

## 6.5 - Written Complaints Handling Procedure

None of us likes to be the subject of a complaint, but if our firm is truly committed to providing a quality service to clients, all personnel need to pick up on client dissatisfaction when it does arise and address it as best they can.

The firm therefore operates a complaint handling process that seeks to ensure that it:

- knows about client dissatisfaction when it arises
- takes all reasonable steps to ensure that the dissatisfaction is addressed and resolved wherever possible
- reassures all clients who do complain that the firm will address their concerns without delay and that it takes all complaints seriously
- learns from experience to lessen the risk of complaints in the future

Complaints from clients must be dealt with seriously. Our complaints handling procedure is fully laid out below. All clients must be advised of our complaint procedure in the opening client care letter.

### 6.5a – Definition of complaint

Any reasonable expression of client dissatisfaction, grievance, query, or concern raised by a client as to the work carried out on behalf of the client by a Fee Earner or other member of staff, or as to the level of service carried out by the firm. This can be written on paper, electronically, or communicated verbally.

### 6.5b-c – Informing the client they can complain

Clients will be advised in the opening client care letter that they are able to complain if they are dissatisfied with any aspect of the firm. Clients will be informed that all complaints will be referred to the Complaints Handler, Ms Hina Choudhery, who will be responsible for investigating them. This must be made clear in the client care letter. Clients will also be provided with the details of the Legal Ombudsman should they not be satisfied with how their complaint has been dealt with.

### 6.5d-g – Complaints handling procedure

The opening client care letter advises all clients that they can request a copy of our complaint procedure. It can also be found on our website.

Complaints will be identified by the member of staff who first comes in to contact with the complaint or expression of dissatisfaction or grievance however it is expressed. If it is in written form, this is likely to be the person who opens the post or reads the fax. If in electronic form, the person who opens the email and if verbal or via the telephone, the person to whom the client is speaking.

The following applies to all complaints received by the firm:

- They will be recorded in a central file
- They will be acknowledged in writing, and the client informed of how the complaint will be handled, including when they will receive a substantive response which should be within two weeks of when the complaint was first received
- The complainant will be informed of the person to whom they should take matters if they remain dissatisfied at any stage
- Options for redress and for correcting any underlying problem or unsatisfactory procedures will be provided

As soon as a complaint is received, it will be brought to the attention of the Complaints Handler who will carry out the following steps:

- Identify the cause of the complaint and the reason for the grievance
- If not already in writing, try to obtain a detailed written version of the complaint from the complainant
- Discuss the case and the complaint with the relevant Fee Earner, or member of staff
- Determine if the complaint has merit
- Decide what action needs to be taken to satisfy the complainant
- Decide what action needs to be taken to prevent the complaint happening again

The Complaint Handler will be the person with overall responsibility for complaints and another person of Partner level will be responsible for dealing with complaints made about the Complaint Manager using the above procedure.

Even though a complaint is any expression of client dissatisfaction however it is expressed, some degree of common sense is needed in the application of the complaint handling procedure. If a client says 'you solicitors charge a lot for what you do' it would not usually be enough to amount to a complaint. If, however, the client claims that a quote or agreed costs ceiling has been exceeded without notice to them it almost certainly will be a complaint. However, in all cases it is necessary to take a view on how the client is reacting to the circumstances. The firm's overriding objective is to address client dissatisfaction as required by our complaints policy. The Complaints Handler will consider any complaint received objectively and seek to resolve the dissatisfaction.

In particular, the Complaints Handler will offer to meet with the complainant when possible and suggest appropriate redress. In so doing they will also consider if a notification needs to be made to the insurers and consider if any aspect of the quality system needs amendment.

All firms are obliged to make a copy of their complaint procedure available on request. The existence of the policy is referred to in our firm's opening client care letter and the full version can be found in our firm's office manual. If appropriate, you must refer the client to the policy, or print a copy off and send it to them if they have difficulty in acquiring it for themselves.

#### Reporting a complaint:

If it is necessary to report a complaint, please complete the complaints report form and forward it to the Complaints Handler. Client complaints will usually involve no risk of loss to the firm or the client, but if there is any chance that the complaint could amount to circumstances that should be reported to the firm's insurers, you must stay on the side of safety by reporting it as such.

As required by our complaints policy, the Complaints Handler will consider any complaint received as objectively as possible and seek to resolve the dissatisfaction. They will offer to meet with the complainant when possible and suggest appropriate redress. In so doing they will also consider if a notification needs to be made to the insurers and consider if any aspect of the quality system needs amendment.

#### Complaints referred by the Legal Ombudsman:

It is possible that a client may complain direct to the Legal Ombudsman (formerly the Legal Complaints Service, before that the Consumer Complaints Service, and before that the Office for the Supervision of Solicitors) without first following the procedures given in the previous paragraphs. In such circumstances, the Legal Ombudsman will immediately refer the complaint to the Complaints Handler who is the designated liaison Partner. The normal complaints procedures will then be followed.

#### Complaints review:

The Complaints Handler will maintain records of all complaints received and action taken on them. The Complaints Handler is also responsible for conducting a review of the complaints records at least once a year to enable them to report to the firm on any trends. This will form part of an annual management review which is considered by the Partners and reported to all staff. It is essential that all personnel learn from their experience and address any underlying problems. In this way the firm can use its complaints data to help to prevent future difficulties.

#### Making complaints:

There may be occasions when a complaint may be made by the firm, either against another solicitor through the Legal Ombudsman or through other procedures. The agreement of the Complaints Handler is needed before doing so in order that the professional and commercial standing of the firm can first receive proper consideration.