

Research into Client Care Letters

QUALITATIVE RESEARCH REPORT

Prepared for:

Bar Standards Board, CILEx Regulation Limited, Costs Lawyer Standards Board, Council for Licensed Conveyancers, Institute of Chartered Accountants in England and Wales, Intellectual Property Regulation Board, Legal Services Consumer Panel, Master of the Faculties and Solicitors Regulation Authority

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October 2016

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1 EXECUTIVE SUMMARY

1.1 Research Overview

The legal services regulators¹ have commissioned joint research with the Legal Services Consumer Panel (LSCP) to understand how consumers engage with Client Care Letters (CCLs), with a view to improving their effectiveness. The need for this study was identified following growing recognition that the language used by legal services providers and the methods of communication used are a major barrier to individuals understanding and engaging with legal services². CCLs were felt to be a key area of focus, given that they are usually the first written communication a consumer receives after taking up legal advice. While not in themselves a regulatory requirement, CCLs are often used to fulfil regulatory obligations such as providing written information about the complaints process. They are typically sent out soon after a legal services provider is appointed, as a confirmation of the consumer's instructions.

This report contains the findings of the research conducted by Optimisa Research with recent and prospective users of legal services, to explore perceptions of existing CCLs, and identify how these could best meet consumers' needs. This qualitative study was conducted in August 2016 and involved a series of 4 mini groups, 20 face-to-face depth interviews, and 1 workshop which involved 2 concurrent mini groups. This fieldwork took place across a number of locations in England and Wales. More information about the demographic profile is detailed in Section 2.3.

1.2 Key Findings

1.2.1 Confirmation letters at the beginning of the legal process are welcomed

The need for formal written confirmation to be sent by legal services providers at the beginning of the process was universally recognised, regardless of the legal issue involved. A letter was the preferred medium for receiving this information as it was perceived to be a more formal method signifying the importance of the communication. There was a perception that a letter was more likely to encourage engagement than if the information was sent using alternative channels. That said, it was recognised that sending an electronic copy of the Client Care Letter (CCL) in addition could also be valuable, and ensure that the information was easily accessible for future reference.

¹ Bar Standards Board, CILEx Regulation Limited, Costs Lawyer Standards Board, Council for Licensed Conveyancers, Institute of Chartered Accountants in England and Wales, Intellectual Property Regulation Board, Legal Services Consumer Panel, Master of the Faculties and Solicitors Regulation Authority

²http://www.legalservicesboard.org.uk/news_publications/publications/pdf/2016/20160331_Lowering_Barriers_Final_Report.pdf

1.2.2 There is strong recall of receiving communications at the beginning of the legal process, but mixed levels of engagement

While the term 'Client Care Letter' was not familiar, most recent users of legal services recalled receiving a 'welcome' letter or pack from their legal services provider. However, there were mixed levels of engagement with these communications currently. While nearly all claimed to keep this information for future reference, the research identified a real mix in terms of those who had read the communication in detail, those who had only scanned the letter to identify key information and those who did not read the letter at all. There was not always felt to be a strong need to engage with these communications, as they were perceived by some to simply confirm previous discussions and act as a point for future reference if needed. This was particularly true where consumers had stronger relationships with their legal services provider, and where legal issues were viewed as more routine or familiar (for example conveyancing). However, it was also clear that for some consumers, low confidence in understanding legal communications coupled with the perceived complexity of the information provided were also major barriers to engagement.

1.2.3 Client Care Letters are often perceived as difficult to read; this is particularly problematic for the most vulnerable consumers

The CCLs tested in the research often did little to challenge negative preconceptions of legal services communications as complex and difficult to read. Initial impressions were often that they were unnecessarily lengthy and included largely generic information. When prompted to read these communications, consumers tended to find it difficult to pick out the key information due to a lack of signposting, dense bodies of text, unfamiliar terms and heavily caveated language. While these perceptions were fairly universal, it was clear that the issues are heightened for the most vulnerable consumers for example those with low literacy levels, visual impairments, or for whom English was a second language. Although many vulnerable consumers had coping mechanisms in place (such as asking for assistance from friends or family), many of these were not fit for purpose, involving high effort, and potentially meaning that CCLs may just be ignored.

1.2.4 There appears to be a disconnect between the information provided and /or prioritised in Client Care Letters and information that consumers are interested in

Consumers were looking for information that was personalised to their specific case:

- Confirmation of a named contact
- Scope of the agreed work
- Associated fees and charges
- Likely timescales
- Details of next steps / any actions that are required

However, it was considered that in the examples tested this information was often hidden – if provided at all – sometimes at the expense of more generic information that was perceived to be less pertinent at that point in time:

- Terms of business
- Regulatory information
- Cancellation rights
- Complaints procedures

Consumers queried whether this was best placed within the CCL where it could easily be lost, or detract from the other key information included. However, it is important to note that while key regulatory information such as complaints procedures, was not a priority, it was nevertheless information consumers wished to be provided with. In the research it was suggested that alternative means of conveying this material might be more effective, for example including it in a separate leaflet that consumers could be signposted to, or reminding them of the information further along the process.

1.2.5 Limited attention means that the first page is crucial to encouraging engagement, and that information can often be missed in lengthy documents

Consumers had only limited attention when reading communications so the first page of the CCL was vital to prompt engagement. The content, format, language and tone of the information provided here was felt to set expectations for the rest of the letter. For example, prioritising information that was perceived to be less relevant and more generic at this stage, such as complaints procedures, was found to be a turn off to reading the letter in detail. Likewise, people quickly scanned the page before deciding what to focus on and if this proved difficult then consumers reported that they might quickly choose not to read further. Further to this, it was observed that there was a noticeable drop off in time spent reading later pages of the CCL; this meant that any key information included here could easily be missed.

1.2.6 Eight key principles have been identified in order to encourage engagement with Client Care Letters and the information provided within them

1. *Show a clear purpose* – provide a clear rationale as to the role of the letter and the importance of reading it upfront
2. *Keep it concise* – recognise that the ideal length for consumers would be 1-2 pages. If this is not feasible, break information down into bite size chunks and use a short to the point sentence structure
3. *Put it in plain English* – seek to avoid using legal terms, archaic or complex language. Minimise the use of vague and / or heavily caveated sentences
4. *Prioritise information* – focus on the information which is perceived to be most relevant to the consumer and ensure a logical flow

5. *Personalise information* – provide details on the consumer’s specific case, for example their estimated costs rather than general estimated costs. Tailor the letter so that irrelevant information is excluded. Use personal pronouns so it is clear you are talking to the individual
6. *Make it easy to read* – Use line spacing and a large font size (minimum size 12). Use headings to make the letter easy to navigate and avoid dense paragraphs. Break down information by using tables or bullet points
7. *Highlight key information* – Use visual tools such as bold text, headers, summary boxes, tables or diagrams, to make it easier for consumers to pick out key points
8. *Consider additional opportunities to engage consumers* – Finally, while there should be a clear reference to the complaints procedure in the CCL, consider whether more detailed coverage is better delivered in separate leaflets; or whether reminders could be sent later on in the legal process, to ensure that this information has cut-through

1.2.7 Greater consideration should be given as to whether additional support can be offered to more vulnerable consumers

Given the specific challenges more vulnerable consumers face when engaging with legal services communications, it was felt that legal services providers should play a more central role in providing support. Fundamental to this is ensuring that any potential issues with reading communications are identified at the start of the process. While some sensitivity needs to be shown, simple steps such as offering letters with a larger font size, or providing clear guidance as to where consumers can get support if they have any questions, were considered to be a step in the right direction. If help clarifying information in the CCL is available free of charge, this should be highlighted. Examples of simple questions being used to identify consumer needs can be found in other service industries such as airlines asking ‘do you have any specific needs’?, train operators encouraging passengers to let them know if they need assistance and restaurants enquiring about allergies / dietary requirements.

2 INTRODUCTION

2.1 Background

The legal services regulators³ have commissioned joint research with the Legal Services Consumer Panel (LSCP) to understand how consumers engage with Client Care Letters (CCLs), with a view to improving their effectiveness. The regulators are responsible for all regulatory matters relating to regulated legal services providers in England and Wales, and the LSCP is a statutory consumer body, created to provide high quality, evidence based advice on consumer interests in the provision of legal services.

It is widely acknowledged that many individuals who would benefit from legal services do not take them up. While cost and perceptions around affordability are key barriers, other barriers are known to exist; not least language (spoken and written) and communications. Research conducted for the Legal Services Board (LSB) in 2013⁴ identified a number of different factors influencing consumers' willingness and perceived ability to engage with and understand legal services:



This was confirmed in March 2016 when the LSB's report, *Lowering Barriers to Accessing Services*⁵ found that inaccessible language and channels of communication acted as barriers to understanding and engaging with legal services. In particular, it described CCLs as often lengthy, legal documents largely inaccessible to consumers. The report emphasised the need to improve CCLs in order to ensure that they are fit for purpose and truly meet consumers' information needs. Since the Client Care Letter (CCL) is usually the first written communication a consumer receives after taking up legal services, it is likely to be particularly impactful in setting the tone for communications between the two parties in their forthcoming working relationship.

³ Bar Standards Board, CILEx Regulation Limited, Costs Lawyer Standards Board, Council for Licensed Conveyancers, Institute of Chartered Accountants in England and Wales, Intellectual Property Regulation Board, Legal Services Consumer Panel, Master of the Faculties and Solicitors Regulation Authority

⁴ <https://research.legalservicesboard.org.uk/wp-content/media/Understanding-Consumers-Final-Report.pdf>

⁵ http://www.legalservicesboard.org.uk/news_publications/publications/pdf/2016/20160331_Lowering_Barriers_Final_Report.pdf

CCLs are usually issued to consumers soon after a legal services provider has been instructed, by way of confirmation. Typically the letter will include a confirmation of the consumer's instructions, the name or names of individuals within the firm dealing with the case, cost information, disbursements (additional costs); and information about how to complain if they are not happy with any aspect of their case. Provision of a CCL is not a regulatory requirement, but it is the vehicle most commonly used for providing consumers with written information about a firm's, or the chamber's, complaints process, which is a regulatory requirement.

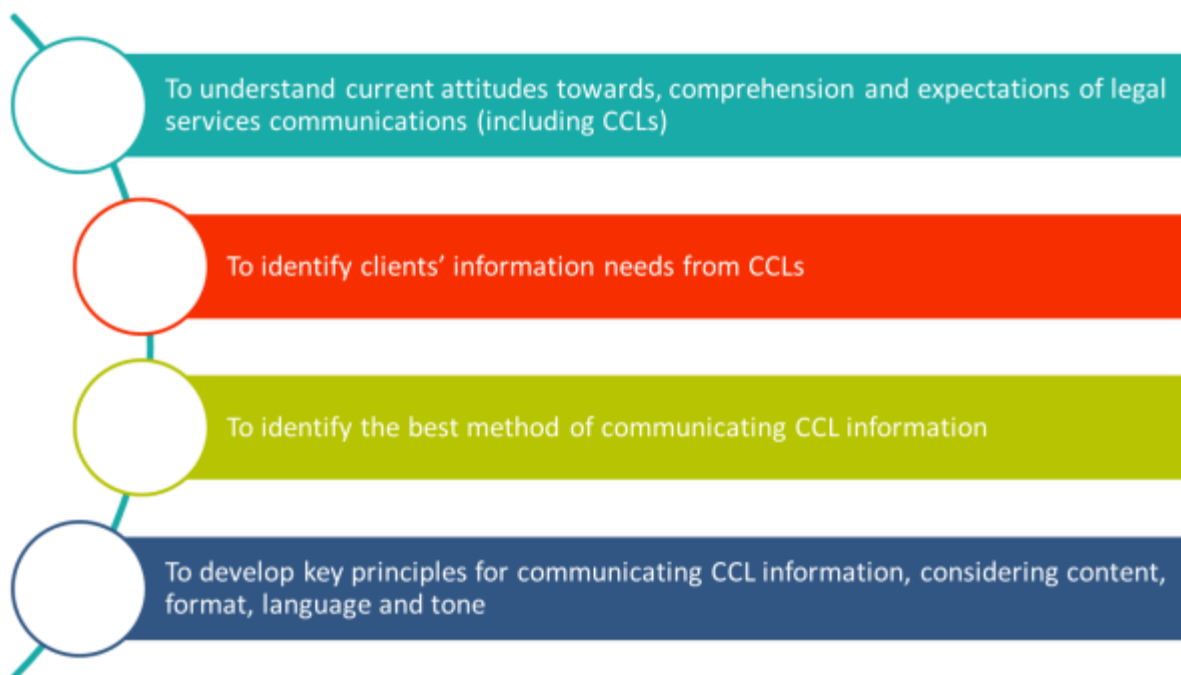
As well as addressing some of the concerns highlighted in the LSB's report around CCL content, a need has also been identified to look at consumer needs in terms of format, particularly given the changes in technology and the move towards more electronic communications.

Accordingly, this consumer research was commissioned in order to explore what consumers want and need from CCLs, and to develop clear guidelines for encouraging engagement with these communications going forward.


2.2 Research Objectives

This study sought to explore perceptions of existing CCLs, and identify how these could best meet consumer needs.

Four overall objectives were identified as outlined below:




These overarching objectives were underpinned by a series of more detailed objectives defined below:



To understand current attitudes towards, comprehension and expectations of legal services communications (including CCLs)

For legal communications in general and specifically for CCLs to:

- Explore and understand the role of communications / interactions in the lives of consumers
- Establish consumer priorities, behaviours and treatments of different communications / interactions (for example are they read, are they retained)
- Find out how consumers feel about different communications / interactions – the positives and negatives, the rational versus emotional, the reactive versus proactive
- Explore the level of comprehension, expectations and actions taken as a result of different communications



To identify clients' information needs from CCLs

- To obtain consumer reactions to a selection of existing CCLs in terms of:
 - Format and design
 - Level and relevance of content
 - Comprehension
 - Understanding of next steps and / or how to clarify / challenge
 - Language and tone of voice
- To explore whether existing letters omit key information
- To explore whether some information could be delivered at a later stage / transaction
- Specifically, to explore the needs of vulnerable consumers with regards to CCLs and identify how these differ (if at all) from other consumer groups

To identify the best method of communicating CCL information

- To explore and understand preferences towards channels and formats for CCLs:
 - Hard copy versus soft copy
 - Different types of hard copy format, etc.
 - Language and tone
 - Ease of taking action / next steps
 - Timing of sharing particular information
- Specifically, to explore whether a letter is considered the best mechanism to communicate client care information

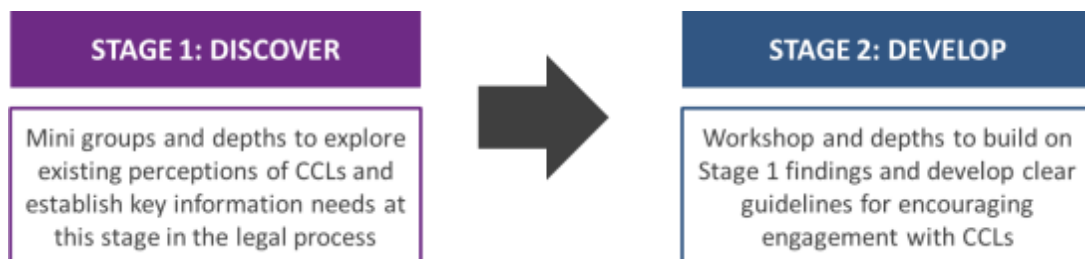
To develop key principles for communicating CCL information, considering content, format, language and tone

- To develop a set of key principles and guidelines for the ideal CCL and other related information in terms of:
 - Content
 - Format and design
 - Language and tone
- To explore how CCLs can best empower consumers to seek clarification or challenge where relevant

2.3 Methodology

2.3.1 Overview

A qualitative approach was adopted and this involved an iterative process comprising of two research phases. A detailed explanation of the stages is shown below:



The key audiences spoken to across both stages of research were as follows:

- **Recent users of Legal Services** who had taken legal advice in the last 12 months (this was extended to 2 years where required to secure respondents)
- **Prospective users of Legal Services** who anticipated needing to use legal services in the next 12 months
- **Mainstream consumers** within a social grade of C1C2D⁶, who had a mix of confidence and experience levels when it came to accessing legal services
- **Sophisticated consumers** within a social grade of AB⁷, all of whom were both confident and experienced in accessing legal services
- **Vulnerable consumers** within a mix of social grades, who had limited legal services experience and had either:
 - low literacy skills,
 - visual impairments, or
 - English as a second language

When designing the research it was recognised that vulnerability factors are many and varied. Some types of vulnerability depend on the situation and are therefore dynamic. For example, individuals who are not usually vulnerable often become so as a result of a life event or shock such as divorce, bereavement or job loss. Others face longer term challenges.

Low literacy, visual impairment and English as a second language were selected as three factors anticipated to present particular challenges for consumers in terms of communication needs. The decision to focus on these three factors was a pragmatic one when considering potential sample sizes; we are not suggesting that the findings from the research represent the needs of all vulnerable consumers.

2.3.2 Stage 1: Discover

This stage comprised a series of focus groups and face-to-face depth interviews among recent and prospective users of legal services. Focus groups provided an environment for consumers to debate and discuss their perceptions and needs from Client Care Letters (CCLs), while depths provided more granular detail on individual experiences and perceptions of legal services communications.

Within the research sessions we sought to:

- Explore consumer needs and wants with regard to CCLs
- Obtain detailed consumer reactions to a selection of existing CCLs


⁶ C2DE defined as those who are employed in supervisory/clerical, junior managerial, administrative roles; or, skilled, semi-skilled and unskilled manual workers

⁷ AB defined as those who are employed in intermediate or higher level managerial roles, or professionals

- Identify communication preferences for CCLs in terms of channel, format and timing
- Support the development of a set of key principles for CCLs which best meet consumers' needs in terms of content, format, language and tone

A combination of **4 x 90 minute mini groups** (4 respondents per group), and **13 x 60 minute in home face-to-face depth interviews** were conducted as follows:

4 x 90 minute mini group discussions				13 x 60 minute f2f in home depth interviews			
Type of consumer	Recent users	Prospective users	TOTAL	Type of consumer	Recent users	Prospective users	TOTAL
Mainstream	1	1	2	Mainstream	3	1	4
Sophisticated	1	1	2	Sophisticated	2	1	3
TOTAL	2	2	4 x groups	Vulnerable	4	2	6
				TOTAL	9	4	13 x depths


10 x Will writing, probate, lasting powers of attorney


7 x Conveyancing


5 x Divorce & family law

- Road traffic accidents
- Criminal law
- Housing issues
- Breach of contract
- Changing name by deed poll

Quotas were also set to ensure we spoke to;

- A mix of ages (25 – 34, 35 – 44, 45 – 54, 55 – 64, 65+)
- An even split of gender

Fieldwork was conducted between the 4th and 11th August 2016 in Surrey, Leeds, Newport, rural Wales and Sutton Coldfield.

Our Approach

Within the sessions we firstly sought to understand consumers' spontaneous perceptions of the communications they had either received or expected to receive during the legal process. This was important context in helping us to identify existing preconceptions, and the extent which Client Care Letters conform to, or challenge these.

We then sought to identify consumers' information needs at the beginning of the legal process, prompting with the types of information typically included in CCLs to explore the extent that these are perceived to be important.

Following this we explored reactions to a selection of example Client Care Letters⁸ to assess the extent which these addressed the consumer needs earlier identified. Once initial reactions were captured, the discussion looked at the different elements of the variants in detail, covering questions on content, language, layout, level of information and any areas for improvement.

After prompting with further details on the purpose of CCLs, the suggested improvements were re-examined, allowing us to identify a set of guidelines to inform the development of the CCLs going forwards.

2.3.3 Stage 2: Develop

This stage comprised a workshop and face-to-face depth interviews among recent and prospective users of legal services. The workshop provided a dynamic environment enabling us to set a mix of individual and team exercises to develop the ideas generated from Stage 1 of the research, while depth interviews again provided a more focussed view on individual perceptions.





Within the research sessions we sought to:

- Explore reactions to the key principles for improving CCLs identified in Stage 1
- Identify examples of how existing CCLs succeed or fail to conform to the key principles
- Further refine the hypotheses developed in Stage 1

A combination of **1 x 2 hour workshop** (involving 2 x mini groups run concurrently), and **7 x 60 minute in home face-to-face depth interviews** were conducted as shown overleaf:

⁸ All recent users of legal services were asked to bring a copy of their Client Care Letter to the interviews, and reactions to these were explored in the first instance. We were also provided with a selection of example CCLs from the sponsors of this research, with the most relevant examples shown at each interview/group. These covered a range of legal issues, including divorce, lasting power of attorney, conveyancing, employment issues, driving prosecution and will writing.

1 x 2 hour workshop (2 x mini groups)				6 x 60 minute f2f in home depth interviews			
Type of consumer	Recent users	Prospective users	TOTAL	Type of consumer	Recent users	Prospective users	TOTAL
Mainstream	2	x	2	Mainstream	1	1	x
Sophisticated	x	x	x	Sophisticated	x	1	x
TOTAL	2	0	2 x groups	Vulnerable	2	1	x
				TOTAL	3	3	6 x depths

 6 x Conveyancing	 3 x Will writing, probate, lasting powers of attorney	 3 x Divorce & family law	 1 x Employment issues
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Quotas were also set to ensure we spoke to;

- A mix of ages (25 – 34, 35 – 44, 45 – 54, 55 – 64, 65+)
- An even split of gender

Fieldwork was conducted on the 23rd and 24th August 2016 in London, Leeds and North Yorkshire.

Our Approach

Similarly to Stage 1, to provide context we explored consumers' existing perceptions of legal services communications, and their reactions to a selection of existing Client Care Letters. However, the main focus this time around was on understanding how CCLs could be improved, as well as the relative importance of the different types of improvement which could be made. As such a series of exercises were set, including: ranking exercises, translating letters into more consumer friendly language, and team challenges, for example developing and presenting back ideas on how to increase engagement with complaints information.

This approach served to stress test the key principles identified in Stage 1 and provide further guidance on the main practical considerations for developing CCLs going forwards.

3 CURRENT PERCEPTIONS OF CLIENT CARE LETTERS

3.1 Overview

In this section we briefly explore existing perceptions of legal services provider communications generally, before focussing on more detailed reactions to CCLs. We consider the perceived role these communications play in the legal process, current awareness and engagement with the information provided, and perceptions of specific examples as they currently stand. Finally, we discuss the importance of recognising how consumers read CCLs in order to ensure they are designed to best meet consumers' needs. Throughout this section we identify any differences in reactions across the different audiences we spoke to.

3.2 Overall perceptions of legal services provider communications

Before focussing on CCLs, it is important to note that consumers identified various challenges with communicating with legal services providers throughout the legal process. Across this study, we spoke to consumers with a range of legal services experiences and each individual's own experiences were key in determining these perceptions. It is important to recognise that one single poor experience is often extrapolated to form a consumer's perception of the whole legal sector. This research found many of the same issues that were identified in a recent report published by the Legal Services Board (LSB) report; namely that communications and language used are largely perceived to be inaccessible.⁹ Some of the specific issues with communications from legal services providers identified were:

- Difficulties finding the right point of contact and / or points of contact changing
"If they keep changing handlers like they did with me, it makes it difficult. It's good to have just one contact so you're not just repeating yourself." **Vulnerable, Recent User, Newport**
- Not being kept informed throughout the legal process
"You have to do all the chasing as it's your problem, even though you are paying them to do something for you it doesn't feel like that." **Vulnerable, Recent User, Leeds**
"I'd be on the phone for half an hour, waiting to know what's going on and it's my credit." **Vulnerable, Recent User, Newport**

⁹http://www.legalservicesboard.org.uk/news_publications/publications/pdf/2016/20160331_Lowering_Barriers_Final_Report.pdf

- Density and complexity of written communications
“You look at their communications and it’s like they’re trying to make you feel thick.”
Vulnerable, Recent User, London
- Costs associated with communications
“You’re on the clock as soon as you ring them up, so you want to avoid doing so if you can.” **Sophisticated, Recent User, London**

Previous research has identified the importance of communications in determining broader perceptions of legal services providers, not least in fuelling low levels of trust in the legal services industry generally¹⁰. Within this study, we found that communications offered the most tangible example of an uneven relationship between legal services providers and their consumers. Some examples of this occurring included:

- Providers being demanding in setting clear deadlines for consumers to provide information, and yet often proving to be non-committal in setting deadlines for themselves and / or failing to meet their own deadlines
- Using unfamiliar and complex language that was sometimes construed as an attempt to put the legal services provider on a pedestal
- Among less confident users of legal services, there was often believed to be little opportunity for redress if dissatisfied, due to perceptions that the legal services provider had greater knowledge than them

At times, communications were also thought to reinforce a perceived lack of empathy in the industry, a key concern given that contact with legal services providers often comes at times of considerable emotional strain, for example in cases of divorce, probate or prosecution.

“It’s all about money. I’m not sure there’s much empathy there or that they’ve got your best interests at heart.” **Mainstream, Recent User, Wales**

While demonstrating empathy in a CCL may feel challenging, including a simple, personal opening statement along the lines of ‘I was pleased to meet you yesterday’ or ‘Thank you for choosing me to represent you’ sets a positive tone for the relationship from the outset. In contrast, opening a CCL to a bold heading such as ‘THIS IS A LEGALLY BINDING LETTER’ can make consumers feel anxious and reinforces perceptions of legal services being difficult to engage with.

¹⁰ <https://research.legalservicesboard.org.uk/wp-content/media/Understanding-Consumers-Final-Report.pdf>

That said, perceptions of legal services providers were not always negative, and again communications played a key role in determining higher satisfaction levels. The level of involvement in the case, type of legal issue and length of service were all seen as important in determining a consumer's expectations around communications, but some common themes emerged among the most satisfied:

- Clear expectations being set up front, and deadlines being met
- Being kept informed throughout the process and any options being clearly set out
- Tailoring of communications to suit the consumer's specific needs and empathy being shown where relevant

Positive experiences were seen to be mutually beneficial, as some consumers reported recommending legal services providers to friends or family, as a result.

"So I knew all the way along what was happening, they were very efficient in that way, they kept me up to date and everything. I'd definitely use them again."

Mainstream, Recent User, Leeds

3.3 The role of Client Care Letters

The beginning of the legal process was considered a key opportunity for transmitting information, as consumers believed they were likely to be more engaged at the outset, and more open to communications. Given the importance of setting expectations for the legal process upfront, sending some form of formal communication at the start of the legal process was universally thought to be important. Indeed, it was felt that regardless of the legal issue there was a clear need to explain the legal process, set the rules for future engagement, and notify the consumer of any of their responsibilities. This was seen as particularly important as the legal process was often unfamiliar. In reality, even more frequently used legal services such as conveyancing are rarely experienced more than a handful of times in a consumer's lifetime. In addition, while much of the information mentioned in CCLs may have been previously discussed at an initial meeting, it was still seen as important to confirm these points, to ensure consumers had a document for future reference. It can be difficult for consumers to take in all of the information provided at an initial interview, especially if people are feeling nervous and emotional, so written confirmation is crucial as a follow up document. Equally, some consumers find written information easier to take in than information communicated verbally.

There were also believed to be clear benefits for providers in delivering these communications, not least that by setting expectations and timeframes providers could reduce the need for consumers to chase and / or ask questions at a later date. These

communications were also seen to serve as reassurance that action is being taken, and an opportunity to ensure mutual understanding of the details discussed at the initial meeting.

Across audiences there remained a strong preference for 'letters' as the format for sending out this information. A letter was seen as a more formal mechanism that highlighted the importance of the communication. Having the details on paper was also felt to make consumers more likely to read them thoroughly, while at the same time turning the CCL into a simple reference tool. Consumers often filed this sort of documentation, and therefore a letter format was in keeping with their expectations.

That said, sending an additional copy of the CCL by email was welcomed by some. Emails were felt to provide a useful back up, ensuring information was not lost. This was viewed as important given the amount of paperwork often involved. There was no clear generational difference regarding preference for the CCL to be provided in hard or soft copy. As such, understanding consumers' communication preferences, for example a larger font or a preference for email, at the outset was seen as an important consideration for legal services providers.

*"It could be sent by email but I think it's better to send it by letter – it comes across more official. My solicitor sent me emails and then a copy by post – I think that's the best way to do it – email only is not good." **Mainstream, Recent User, Leeds***

3.4 Awareness and engagement with Client Care Letters

Among recent users, the research found strong recall of receiving some written communications at the start of the legal process, often as part of a welcome pack bundle. However, the term 'Client Care Letter' itself was often unfamiliar. Instead, this particular communication was often more readily referred to by consumers as a welcome or confirmation letter. The term 'Client Care Letter' was also believed to provide few clues as to what information would be included. Recent users of legal services were asked to bring their copy of the 'CCL' along to the research session, but given the volume of information received at the initial stage, it was sometimes difficult for them to identify this specific communication.

While consumers universally claimed that they would keep communications of this nature for future reference, a small number were unable to track down this letter when asked, suggesting it had perhaps been thrown away or misfiled. As a means of keeping track of communications, consumers often keep a physical and / or electronic folder dedicated to their case, however, as the communications multiply it was expected to become more difficult to keep track of what had or had not been received.

Among recent users of legal services there was a mix of claimed behaviour when it comes to reading CCLs. While some claimed to read the communications in detail, others saw the

letter more as a point of reference that they simply scanned for key information. A variety of reasons emerged for this mix of levels of engagement, including:

- **Complexity of the legal issue** – While the research suggests that the majority of legal problems were seen as serious, some were clearly seen as more process driven and as a result reading these communications was considered less urgent. For example, there was seen to be much less variability for issues such as conveyancing and will writing, than in cases involving divorce and family law. In less complex issues such as conveyancing some consumers felt less of a responsibility to understand the ins and outs of the legal process

“All the letters I got to do with my family law issue were a lot more complicated than anything I’d got from a solicitor before... I felt I had to read them in detail.”

Mainstream, Recent User, Leeds

- **Trust in legal services providers** – Past experience with legal services providers was also felt to be key in determining the importance of engaging with communications. Where consumers have a longstanding relationship with their provider, written communications may form less of a focal point. In contrast, where people had undergone negative experiences in the past there was often perceived to be a greater need to check the details
- **Familiarity with the legal issue**– Engagement with communications was seen as particularly important if it was the first time experiencing a specific issue, or if it was a consumer’s first time using legal services. For example, ease with the conveyancing process was greater among those who had purchased properties previously
- **Previous contact with legal services providers** – The level of contact a consumer had with their legal services provider, and the length of time that had elapsed prior to receiving the CCL was also a determining factor in engagement. For consumers who had a very recent or extended face-to-face meeting prior to receipt of their letter, there was often a feeling that much of the detail included in the CCL had already been covered and explained. This sometimes reduced the perceived need to engage with the letter as the consumers assumed there would be no ‘new news’
- **Whether or not any action was required** – Where action was required, for example, a signature to confirm acceptance of terms, there was felt to be a greater onus on the consumer to read and check the details
- **Emotional state when communications were received** – It is important for providers to be aware that CCLs are not received in a vacuum, indeed depending on the nature of the legal issue consumers often receive these communications when they are in a heightened emotional state, for example, when they are dealing with divorce or

probate. The individual's emotional state in itself was believed by consumers to be something that could make the communications more difficult to absorb, as they recognised that they were likely to be distracted and / or had other issues to deal with

- **Confidence in understanding legal communications** – Consumers' confidence in reading and understanding communications undoubtedly played a role in determining engagement. For example, more experienced and sophisticated consumers considered themselves more able to read CCLs and identify areas where there was a need for clarification from their legal services provider. Less confident consumers were more likely to feel that the information provided was non-negotiable, and in some circumstances this led to a feeling that there was little point in reading the information in detail. Those with lower literacy levels in particular often felt that there was little chance of them understanding the communications, and as such little motivation to engage with them

"I've had a lot of communications with solicitors over one thing or another so I felt comfortable with reading the letters." **Sophisticated, Recent User, Leeds**

Regardless of these issues, it was recognised that the way the CCL itself was presented was crucial in determining the extent to which it would be engaged with.

3.5 Perceptions of Client Care Letters

Reactions to existing CCLs were often mixed; for many, as discussed earlier, the letters do little to address the negative preconceptions identified around wider legal services communications. Within the research, reactions to both recent users of legal services own CCLs and a selection of example letters that cut across a wide range of legal issues were explored. Some consistent initial impressions of the letters included the view that they were:

- **Lengthy documents**, so consumers thought they would have to set aside a certain amount of time if they were to engage with them fully. While length of the communications varied, they were often six or more pages long. This was seen as a lot to take in, particularly as they were often accompanied by additional information as well

"They pad it out to make it seem worth the money." **Sophisticated, Recent User, Midlands**

- **Generic (including lots of T&Cs)**, which led to perceptions that little care had been taken to tailor the information for the consumer's individual case. Previous research has shown that providing information in the form of lengthy T&Cs is often an

ineffective way of presenting information¹¹. Likewise here, consumers felt that presenting the information in this manner was a turn-off to engagement

- **Presented in an unwelcoming format**, which did not particularly encourage consumers to read them. For example, they were often deemed to include dense paragraphs that made it difficult to pick out the key information. In addition, the use of a small font size was a particular concern for those who had a visual impairment that made it difficult to read
- **Lacking a clear purpose**, as it was difficult to quickly identify the key information, and whether any action on the part of the consumer was required. When prompted, this perception was often heightened by the fact that much of the writing was considered to be heavily caveated
- **Full of complex language and jargon**, although this was in keeping with consumers' expectations, was again thought to provide a reason for disengagement

"It can be a bit complicated; sometimes I think there is too much to read: it's a fear of if I misread something." **Vulnerable, Recent User, Leeds**

This meant that the CCLs were often considered to do nothing to address the negative preconceptions some consumers had about legal services providers and the communications they send. In addition, consumers also reported a number of potential negative emotional impacts of receiving this sort of communication. These included feeling:

- **Scared and daunted** given a lack of familiarity with the complex information that had to be taken in
- **Pressured** by the need to understand the information provided, with the onus often on the consumer at this stage and little clarity as to where to seek support

"The paperwork is all quite daunting. Even though you've already discussed it verbally, you read it thoroughly so you don't miss anything." **Mainstream, Recent User, London**

- **Overwhelmed** by the sheer volume of information

"Me and my husband had to sit and go through this big thick document together and mark things we'd need to ring to check with them." **Vulnerable, Recent User, Leeds**

¹¹ <https://research.legalservicesboard.org.uk/wp-content/media/Understanding-Consumers-Final-Report.pdf>

- **Confused and frustrated** when unable to understand the information included
*“If it’s a letter then my partner has to read it out – but I get frustrated and bored if I don’t know what it’s saying.” **Vulnerable, Recent User, Wales***

3.5.1 Vulnerable Consumers

While all consumers had similar perceptions of CCLs, the issues highlighted above were heightened for more vulnerable consumers and had the potential to lead to complete disengagement. For these consumers, the ability to engage with the communications depended on the severity of the vulnerability and the extent to which appropriate support was available. In keeping with findings from the LSB’s report on access, this support was rarely claimed to be found from the legal services provider¹².

Difficulties engaging with CCLs appeared to be particularly acute for those with low literacy skills, as while we spoke to a mix of abilities from those who could not read at all and relied on a partner for support, to those who could read but struggled with complex language, there was a consensus that existing communications did little to help them to understand the legal process. This group also expressed some reluctance to ask for support from their legal services providers, due to concerns about sounding ‘stupid’, and / or incurring additional costs. In the absence of this support, more informal means of seeking understanding were sometimes sought that may not offer the right answers such as looking up words and expressions on Google. Similar approaches were also cited by some of those for whom English was a second language, although the extent of the language barrier is key to determining understanding.

Among those who had visual impairments, reading any form of communication was simply more of a challenge and therefore the length and complexity of CCLs was particularly problematic. Again, some coping mechanisms tended to be in place, for example friends and family reading letters out loud to them, or using magnifying glasses to read the letter themselves. However, it was recognised that the effort involved in these approaches made it difficult and time consuming to fully understand the detail and successfully pick out the key information. As an additional consideration, if the case was of a sensitive or embarrassing nature the consumer might prefer not to have to seek help from family or friends but to be able to keep the matter private. This underlines the value in legal services providers sensitively exploring with the consumer how they might help them address their challenges when accessing communications.

¹² <https://research.legalservicesboard.org.uk/wp-content/media/Understanding-Consumers-Final-Report.pdf>

4 CLIENT CARE LETTER INFORMATION NEEDS

4.1 Overview

In the previous section we identified that consumers have a strong desire to receive some form of communication as a formal confirmation at the start of the legal process. We now go on to explore the key information consumers feel they need from the CCLs. We firstly identify the information consumers spontaneously identified in the research as being important before discussing prompted reactions to the types of information typically included in CCLs. We unpick the relative importance of the different elements and focus in more detail on consumers' specific information requirements. We also consider the extent to which the example communications tested in the research delivered on these.

4.2 Spontaneous needs from Client Care Letters

At a high level there was a great deal of consistency in terms of the key information consumers required from CCLs. Similar needs were identified regardless of the nature of the case. At the same time there was recognition that some cases, such as some divorce cases, were more complex than others, for example a straightforward conveyancing case and that therefore more detailed explanations and information might be needed.

It is important to be aware that the focus for consumers was very much on the information that was specifically relevant to their own case and which would enable them to build an understanding of the legal process they were about to undergo. The key questions they wanted CCLs to answer were as follows:

- **What is going to happen?** There was an expectation that legal services providers would confirm the work that was going to be carried out and enable consumers to develop an understanding of the legal process
- **How much is it going to cost?** While there was recognition that the cost of legal advice is not always fixed, there was a belief that legal services providers should be able to provide at least an estimate of likely costs
- **When is it going to happen?** As with costs there was acknowledgement that timelines were not necessarily fixed, but providing an estimate of likely timescales was expected and perceived to be extremely useful
- **What do I have to do?** It was expected that providers would detail any action required by the consumer either at this stage or later on in the process
- **How do I get in touch?** There was a need for legal services providers to clearly set out the rules of engagement, both in terms of how the consumer should contact the provider if they had any questions and whether any costs would be incurred in doing so

"I expect to receive an explanation about what's going to happen, how it all works, the process." **Vulnerable, Recent User, Leeds**

4.3 Prompted reactions to information included in Client Care Letters

When prompted with the types of information typically included in CCLs there was found to be a clear distinction between information that was seen as most relevant and needing to be read, and information that was perceived to be less relevant at this stage and more for future reference.

The most relevant information was considered to be that which answered the key questions consumers had spontaneously identified, as set out in the previous section. This is detailed in *Figure 1* below. There was a strongly held view that CCLs should focus on the consumer’s immediate information needs and be personalised to their specific case. This would ensure that the consumer had all of the tools he or she needed for the case and provide reassurance that their needs and the circumstances of their case had been understood by the legal services provider.

“I want to know the steps that they’re going to take, so that I can refer to them later on and I’d know how they’re progressing.” **Vulnerable, Prospective User, Wales**

“They should focus on telling me just the essential information at this stage; I’m not bothered about everything else.” **Mainstream, Recent User, London**

“There should be just a straightforward welcome pack. This is who we are, this is what we do, this is what the case is about. I want the information, but not all in one go. As I said, I sat through it because I want to get it right. It’s just too complicated – why do they have to send everything in one go?” **Vulnerable, Recent User, Midlands**

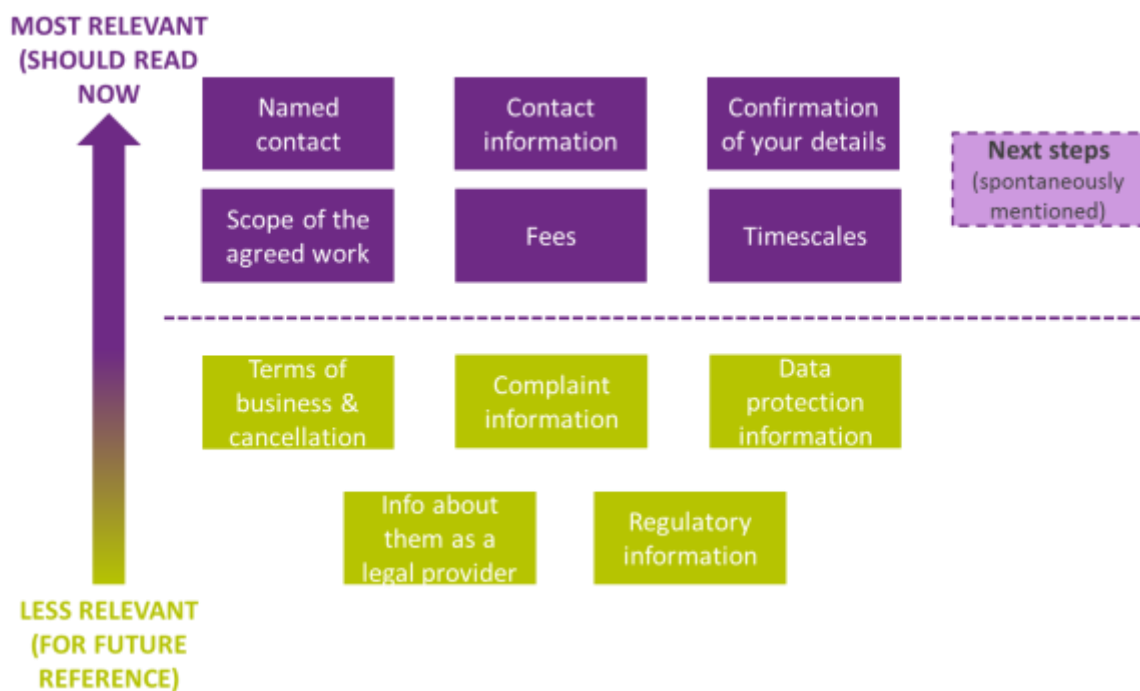


Figure 1: Perceived relevance of different types of information provided in CCLs

In contrast, information that was considered less relevant was usually seen as more generic and not tailored to the consumer's own case. While there was recognition that much of this information did need to be provided, it was largely seen as something for future reference, rather than something to be read in detail at the beginning of the case. This was due to the following reasons:

- *Terms of business* were perceived to be generic and in any case non-negotiable. Low engagement with this information was consistent with previous research which has suggested that presenting information in a 'terms and conditions' format is often disengaging for consumers¹³
- Similarly, *regulatory information* and *data protection information* were often taken for granted and seen as information 'they have to tell you', rather than information of any real value to the consumer
- Information about *complaints procedures*, while of interest, was felt to be less pertinent at the beginning of the legal process, as there was expected to be a low likelihood of having a negative service experience at this initial stage
- The importance of *providing information about the legal services provider* was believed to be somewhat dependent on the way the consumer had come to take out legal advice. For instance, for those who had been referred to a legal services provider (for example through their motor insurance provider following an accident), this was of greater interest as it served as an introduction. However, the majority of consumers we spoke to had chosen their own legal services provider and tended to think that they would already know this information

4.4 Detailed reactions to the provision of information

A series of considerations emerged for different types of information in CCLs and we now take each of these in turn.

4.4.1 The provision of contact details

The provision of contact details was considered a basic requirement at the start of the journey. Consumers regarded the following information as vital:

- Who the lead contact is on the case
- Who else to contact if the lead person is not available
- Details of the different ways to get in contact with them

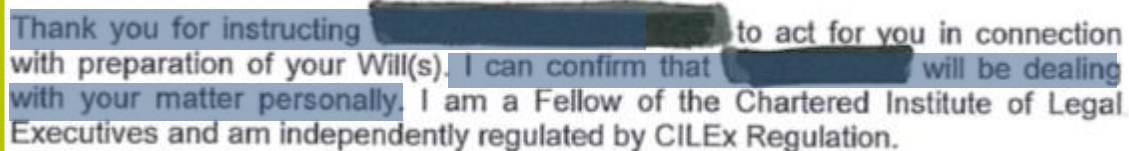
¹³ <https://research.legalservicesboard.org.uk/wp-content/media/Understanding-Consumers-Final-Report.pdf>

*“They need to let you know who’s looking after your case and how to get hold of them.” **Mainstream, Recent User, Leeds***

Where this information is clearly provided it served to help consumers feel more ably supported by their legal professional and more able to seek support should they have any questions, concerns or require additional information.

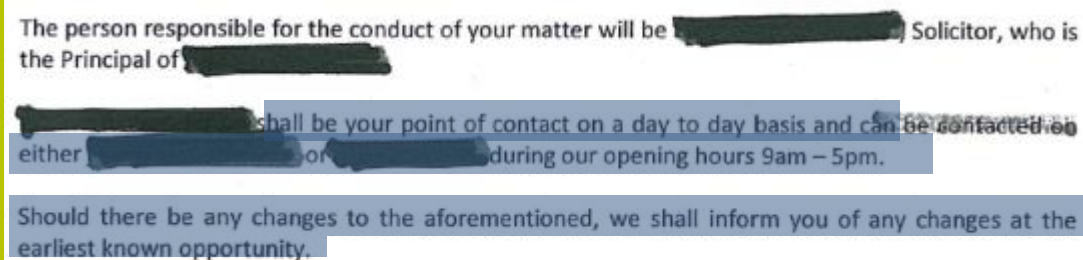
A good example of this is shown in *Figure 2* below. Details of the legal services provider with responsibility for the case were set out clearly in plain language on the first page. In addition, the use of ‘thanks’ was noted and appreciated. Small niceties such as this were seen as creating a positive first impression of the legal services provider. Another positively received example of contact details is shown below in *Figure 3*. This letter clearly introduced the person responsible for the case, provided an alternative point of contact, and offered a number of options for making contact. All of these were appreciated. In addition the letter reiterated that the provider would notify consumers of any changes to the point of contact ‘at the earliest opportunity’. This was seen as reassuring given consumers’ concerns about being passed from one point of contact to another.

*“I like the fact that they are thanking you for using them – it’ makes the letter more human.” **Mainstream, Recent User, Leeds***



Thank you for instructing [redacted] to act for you in connection with preparation of your Will(s). I can confirm that [redacted] will be dealing with your matter personally. I am a Fellow of the Chartered Institute of Legal Executives and am independently regulated by CILEx Regulation.

Figure 2: Example of a Will Writing letter introducing the named contact in a positive manner



The person responsible for the conduct of your matter will be [redacted] Solicitor, who is the Principal of [redacted]. [redacted] shall be your point of contact on a day to day basis and can be contacted either [redacted] or [redacted] during our opening hours 9am – 5pm. Should there be any changes to the aforementioned, we shall inform you of any changes at the earliest known opportunity.

Figure 3: Example of a letter introducing the named contact(s) and provides reassurance that any changes will be communicated

*“Initially your first contact with a solicitor is going to be over the phone with a secretary, so when your letter comes out you want it to be a confirmation saying who they are, where you can contact them, on what sort of days” **Mainstream, Recent User, Leeds***

However, contact details were not as clear cut in all of the examples tested. Consumers wanted to feel assured that the contacts were the people actually dealing with their case and that the work would not be carried out by an unnamed person or someone considered unqualified for the job (for example a secretary, ‘legal professional’ or unregistered barrister). In some instances this appeared to be the case, causing some to question the quality and integrity of the work (see *Figure 4* for a negative example).

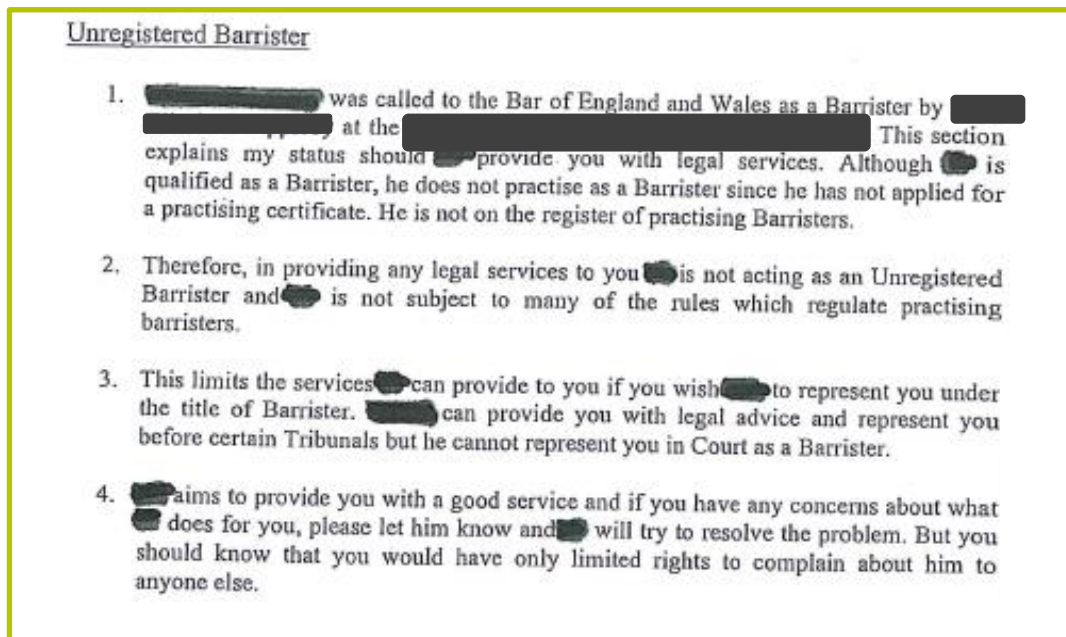


Figure 4: Example of a letter introducing an unregistered barrister which focuses on the limitations of the service they can provide

*“It sounds like this person isn’t even qualified to look after the case; this would make me nervous.” **Sophisticated, Recent User, Leeds***

Similarly, consumers wanted to feel reassured that they would be able to get through to the individual or individuals dealing with their case as quickly and easily as possible. As a result personal rather than general contact details were always preferred. *Figure 5* overleaf provides a negative example, where a switchboard number is provided as the main point of contact.

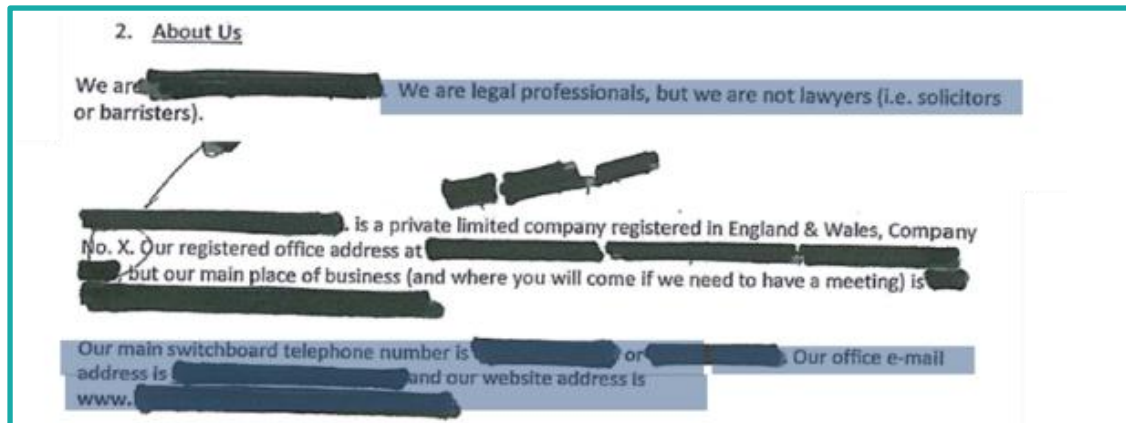


Figure 5: Example of a Contract letter creating uncertainty and giving generic contact information

"Numbers changing is frustrating, then be on the phone waiting for half an hour with them trying to find out what's going on and trying to get through to the relevant person - it's wasting my credit" **Mainstream, Recent User, Leeds**

4.4.2 Scope of work and next steps

A clear outline of the scope of work and direction on the next steps to be taken were considered to be needed fairly early in the CCL to provide reassurance that the case has been understood. More specifically, consumers wanted:

- A clear outline of the case / the agreed work
- Confirmation of what the legal services provider would do
- Clear instructions on what would be needed from the consumer
- Clear direction on what would happen next

"I want the process to be explained to me and for them to tell me what's going to happen next." **Mainstream, Recent User, London**

The information provided was also expected to be specific to the individual case and refer to details that the consumer had already discussed at the initial meeting or call with the legal services provider, such as names, dates, details divulged, specific options discussed or selected, and so on.

The use of a template letter containing generic statements rather than specific details, or including options of no relevance to the consumer's case was a cause of frustration. It also led to some concerns that the legal services provider had not listened or that the case had not been properly understood. Where the logistics of the case were unfamiliar there was a desire for the CCL to set out the anticipated journey the case would follow. An example of this is shown in *Figure 6* below:

"I would want them to tell me information that is relevant to me and my will instead of talking about two possible wills." **Sophisticated, Recent User, Leeds**

Next Steps

Once you have had an opportunity to look through the forms, please let me know if you wish to make any changes. Otherwise, please contact me so that we can arrange a meeting to complete your LPAs.

After you have signed your LPAs and the certificate provider has completed we will forward the LPA to your attorneys for their signature.

Figure 6: Example of a Lasting Power of Attorney letter detailing next steps in the legal process

There was a strong preference for explanations of the scope of the work and next steps to be provided in a concise way, with no longwinded or repetitive explanations. There was equally a desire for text to be broken down where possible into manageable chunks to prevent the text from looking too dense or off-putting to read. It was also considered particularly important to highlight any consumer action points to ensure that these were not missed. A good example of this is shown in Figure 7 below.

10. Please now:-

- 10.1. Provide the identification documents requested
- 10.2. Provide any payment requested;
- 10.3. Sign one copy each of this letter and the terms and conditions, returning them to me in the envelope provided.

Figure 7: Example of a driving prosecution letter using a clear format to highlight the next steps

Examples that were less positively received were those that were perceived to lack clarity in terms of what would and would not be required; offering little sense of direction. An example of this is shown in Figure 8; where there was thought to be a lack of clarity around whether other legal specialists might be required and the onus appeared to be on the consumer to provide information without detailing what information was required.

We cannot provide you with direct financial investment advice and in the event that this becomes necessary we shall require the services of a third party, an independent financial advisor (IFA). We are also unable to provide you with tax advice and if taxation advice is required, this will be sought from a third party specialist.

It may also be necessary to involve the services of other legal specialists such as experts in company, property or trust work and, if that becomes necessary, we shall advise you of the advice that is required, the extent of the work required and the likely cost.

The cost estimate below does not include any advice or assistance in relation to children matters and should specific advice be required in relation to children issues and should it be necessary to issue Court proceedings, it shall be necessary to open a separate file and a separate cost estimate shall be provided at that time.

As the client you are responsible for providing all information necessary in progressing your case.

Figure 8: Example of a divorce letter felt to lack clarity on what could be required

4.4.3 Fees

Consumers wanted the CCL to provide realistic fee estimates so they would have a clear idea of what to expect. Some anticipated that this would allow them to make an informed decision as to whether or not to proceed with the case.

Consumers understood that it might sometimes be difficult to provide accurate estimates, especially for more complicated cases such as divorce. However, consumers assumed that the legal services provider would have worked on multiple similar cases and as such should be able to provide an accurate estimate based on their previous experience and expertise.

The provision of accurate, personalised estimates was also believed to demonstrate that the legal services provider had listened to the consumer and fully understood the specifics of the case. A good example of this is shown below in *Figure 9*. This CCL offered the consumer an estimated price which was seen as tailored to the information given; it was also clearly highlighted. In addition it did not overwhelm the consumer with too much detail on costs and instead directed them to the relevant section within the provider's Terms and Conditions.

Based on the information you have provided to me, I estimate that your costs with regards to divorce and finance will be in the region of £700 to £1250 plus VAT and disbursements.

We have further agreed a fixed rate of £150 + VAT in relation to the drafting of a consent order with regards to the children.

For more information regarding my costs and billing, I would draw your attention to paragraphs 12 and 19 of the attached terms and conditions of business that provides more specific information on this issue.

Figure 9: Example of a divorce letter providing clear personalised estimate cost information

*“Don’t quote costs to me that I don’t need to know! This letter mentions that the case could cost anything up to £45,000!” **Sophisticated, Recent User, London***

*“I think we’ve got to know what the cost is going to be, and I think as we’re paying the bill we are entitled to know (what the minimum and maximum costs will be)” **Mainstream, Recent User, Leeds***

Consumers were confused and frustrated when costs were provided that appeared to have no relevance to their case (as seen in *Figure 10* below). These instances gave the impression that the legal services provider had not put any thought or effort into the case, and that the onus was on the consumer to try and sift through the various cost options in order to determine what the final fees might be.

The firms charges are based on an hourly rate of £280 per hour, the telephone calls are charged on 1/10 hourly rate and the same apply to letters, telephone calls and emails..
 However we agreed a fixed fee of £1800 for the applications plus Home office fee of £649 Our Fee is payable in full once the application has been prepared and ready to be submitted.
 Even if you later decide not to proceed or it becomes abortive for whatever reason the full fee is payable.

Figure 10: Another example of an Immigration letter where generic, unnecessary cost information has not been removed

Consumers preferred examples that presented a clear, concise breakdown of the costs on the first or second page of the CCL – where they were most easily accessed. Breaking down the costs and ensuring they stood out was perceived to aid understanding and make the information easier to find. An example of this is shown below; the table format was believed to make the information easily digestible, while the clear heading and use of bold text ensured standout against the rest of the letter.

COSTS	
Our Professional Costs	£400.00
Administration charge for telegraphic transfer fee	£25.00
Telegraphic transfer fee	£10.00
VAT	£87.00
In addition there will be the following disbursements:	
Official Copy entries	£6.00
Total	£528.00

Figure 11: Example of clear cost breakdown being shown in a conveyancing letter

“The fees need to be clearly set out in a list so they stand out and it makes it easier to read.” **Mainstream, Recent User, Leeds**

The use of long, text heavy paragraphs to present costs was considered highly inappropriate as it made it difficult for the consumer to quickly find the full details. There was also seen to be a risk that elements of the costs could be missed.

4.4.4 Timescales

Consumers thought it was important to be provided with a rough indication of the likely time their case would take to complete, together with a timeline of events. This was considered key in setting expectations, enabling consumers to assess the extent to which their case was on track. It was understood that this might sometimes be difficult to predict, especially when waiting for responses from other parties, but nevertheless legal services providers were expected to be able to provide a rough estimate of timings regardless of the legal issue, based on previous experience and expertise. In addition, providing relevant examples of the sorts of things that could cause delays was considered valuable in helping to build an understanding of the legal process.

"I want to know how long it might take to resolve so I know what to expect."
Sophisticated, Prospective User, Leeds

"I don't want lots of waffle with lots of different scenarios; I want it relevant to my case." **Sophisticated, Recent User, London**

"I want a clear plan of action and a timeframe of how long things will take."
Mainstream, Recent User, London

"I was expecting, because they do this job day in day out, can we resolve this job in 3 months...6 months? But there was no mention of it. I want a timescale"
Recent User, Vulnerable, Leeds

Information about likely timescales was often seen as not adequately highlighted in the examples tested. It was either hidden towards the end of the letter or within dense paragraphs, as demonstrated in the example below:

It is very difficult to estimate how long the Conveyancing process will take. There are many factors which could affect the transaction such as related matters within the chain, delays in replies to enquiries, mortgage offers being issued. The process can take anything from a few days to many months. By way of estimate only, the process from acceptance of offer to completion is likely to take about 8 to 12 weeks.

Figure 12: Example of longwinded explanation of the timescales in a conveyancing letter

This example was seen as fairly typical of the way timelines were presented, with the information heavily caveated and providing little reassurance to consumers, for example through the use of statements such as *'The process can take anything from a few days to many months'*. In this particular instance it was felt greater confidence would be generated if the legal services provider led with the estimated timescale, for example *'the process from acceptance of offer to completion is likely to take between 8 and 12 weeks'* and then took steps to set out an explanation of the type of issue that could cause delays.

4.4.5 Provision of information that is perceived to be less relevant

As already discussed there were some types of information that were consistently seen as less relevant than others at the beginning of the legal process, as shown in Figure 13:



Figure 13: Information included within CCLs which was perceived to be less relevant

While there was generally an understanding that this information might have to be provided, for example due to regulatory obligations, there were concerns that prioritising it could lead to lower engagement. Reasons for this included:

- Incorporating *terms of business* in the CCL: this was often seen as adding considerable length to the document. The increased volume of information was often overwhelming, making it harder for consumers to pick out the specific information they were interested in
- Prioritising more generic, less relevant information also provided consumers with an excuse for not reading the letter more carefully. Including information about complaints procedures early in the CCL led to particularly negative reactions; it was seen as strange to raise the prospect of dissatisfaction before the work had even started. This was not an encouraging message and made some consumers feel that the legal services provider was not confident and expected problems. In some cases this perceived over-emphasis on potential complaints created anxiety by suggesting that something could go wrong

“Surely it’s too early to tell me about how to complain? It makes you nervous that they won’t be any good – what are they trying to tell me!?” **Sophisticated, Recent User, London**

“I find complaints a bit negative. I know you’re obliged to tell people about the procedure but I would expect it to be right at the end because hopefully you won’t need it. There are far more important things to read before that” **Mainstream, Recent User, Leeds**

“I don’t want complaints. I wouldn’t really need to see them as a legal provider because when I did a search it came up as them being one, I knew that everybody on there would be up to scratch.” **Mainstream, Recent User, Leeds**

Ultimately, providing seemingly excessive detail and prioritising information deemed less relevant by consumers was believed to demonstrate a lack of understanding of their needs. For some this gave the impression that the CCL was more a way for legal services providers to ‘cover their own backs’ by fulfilling their regulatory obligations and ensuring consumers agreed to their terms rather than a means of ensuring consumer needs were being met.

In order to minimise potential negative perceptions and ensure stand out, consumers identified a number of potential remedies:

- If this information had to be included in the CCL it should be moved to the end to keep it distinct and not a distraction from messages that were perceived to be more important
- An alternative suggestion was made to move this information into a separate leaflet. This would ensure the letter remained concise while still providing consumers with a

reference document that could be reviewed if needed at a later date. While some caution would be needed to avoid important information being lost or overlooked, it was proposed that this could be minimised by:

- Signposting consumers to the leaflet within the main body of the CCL
- Sending the consumer an electronic copy of the CCL via email
- Some consumers recommended that consideration be given as to whether reminders of this information could be sent out at other key points in the journey. It was suggested that complaints information could be sent out at the end of the case. We discuss this in greater detail in the next section

Regardless of whether alternative approaches are sought it is important to be aware that information that *looks like terms and conditions* was often seen as a 'turn-off'. As such, the format in which this type of information is provided needs to be considered in order to encourage engagement.

5 KEY PRINCIPLES FOR IMPROVING CLIENT CARE LETTERS

5.1 Overview

In this section we identify eight key principles for increasing the effectiveness of CCLs going forwards. In developing these we have considered both the findings from this study and the wider body of existing research on improving communications across a range of other sectors. In particular, we have taken into account the EAST framework¹⁴, developed by The Behavioural Insight Team, which describes four general principles that policy makers and practitioners should use if they want to encourage engagement: Make it Easy, Attractive, Social and Timely. In this research three of the four emerged as particularly relevant: Easy, Attractive and Timely, whereas Social had less resonance in the context of CCLs. This provides the bedrock for the eight key principles that we go on to discuss in detail later in this section:

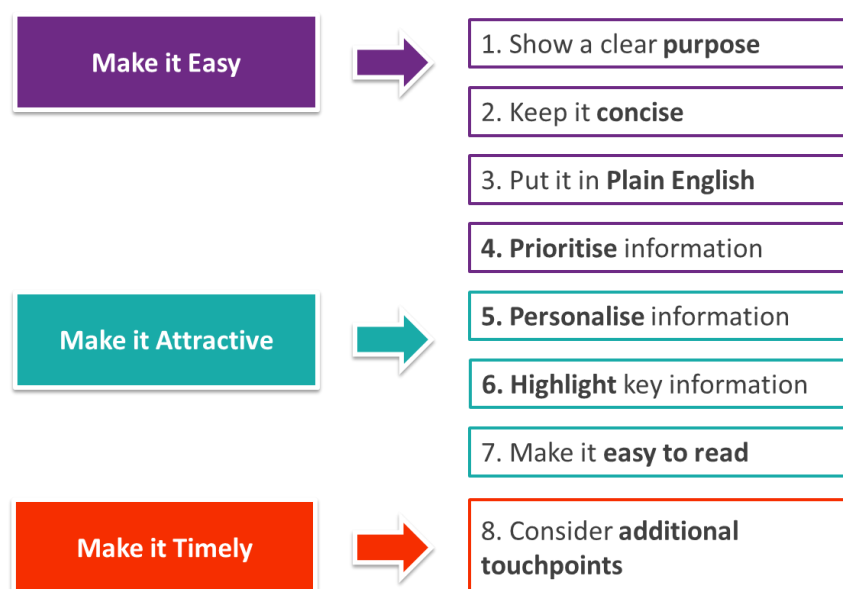


Figure 14: 8 key principles for improving CCLs mapped back to the EAST framework

5.2 Building on existing studies

There has been much recent research looking at consumer engagement with communications through the lens of behavioural economics. This theory identifies a number of biases that impact on the way people make decisions. When it comes to communications one of the major challenges practitioners face is ‘limited attention’¹⁵. This asserts that individuals subconsciously spend only a limited amount of time on making

¹⁴ http://www.behaviouralinsights.co.uk/wp-content/uploads/2015/07/BIT-Publication-EAST_FA_WEB.pdf

¹⁵ <https://www.fca.org.uk/publication/occasional-papers/occasional-paper-1.pdf>

decisions, for example choosing which parts of a letter to read rather than reading the whole letter carefully. As such they will quickly seek to identify the most salient information. This behaviour was observed within this research, as we noted a considerable drop off in time spent reading the later pages of the longer CCL examples.

Additionally, much work has shown that consumers scan content before deciding what information to focus on¹⁶. Again this was something very much in evidence in this study as people quickly looked at key headings to determine the purpose of the communication, and cited dense bodies of text as a major turn-off. Likewise information presented in the format of ‘terms and conditions’, was often dismissed as generic and by association unimportant.

In order to drive greater engagement with CCLs legal services providers need to take into account the way that people behave. The research highlighted several overlapping behavioural themes already established in the EAST framework¹⁷. We concluded that rather than seeking to ‘reinvent the wheel’ by developing a framework solely for legal services communications, it would make more sense to use the EAST framework as a starting point. The EAST framework embodies four core principles:

- **Make it Easy** – Simplify messages and reduce the hassle of engaging
- **Make it Attractive** – Use imagery / formatting to attract attention, and personalise messaging
- **Make it Social** - Encourage people to make commitments, and harness social norms
- **Make it Timely** – Prompt people when they are most likely to be receptive

Our research suggests that the first two elements of the EAST framework are particularly pertinent for legal services:

- The perceived complexity of legal services communications is a major barrier to engagement, particularly for more vulnerable consumers
- While there are limitations in terms of how CCLs can be made visually appealing without detracting from perceived professionalism, the consensus is that CCLs can be seen as impenetrable, with limited signposting and an emphasis on generic rather than personalised information

Given that not all of the information provided within the CCLs is perceived by consumers to be pertinent at this stage in the legal process, there are also opportunities to consider whether further prompts could be sent at a time when people are likely to be more receptive.

¹⁶ SSS

¹⁷ http://www.behaviouralinsights.co.uk/wp-content/uploads/2015/07/BIT-Publication-EAST_FA_WEB.pdf

5.3 Eight key principles for improving Client Care Letters

As discussed in the overview to this section we have used the EAST framework to identify eight key principles for developing CCLs in order to encourage greater engagement. These are shown in *Figure 15*:

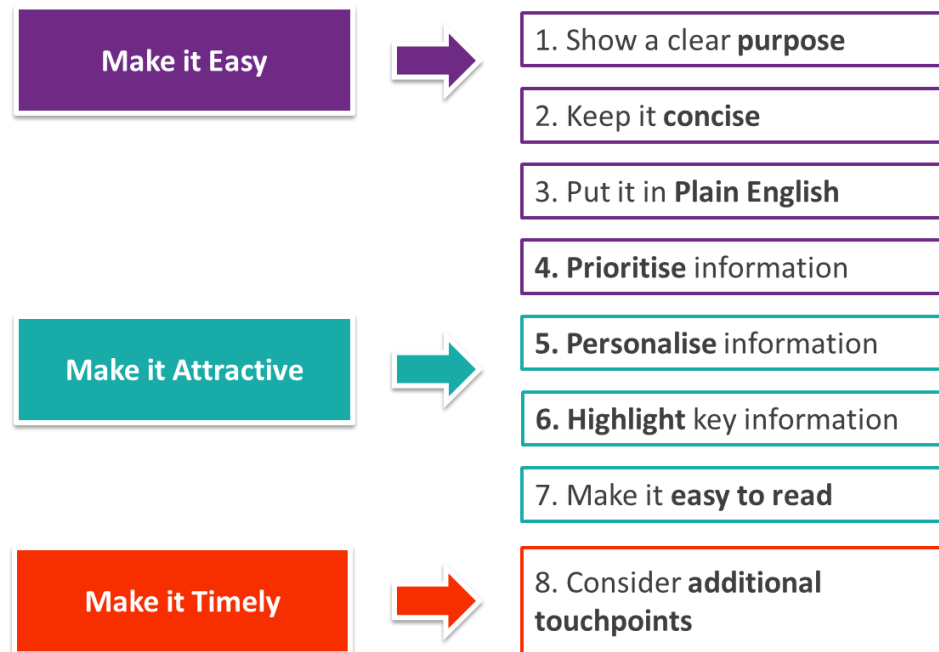


Figure 15: 8 key principles for improving CCLs mapped back to the EAST framework

We now discuss each of these in turn.

5.3.1 Show a clear purpose

It is important to ensure that consumers are clearly informed about the role of CCLs and what they are expected to do with them. Existing example letters were often seen as lacking a clear call to action, leaving the importance of engaging with the information open to interpretation. The potential impact of this is that letters may be set aside as a point of reference and key information missed.

In order to address this it is important to:

- **Use directional headings** – Previous research conducted for the FCA highlighted the importance of headlines in communications and that these are often looked at, at the expense of main bodies of text¹⁸. Given that there is often a lack of familiarity with CCLs, no headline is more important than that at the beginning of the letter, as this helps set expectations. Examples of opening headlines in the letters tested were often thought to provide little guidance; positioning the communication as a *client*

¹⁸ <https://www.fca.org.uk/publication/research/review-of-literature-on-product-disclosure.pdf>

care letter means little to consumers. As such, there is potential for CCLs to be more directional in explaining their purpose and providing a call to action. For example:

Your Will Writing Confirmation Letter
(Important information about the legal process – please read)

Figure 16: Example of a clear directional heading for a Client Care Letter

- **Explain the letter’s purpose** – Consumers tended to favour letters that provided further clarification of the letter’s purpose as a short summary sentence in the opening paragraph. For example:

I am writing to you to confirm the work we will do for you, and provide full details of our terms of business.

Figure 17: Example of introducing the purpose of a CCL

- **Summarise contents on the first page** – While shorter letters were generally preferred as referenced in Section 3, an alternative way to ensure information is not missed would be to provide a brief description of what the letter contains on the first page. For example:

Key information provided in this letter:

- *Confirmation of work to be completed*
- *Estimated Costs*
- *Timescales and next steps*
- *Terms of business*
- *Complaints procedures*

Figure 18: Example of explaining the contents of CCLs upfront

5.3.2 Keep it concise

Less is definitely more when it comes to developing engaging communications. In delivering CCLs, legal services providers need to recognise that consumers only have limited attention and can quickly disengage when they feel that excessive detail is being provided. Examples of existing CCLs were often seen as overly and unnecessarily long. In particular consumers reported that:

- There was often repetition within the CCL, suggesting that little effort had been made in putting it together
- Sentences and paragraphs were often considered to be unnecessarily long, making it difficult to pick out the key information

- Generic information was often felt to be included leading to a perception that little effort had been made to make sure everything within the letter was relevant to the consumer's specific case

An example of how consumers would shorten an example paragraph they considered to be too long is shown in *Figure 19* below:

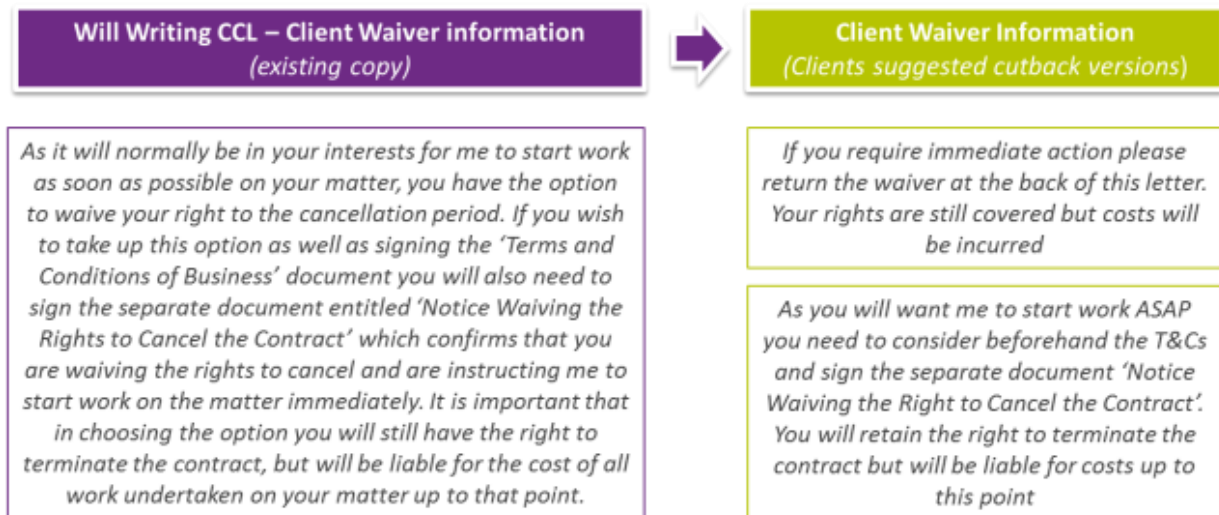


Figure 19: Example of how consumers would suggest cutting back client waiver information

As a rule of thumb, consumers generally thought that the shorter the letter, the more likely they were to engage with it. While the 1 -2 page letter often mooted as 'ideal' may not be realistic, consideration could be given as to whether some information would be better conveyed in a separate document or subsequent communication.

5.3.3 Put it in plain English

Accessible language is key to ensuring all consumers can understand CCLs regardless of their background. This is particularly pertinent for those with lower literacy levels and for whom English is a second language. The former group in particular highlighted that being made to feel stupid was a major reason for disengaging with communications. The research identified numerous examples of unnecessarily complex language being used within existing letters, and to address this it is important to avoid¹⁹:

- **Referencing passages of law without adequate explanation** – for example, in the following instance no additional detail was provided [Lasting Powers of Attorney] *'Your attorneys must use Sections 2 and 3 of the Mental Capacity Act 2005.'*

¹⁹ <http://www.plainenglish.co.uk/files/howto.pdf>

- **Using unnecessarily complex or archaic language and / or legal terms** – The Plain English Campaign provides useful guidelines on this²⁰, and a list of alternative terms that can be used. Examples of these included:

Language used	Suggested Alternatives
Endeavour	Try
Matter	Issue
Disbursements	Costs

Figure 20: Example of complex language used within CCLs and suggested alternatives

- **Using vague language** - Consumers thought that letters were often heavily caveated or intentionally vague, for example when providing timing estimates – ‘*It could take anything from a few days to a few months*’ and / or that paragraphs were lengthy and required re-reading to understand, and an example of this is shown in Figure 21 below:

The letter should include everything you need us to do, and everything which you expect us to do. So if something you expect us to do is not mentioned in here then please speak to us immediately as you can assume that we will not be doing it

Figure 21: Example of vague language used within a CCL currently

*“Putting it in plain English is very important, because it just seems to go on, and on, and on. People are going to get put off reading it.” **Sophisticated, Recent User, Leeds***

There was however, some recognition that the nature of the letter may have necessitated the use of some unfamiliar, complex terms. In such cases it was suggested that a glossary could be included at the back of the letter or in a separate booklet or leaflet. The Plain English Campaign have suggested some legal terms for which this may be relevant²¹.

5.3.4 Prioritise information

Across the research it was believed that legal services providers should take more care considering the needs of their consumers when sending CCLs, and structure the letters accordingly. In existing letters there were many examples of what consumers considered to be generic information, such as terms of business, or information that was viewed as less

²⁰ <http://www.plainenglish.co.uk/files/alternative.pdf>

²¹ <http://www.plainenglish.co.uk/files/legalguide.pdf>

relevant at this stage, such as complaints procedures, being included on the first page. This sometimes gave the impression that the CCL was a point of reference to set aside for future use if needed rather than something to read carefully on receipt. In addition, giving complaints procedures early prominence suggested that something was likely to go wrong; this was believed to create a negative tone in the relationship from the outset. A key improvement identified was to restructure the letters to focus on consumers' priorities, as identified in Section 4. These priorities typically focussed on consumers' own specific cases and the information they considered most relevant at the beginning of the legal process.

A further criticism levelled at some of the example CCLs was that they often mixed generic and case-specific information, making it difficult to navigate and pull out the key details. Providing a logical structure was seen as crucial to improving the ease with which consumers were able to navigate through the document.

A suggested flow for consumers' key information needs at this stage is shown in *Figure 22* below:

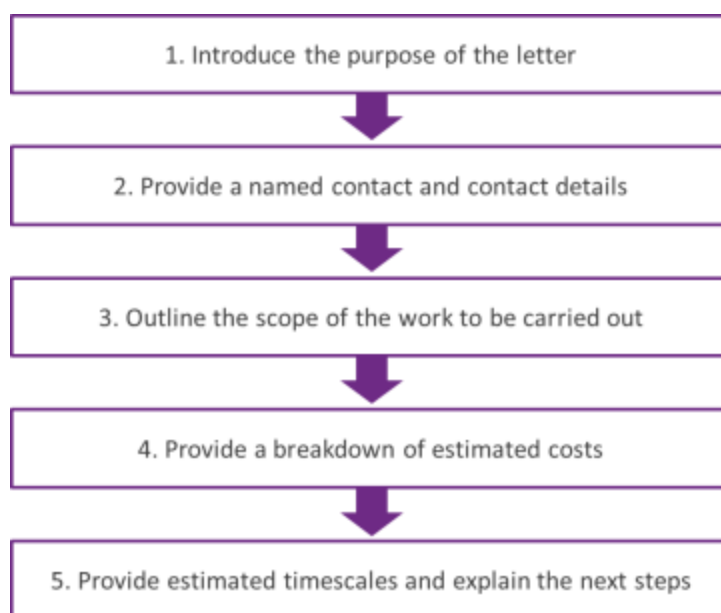


Figure 22: Suggested flow of information to meet consumer needs

5.3.5 Personalise information

As referenced above, consumers were more likely to engage with the information they felt to be most relevant to their individual circumstances. This is in keeping with research findings from other sectors, including work by The Behavioural Insight Team that has demonstrated the importance of personalisation in making communications more

attractive²². In addition, *'Keeping it real'* by providing real life examples is also one of NEST's golden rules of communication²³.

In this research we found that using CCLs to demonstrate knowledge and understanding of the consumer's case was important for building consumer confidence in the legal services provider, and making them feel valued. Among those who had had positive experiences with legal services providers the perception that they had received a tailored service was often central to their sense of satisfaction; they felt this had been demonstrated across all forms of communication. In contrast, CCLs that were perceived to contain largely generic information, including options that had already been ruled out at the first meeting or discussion were viewed as lazy, uncaring and transactional, for example, *'If you are an existing client and I have already established your identity and address, further evidence may not be necessary'* [Driving Prosecution CCL].

In order to develop more personalised CCLs it is important to:

- Ensure that information is personalised wherever possible – for example, by providing realistic rather than vague estimates on likely timescales / costs
- Use personal pronouns so that it is clear the communication is between the person handling the case and the consumer – for example I, you, we, rather than 'the defendant'
- Consider tone and show empathy where appropriate – for example *'It was a pleasure to meet you last week, even under the difficult circumstances that brought you to me'* [Family matter CCL]

In the last example, the opening sentence not only made the letter feel more personal, it also had the effect of instantly making people feel more relaxed about the communication. This was in contrast to some other CCLs that used bold, impersonal opening statements such as *'This letter is legally binding'*.

5.3.6 Make it easy to read

Initial impressions were perceived to be key in determining subsequent engagement with the CCLs. Consumers identified multiple aspects within the examples tested that put them off reading from the outset. These included;

- Small font size – While for those with visual impairments this was a fundamental barrier to engagement, larger fonts were considered more inviting to read generally

²² http://www.behaviouralinsights.co.uk/wp-content/uploads/2015/07/BIT-Publication-EAST_FA_WEB.pdf

²³ <https://www.nestpensions.org.uk/schemeweb/NestWeb/includes/public/docs/golden-rules-of-communication,PDF.pdf>

- Dense bodies of text – Large paragraphs were often ignored or skim read, meaning that key information was missed. Consumers preferred information to be broken down wherever possible, and suggested the use of bullet points, tables, or a staged process to help make the more complex content more manageable. Examples of this included putting cost breakdowns into a table, and including a checklist of ‘*Action required*’ in conveyancing CCLs

“Keep it simple, with info broken down. I want to hear what’s going to happen: this by this date, this by that date.” Vulnerable, Recent User, Leeds

5.3.7 Highlight key information

Existing letters were often found difficult to navigate and key information difficult to pick out. Consumers identified a number of ways in which this could be addressed:

- Use bold text to highlight key information, for example, **estimated costs**
- Use imagery to help information to stand out, for example
 - Summary boxes, for example, a *glossary of key terms / key information*
 - Tables, for example, for *cost breakdowns*
 - Lists, for example, *displaying a complaints procedure as a staged process*
- Use sub-headings throughout so consumers can quickly identify the elements they perceive to be of greater relevance

5.3.8 Consider additional opportunities to engage consumers

A further consideration for CCLs is whether there are alternative approaches for conveying the information that is perceived to be less relevant at the beginning of the legal process. While steps can be taken to make the information included within existing communications more engaging, this provides no guarantee that all information will be read in detail. Indeed as specified in Section 4 some information is simply viewed as less relevant and not worthy of attention at the CCL stage. For many this would include cancellation rights, terms of business and complaints information. This is not to say that consumers do not consider this information important, but rather that they categorise it as ‘for reference if needed’ and as such not a priority at the outset.

While consumers cannot be forced to read this information, it is important that they are aware that it is there and available to them, particularly as the provision of much of this information is a regulatory requirement. In this research two key approaches to increasing engagement were identified:

1. **Separating out information** – Rather than sending lengthy letters, more generic information could be provided in leaflets to help it stand out. The only perceived danger of this is that it could potentially be discarded; this could be mitigated by additionally emailing the information

2. **Reminding people of this information later on in the journey when they may be more receptive** – Consumers thought that information about *complaints procedures* in particular would be more relevant once the legal process was underway. While it may be difficult to identify specific opportunities for sending reminders about this sort of information during the process, it was anticipated to have greater relevance closer to completion when consumers expected to be more aware of whether or not they were satisfied with the service received

5.4 Additional Considerations

5.4.1 Encouraging greater engagement among vulnerable consumers

As identified in Section 3, engaging with CCLs was found to be particularly challenging for more vulnerable consumers. Some thought that legal services providers could potentially do more to support them. This usually meant taking the time to understand any potential challenges that particular consumer faced at the initial contact stage, and ensuring that the necessary support would be available. Seemingly small gestures such as offering letters in a bigger font size were believed to show a great deal of understanding and empathy, reducing the potential embarrassment of having to ask for them. Likewise, appropriate signposting to what consumers should do if they had any questions, for example, by giving them permission to call, was also something that would be welcomed.

6 CONCLUSIONS

6.1 There is mixed engagement with Client Care Letters currently, which does mean that key information can be missed

The research found that there was a strong preference to receive a formal letter from legal service providers at the beginning of the legal process in order to set out expectations upfront. However, while recent users tended to recall receiving written communications of this nature, the extent that these are currently read in detail varied. While the research found that there were undoubtedly some external factors at play here, for example, whether or not the legal service provider had explained the process in a previous meeting, the way the information was being presented was also considered a major determining factor. In particular the following issues were identified:

- CCLs were perceived to be lengthy documents, often provided alongside a wider welcome pack. This meant it was perceived to be a lot of effort to engage with them fully
- They were often thought to include a lot of generic information, such as terms and conditions, which had the effect of making them feel less relevant
- The format in which they were presented was felt to be similarly off-putting, often involving dense paragraphs and small font sizes, which made them difficult to read and pick out key information
- At times they were seen as lacking a clear purpose, as this was not always conveyed at the start of the letter and it was unclear to what extent any action was required on the part of the consumer
- Finally the language used was not always consumer-friendly, with complex and unfamiliar terms and phrasing

The above factors were found to make engagement particularly difficult for vulnerable consumers such as those with low literacy levels, visual impairments, English as a second language or indeed anyone who might be receiving these communications in a heightened emotional state.

6.2 Consumers desire information contained within Client Care Letters to be tailored to their case wherever possible

The key information consumers seek at the beginning of the legal process was not necessarily included or clearly signposted within the existing letters. The key questions they reported having at this stage were:

- *What is going to happen?* Providing clear guidelines on the scope of the agreed work and confirmation of what the legal service provide will and will not do
- *How much is it going to cost?* Providing an estimated cost breakdown and explanation of potential additional costs that could be incurred

- *When is it going to happen?* Setting expectations as to the likely timescales for their case
- *What do I have to do?* Providing clarity as to any information or action required by the consumer throughout the legal process
- *How do I get in touch?* Confirming named contact details and setting the rules of engagement for contact throughout the legal process

More generic information (such as terms of business, complaints procedures, cancellation rights) was often perceived to be less relevant at the outset of the legal process, although it was recognised as useful for future reference. As such it was thought that inclusion of all this information in a single letter was potentially off-putting, and could suggest a lack of understanding of consumers' needs.

6.3 A checklist of 8 key principles emerged for improving engagement with Client Care Letters

The research identified a number of considerations for developing the letters going forwards. These were as follows:

1. **Show a clear purpose:** Use directive headings throughout and provide a rationale for the letter upfront
2. **Keep it concise:** Recognise that less is more (keep the content to two pages if possible), break information down into bite size chunks (for example, by avoiding lengthy paragraphs), and use a short to the point sentence structure
3. **Put it in Plain English:** Avoid legal terms, archaic language, unnecessary use of 'big' words, but retain a professional (formal) tone
4. **Prioritise information:** Focus on the information which is most relevant to the consumer as identified in Section 6.2
5. **Personalise information:** Demonstrate knowledge of the consumer's case, use personal pronouns so it is clear the writer is talking to the consumer, and remove irrelevant information
6. **Make it easy to read:** Use a large and clear font size (minimum 12), avoid clutter and dense paragraphs and separate out key information, for example, into tables / numbered steps
7. **Highlight key information:** Use bold type for key points and use summary boxes, headers, or other visual tools (for example, process diagrams or tables), to emphasise key sections
8. **Additional opportunities to engage consumers:** Where information is perceived to be less relevant (for example complaints procedures), consider alternative approaches to increase awareness and engagement. These may include; providing this information in a separate leaflet to heighten standout and / or providing reminders about how to complain further down the legal process, when it may be considered to be more relevant

6.4 Encouraging greater engagement among vulnerable consumers

As identified in Section 3, engaging with CCLs was found to be particularly challenging for more vulnerable consumers. Some felt that legal services providers could potentially do more to support them. This usually meant taking the time to understand any potential challenges that particular consumers faced at the initial contact stage, and ensuring that the necessary support would be available. Seemingly small gestures, such as offering letters in a bigger font size, were considered to show a great deal of understanding and empathy, reducing the potential embarrassment of having to ask for special treatment. Likewise, appropriate signposting to what consumers should do if they had any questions, for example, by giving them permission to call, was also something that would be welcomed.