



THE FACULTY OFFICE

The Faculty Office Consumer Survey - February 2022

Introduction:

The Faculty Office, on behalf of the Master of the Faculties, conducted a survey of the consumers of notarial services using an online questionnaire operated through the SurveyMonkey platform. The survey was live for the month of February 2022 and was accessible through the consumer pages of the Faculty Office website. A link was also sent to every practising notary with a request that they make the link available to their clients.

Due to the nature of notarial services, it has historically proven very difficult to obtain meaningful data on, and from, the users of those services. The Legal Services Consumer Panel Tracker Survey of 3500 users of legal services in 2021¹ only identified 33 individuals who had used a Notary (of whom 11 had instructed them in work which a Notary is not entitled to handle so they were almost certainly instructed in their capacity as a Solicitor rather than a Notary) notwithstanding the relative research budget of the Panel and the reach of YouGov as a research data provider.

The Faculty Office was therefore pleased to have received 159 responses to its survey with most respondents providing answers to all the questions. This paper provides some the headline findings as well as some of the more detailed data.

What questions were asked?

The survey sought answers to questions covering a range of topics including:

- the frequency with which consumers require notarial services;
- how the need for a notarial service was identified;
- the ease with which the service was found;
- how the particular notarial service was chosen;
- information provided prior to instruction;
- how the notarial service was delivered;
- the level of satisfaction with the service provided; and
- diversity information about the consumer.

¹ 5 July 2021 - Tracker Survey Data for 2021 [Research and reports - Legal Services Consumer Panel](#)

Key findings:

The results of the survey were very encouraging in general terms, with high levels of satisfaction amongst consumers and high levels of compliance with the pre-instruction price and service transparency information required under changes made to the Notaries Practice Rules 2019² following the Competitions and Markets Authority (CMA) Market Study on the Legal Services Sector³ in 2016 and its recommendations.

The spread of notaries around the country presents more of a challenge⁴ with 15% of consumers having to travel more than 10 miles each way to visit a notary and 4.2% travelling more than 20 miles each way. Consumer understanding of why a notary might be needed may also need to be improved, although given that nearly 40% of respondents had only had need to use a Notary once in the last 5 years it is not, perhaps, surprising that knowledge of what Notaries do and why one might need to use notarial services is low.

Sample profile:

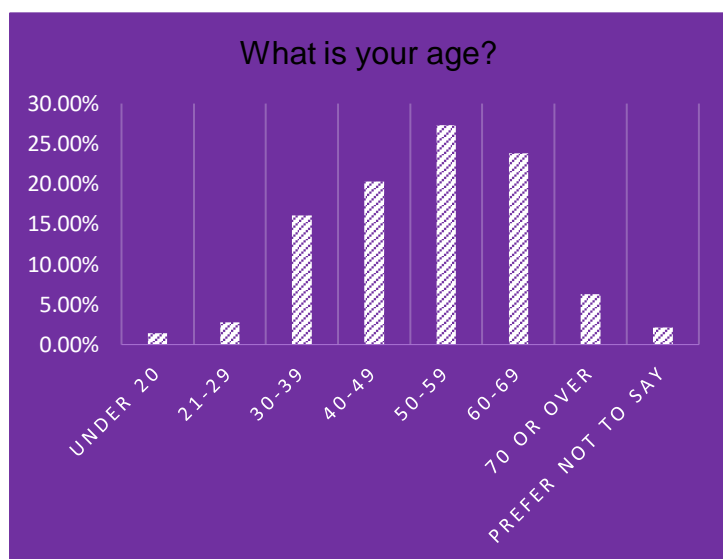


Figure 1

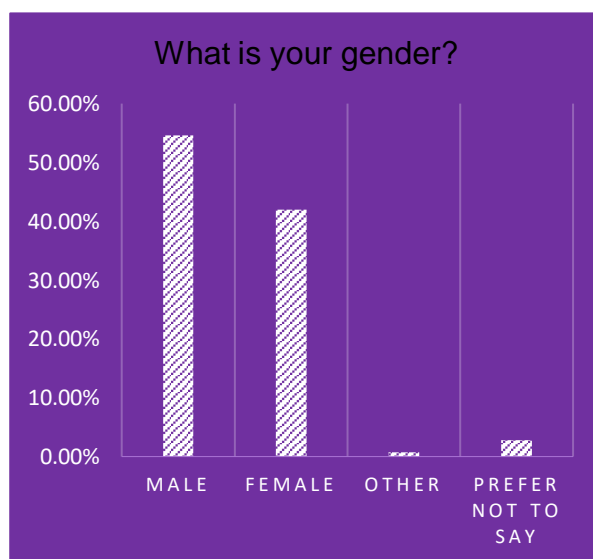


Figure 2

Ethnicity - I would describe my ethnic group as:

Asian/Asian British - Bangladeshi	0
Asian/Asian British - Chinese	4
Asian/Asian British - Indian	5
Asian/Asian British - Pakistani	1
Asian/Asian British -Any other Asian background	1
Black/Black British - African	3
Black/Black British - Caribbean	1

² [Notaries Practice Rules 2019 – The Faculty Office](#)

³ [Review of the legal services market study in England and Wales - GOV.UK \(www.gov.uk\)](#)

⁴ As at 21 April 2022 there are 730 notaries holding a practising certificate in England & Wales of whom approximately half practise inside the M25

Mixed or multi ethnic - White and Asian	0
Mixed or multi ethnic - White and Black African	1
Mixed or multi ethnic - White and Black Caribbean	2
Mixed or multi ethnic - White and Chinese	1
Mixed or multi ethnic - any other mixed multiple ethnicity	2
White – British	93
White – Irish	2
White - Gypsy or Irish Traveller	0
White - any other White background	13
Other ethnic group – Arab	1
Prefer not to say	13
	Answered 143
	Skipped 16

Figure 3

Disability - the definition of disability is a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities.

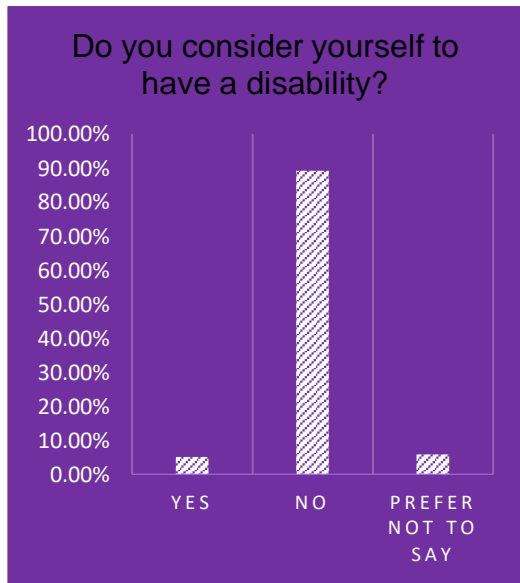


Figure 4

Although the overwhelming majority of respondents (89%) indicated they do not consider themselves to have a disability, 11% remains a significant proportion for whom notaries may need to make adaptations to the way in which they conduct their business or meet with their clients, some of whom may well also be regarded as being vulnerable consumers.

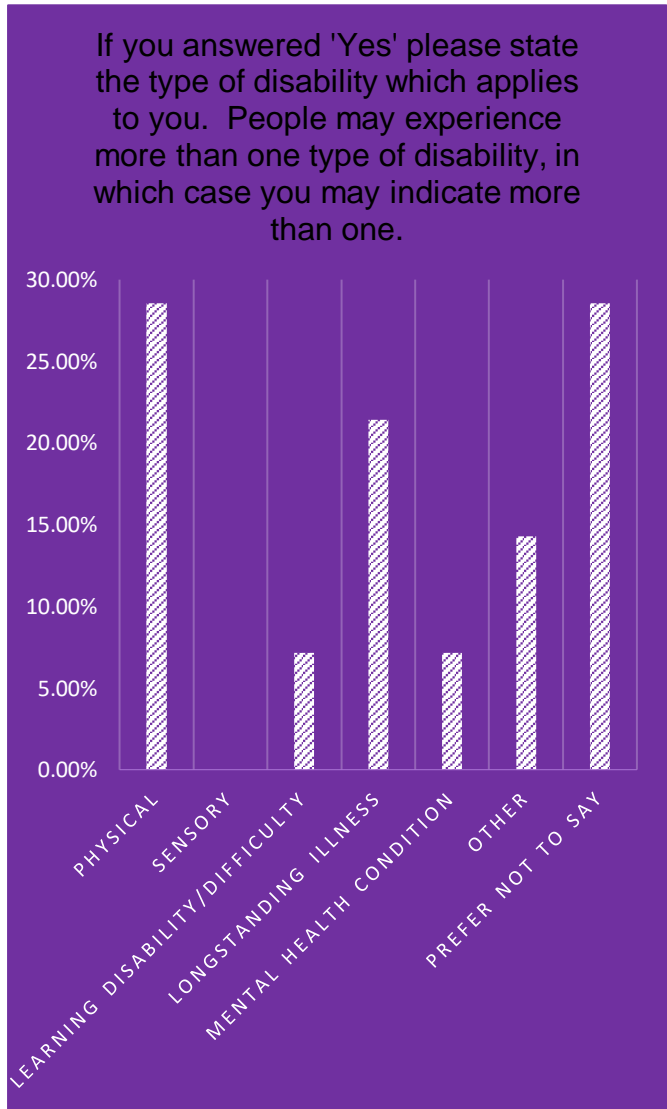


Figure 5

What situations require notarial services and how often are they used?

There are two distinct user groups for most legal services:

- corporate/commercial consumers who are regularly instructing and using legal services as part of their normal national or international business operations and are therefore used to engaging legal services and will generally have an informed view of what is required or expected of their lawyer.
- individual/SME consumers who may have less regular need to instruct a lawyer or use legal services for personal legal needs – typically buying or selling property, making a will or other family matters – and therefore require more information or assistance in choosing and instructing a lawyer.

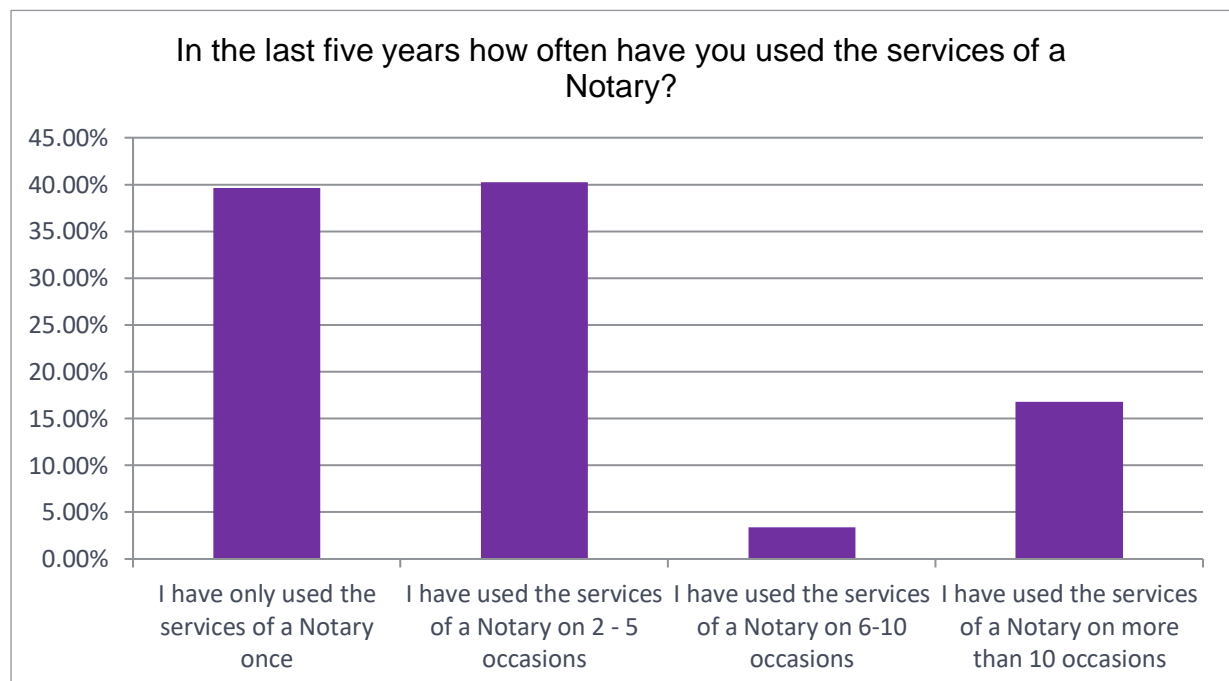


Figure 6

It is clear from the above chart that the majority of users of notarial services are infrequent with 39% only having instructed a notary once in five years. A follow-up question which might have been helpful is to discover whether this was the *only* time they had ever used a notary. Just over 20% of respondents have used notarial services more than 6 times with nearly 17% making regular use of notarial services (ie more than twice a year on average).

There are many reasons why a notary might be needed. The charts on page 5 show that the majority of respondents instructed the notary for a personal legal need (45%) or in relation to a living or deceased relative or friend (in fact, most of those answering “Other” were in fact personal need rather than related to their business. Clearly there is also a significant commercial or education/employment related need for notarial services.

The second chart on page 5 (figure 7) sets out some of the more common legal needs/work types for notarial services.

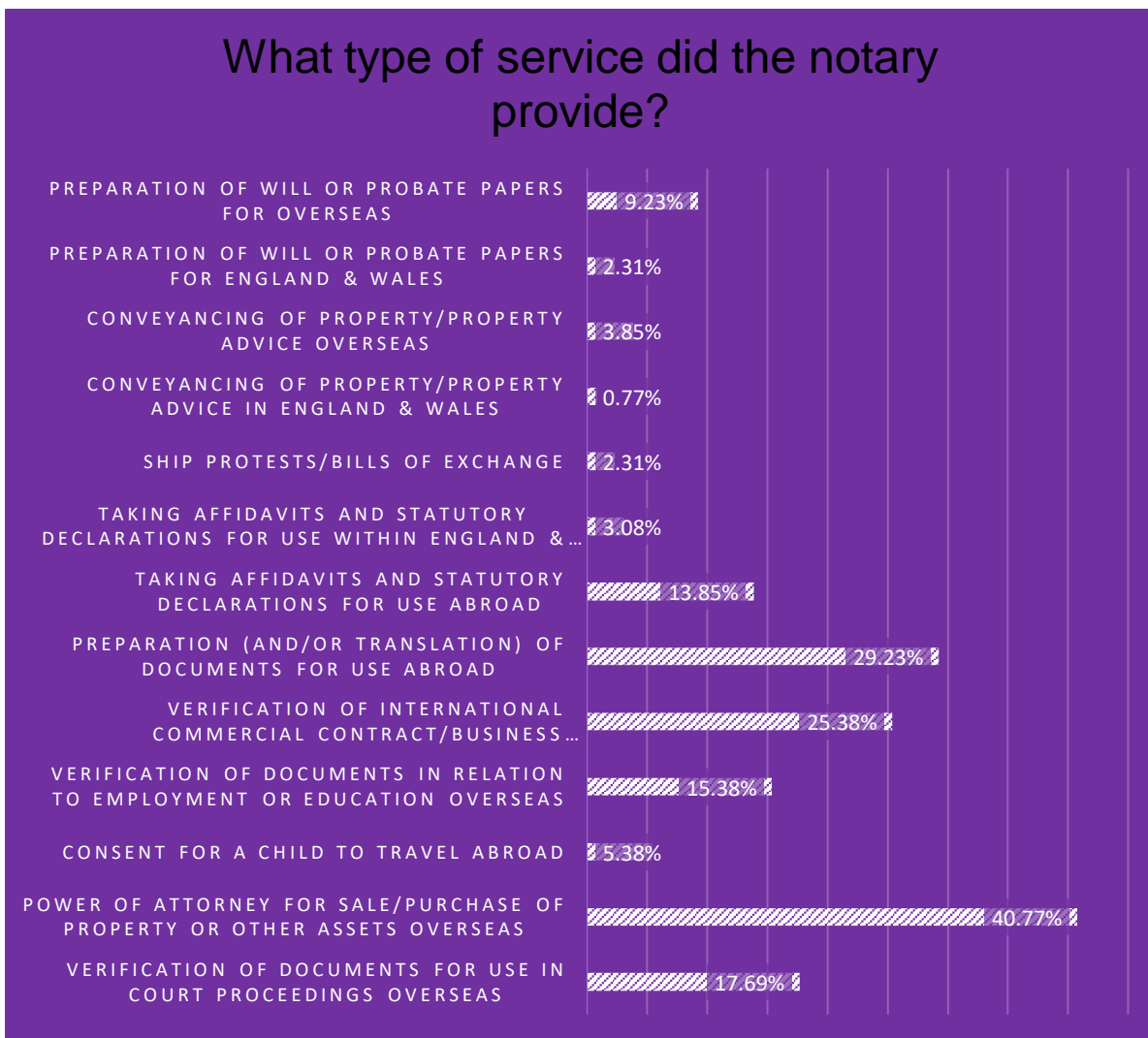
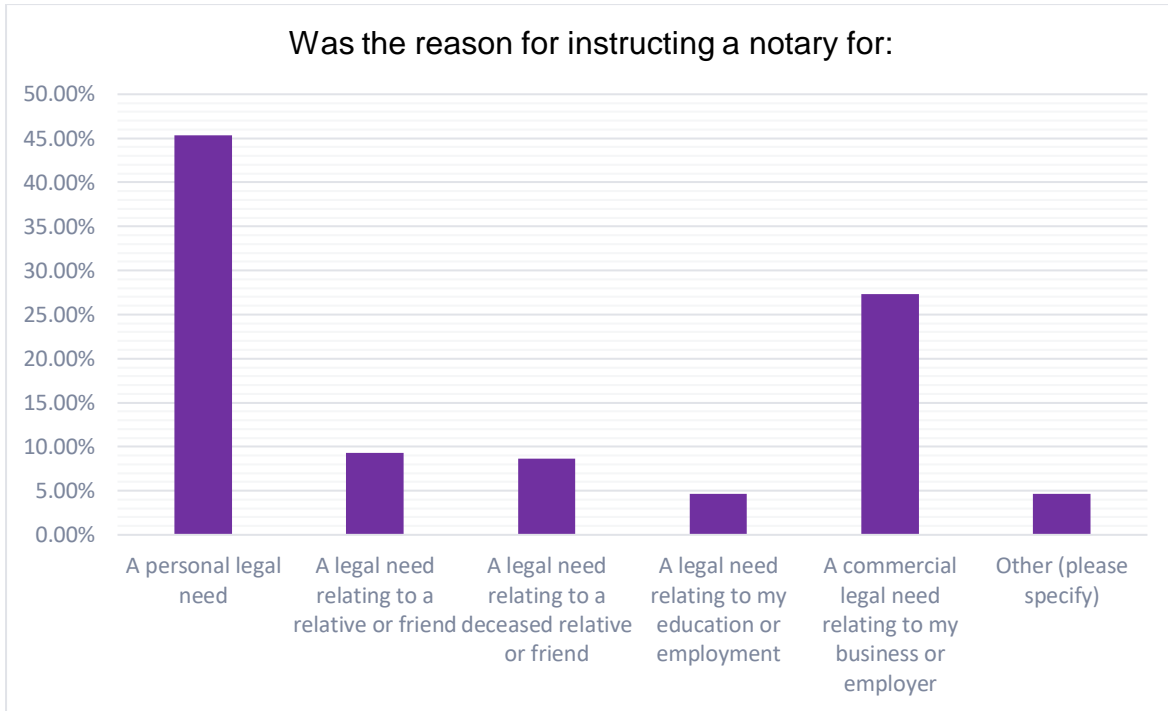


Figure 6 & 7

How do consumers discover they need a notary/notarial service?

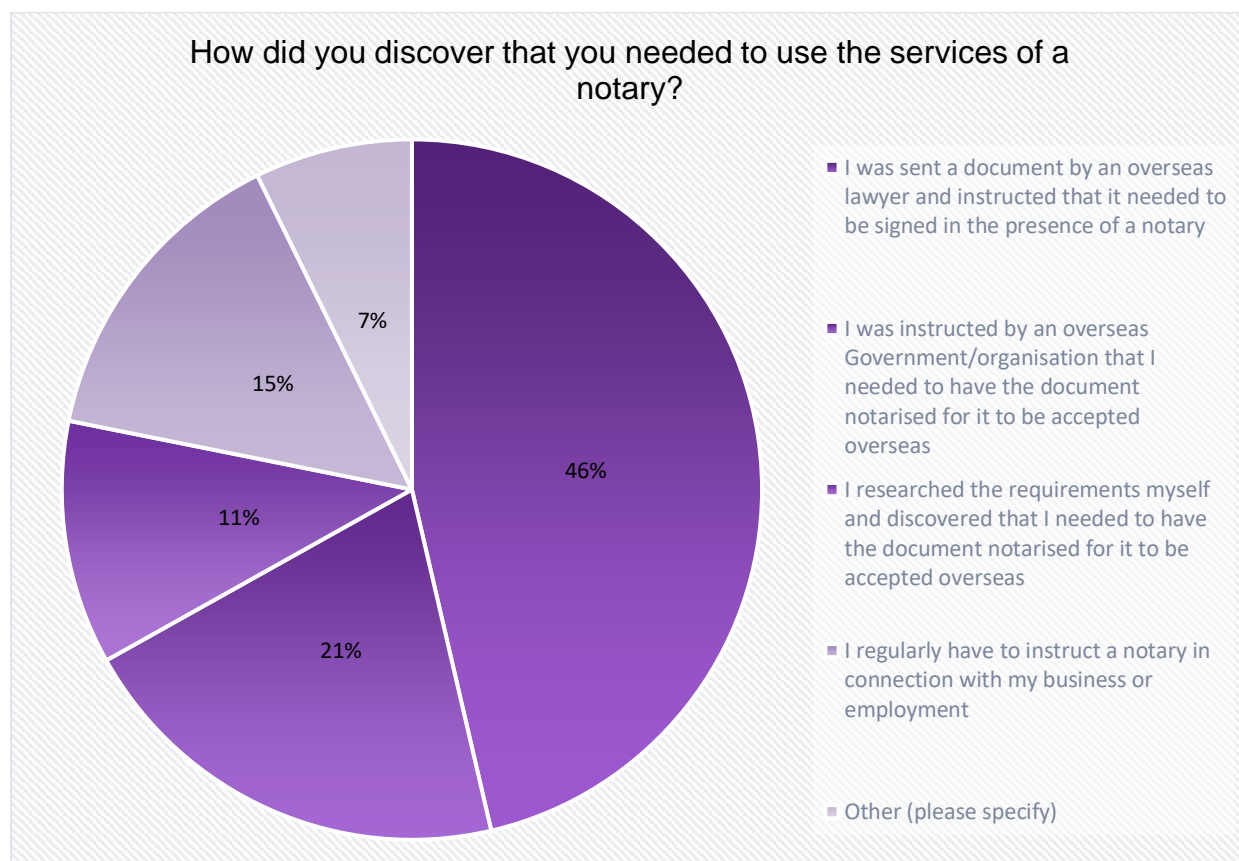


Figure 8

A very significant proportion (46%) of respondents discovered their need for a notary after being sent a document by an overseas lawyer with a further 21% being advised by an overseas Government or organisation. (Most of the ‘Other’ category explanations also fall within one or other of these first two categories in reality – although one respondent responded that “solicitors were uncontactable during the pandemic and it was something a notary could do.” It is not, perhaps, surprising that consumers are normally directed to their need for a notary by overseas lawyers or organisations given the international nature of notarial work. In a common law jurisdiction such as England & Wales, the majority of the population would not have need of notarial services unless they are involved in a transaction or seeking employment overseas, or are themselves overseas nationals living and/or working in the UK.

Instructing a notary

There are currently just 730 notaries practising in England & Wales compared with 154,980⁵ solicitors. They are, therefore, somewhat more thinly spread across the country, particularly given that nearly half of the 730 are practising within the M25 London Orbital motorway. It

⁵ [SRA | Regulated population statistics | Solicitors Regulation Authority](#)

was, therefore, surprising (but welcome) to discover that respondents generally found it relatively easy to find a notary without travelling too far:

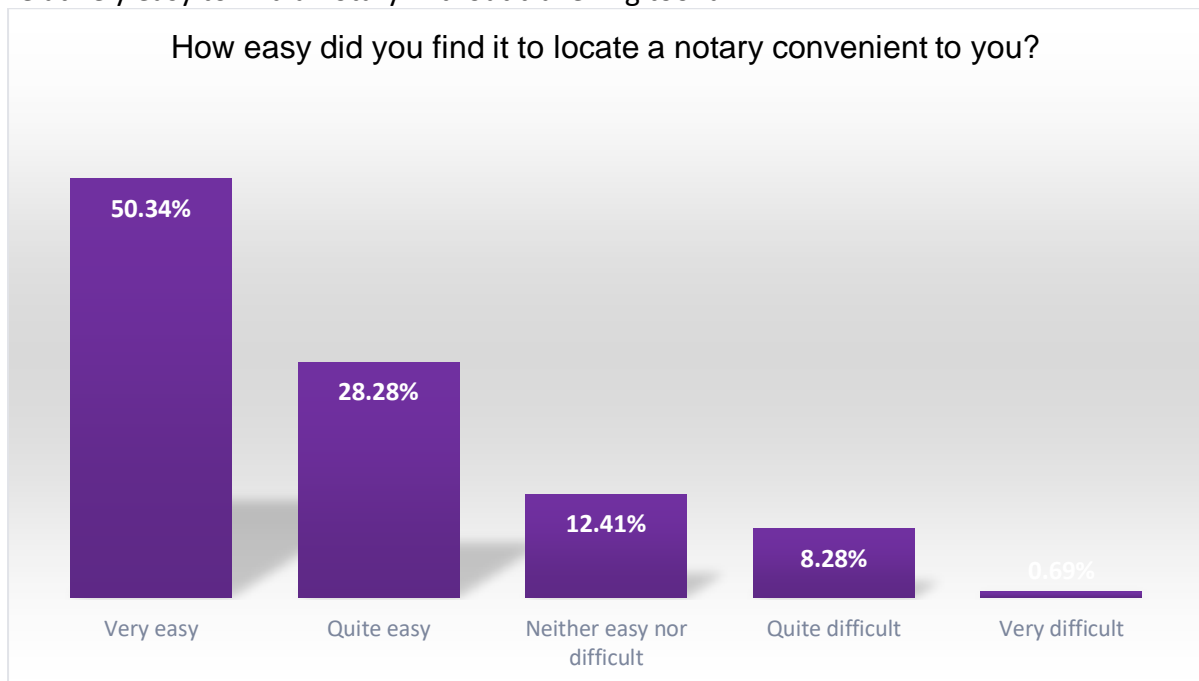


Figure 9

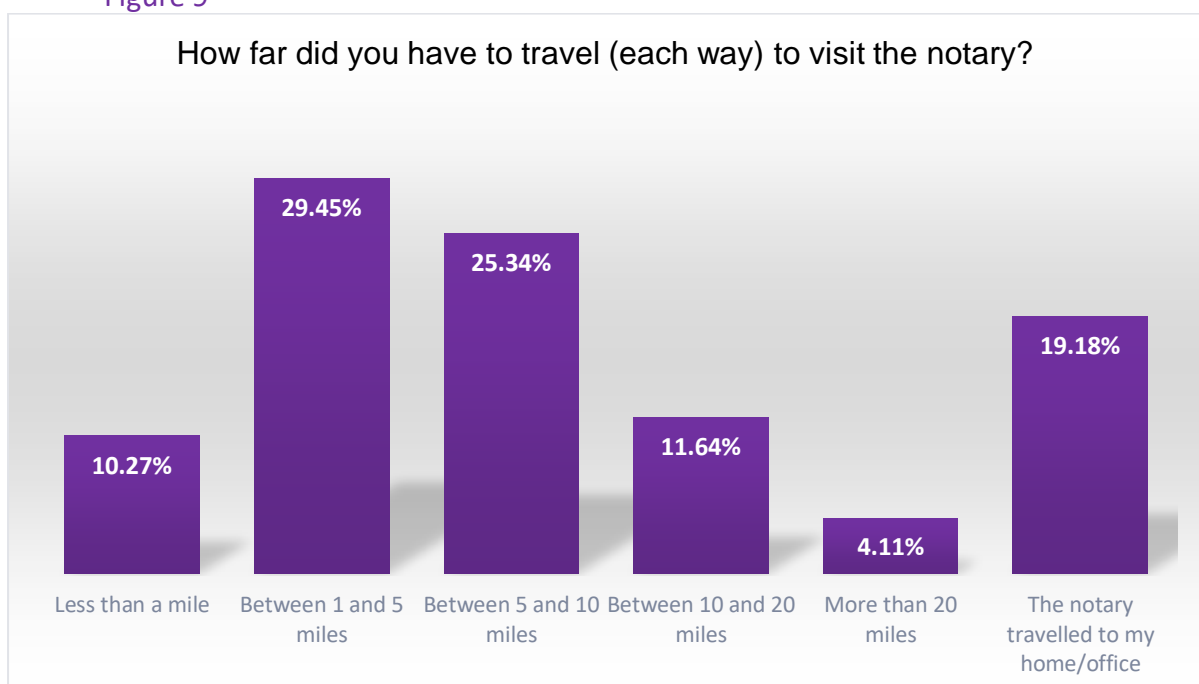


Figure 10

When it comes to hearing about the notary, approximately 1/5 of respondents instructed a notary they had used before and nearly 1/4 relied on a person recommendation but we did not break that down further. 2/5 of respondents relied on an internet search engine which, hopefully, might have led them to the Faculty Office website 'Find a Notary' function even though none of the respondents acknowledged using this facility – clearly some work to be done by the Faculty Office in promoting itself as the Regulatory body and/or optimising this function! Of the 'other' responses, the vast majority were recommendations from other lawyers (here or abroad) or other notaries where they were themselves unable to assist.

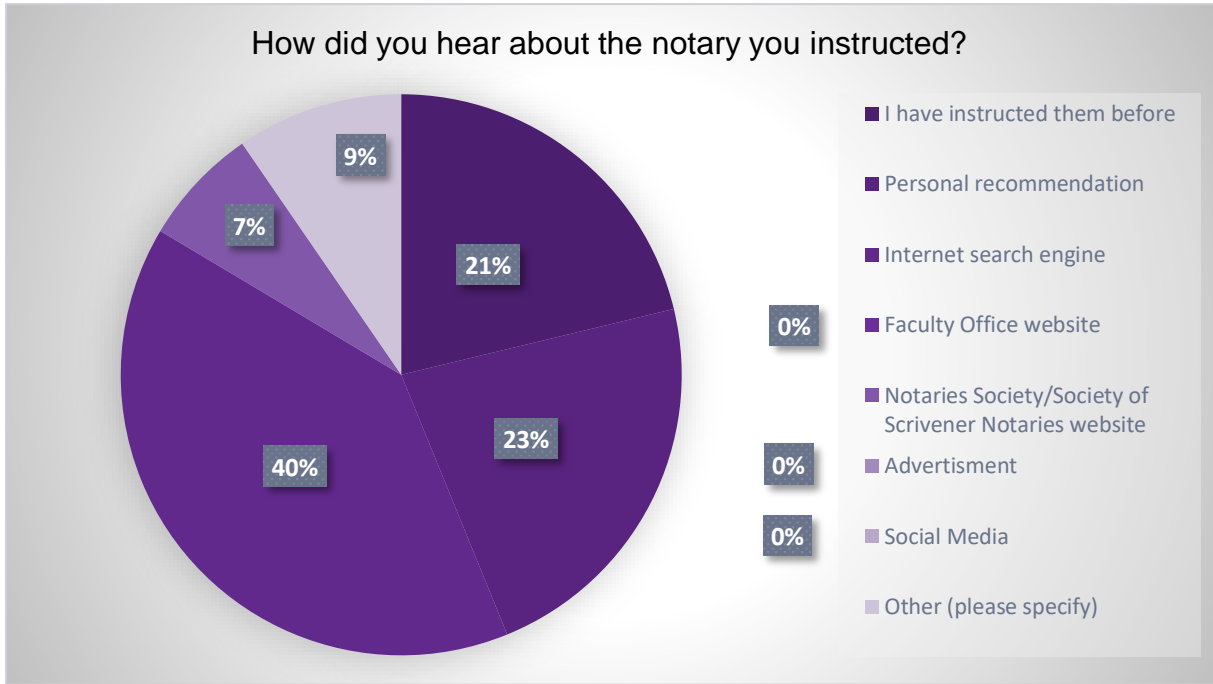


Figure 11

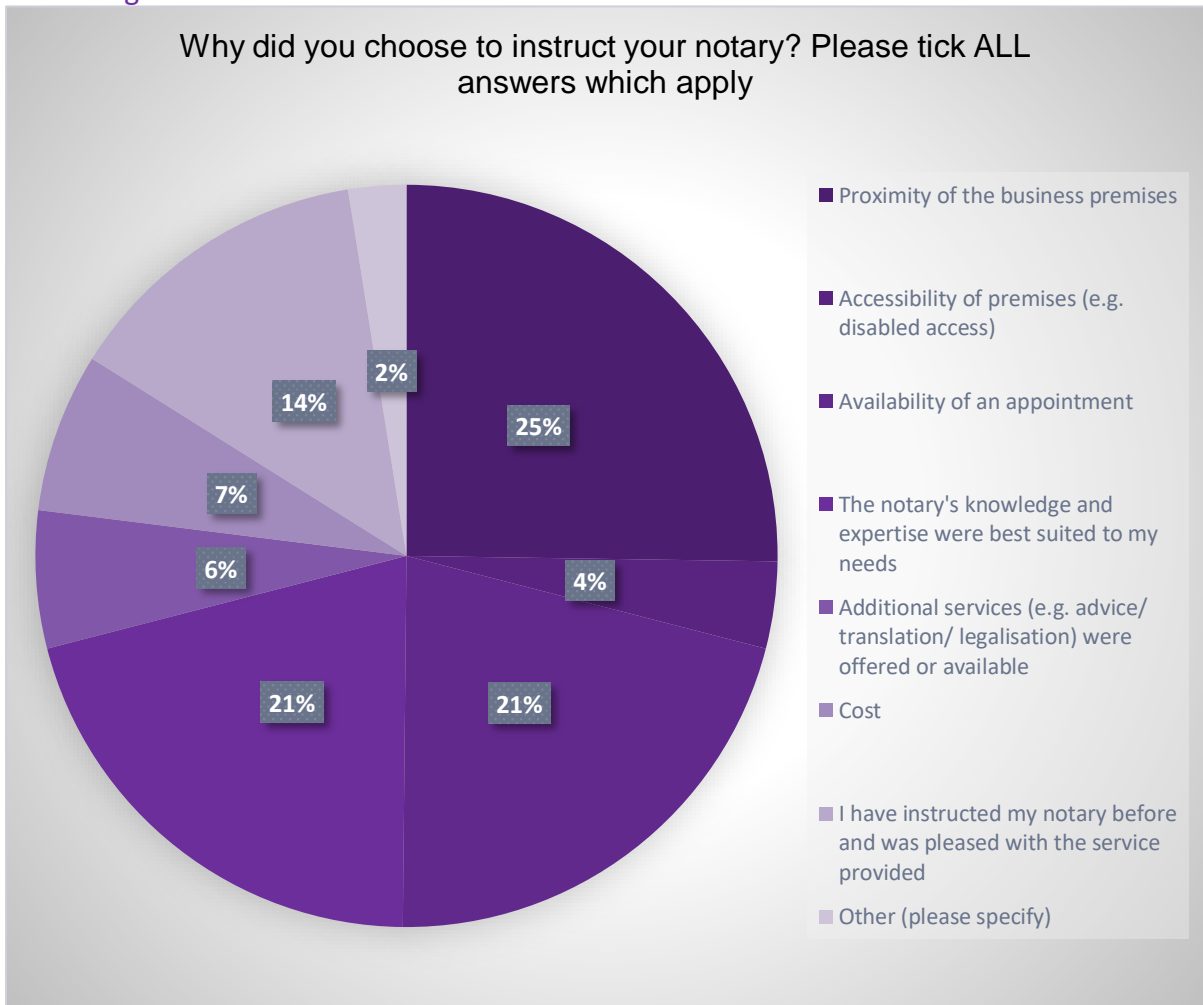


Figure 12

The reason for choosing the particular notary is, primarily about location, availability of an appointment and knowledge/expertise. The first two of these may well point to the relative

limited supply of notarial services outside of London and the Southeast of England. Respondents were, generally, less focussed on cost with only 7% citing this as the reason for their choice. This may point to a belief or acceptance that the fees are considered to be reasonable for the relatively specialist nature of the services offered by notaries.

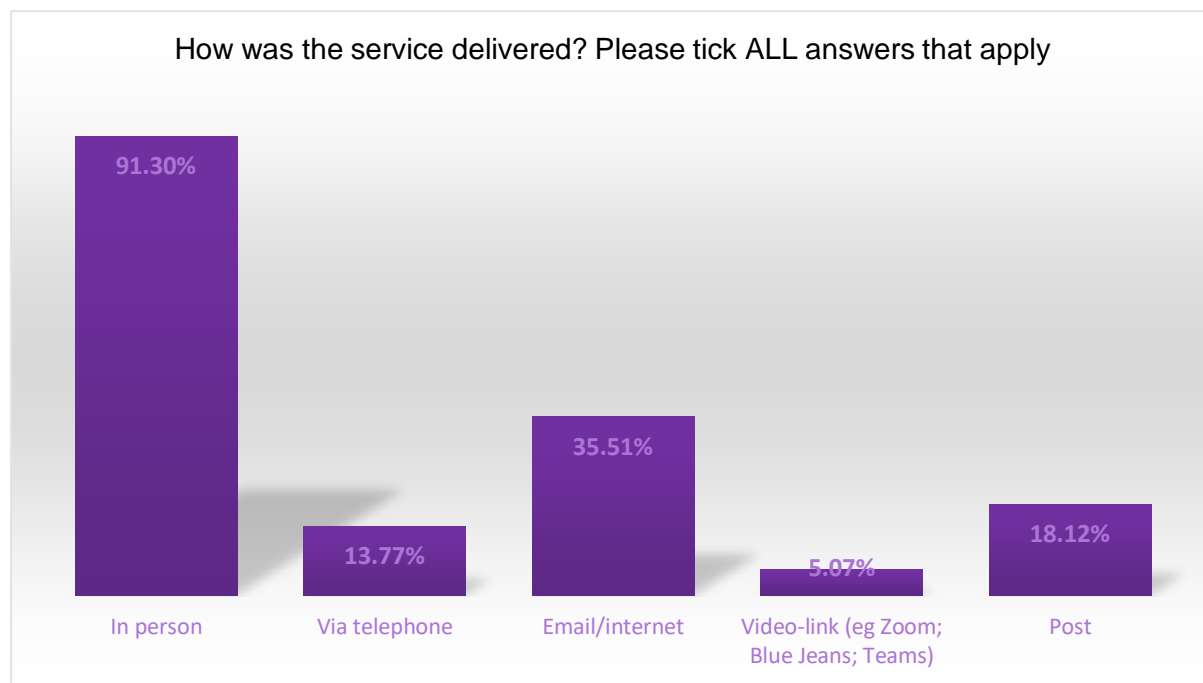


Figure 13

Transparency

Following the CMA Market Study, the Master of the Faculties, in common with most other regulators, made changes to the requirements imposed on the regulated community as regard the information which they are required to provide to consumers. For the Master of the Faculties, this involved amendments to the Notaries Practice Rules 2019⁶, which requires notaries to provide:

- price information comprising either the amount of a fixed fee to be charged for the work done or details of the basis upon which the fee will be calculated and a proper estimate of the fee likely to be charged for the work done;
- service information including a brief outline of the service the notary will be providing setting out the key stages of the work (if more than one) and the likely timescales for each key stage;
- redress information setting out the sum insured under the notary's professional indemnity policy;
- regulatory information confirming that the notary is 'Regulated through the Faculty Office of the Archbishop of Canterbury; and
- complaint information using the form of words prescribed by the Master from time to time (the "prescribed form of words") which explains that the client has a right to make a complaint under Part III of the Notaries (Conduct and Discipline) Rules 2015 and how to make such a complaint.

⁶ [Notaries Practice Rules 2019 – The Faculty Office](#)

We asked participants a number of questions around this:

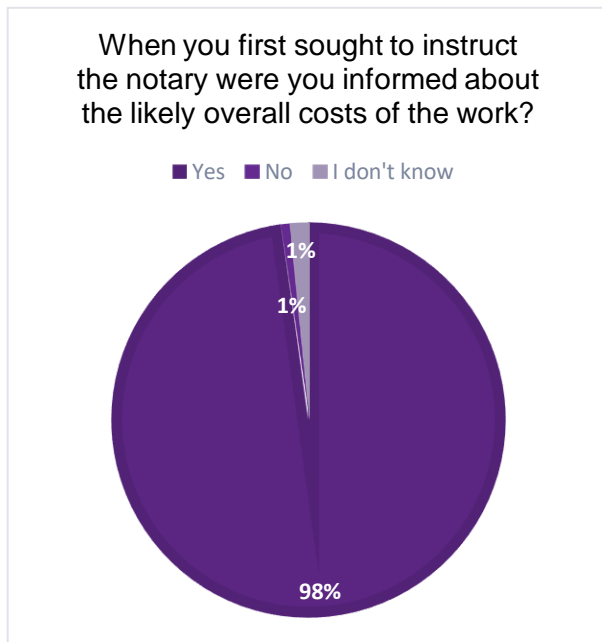


Figure 14

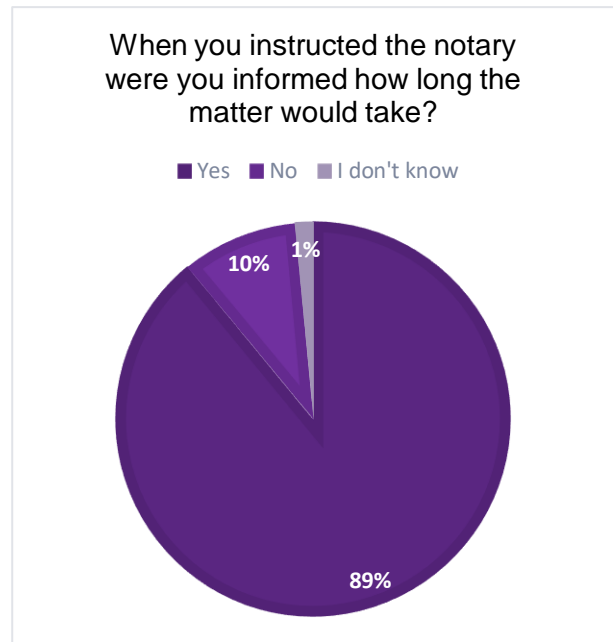


Figure 15

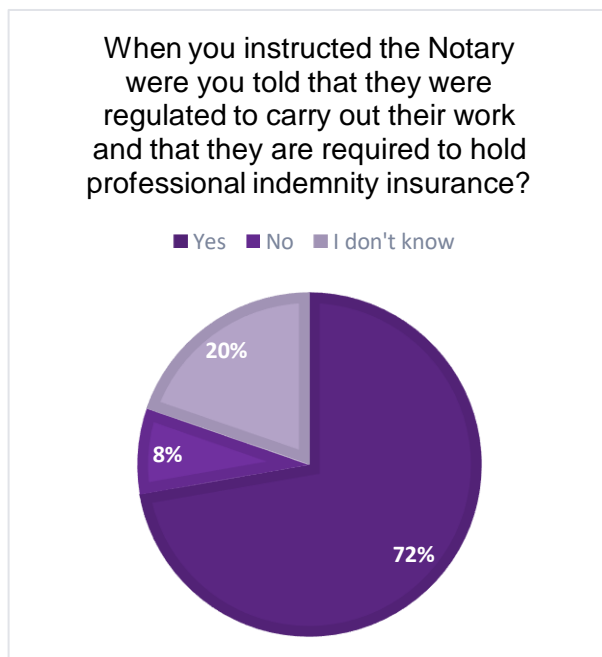


Figure 16

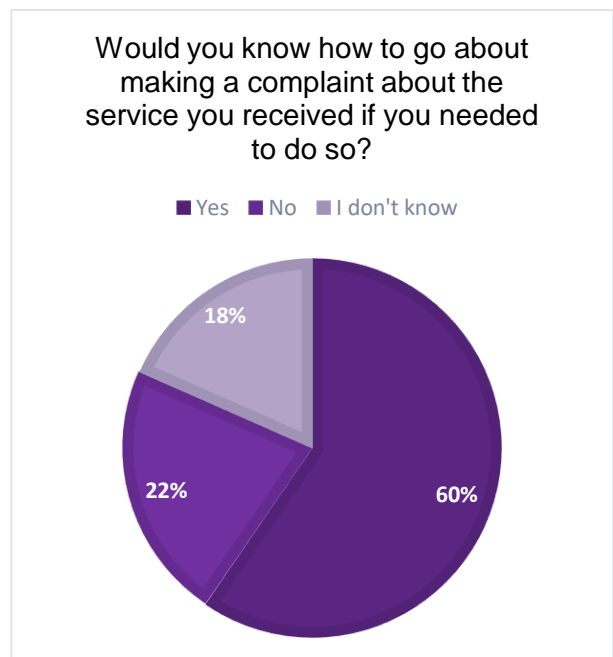


Figure 17

The results represent a broadly very positive, if slightly mixed picture. Clearly there are excellent levels of compliance with the provision of information on costs with 98% of respondents confirming that they knew what the work would cost them and 89% given an indication of the likely timescales involved.

Whilst still good (at 72%), respondents' understanding of redress and regulatory information and/or notaries attempts at offering clarity around these areas needs improving. Consumer understanding of the methods of making a complaint if that became necessary, whilst still being

a positive majority, also needs some work. However, with the overall levels of satisfaction referred to in the next section, the actual need to make a complaint appears low.

Service satisfaction

As can be seen from figures 18 & 19, overall levels of satisfaction with the service offered by notaries is high with 98% of respondents being pleased with the service provided and a similar percentage happy to recommend the notary to someone else.

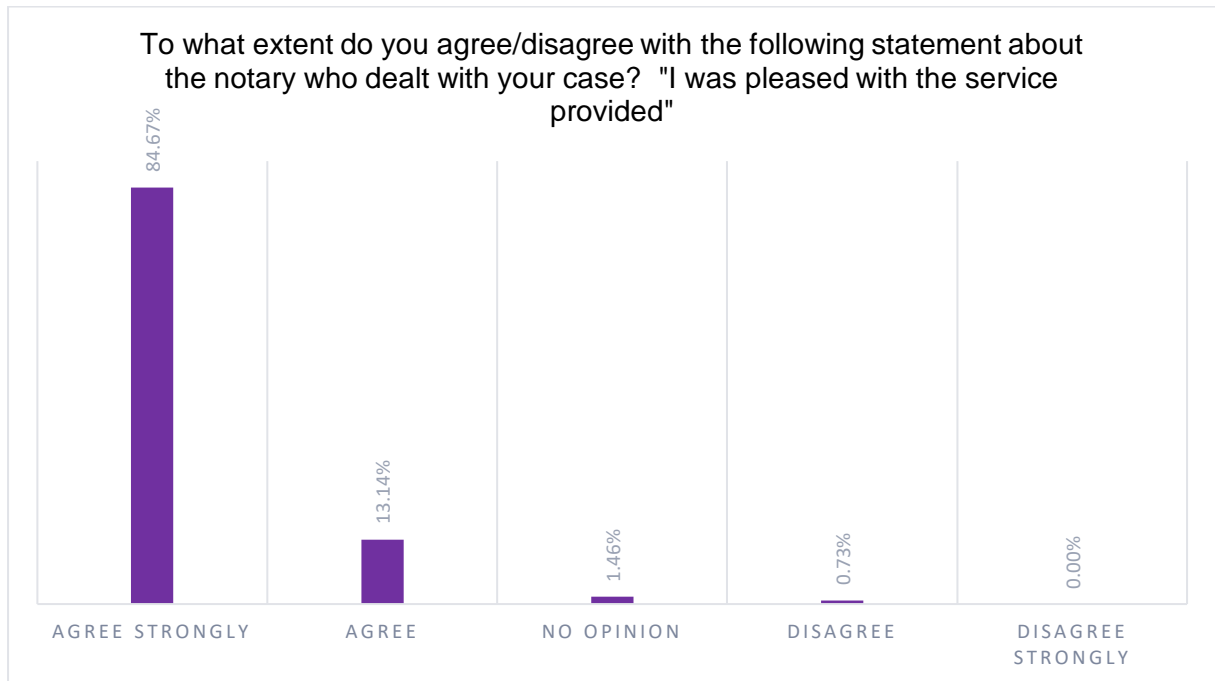


Figure 18

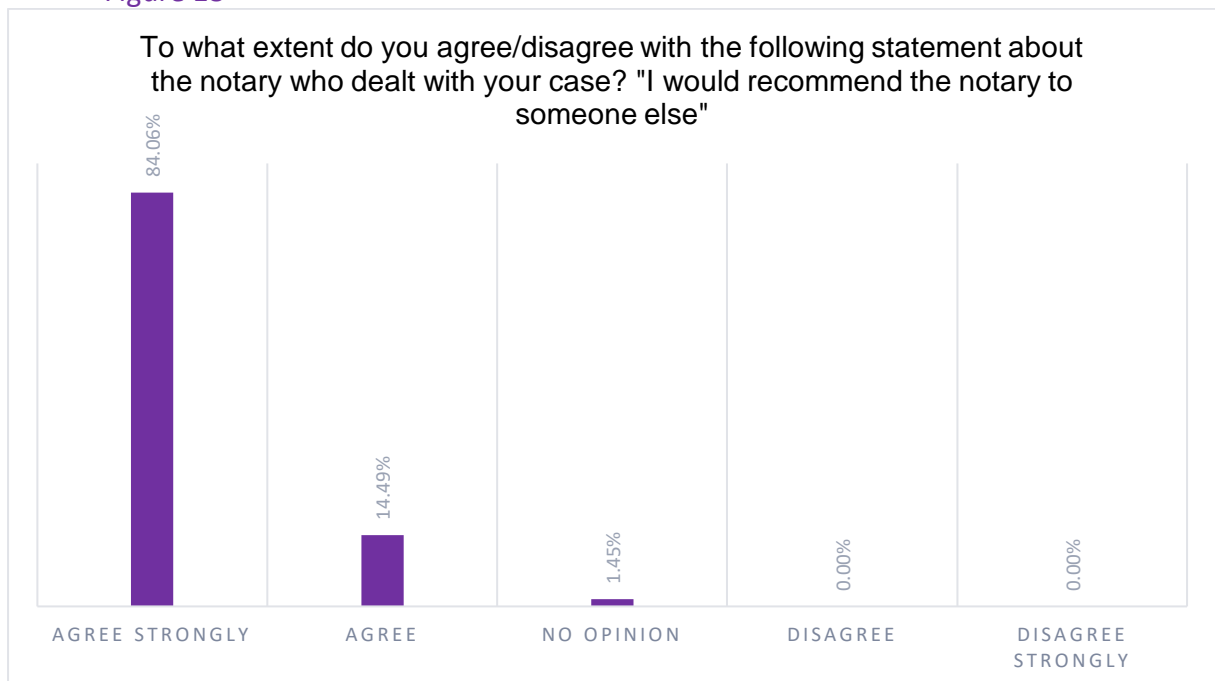


Figure 19

SUMMARY

Whilst there are a lot of positives that can, and should, be taken from the results of this first really successful attempt to engage with the consumers of notarial services – both for the profession as a whole (and their representative bodies⁷) and for the Master of the Faculties acting through the Faculty Office - there are still areas where work is needed by both the regulator and the regulated community:

- increased compliance with some aspects of the transparency work (particularly around provision of clear complaints signposting);
- increased public understanding of the redress/regulatory status of notaries;
- increasing the profile of the Faculty Office/Faculty Office website as the “go to” site for up to date details of notaries authorised to practise in England & Wales;
- encouraging applicants into the profession from outside of the M25 area so that the supply of notarial services better reflects the population spread throughout the Country.

The results of the survey will be considered carefully by the Faculty Office to establish the steps that can be taken to address any and all of the above matters.

The Faculty Office

April 2022

⁷ The Notaries Society and The Society of Scrivener Notaries