,504 adults based in Scotland who had used at least one legal service in the two years prior to survey was conducted between 23rd October and 14th November 2023. The sample was representative by the type of legal service used, based on the incidence data gained from the first survey above. This second survey explored in depth consumer experience of legal services, including examining how they chose their most recent legal service provider, issues around cost, information provision and levels of satisfaction with their experience. Where the results of this survey are used in this briefing we refer to '*users of legal services*'.

1.14 While some of those users may have been small businesses, particularly sole traders, the focus of the survey was primarily on individual users. Further separate research would be required to explore the experiences of small business users of legal services in Scotland.

1.15 The full report of this research will be available later in 2024 and will contain further in depth analysis of sub-group data. This briefing focusses on overall findings and key issues. It does not provide comprehensive analysis of the full survey data. Given the active parliamentary process in relation to the *Regulation*

of Legal Services (Scotland) Bill we are publishing this shorter briefing now to inform the debate.

2. Our Research Findings

Consumer Perceptions, Legal Support Needs and Use of Legal Services

Perceptions of legal providers

- 2.1 Our survey of adults based in Scotland demonstrated a fair degree of trust in legal service providers, with 60% saying they would generally trust them to tell the truth and only 16% disagreeing. This is lower than the level of trust for doctors (83%) but higher than trust in the ordinary person on the street (41%).
- 2.2 Respondents to the users of legal services survey were asked to choose from a list of possible words to describe lawyers and the legal profession. Words they associated with legal service providers included professional (61%) and knowledgeable (55%). However, providers were also seen as expensive (56%) with only 7% seeing them as good value for money. While more than a third of users of legal services described them as intelligent (35%) and highly qualified (39%) only 12% saw them as empathetic and only 6% described them as consumer focussed.

The incidence of Legal Issues in Scotland

- 2.3 Around half of adults based in Scotland (48%) said they had experienced something in the last two years that indicated they may have needed legal support.⁷ The most common reported experience of adults based in Scotland was dealing with wills, power of attorney, and estates of people who have died, followed by an issue or dispute to do with employment, welfare, or benefits.⁸

Who uses Legal Services in Scotland and on what issues?

- 2.4 Of those adults based in Scotland who indicated that they experienced an issue where they may have needed legal support almost a third (31%) reported using legal services in the last two years. Focusing on that third who had used legal services, the most common reason was conveyancing (37%), followed by power of attorney (22%), will writing (21%) and dealing with the estates of people who have died (14%). Although 17% of adults based in Scotland reported experiencing an issue or dispute to do with employment, finances, welfare and benefits in the last two years, when asked about which legal services they had actually used, only 4% reported using legal services in relation to these issues.

- 2.5 When looking at our survey of users of legal services, it should be noted that the sample reflects people's use of the legal services described above. Since our findings are dominated by the experiences of users of a small number of legal services – conveyancing, power of attorney, wills and estates – the overall findings presented here may not be representative of the experiences of consumers in relation to other areas of law such as family, employment or medical negligence. Further targeted research would be required to investigate the particular experiences of those users.
- 2.6 Three quarters of users of legal services (75%) said they used a solicitor for the legal service that they accessed most recently, with 5% using a Citizens Advice Bureau and even smaller numbers reporting accessing other sources of help such as charities, advice agencies, trade unions or insurance companies. 82% of consumers believed that the provider they used was regulated by the appropriate professional body while 15% did not know if this was the case or not.
- 2.7 The high proportion of people using solicitors reflects the fact that the majority of our users were primarily accessing legal services for conveyancing, power of attorney, wills and estates. It is also linked to the restriction on business models that has previously applied to the Scottish legal services market. The reliance on solicitors to provide these types of service suggests that there could be room for the market to diversify in order to provide a wider variety of ways in which consumers can seek support.

Choosing and Paying for Legal Services

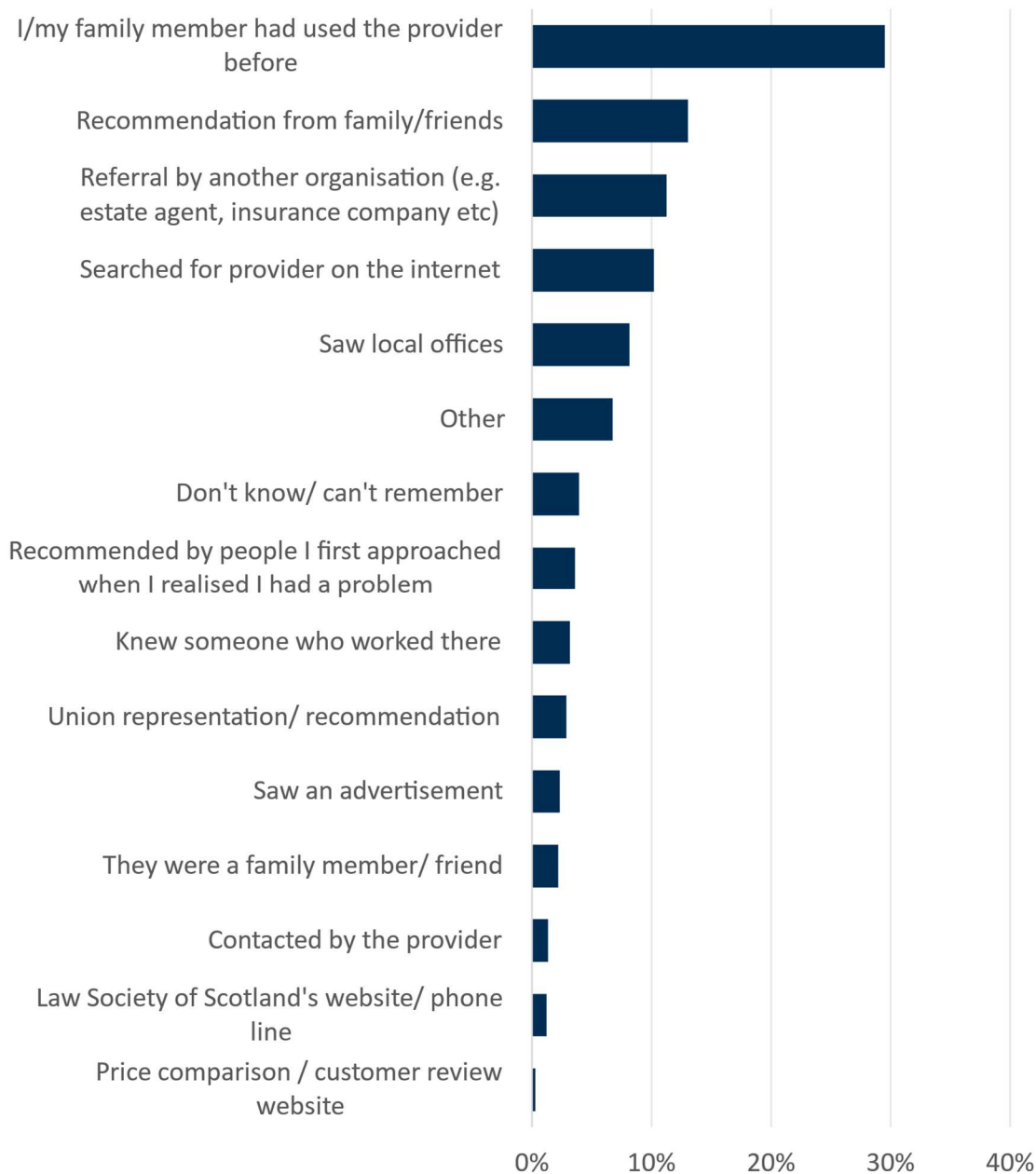
How consumers choose legal providers

- 2.8 In response to the Robertson Review, the CMA noted that consumers in Scotland were likely to face low levels of transparency in the legal services market, preventing consumers from making informed choices when accessing legal services. The Robertson Review also raised concerns regarding a lack of consumer information on services, including difficulties in assessing cost and quality. In particular, price transparency was seen as a problem. We explored the factors which influenced how people chose legal providers and the extent to which people felt they had a choice or engaged in comparisons between providers.
- 2.9 More than two thirds of users of legal services (69%) said that they had at least a fair amount of choice when deciding which legal service provider to use, while a quarter (25%) stated that they had a great deal of choice. 27% felt they did not have much or any choice with 6% saying that they did not have any choice at all.
- 2.10 When asked how they chose a provider, a third (32%) were influenced by prior use of the provider by friends or family, a recommendation from friends or family (16%) or a referral from another professional or organisation (12%). Seeing local offices was a relevant factor for 10%, while 12% were influenced by the results of internet searching.

2.11 Similar research in England and Wales showed that 80% felt they had a choice of provider, and that users were also heavily influenced by having previously used a provider or receiving a recommendation from friends and family.⁹

Chart 1: Previous experience and recommendations are the most common reasons for choosing a legal services provider

“Which ONE of the following BEST describes how you chose your provider?”



Source: Legal Services Users survey, question 60. Base: 1,504

2.12 When asked to rank the factors which were most important in choosing a legal services provider, reputation was the most important (83%), followed by previous experience (74%) or specialism in the issue at hand (72%), the presence of local or convenient offices (72%), speed of delivery (69%), and price (68%).

- 2.13 Although a majority of people felt they that they had a choice of provider, less than a quarter of users of legal services (19%) reported shopping around. This contrasts with the most recent tracker results from England and Wales (2023) which found two fifths (39%) of consumers shopped around.¹⁰ Almost three quarters (73%) of users in Scotland did not, and 4% said that they wanted to shop around but did not know how to do so. Two thirds (66%) of those who did shop around compared two or three providers, while a quarter (25%) compared four or more.
- 2.14 Of those users who knew how many providers they had compared, more than half (54%) said it was easy or quite easy to compare the prices of these providers, while 16% stated that the comparison on price was difficult, and 7% reported it was very difficult. While fewer users reported searching for information on governance and accountability factors, those who did said this information was harder to find. Only 40% of users found it easy to find information on regulation, 35% said it was easy to find information on the availability of independent complaints mechanisms and 23% said it was easy to find information on a provider's professional indemnity insurance cover.
- 2.15 When looking at services as a whole, 55% of those who shopped around said it was easy to make comparisons between different providers, while almost a third (29%) said it was neither easy nor difficult and 14% said it was either difficult or very difficult.
- 2.16 Those who shopped around were asked what could have made comparisons easier between providers and reported that price comparison tools allowing them to compare multiple providers rather than searching individual sites would have been useful. It was also suggested that having a template or standard format for the provision of information, particularly regarding pricing and the inclusion or otherwise of disbursements, would be useful to enable more like-for-like comparisons.
- 2.17 Our survey shows, therefore, that when selecting providers, users continue to be heavily influenced by word of mouth, recommendations or referrals. The majority of legal services users did not shop around for providers, which may indicate that consumers find it more difficult to engage in market comparisons or judge the quality or value for money of services offered. Consumer Scotland would welcome further consideration being given to this issue by regulators and professional bodies to ensure that information is easily accessible and comparable, boosting competition in the market and allowing consumers to make informed decisions about which services will best meet their needs.

Paying for legal services

- 2.18 68% of users of legal services said that they self-funded their use of legal services. This was commonly done through using savings (55%), regular income (36%) or help from friends and family (8%). 10% of consumers said they had accessed free legal services and 4% used a "no-win, no-fee" arrangement.

2.19 When looking at the total cost of transactions, over a third (35%) paid up to £1000 for their service, with over a quarter (28%) paying over £1,000. However, this figure must be treated with some caution as roughly the same proportion of consumers said they did not recall the total cost of the legal service.

2.20 59% of users said they were given a written estimate of the of the total fee or the basis on which they would be charged before any legal work commenced. More than a third (39%) of legal services users had their bill calculated based on a fixed fee, 12% accessed a free service and 10% were billed based on either an hourly rate or a combination of this and a percentage-based fee. Those receiving a bill based on a fixed fee were more likely to say their price was easy to understand (83%) while 23% of those who received bills based on an hourly rate said they were difficult to understand. These figures should be seen in the context of the types of the legal services being accessed by our survey participants and further research would be needed to examine whether other legal issues might have different characteristics.

Setting out the scope of legal work

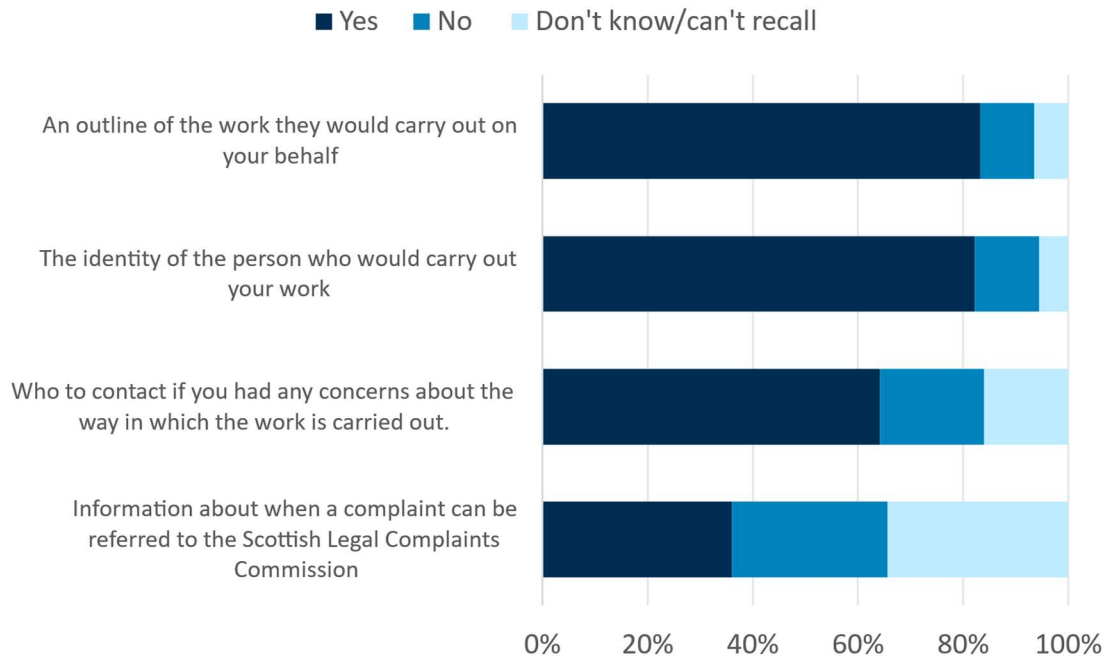
2.21 Since 1 August 2005 it has been mandatory for all solicitors in Scotland to issue terms of business letters to clients in all transactions, subject to certain limited exceptions. Rule B4 of the *Practice Rules* requires solicitors to provide the following information in writing to clients:

- An outline of the work to be done
- An estimate of the total fee or the basis upon which the fee will be charged including VAT and outlays
- Details of any contribution towards Legal Advice & Assistance or Legal Aid and details of the effect of preservation or recovery of any property if relevant
- Who will do the work and
- Who the client should contact if they have any concerns or complaints.

2.22 The issue of how cost is communicated is discussed above. We also explored the extent to which users of legal services in Scotland recalled receiving this information. When considering the answers to this question it is important to bear in mind that any question which requires respondents to remember retrospectively will have limitations. In addition, not all legal services provided were delivered by regulated providers, therefore, some will not have been subject to this requirement. However, as noted above three quarters of our legal services users did indicate that they had used a solicitor to carry out their legal service.

Chart 2: Legal service users are less likely to be given information about how to raise dissatisfaction or make a complaint than other aspects of the service

“Before the legal service provider started their work... Were you given each of the below:”



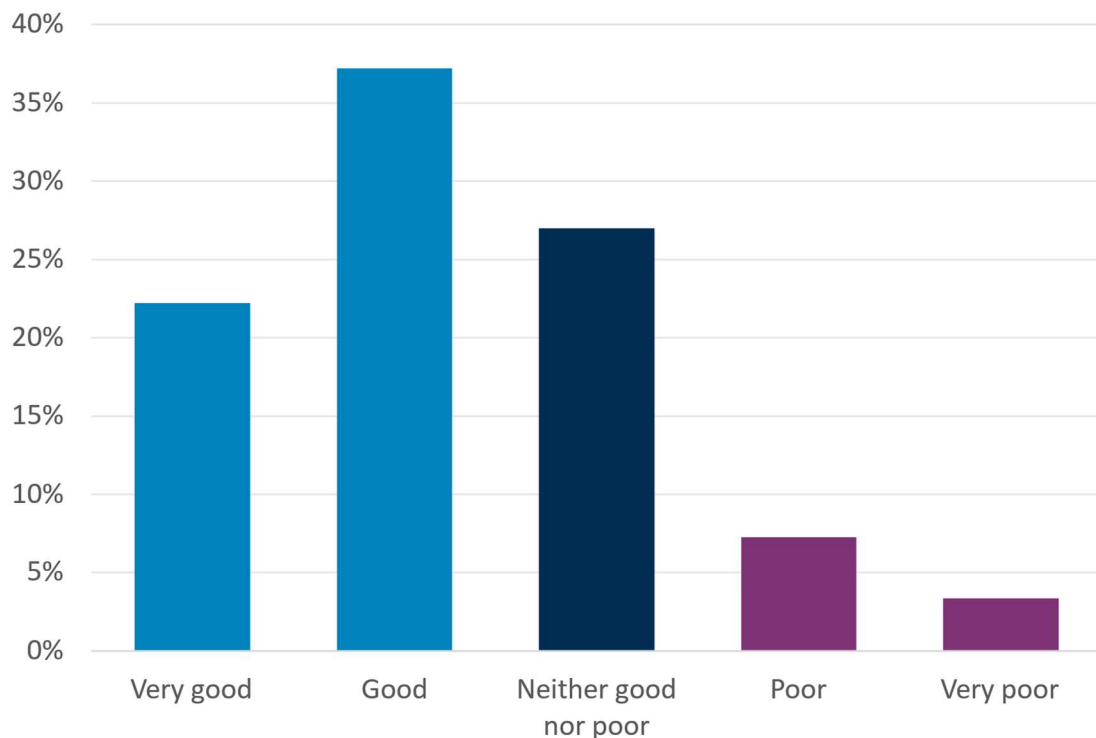
Source: Legal Services Users survey, question 76. Base: 1,504

- 2.23 The majority of users of legal services (86%) reported that they agreed with the provider how work would be carried out before it was commissioned. 83% said they were given an outline of the work that would be carried out their behalf. 10% said they were not and 6% did not recall.
- 2.24 82% of legal services users said they were told the identity of the person who would carry out the work on their behalf. 12% said they were not told this and 6% did not recall.
- 2.25 64% of users said they were told who to contact if they had any concerns about how the work was carried out, 20% said they were not and 16% could not recall. In relation to complaints, only 36% recalled being told when a complaint could be pursued to the Scottish Legal Complaints Commission (SLCC). 30% said they were not told and 34% did not recall.
- 2.26 This suggests that while the majority of consumers are fairly clear about what the scope of the work is, who will do it and who to contact about it, there is room for improving user understanding regarding both how to express any concerns about legal services and in relation to governance and accountability issues such as formal complaints. This may also be linked to the findings of the Robertson Review which highlighted the need to reduce complexity in the process and establish more streamlined and user friendly complaints processes to maintain public confidence in the system.

User Satisfaction

2.27 A majority (59%) of users of legal services considered their service to be good value for money, while 27% said it was neither good nor poor, with 11% reporting it was poor value for money. The proportion who believed that the legal service they received was good value for money in England and Wales in 2023 was 68%.¹¹

Chart 3: Nearly 3 in 5 legal service users think value for money is good or very good
“Do you think the value for money of the overall service and advice provided was...?”



Source: Legal Services Users survey, question 40. Base: 1,504

2.28 When looking at overall satisfaction levels, 86% of users were satisfied with the outcome of their issue and 84% were satisfied with the service they received. Legal services users were happy with the professionalism of their provider (84%) the quality of advice (83%) and the explanations provided to help them understand the issues (82%). Satisfaction with the service provided by legal services providers in England and Wales is at similar levels, at 85%.¹²

Complaints and Regulation

2.29 We asked users of legal services whether they would know how to go about making a complaint if they were dissatisfied with the service received. Less than half (44%) were confident that they knew who to complain to, with more than a quarter uncertain (26%) and a significant proportion (30%) saying that they did not know. This contrasts with England and Wales where more than half of users (52%)

reported that they would know how to go about making a complaint if they were dissatisfied, while 28% were uncertain and 21% did not know.¹³

- 2.30 Of those legal service users in Scotland who said they did know how to go about making a complaint, 59% said they would first approach the provider, 17% said they would approach a representative body such as the Law Society of Scotland or Faculty of Advocates and 16% said they would first approach the Scottish Legal Complaints Commission (SLCC). 3% said they would contact a Citizens Advice Bureau, with smaller numbers suggesting other avenues of complaint such as other providers, politicians or other consumer bodies.
- 2.31 A third (33%) of those users who were dissatisfied with the service received from their legal provider raised their concerns directly with the provider but did not make a formal complaint, 14% got advice from a third party about what to do and 9% intended to complain but had not yet done so. Only 8% made a formal complaint to the service provider and 3% pursued a complaint to the SLCC. 35% did not do anything. The survey did not investigate why those who were dissatisfied (unweighted base = 88) did not do anything about their complaint, or why so few of those who were dissatisfied pursued formal complaints with providers or the SLCC and further research would be required to explore this issue.
- 2.32 More generally, the results show that more than half of legal services users in Scotland either do not know or are uncertain about how to complain (56%). The current complaints system relies on service users complaining first to their provider. In the event of no response, or a response they are unhappy with, they should then approach the SLCC. It should be noted that even those service users who said they were confident in knowing how to make a complaint struggled to identify the correct route, with a third (33%) suggesting an incorrect understanding of the correct route for first tier complaints. This suggests that further measures may be required to ensure people using legal services understand how to raise complaints and access redress in this market. These findings also link to the lower number of service users who recalled receiving information on complaints at the time they agreed the work with their provider. As noted above, users also told us that when shopping around for providers, information on regulatory and governance factors was harder to find than information on price.
- 2.33 Given the ongoing debate around the regulation of the legal profession we asked adults based in Scotland whether they thought it was acceptable for the same organisation to both regulate and represent lawyers. 63% said this was unacceptable, with less than a quarter saying it was acceptable (21%) and 16% answering “don’t know”. In our second sample, of people who had used legal services, a higher proportion (73%) said this was unacceptable, with only 20% saying it was acceptable.
- 2.34 This raises questions around whether a model which continues to provide for the professional bodies to have both a regulatory and representative role will be able to command sufficient public confidence and emphasises the need for transparency and for adequate safeguards for consumer interests.

Confidence in Navigating Legal Issues and Accessibility of Justice

- 2.35 Our survey of adults based in Scotland also explored people's legal confidence and the perceived accessibility of justice, using an analysis of standardised measures of legal confidence and perceived accessibility of justice. These measures are constructed from a series of deliberately contrasting statements to gauge people's beliefs and have been psychometrically tested for their accuracy.¹⁴
- 2.36 Legal confidence explores an individual's confidence that they could personally achieve a fair and positive outcome in various legal scenarios. Answers are grouped into an overall score out of 100, where a higher score indicates a greater legal confidence that they could personally achieve a fair and positive outcome. Just over a third (37%) of adults based in Scotland have low levels of legal confidence, meaning that they are not confident they could personally achieve a positive outcome in the scenarios outlined. 56% have a medium level of confidence and only 8% have a high level of confidence. The same questions were asked in our survey of users of legal services and confidence levels were similar, with 35% of users having low confidence and the same figures for medium and high confidence. The scores are also consistent with findings from England and Wales which also found that 37% of people have low levels of legal confidence.¹⁵
- 2.37 In a market where so few consumers feel confident in navigating legal issues, low levels of legal confidence reinforces the risk of information asymmetry between legal service users and legal professionals. The SLCC's Consumer Panel has also noted that the nature and circumstances of legal action, where consumers are not generally familiar with the law and legal processes, can make consumers more vulnerable and that legal practitioners may not always be aware of these risks of vulnerability.¹⁶ Consequently, an accessible, timely and fair process for resolving complaints about legal services is necessary, as is a regulatory environment that can ensure that the market is able to meet the needs of all consumers.
- 2.38 We also examined the extent to which consumers of legal services think the justice system, excluding criminal justice, is accessible. As with legal confidence scores, answers to these questions are grouped into an overall score out of 100. The results were very similar in both of our surveys with 61% of adults in Scotland and 60% of users of legal services having a score indicating medium accessibility of justice on this measure, with 14% and 13% respectively scoring high accessibility and 24% and 26% a low score indicating a perception that justice is less accessible. The percentage of the population in England and Wales with a low perception of accessibility in 2020 was 18%.¹⁷

3. Conclusion

- 3.1 Legal Services are an important market for consumers in Scotland. Accessing legal support can help to support consumers during important, and often stressful, life events.
- 3.2 Around half of Scottish adults told us they had experienced something in the last two years that indicated they may have needed legal support, although not all these people went on to access legal services. Around a third (37%) of adults based in Scotland are not confident that they can negotiate complex legal matters without outside help from legal professionals and nearly a quarter (24%) do not find the legal system as a whole very accessible.
- 3.3 When people do seek help it is important that they are able to receive the information they need to make effective decisions about how best to resolve their issues. Previous reports and reviews have highlighted a lack of evidence about the consumer experience of accessing legal services along with highlighting potential problems around how consumers find information on issues about the price and quality of legal services. The research that Consumer Scotland has conducted here is a first step in addressing this evidence gap and aims to provide up to date information on how the legal services market is operating for consumers in Scotland.
- 3.4 Users of legal services in Scotland generally have a high regard for legal services providers, viewing them as professional figures, more trustworthy than the average person. However, providers were also associated with being expensive and were not seen as being particularly empathetic or consumer-focussed.
- 3.5 A majority of legal service users felt they had a reasonable level of choice when selecting legal service providers. It is clear from the survey that the majority of legal services were provided by solicitors. When choosing providers, users relied heavily on recommendations and referrals from friends, family or other professionals. This suggests both that there is room for the market to diversify, in terms of how services are provided, and that legal services users may benefit from the development of new ways in which they can shop around or access and compare information about potential providers.
- 3.6 Levels of satisfaction with legal services providers were generally high, especially in relation to quality and outcomes. However, some users would have welcomed more clarity regarding costs. Our findings suggest that there is also room for improvement on how information is provided in relation to governance and

regulatory issues. Specifically, there is room to improve understanding around what service users can do if they are unhappy with the service received, as many respondents were not aware of, or failed to identify correctly, how any dissatisfaction or complaints could be raised.

- 3.7 Notably, given the proposals contained in the current Bill, the majority of respondents in both surveys said it was unacceptable for a professional body to hold both regulatory and representative roles, suggesting that a system which maintains a dual role for professional bodies may struggle to command public support. This emphasises the need for strong checks and balances to safeguard consumer interests.
- 3.8 Further analysis will be undertaken of the detailed sub-group data in this survey, with a full report being published later in 2024.

¹ [Vulnerability-in-legal-services-research-FINAL-REPORT-v2-1.pdf \(legalservicesboard.org.uk\)](#)

² <https://www.gov.scot/news/reform-of-legal-services-regulation/>

³ [Research report - Legal services in Scotland \(publishing.service.gov.uk\)](#)

⁴ CMA (2019) [CMA's response to the Robertson Review \(publishing.service.gov.uk\)](#)

⁵ [Regulation of Legal Services \(Scotland\) Bill – Bills \(proposed laws\) – Scottish Parliament | Scottish Parliament Website](#)

⁶ Legal Services Consumer Panel (2023) [Annual Tracker Survey](#)

⁷ Similar studies in England and Wales have shown that 64% of adults based in England and Wales have experienced a legal issue during the past four years, however it should be noted that these questions are not framed in identical ways. More specifically, 53% of the population there had experienced a contentious legal issue and 27% a non-contentious legal issue. The most commonly experienced legal issues in England and Wales were issues with a professional or defective good/service (26%), anti-social behaviour by neighbours (14%), buying or selling property (11%), making or changing a will (11%) and employment-related issues (11%). See Legal Services Board. (2020) [Legal Needs of Individuals Executive - Summary Report 2019 / 2020 \(legalservicesboard.org.uk\)](#)

⁸ Note the [Scottish Crime and Justice Survey](#) 2019-20 reported that around three-in-ten adults experienced civil law problems in Scotland in the three years prior to their interview for the survey. The higher percentage we found in our survey reflects that fact that we asked respondents to our survey to highlight any issues where they may have needed legal support and it was not limited to problem areas.

⁹ Legal Services Consumer Panel (2023) [Annual Tracker Survey](#)

¹⁰ Legal Services Consumer Panel (2023) [Annual Tracker Survey](#)

¹¹ Legal Services Consumer Panel [2023 Tracker report](#)

¹² Legal Services Consumer Panel [2023 Tracker report](#)

¹³ Legal Services Consumer Panel [2023 Tracker report](#)

¹⁴ Pleasence, Pascoe and Balmer, Nigel. (2018). Legal confidence and Attitudes to Law: Developing standardised measures of legal capability. Cambridge: PPSR. [Pleasence, Pascoe and Balmer, Nigel. Legal confidence and Attitudes to Law: Developing standardised measures of legal capability](#)

¹⁵ Legal Services Board. (2020). Reshaping Legal Services to Meet People's Needs: An Analysis of Legal Capability. London: Legal Services Board. [Legal Services Board - Reshaping legal services to meet people's needs](#)

¹⁶ [Vulnerable consumers | Scottish Legal Complaints Commission](#)

¹⁷ [Legal Services Board. \(2020\). Reshaping Legal Services to Meet People's Needs: An Analysis of Legal Capability](#). London: Legal Services Board. Note that the infographic on page 5 of that report quotes a figure of 36% for low accessibility. However, the table on page 7 cites a figure of 18% for people who thought justice was not accessible [Legal-Needs-of-Individuals-Technical-Report-Final-May-2022.pdf \(legalservicesboard.org.uk\)](#) (see Figure 10, p.26). Therefore the 18% figure has been used in our report.