COMPARISON WEBSITES – DO YOUR SERVICES MEASURE UP?

For many years, the Competition and Markets Authority (CMA) and the Legal Services Board's Consumer Panel have been pushing for consumers to have more publicly available information when they are choosing legal services writes Jayne Willetts Solicitor Advocate and Bronwen Still Solicitor Consultant both of Jayne Willetts & Co Solicitors Limited.

In addition to costs information and an overview of the services available, they consider that an indicator of quality and service standards should also be included. It is becoming clear that Digital Comparison Tools, (DCTs), are seen by the CMA and the legal services regulators as the most obvious way to give clients the information they need when looking to instruct a firm. Many firms will have had no, or limited experience of DCTs, but this is changing and those who remain unaware of them and their impact may lose business as a consequence

The LSB and the approved legal regulators such as the SRA have to abide by the regulatory objectives set out in Part 1 of Legal Services Act 2007 and those relevant here are:.

1(c) improving access to justice;

(d) protecting and promoting the interests of consumers; and

(e) promoting competition (in legal services).

Evidence gathered over the years has shown that individuals and SMEs are reluctant to instruct law firms and, when they do, they have often been prejudiced because of the delay in doing so. This reluctance has largely been seen as a fear of the law and the legal system generally but, in particular, anxiety about costs and what to expect from lawyers.

The first major step by the SRA towards meeting these objectives was the Transparency Rules which came into force in 2018. These require firms to publish certain information on their websites. This includes details on prices for some common services, such as conveyancing and immigration work, what a service involves, likely timescales and the legal experience of those who do the work. Some firms also publish other information about the quality of their service, such as customer reviews. These rules do not, however, give consumers much help in gauging quality or making comparisons between firms other than in relation to costs. DCTs, it is believed, could be instrumental in bridging this information gap by providing independent reviews on legal services that consumers can access. At the moment, however, very few member of the public use DCTs to help them find a suitable law firm. Back in 2015, the LSB conducted a survey which found that just 1% of consumers buying legal services used a comparison site such as Trustpilot or Google.

To take a closer look at the use of DCTs and their potential usefulness, the SRA, the Council for Licensed Conveyancers, and CILEx Regulation ran a pilot scheme for a year between 2021 & 2022 looking at how comparison sites could potentially make improvements to encourage greater use by the public. Those who took part were 6000+ consumers, 264 law firms and a number of participating DCTs, the largest being Trustpilot but the majority being small specialist legal DCTs. A voluntary code of conduct was agreed with the DCTs for the trial period to give confidence to participating firms.

The key findings were these.

The public still rarely use DCTs to shop for legal services. Whilst 88% of those surveyed used them to shop for new services or products, only 22% used them for legal services. This is mainly due to lack of awareness that comparison sites for legal services exist.

In terms of price comparison sites, 24% said they were aware of them for legal services but only 12% had actually used them for this purpose.

Of firms who responded to the survey:

• 44% confirmed that they actively encouraged existing clients to post reviews about them – most commonly directing them to Google Reviews, ReviewSolicitors or Trustpilot.

• Of these, two-thirds use content on review sites to help attract new clients.

• Just under half of respondents routinely monitor the internet for reviews of their firm.

• 66% of the respondents that direct their clients to submit reviews confirm they use review websites.

• 50% take account of comments made in reviews as part of their employee reward and recognition approach.

Law firms were wary of price comparison sites because of the belief that this just encouraged a "race to the bottom", especially without qualitative information, and that firms' own websites were the place for this information to be provided.

The conclusion of this survey was that there are clear benefits for firms and consumers concerning the use of DCTs. However, it is early days and four main barriers were identified to their use. These were:

• a lack of public awareness

• the limited number of firms engaging with such sites

• the complex nature of legal services

• how infrequently individuals actually need to shop around for legal support.

There is also the issue of anonymity. Most clients would wish to remain anonymous because of the confidential nature of legal work making it more difficult to know whether the reviews are genuine. Damaging or even malicious reviews by dissatisfied clients engaged in complaints to the firm and/or the Legal Ombudsman would also be a challenge.

Finally, the elephant in the room – commerciality. DCTs are not charities. They exist to make a profit. Adverts, payments to appear as a preferred supplier on the comparison website and commissions secret or otherwise could muddy the waters of the trusted relationship between solicitor and client and possibly interest the SRA.

In conclusion, it is clear that the SRA and other regulators involved believe that the pilot scheme was a useful starting point. They intend to carry this research forward drawing other bodies such as the Legal Ombudsman, HM Land Registry and HM Courts and Tribunal Services into the picture. The desire is to see what information is already publicly available about firms and how it could be used. For those interested, the report of this pilot scheme is available on the **SRA's website**.The SRA have also published other information on comparison sites, some of it aimed at the public in an effort to raise awareness of them.

In the meantime, firms might want to consider whether they could use DCTs in conjunction with their clients to promote the quality of their services. DCTs will not suit everyone. To take the insurance market as an example, some insurers such as Direct Line and NFU refuse to appear on comparison sites and plough their own marketing furrow in terms of their commercial offering and reputation and are very successful as a result. It will depend upon the nature of your business but it is worth thinking about as the regulators have it on their radar for the future. Forewarned is forearmed!