



Scottish Legal Complaints Commission
Guarantee Fund Research

Final Report
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1. Introduction and Objectives

Background

- 1.1 The Scottish Legal Complaints Commission (SLCC) is an independent and impartial organisation, set up in October 2008 under the Legal Profession and Legal Aid (Scotland) Act 2007. The SLCC provides a single gateway and point of contact for all complaints against legal practitioners operating in Scotland e.g. qualified conveyancers, solicitors, advocates and commercial attorneys, and aims to enable complaints to be resolved quickly and effectively. A further role of the SLCC is to oversee the Scottish Solicitors' Guarantee Fund operated by the Law Society of Scotland (LSS).
- 1.2 The Scottish Solicitors' Guarantee Fund protects those who have suffered a financial loss because of the dishonesty of a solicitor or a member of their staff. If a member of the public feels that they have lost money in this way, they can make a claim against the Guarantee Fund. The LSS decides whether an investigation into the claim should be carried out or not. It is a fund of last resort, whereby compensation is only given to those who have exhausted all other options of recovery. Therefore the award of a grant by the LSS is discretionary.
- 1.3 Prior to this research project, the SLCC had conducted initial exploratory research with members of the profession and claimants to allow them to understand the purpose and function of the Law Society of Scotland's Master Policy and Guarantee Fund.
- 1.4 Following this, the SLCC commissioned Progressive to conduct further research specifically with claimants to the Guarantee Fund in order to gain a better understanding of their experience of the process.

Research Aims and Objectives

- 1.5 The overarching research aim was to understand the process that claimants go through when dealing with the Guarantee Fund (GF) and to explore their experiences and perceptions of the Guarantee Fund
- 1.6 This was broken down further into the following objectives:
 - Measure levels of awareness of the Guarantee Fund amongst claimants
 - When claimants first became aware of the Guarantee Fund
 - How claimants became aware of the Guarantee Fund
 - What claimants understood the terms and conditions of the Guarantee Fund to be
 - How claimants found out about the conditions of the scheme

- Understand the Guarantee Fund process (operated by LSS) that the claimants went through
 - How long the process took to resolve the claim
 - The stages claimants went through to resolve the claim
 - The ease with which claimants went through the process
 - Whether the claim was resolved in the claimants' favour
- Measure levels of satisfaction with the Guarantee Fund process
 - The degree to which claimants were happy with the process
 - Whether claimants were satisfied with the outcome of the claim
 - Whether claimants considered the process to be fair
 - Determine any areas of improvement that could be made to the process

The next section describes the approach used to undertake the research.

2. Methodology

- 2.1 Progressive used a quantitative research approach. A postal, paper self-completion method was adopted. Questionnaires were distributed to a sample comprising all those who had made a claim against the Guarantee Fund in the last 5 years and had their claim resolved, whether in their favour or not.
- 2.2 Following meetings with both the Scottish Legal Complaints Commission and the Law Society of Scotland to understand the Guarantee Fund process, Progressive designed the questionnaire in conjunction with the SLCC to meet the research objectives.
- 2.3 Once the questionnaire had been agreed by SLCC, questionnaire packs were distributed amongst the sample. Progressive printed and fulfilled the questionnaire packs, which included an introductory letter to claimants and a freepost envelope to encourage response. Due to Data Protection reasons, Progressive was not able to receive a database of contact details from the Law Society of Scotland. As such the questionnaire packs were sent to LSS for labelling and distribution.
- 2.4 There were two categories of respondents on the Law Society of Scotland's database and therefore two methods of distribution. For the first category, LSS had contact details for the claimant themselves so packs were sent directly to them. For the second, LSS's database only contained details for the names of the claimants' solicitors. In order to account for this, the questionnaire packs included an additional letter asking the solicitor to forward on to their client named on the front of the envelope.
- 2.5 In total, 145 questionnaires were distributed; 85 that went directly to claimants and 60 that went to claimants via their solicitor.
- 2.6 In order to optimise the response rates to the survey reminder letters were sent to respondents halfway through the fieldwork period. The fieldwork period was also extended to give maximise the opportunity for claimants to respond.
- 2.7 Questionnaires were returned directly to Progressive in freepost envelopes. In total 19 completed questionnaires were returned for analysis, denoting a 13% response rate.

3. Notes on Interpretation

- 3.1 There are a number of considerations to bear in mind before interpreting the findings from this research.
- 3.2 The main limitation to the research is the resultant low base size from which only limited analysis can be undertaken. There are a number of factors that resulted in a lower than anticipated number of final responses:
- Total sample universe was lower than anticipated
 - Initial anticipation was that questionnaires would be sent out to approximately 250 individuals but in the end only went out to 145
 - A large proportion of questionnaires were not sent directly to claimants
 - Sending questionnaires first to solicitors to pass on to their clients would have affected the likelihood of the questionnaires reaching them and also their likelihood of completing them. Consequently, this is likely to impact response rates.
 - Missing information on labels
 - A few solicitors fed back that there was no client contact on the packs they were sent so were unable to forward these on, again, affecting the final response rate (at least 4 reported this to be the case)
 - Address Information was not up to date
 - A few questionnaire packs were returned due to respondents having moved house (6 gone away / no access)
- 3.3 However, it should be noted that a 13% response rate is respectable for a postal self-completion survey and is consistent with industry expectations (around 5%-15%).
- 3.4 Assuming a sample 'universe' of 145, the overall sample size of 19 provides a dataset with a margin of error of between $\pm 4.19\%$ and $\pm 21.03\%$, calculated at the 95% confidence level (market research industry standard). This margin of error relates to how confident we can be that the results from the 19 questionnaires are representative of the views of the 'universe'. For results to be statistically robust we would require a maximum margin of error of around $\pm 10\%$. Consequently, the results from this survey should be interpreted with caution as they are not statistically robust i.e. we are *less* confident that they are representative of all claimants' views.
- 3.5 Due to the low base size and comparatively high margin of error, **findings are indicative only**. Findings have been interpreted and reported on with the intention of providing a more qualitative commentary, rather than a typical quantitative style using charts and tables. Findings should therefore be treated with caution, viewed as general in nature and not seen as definitive evidence in terms of making firm conclusions and recommendations.
- 3.6 It should be noted that our sample was made up of respondents who had "Successful" or "Partially Successful" claims therefore it is possible that the positive outcome has had an impact on their overall experiences and views of the Guarantee Fund process. It should also be noted that the views of those whose claim was "Unsuccessful" are not represented in this research.

The next section outlines the main findings from the research.

4. Research Findings

Finding out about the Guarantee Fund

- 4.1 Respondents were asked how they first became aware of the Guarantee Fund and about their understanding of its conditions during the initial application stages.
- 4.2 Claimants became aware of the Fund through various means but the largest portion of people (8 out of 19) were made aware of the Guarantee Fund when seeking legal advice or from a solicitor. A minority (6) found out about it either through the Law Society of Scotland website, through their own research or via the Judicial Factor's report.
- 4.3 Before making an application, respondents were generally informed about the Guarantee Fund's conditions from a solicitor or read the guidance and application pack themselves.
- 4.4 At this initial stage, respondents' knowledge of the different conditions of the Guarantee Fund varied; as did their confidence that they understood the application process. Around half of respondents (10) knew that notification of loss must be made to the Law Society of Scotland within a year of it coming to the claimant's attention. Similar numbers (9) knew that the Fund is administered as a last resort. However, understanding of these conditions seems to be polarised with almost half respondents (8) stating they were not aware of them. More people (13) knew that the Fund is made wholly at the discretion of the Law Society of Scotland, which suggests that this condition is slightly clearer.
- 4.5 More respondents at this stage of the process stated they were confident they understood the conditions under which they were able to apply (11 of 18) but there was still a number who expressed they were not or were unsure (7).

The Applications Process

- 4.6 At a general level, more respondents seemed satisfied than not with the different aspects of the initial application stage.
- 4.7 Most people (12 of 19) applied for the Fund within 3 months following their loss.
- 4.8 At this initial application stage, respondents were fairly evenly split between those who had exhausted all other means of recovery and those who had not and had to do so before applying, perhaps highlighting a greater need for clarity of this condition.
- 4.9 Most (9) had a solicitor initiate the application process for them, although a number initiated it themselves (5), with the rest through other means.
- 4.10 In general, respondents seemed to be satisfied with the different aspects involved in the initial stages of the application process. The information about the Guarantee Fund and the process of obtaining an information pack was rated relatively highly (11 and 12 satisfied respectively). In addition, more people were satisfied than not with the clarity of the guidance notes (11), the level of detail required for the application form (12) and the ease of completing the form (11).

- 4.11 Reasons given for dissatisfaction with the initial stages of the application process related to two key aspects; the general process itself and information provided. For some there was a feeling of frustration of having to go through a lengthy process to recover money when they were not at fault. Their application required providing a large volume of information that took a long time to process and it was felt unjustified given they perceived themselves as victims. Secondly, a couple of claimants had issues with the lack of information or the information provided being inaccurate.

“This was done via our solicitor and accountant and seemed to go on forever with forms, questions etc. And you felt you were a criminal and not the solicitor at fault.”

“If I'm honest I had no idea why "my" money was not available to me and I had to wait ages to get it back. I was very frustrated with the whole process yet without it I would still be out of pocket!”

- 4.12 Most claimants remembered receiving an acknowledgement of the application from the Law Society of Scotland (16 of 18) and for the few who were asked to provide additional information, it was clearly explained to them why this was needed.

- 4.13 In summary, most people felt fairly satisfied with the application process during the initial stages. For some of those that weren't, they seemed to feel disgruntled with the circumstances they were in, rather than the process itself. However, there is some indication that people felt some of the information relating to the Fund's conditions was perhaps inaccurate (as outlined in the quotes above and below). There may be a potential need therefore for clearer, unambiguous provision of information.

“I was given incorrect information by a member of the interventions department about claiming interest from the SSGF. The guidance notes also said that an amount may be added to take account of interest lost - but no lost interest was reimbursed.”

The Outcome

- 4.14 All of those who responded to the survey were successful in their claim to some extent. Nevertheless, there was still evidence of some dissatisfaction with the outcome and the decisions behind it. This is explored below in more detail.

- 4.15 In terms of the time taken to reach a decision about claimants' applications, respondents were fairly even split between those who received communication within four months (6) and those for whom communication took longer than six months (7). Five could not remember. The majority (12) were satisfied with the level of communication provided by the Law Society of Scotland throughout the process.

- 4.16 Ten of our respondents were successful in their claim, all of whom were satisfied with the outcome. Six were partially successful and of these, four were dissatisfied.

- 4.17 From the comments provided as to the reasons why, one respondent's dissatisfaction stemmed from the perception that they were not provided with direct answers for the decision. Three comments related to respondents not receiving full compensation and feeling that the decision made and the reasons for it were not clearly explained to them. Some of these comments are outlined below:

“It seemed as if the Scottish Solicitor's Guarantee Fund were trying to pay as little as possible and were looking after their own interests. Again you were made to feel like a criminal at the hearing.”

"I was not fully compensated for a fraud that was not my fault but my solicitor's, who was now in jail and yet I had to suffer financially and with stress."

- 4.18 Comments from the five people who provided reasons for their satisfaction expressed relief that the process had come to an end and they perceived that the Fund had worked well for them.

"Achieved desired outcome although would have preferred not to have gone through the process at all."

"[Because] I felt that I could move forward and bring closure to the whole affair [as] I had felt very let down by the solicitor involved in my particular case."

- 4.19 Most people who completed the survey understood the reason behind the decision made on their application (14 of 18), with a small number of people stating they were not given a reason or couldn't remember (4). Nearly three times as many were satisfied (11) than dissatisfied (4) with the reasons given behind the decision. The few that were dissatisfied were either not given an explanation, believed that the decision given was not made on an objective basis or did not agree with the reasons.
- 4.20 In terms of the assignation process, respondents were evenly divided between those who were aware that the grant was only payable on its completion (8) and those that were not or unable to remember (8). However, more than half understood why the process was necessary (10).
- 4.21 Following the assignation process, the time taken for respondents to receive their payment varied. The largest group received theirs within a month (5). However, the rest were spread with some stating that it took longer than six months.
- 4.22 Only 1 person in our sample appealed and was very dissatisfied with this process.
- 4.23 From our survey responses, overall, more respondents had a satisfactory outcome, felt informed and understood the reasons behind the outcome than did not. Those who were fully successful were satisfied with the outcome and those who were only partially successful were less so.
- 4.24 The main issue driving dissatisfaction seemed to be lack of clarity as to why they were not entitled to full compensation. This perhaps highlights that reasons for only partial success need to be explained clearly from the outset.

Overall Perceptions

- 4.25 More respondents were satisfied with the Guarantee Fund process than were not. For those that were dissatisfied, verbatim comments largely related to two key aspects; the length of time the process took to complete and the lack of, or inaccurate, information.
- 4.26 More respondents to the survey felt that the process was easy to understand (9), fair and objective (9) and easy to complete (10) than those who did not. Additionally, the majority of those that responded believed the Fund is designed to protect the public (14), that the decision making process is fair and objective (12) and that the outcomes reached through it are usually fair (9).

- 4.27 Of the respondents who viewed the process more negatively, the main criticisms related to perceptions of misleading information, complex processes and bias within the process.

"It appeared to be easy to understand, but the guidance notes on interest were misleading. The solicitor withheld money for 10 years but no interest was paid because that was not 'exceptional'."

"The Judicial Factor said the form wouldn't be very user-friendly - she helped us. The form is a bit intimidating, very formal."

"It was the legal fraternity looking after their own and was not independent or objective but in my opinion it was bias [sic]."

- 4.28 Suggested improvements to be made to the process of applying for a grant from the Guarantee Fund, related to two key aspects; the complexity and length of the process and communication. Some respondents perceived the process as taking an unnecessary amount of time and felt that it could be made simpler. A few suggested that communication needed to be improved both in terms of ensuring accurate, clear information at the outset and in terms of keeping people up to date with developments and this is noted by the quotes below.

"More accurate guidance notes."

"More independent form of process with people being taken into account and what they have gone through."

"The speed with which the process is concluded for relatively minor and straightforward claims. Reduce the amount of time between communications so that the applicant is kept well-informed of the progress of their application throughout."

Thoughts on Future Research

- 4.29 Progressive believes that there may be value in monitoring claimants' experience of the Guarantee Fund moving forward. However, we would recommend feedback to be obtained on a rolling basis i.e. when they have just been through the process. This would approach would be beneficial for the following reasons:

- Ensure accuracy of response as the experience of applying to the Guarantee Fund would still be fresh in claimants' minds
- Likely to improve response rates
- Provide the opportunity to secure feedback from both successful and unsuccessful claimants

- 4.30 To this end, Progressive would recommend sending questionnaires to claimants once their decision has been made and they have returned their assignation. Analysis of results could then be undertaken on a bi-annual basis to allow any improvements or changes to be identified and implemented.

5. Summary and Conclusions

- 5.1 The findings from those who responded to the survey, suggest that the majority of claimants are relatively satisfied with the process of applying to the Guarantee Fund from the initial application stages right through to the outcome.
- 5.2 However, there are a number of instances where people have expressed a more negative viewpoint. This is evident in all stages:
- From the outset: Respondent's lack of confidence in understanding the conditions of the Fund
 - Application process itself: Lack of or misleading information provided
 - Conclusion of the process: Dissatisfaction with the length of time it took or not entirely understanding the reasons behind the decision made.
- 5.3 Within each of these different stages, indicative evidence suggests that improved communication, information and guidance would help enhance the perceptions of claimants involved in the process.
- 5.4 Although large portions of claimants seek legal advice and have assistance applying to the Guarantee Fund through a solicitor, it seems that a number of claimants initiate the process themselves. To this end, it is essential that all information relating to the Guarantee Fund is clear, unambiguous and easy to understand from the perspective of individuals who are unfamiliar with legal language and "jargon".
- 5.5 Of particular importance is ensuring that all guidance information from the initial stages makes it absolutely clear the reasons why respondents may not receive full compensation.
- 5.6 Clearer, more accessible information provided at the outset may help avoid confusion over the Guarantee Fund's conditions and manage expectations at a later date.
- 5.7 In addition, communication throughout the process keeping claimants up to date on where their application is may help the perception that the process is unnecessarily lengthy.

Appendix 1: Questionnaire

The Scottish Legal Complaints Commission is keen to hear your feedback and experiences on the Scottish Solicitors' Guarantee Fund and would be grateful if you could complete the following questionnaire. The questionnaire should take around 15 minutes to complete. For each question please tick clearly inside one box using a black or blue pen. Sometimes you will find the box you have ticked has an instruction to go to another question.

By following the instructions carefully you will miss out questions that do not apply to you. Don't worry if you make a mistake; simply cross out the mistake and put a tick in the correct box. Please be assured that the answers you give will remain confidential.

Finding out about the Guarantee Fund

Q1. Approximately what date did the loss you were claiming for first come to your attention?

Month: _____

Year: _____

- Can't remember
- Prefer not to say

Q2. How did you become aware of the Guarantee Fund?

Please select all that apply

- Through my own research
- Colleagues or business partner
- Friends or family
- Via The Law Society of Scotland website
- When seeking legal advice / from a solicitor
- From the Judicial Factor's report
- Somewhere else (please tell us where): _____
- Can't remember
- Unsure

Q3. How did you find out about the conditions of the Guarantee Fund prior to making an application?

Please select all that apply

- Informed of them by my solicitor / adviser
- Read the guidance and application pack
- Read information on the website
- Informed by someone else
- Elsewhere (please tell us where): _____
- Already knew about the Guarantee Fund
- Did not find out about the conditions of the Guarantee Fund at this time
- Can't remember
- Unsure

Q4. When you first became aware of the Guarantee Fund, which of the following conditions were you made aware of:

Please select one answer per row

	Yes, I was definitely aware	Yes, I think I was aware	No, I was not aware	Unsure if I was aware	Can't remember
That any claim on the Fund must be notified to the Society within one year of the loss coming to your attention?					
That the Fund is made wholly at the discretion of the Council of the Law Society of Scotland/Guarantee Fund Committee (i.e. that no claimant has the right to a grant enforceable at law)?					
That the Fund is administered as a fund of last resort (i.e. that you were required to exhaust all other options of recovery before applying to the Fund)?					

Q5. At this stage, how confident were you that you understood the application process (i.e. what the process entailed, who was responsible for making a decision relating to your application and the conditions under which you were able to apply)?

Please select one answer only

- Very confident
- Quite confident
- Neither / nor
- Not very confident
- Not at all confident
- Can't remember
- Unsure

The Application Process

Q6. Approximately how long after the loss coming to your attention did you first apply to the Guarantee Fund?

Please select one answer only

- Within a month
- 2-3 months
- 4-5 months
- 6-7 months
- 8-9 months
- More than 9 months
- Can't remember

Q7. Which of the following best describes your situation at this stage?

Please select one answer only

- I had exhausted all other options of recovery and was able to begin the application process
- I had not exhausted all other options of recovery and was advised to do so before beginning the application process
- I made an initial application but was unable to proceed because I had not exhausted all other options of recovery
- Unsure whether or not I had exhausted other options
- Can't remember

Q8. Who initiated your application process to the Guarantee Fund?

Please select one answer only

- Myself
- My solicitor / adviser
- Business partner
- Someone else in my organisation
- Someone else (please tell us here): _____
- Unsure
- Can't remember

Application process / documents

Q9. How satisfied were you with each of the following?

	Very satisfied	Quite satisfied	Neither / nor	Quite dissatisfied	Very dissatisfied	Can't remember	N/A
The information about the Guarantee Fund scheme							
The process of obtaining an information pack							
The clarity of the guidance notes							
The level of detail required for the application form							
The ease of completing the application form							

Q9a. If you were dissatisfied with any aspects of the information provided or the application form, please tell us why below:

Q10. Did you receive an acknowledgment of your application from the Law Society of Scotland?

Please select one answer only

- Yes, definitely
- Yes, I think so
- No, I don't think so
- No, definitely not
- Unsure
- Can't remember

Q11. Were you asked to provide any additional evidence after you had submitted your application form?

Please select one answer only

Yes	Go to Q11a
No	Go to Q12
Unsure	
Can't remember	

Q11a. Was it clearly explained to you why you needed to give this information?

Please select one answer only

- Yes, definitely
- Yes, I think so
- No, I don't think so
- No, definitely not
- Unsure
- Can't remember

Q11b. Were you able to provide the additional information required?

Please select one answer only

- Yes, all of it
- Yes, part of it
- No
- Unsure
- Can't remember

Outcome

Q12. How long after you submitted your application form to the Law Society of Scotland for a Guarantee Fund did you receive communication from them stating that they had reached a decision?

Please select one answer only

- Within two weeks
- Between two weeks and a month
- Between one and two months
- Between two and four months
- Between four and six months
- Longer than six months
- Can't remember
- None received

Q13. How satisfied were you with the level of communication from the Law Society of Scotland throughout the process until the decision was made?

Please select one answer only

Very satisfied	Go to Q14
Quite satisfied	
Neither / nor	
Quite dissatisfied	Go to Q13a
Very dissatisfied	
Can't remember	Go to Q14
Unsure	

Q13a. Why were you dissatisfied with the level of communication?

Please select all that apply

- Didn't receive any
- Difficult to understand
- Not frequent enough
- Didn't explain in enough detail
- Other reason (please tell us what) _____
- Can't remember

Q14. What was the outcome of your application?

Please select one answer only

- Successful – grant received for total amount claimed
- Partially successful – grant received for partial amount claimed
- Unsuccessful – no grant received
- Prefer not say
- Unsure
- Can't remember

Q14a. How satisfied were you with this outcome?

Please select one answer only

- Very satisfied
- Quite satisfied
- Neither / nor
- Quite dissatisfied
- Very dissatisfied
- Can't remember
- Unsure

Q14b. Why is this?

Q15. To what extent did you understand the reasons behind this decision?

Please select one answer only

- I fully understood the reasons behind the decision
- I partially understood the reasons behind the decision
- I did not understand the reasons behind the decision
- I wasn't given a reason for the decision
- Unsure
- Can't remember

Q16. How satisfied were you with the reasons given for the decision?

Very satisfied	Go to Q17 if application successful or partially successful Go to Q20 if application unsuccessful
Quite satisfied	
Neither / nor	
Quite dissatisfied	Go to Q16a
Very dissatisfied	
Can't remember	Go to Q17 if application successful or partially successful Go to Q20 if application unsuccessful
Unsure	

Q16a. Why were you dissatisfied with the reasons given for the decision?

Please select all that apply

- Decision not in my favour
- Didn't receive an explanation
- Didn't understand reasons given
- Didn't agree with reasons given
- Did not believe the decision was made on an objective basis
- Did not believe I was given adequate opportunity to present my case
- Other reason (please tell us what)_____
- Can't remember

If your application was "Successful" or "Partially Successful", please answer Q17-Q20.

If your application was "Unsuccessful", please proceed to Q20

Q17. Were you aware at this stage of the assignation process (i.e. that the grant would only be payable on completion of a transfer of your rights of recovery)?

Please select one answer only

- Yes, definitely aware
- Yes, I think I was aware
- Unsure if I was aware
- No, I was definitely not aware
- Can't remember

Q18. To what degree do you feel you understood why this process was needed?

Please select one answer only

- I fully understood why this process was needed
- I only partially understood why this process was needed
- I did not understand why this process was needed
- The process wasn't explained to me
- Can't remember
- Unsure

Q19. How long after signing / returning the assignation did you receive payment?

Please select one answer only

- Within two weeks
- Between two weeks and a month
- Between one and two months
- Between two and four months
- Between four and six months
- Longer than six months
- Can't remember

Q20. If you went through the appeals process, how satisfied were you with this process?

Please select one answer only

- Didn't go through the appeals process
- Very satisfied
- Quite satisfied
- Neither / nor
- Quite dissatisfied
- Very dissatisfied
- Can't remember

Overall thoughts

Q21. Overall, how satisfied or dissatisfied were you with the process of applying for a Guarantee Fund? Please think in terms of the actual process you went through rather than the outcome of the decision.

Please select one answer only

- Very satisfied
- Quite satisfied
- Neither / nor
- Quite dissatisfied
- Very dissatisfied
- Can't remember
- Unsure

Q21a. Why is this?

Q22. To what extent do you agree that the process you went through was...?

Please select one answer only

	Strongly agree	Slightly agree	Neither / nor	Slightly disagree	Strongly disagree	Unsure
a) Easy to understand				Go to Q22d		
b) Fair and objective				Go to Q22e		
c) Easy to complete				Go to Q22f		

Q22d. Why do you disagree that the process was easy to understand?

Q22e. Why do you disagree that the process was fair and objective?

Q22f. Why do you disagree that the process easy to complete?

Q23. Taking all things into account, to what extent do you agree or disagree with the following general statements about the Guarantee Fund?

	Strongly agree	Slightly agree	Neither / nor	Slightly disagree	Strongly disagree	Unsure
a) The Guarantee Fund is designed to protect the public						
b) The process by which decisions are made is fair and objective						
c) The outcomes reached are generally fair						

Q24. What improvements, if any, would you make to the process of applying for a grant from the Guarantee Fund?

Q25. If you have any additional comments that you would like to share, please tell us here.

About You

Please be assured that the following questions are for our analysis purposes only. Your responses will remain anonymous at all times.

Q26. What was the nature of your claim?

Please select all that apply

- Application for stamp duty / SDLT and the costs of registration
- Application relating to mortgages
- Application relating to failure to pay off a mortgage
- Application relating to state or trust funds
- Unpaid counsel's, expert's or agent's fees
- Overcharging of fees
- Applications for general client money or other losses
- Can't remember
- Prefer not to say

Q27. How much was the claim made for?

Please select one answer only

- Less than £250
- £250 - £999
- £1,001 - £5,000
- Over £5,000
- Prefer not say
- Can't remember

Q28. Was your claim a “Multi profession” claim? I.e. was the loss sustained as a result of the combined activities of more than one profession? (e.g. solicitor conspiring with an accountant or surveyor)

Please select one answer only

- Yes
- No
- Unsure
- Prefer not to say

Thank you for completing our questionnaire.

Appendix 2: List of Verbatim Comments

Q3. How did you find out about the conditions of the Guarantee Fund prior to making an application? (Other)

Advised by Law Society by telephone.

Through Law Society itself.

Contacted Judicial Factor myself.

Judicial Factor.

Law Society.

Q8. Who initiated your application process to the Guarantee Fund?

Law Society.

My father, a retired bank official, assisted me.

Think it was the Judicial Factor.

Q9a - If you were dissatisfied with any aspects of the information provided or the application form, please tell us why below:

I was given incorrect information by a member of the interventions department about claiming interest from the SSGF. The guidance notes also said that an amount may be added to take account of interest lost - but no lost interest was reimbursed.

If I'm honest I had no idea why "my" money was not available to me and I had to wait ages to get it back. I was very frustrated with the whole process yet without it I would still be out of pocket!

This was done via our solicitor and accountant and seemed to go on forever with forms, questions etc. And you felt you were a criminal and not the solicitor at fault.

This was left in the hands of my lawyer and accountant. I did not get involved but was asked for information and given updates.

We were put through to different people with no satisfaction.

Q14 - How satisfied were you with this outcome? Why is this?

Satisfaction with Outcome	Reason
Very satisfied	Because I felt that I could move forward and bring closure to the whole affair as I had felt very let down by the solicitor involved in my particular case.
Very satisfied	The circumstances were such that return of funds was almost certain.
Very satisfied	The Guarantee fund worked well for us.
Very satisfied	I was beginning to think I'd never get the money back after one year!
Quite satisfied	Achieved desired outcome although would have preferred not to have gone through the process at all on account of it not being my fault/shortcoming.
Quite dissatisfied	I was not fully compensated for a fraud that was not my fault but my solicitor's, who was now in jail and yet I had to suffer financially and with stress.
Quite dissatisfied	It seemed as if the SSGF were trying to pay as little as possible and were looking after their own interests. Again you were made to feel like a criminal at the hearing.
Very dissatisfied	No one would give me direct answers.
Very dissatisfied	Full compensation not made. Losses were not disputed but I was told that "payments are made to compensate and are not necessarily fully reimbursed" loss. Why not? It was also acknowledged that the notes re interest might have been an old version and misleading.

Q21 - Overall, how satisfied or dissatisfied were you with the process of applying for a Guarantee Fund? Why is this?

Satisfaction with Outcome	Reason
Very satisfied	Good lawyer.
Very satisfied	We received a full refund of money due to us.
Very satisfied	If I remember correctly, the actual process went through smoothly and quite quickly.
Very satisfied	The process was necessarily long due to the corrupt official involved.
Quite satisfied	Overall the people I dealt with were quite helpful.
Quite satisfied	The application process was relatively straightforward.
Neither nor dissatisfied	It was all a lengthy process to get what was mine anyway. Never really understood why.
Quite dissatisfied	Had my solicitor and accountant not been dealing with this I would have probably given up.
Quite dissatisfied	It took so long and you did not receive full compensation but what they and your solicitor agreed.

Q22b - Why do you disagree that the process was easy to understand?

It appeared to be easy to understand, but the guidance notes on interest were misleading. The solicitor withheld money for 10 years but no interest was paid because that was not "exceptional".

Our solicitor dealt with it along with our accountants and we did not get too involved or fully understand.

The judicial factor said the form wouldn't be very user-friendly - she helped us. The form is a bit intimidating, very formal.

Q22d - Why do you disagree that the process was fair and objective?

It seemed to me at first that the legal profession were looking after their own.

It was the legal fraternity looking after their own and was not independent or objective but in my opinion it was bias.

See previous comments "it appeared to be easy to understand, but the guidance notes on interest were misleading. The solicitor withheld money for 10 years but no interest was paid because that was not 'exceptional'"

Q24 - What improvements, if any, would you make to the process of applying for a grant from the Guarantee Fund?

Maybe better communication - but they may have communicated to the judicial factor who was helping us.

More accurate guidance notes.

More communication.

More independent form of process with people being taken into account and what they have gone through.

None.

Shorter process.

Simpler and fairer with the individual and what they have gone through being taken into consideration.

The speed with which the process is concluded for relatively minor and straightforward claims. Reduce the amount of time between communications so that the applicant is kept well informed of the progress of their application throughout.

Timescales before decisions are made can be somewhat lengthy which adds to client frustration.

Q25 - If you have any additional comments that you would like to share, please tell us here.

As the result of my solicitor's fraud, we went through a very distressing time apart from the financial loss for which we were not fully compensated.

Cath Russell at Morna Grandison Judicial Factors was fantastic at helping clarify our situation and advising us generally.

I believe there is a £5000 limit to the amount the fund can compensate. If this is true it is not enough for some cases.

The administrative and research costs in dealing with claims must be very substantial, in our case exceeding the amount of the settlement itself.

We went through a very trying time and no account was made of this. It was like a machine with the solicitors and accountants coming off best.

When I was awarded a sum of money, I had to sign (and have witnessed) a statement that I had received the money. Once the law society received my (false) statement, they then sent me a cheque. I was assured this was standard practice - it should not be.

Appendix 3: Technical Summary

Methodology:

- The data was collected by postal self-completion.
- The target group for this research study was claimants to the Scottish Solicitor's Guarantee Fund within the last 5 years.
- The sampling frame used for this study was Law Society of Scotland database of claimants.
- The target sample size was 100, and the final achieved sample size was 19. The reason for the difference between these two samples was that the total universe was smaller than anticipated, large portion of questionnaires sent through solicitors to pass on to their clients, missing information on address labels, out of date address information.
- Fieldwork was undertaken between 21st February to 8th April 2011.
- All persons on the sampling frame were invited to participate in the study. However, approximately 10 questionnaires did not reach respondents due to mislabelled envelopes or claimants having "gone away"
- The overall response rate to the survey was 13%. This response rate is typical for a survey of this kind. It should be noted that the high level of non-response may have an impact on findings should non-responding individuals be different from respondents in any significant or systematic way.
- Where a self-completion survey is returned anonymously there is not any opportunity for validation. However, all questionnaires returned undergo rigorous editing and quality checks and any thought to be invalid are removed from further processing.
- All research projects undertaken by Progressive comply fully with the requirements of ISO 20252.

Data Processing and Analysis:

- The overall sample size of 19 provides a dataset with a margin of error of between $\pm 4.19\%$ and $\pm 21.03\%$, calculated at the 95% confidence level (market research industry standard).
- Our data processing department undertakes a number of quality checks on the data to ensure its validity and integrity.
 - For **Paper Questionnaires** these checks include:
 - All questionnaires are checked manually for completeness and sense. Any errors or omissions detected at this stage are referred back to the field department, who are required to re-contact respondents to check and, if necessary, correct the data.
 - Data is entered into our analysis package, SNAP, which includes facilities for the verification of punched data (e.g. double data entry). A minimum of 5% verification of punched data will be undertaken.
- A computer edit of the data is carried out prior to analysis, involving both range and inter-field checks. Any further inconsistencies identified at this stage are investigated by reference back to the raw data on the questionnaire.
- Where "other" type questions are used, the responses to these are checked against the parent question for possible up-coding.
- Responses to open-ended questions will normally be spell and sense checked. Where required these responses may be grouped using a code-frame which can be used in analysis.
- Our analysis package is used and a programme set up with the aim of providing the client with useable and comprehensive data. Cross breaks to be imposed on the data are discussed with the client in order to ensure that all information needs are being met.