

## Complaints Handling Policy

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### 1. General

#### 1.1 Complaints Policy

Spencers Solicitors Limited (SSL) aims to provide the highest quality legal service to all clients. The Practice is also keen to preserve and protect its reputation for quality and professionalism and for being a market leader for assertive proactive claims handling and client care. For these reasons every complaint, from whatever source and irrespective of the status and identity of the complainant, is treated seriously, and in an equitable, objective and unbiased manner. Moreover, it is investigated thoroughly and properly. When something goes wrong SSL needs to be told about it, as this will help the Practice to continually improve its business practises, retain clients, enhance its reputation and remain competitive.

SSL confirms that the client making a complaint will not be charged for the cost of handling the complaint.

#### 1.2 Scope

This Policy applies to all SSL's employees.

#### 1.3 Policy Owner

The Policy Owner is Jane Cooper who has overall responsibility for the handling of Complaints and Client Care. The Managing Director will review this Policy annually to verify its effectiveness across the Practice.

#### 1.4 Compliance with the SRA Code of Conduct, 2011

SSL is required to comply with the SRA Code of Conduct, 2011 and, in addition, has adopted the Law Society's Handling Complaints Practice Note of 13 August 2013 to enable it to achieve good practice in respect of complaints handling.

## **1.5 Legal Ombudsman (LO)**

The Legal Ombudsman is an independent and impartial scheme set up to help resolve legal service disputes. The client may ask the LO to become involved at the end of SSL's Complaints Procedure if the client is unhappy with the outcome or SSL did not respond within 8 weeks of receiving the complaint. The LO's contact details are:

Address: P O Box 6806, Wolverhampton. WV1 9WJ

Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

Telephone: 0300 555 0333

## **1.6 EU Online Dispute Resolution**

If the client has entered into a contract with SSL by electronic means, the client may be entitled to use an EU online dispute resolution service to assist with any complaint against SSL. This service can be found at <http://ec.europa.eu/odr>

## **1.7 Direct resolution, common sense and apologies**

Complaints are a business risk which cannot be avoided, but must instead be managed. SSL adopts a client-focused approach, is open to feedback, including complaints, and is committed to resolving complaints by taking action. SSL would prefer to resolve a complaint directly with the client rather than involve the Legal Ombudsman. All Managers receive training on effective complaints resolution. If, after due investigation, it transpires that SSL's service has in any way been deficient, an apology will be given and any remedial or corrective action will be taken. In appropriate cases financial compensation will be awarded.

## **1.8 Management responsibility**

SSL has a Complaints Handling Procedure, which requires a Manager to deal with a client complaint as quickly as possible and it is understood that the timeliness of SSL's response is as important as its tone in reassuring the client that he/she is being taken seriously. All complaints will be acknowledged and addressed promptly. Clients will be treated courteously and updated on the progress of their complaint throughout the Complaints Handling Procedure. Managers are trained to adopt a client-focused approach, to be open to feedback, including complaints, and show commitment to resolving complaints by taking action. Managers have been set clear accountability within the Practice for responding to complaints, deciding on action and reporting on these decisions. Good communication is essential to both high quality client care and effective complaints management. Managers are trained to address the specific issues raised by the complaint, rather than simply providing a stock standard response.

## 1.9 Who can complain?

Although Chapter 1 of the SRA Code of Conduct specifically requires the Practice to respond to complaints from clients, it is appreciated that complaints can come from a range of other sources, including:

- People connected with the client, such as family members, carers and guardians;
- Solicitors representing the other side of the dispute or transaction;
- Barristers involved in the retainer;
- Those involved in the justice system, such as Judges, Court Officials and Prison Officials.

The Legal Ombudsman (LO) will accept complaints from individuals and small businesses, charities, clubs, societies, associations and trusts.

SSL regards a complaint as any expression of dissatisfaction made to the Practice in relation to the legal services, client care or complaints management process provided by the Practice, where a response or resolution is explicitly or implicitly expected.

## 1.10 Types of Complaints

Complaints will generally fall within one or more of the following four categories:-

- **1.10.1 Inadequate Professional Service**
  - Any aspect of client care falling below that which could be reasonably expected.
- **1.10.2 Negligence**
  - Failure to provide legal services to a standard provided by a reasonably competent Solicitor.
- **1.10.3 Misconduct**
  - A breach of the SRA Code of Conduct.
- **1.10.4 Criminal Conduct**
  - On rare occasions, allegations of criminal conduct may be made.

## **1.11 Telling clients about their rights.**

Outcome 1.9 of the SRA Code of Conduct 2011 states clients must be informed in writing of their right to complain and how complaints can be made at the outset of their matter.

SSL's initial client care letter confirms the details of the person at SSL that any complaint should be addressed to and also provides the contact details of the LO.

Outcome 1.10 says that you must signpost your client, in writing, to the LO at the start of the retainer and at the end of the complaints process. You must provide clients with details for contacting the LO and the timeframe for doing so.

This information is provided to the client in the letter detailing SSL's response to the complaint.

## **2. Complaints Procedure**

### **2.1 General**

There are three stages to the Complaints Procedure.

### **2.2 An initial client service stage**

Front line staff members are designated and trained for receiving complaints. They have the authority to deal with specified low-level client complaints, such as apologising for failing to respond to a letter and preparing and sending the response. The aim at this stage is to resolve the complaint as quickly and as smoothly as possible. Whatever the case, the person dealing with it should make an accurate written record of the complaint. Clients are advised from the outset that if they have any cause for complaint about the service that they receive, they should initially raise the matter with the fee earner dealing with their file. Alternatively, clients may contact the fee earner's Team Manager.

All complaints, including those which are resolved informally, must be recorded in the central record of complaints.

### **2.3 Internal investigator or review stage**

This stage applies where:-

- The complaint is more serious and requires investigation;
- The complaint raises allegations of repeated and systemic poor service;
- The client seeks an internal review of the decision.

As the complaint involves more important issues, it is necessary to act more formally. It is necessary to agree written details of the complaint with the client. There will then be an investigation or review, which will be undertaken by someone in the Practice uninvolved with the retainer resulting in the complaint. This person will be at least as senior as the person complained about, or the person who initially responded to the complaint. Investigation or review will be conducted within a fixed timetable and the client will be informed of the timescale involved.

## **2.4 Appeals stage**

The Complaints Procedure allows clients the opportunity to appeal to someone who is not involved in the complaint:-

- Any appeal should be addressed to a Manager not previously involved in the investigation of the complaint.
- The person conducting the appeal should be more senior than the person who is the subject of the complaint.
- He/she should receive all of the complaint and investigation material and any representations from the client on why the initial decision was incorrect. He/she should be able to conduct further investigations if he/she considers that the initial investigation was insufficient.

## **2.5 An external investigation stage**

When SSL cannot resolve the complaint directly with the client, an independent third party may be required. The client may wish to involve an independent mediator to assist with resolving the complaint. For inadequate professional service matters, the client has the right to raise his/her concerns with the LO.

# **3. The Complaints Handling Procedure**

## **3.1 Receiving and recording**

SSL has a process in place to receive complaints by telephone or in writing, as well as by email.

All relevant information is captured on receipt of the complaint to ensure complaints are responded to promptly. Updates will be provided to the client on request or at pre-determined times.

## **3.2 Acknowledgement**

Each complaint will be acknowledged promptly, preferably in writing. SSL believes that an acknowledgement within three working days is reasonable in most cases. The acknowledgement will include a statement of SSL's understanding of the complaint.

The following further details should be included in SSL's acknowledgement letter, in accordance with the SRA Code of Conduct:-

- Contact details for the Legal Ombudsman, including their website and postal address;
- Advise that the LO can review the matter at the end of the consideration of the complaint by SSL;
- The time limits for reporting complaint to the LO.

## **3.3 Assessment**

SSL will consider the complexity and seriousness of the complaint. In particular cases, it may be appropriate for a Manager to immediately intervene in the conduct of the case to mitigate damage to the client and to SSL. SSL will identify other remedies sought and consider the range of remedies to be offered to the client. For example, compensation may be relevant if the client has borne extra expense or lost money as a result of SSL's action or inaction.

## **3.4 Timeframes**

The complexity of the complaint will drive the required time to investigate the complaint. For this service, SSL believes 21 days to be a reasonable amount of time to either conduct a preliminary investigation and provide interim feedback or reach a conclusion and offer relevant remedies. However, where complex issues are likely to take more than 21 days to investigate, SSL will agree a realistic and fair timeframe for responding to the client, and to manage their expectations.

## **3.5 Evidence**

Both the client and staff members involved in the complaint will be given an opportunity to provide their account of the situation and respond to any allegations made by the other.

## **3.6 Records**

Any steps taken to investigate the complaint will be recorded. Where meetings are held with either of the parties, SSL will make a note of what was discussed at the meetings and give the parties to the meetings the opportunity to comment on and sign a copy of the note.

SSL will keep a copy of any documents relied upon for resolving the complaint.

### **3.7 Remedies**

After appropriate investigation, SSL will decide on the Practice's response to the complaint. Where the complaint is justified, SSL will quickly offer an apology and an appropriate remedy.

SSL will consider its duty to notify its Professional Indemnity Insurers about the complaint and the proposals for its remedy, where appropriate.

### **3.8 Options for remedies**

Options for remedies can include:-

- An apology where the complaint is justified;
- An expression of sympathy for the client's situation or his/her perception of it, even if SSL has found that it is not at fault;
- Fixing the specific problem;
- Improving any aspect of SSL's service that led to the problem;
- Offering to meet and explain again the service being provided if the client is confused or misunderstands the service;
- Offer compensation for either specific losses or general inconvenience;
- Undertaking of work to rectify the situation, free of charge.

### **3.9 Guidelines on remedies**

SSL will consider the remedies and compensation levels for an adequate and professional service as recommended by the LO.

### **3.10 Providing feedback**

SSL will promptly communicate any decision or action to the client. The response will include:-

- A re-statement of the details of the complaint;
- An outline of the investigations undertaken to consider the complaint;
- Stating the findings resulting from the investigation;
- Making any offers of remedy;
- Explaining any improvements SSL has made as a result of the complaint;
- A re-affirmation of the client's value to the Practice and the Practice's commitment to good client care service;
- Outlining any appeal avenues if the client remains dissatisfied.

### **3.11 Interim feedback**

If the complaint cannot be immediately resolved, SSL will:-

- Deal with the complaint in a manner intended to lead to its effective resolution as soon as possible;
- Keep the client informed of progress and likely timeframes for resolution;
- Provide prompt remedies for parts of the complaint, where possible, rather than waiting for the final resolution of the complaint.

### **3.12 Closing the complaint**

If the client accepts the proposed decision or action, then the decision or action should be carried out and recorded.

If the client rejects the proposed decision or action, then the complaint will remain open. The client's decision should be recorded. If the client has asked for an internal review, SSL will proceed to that step. If not, then the client will be advised of his/her appeal options.

SSL will continue to monitor the progress of the complaint until all reasonable internal and external appeal options are finalised or the client is satisfied.

### **3.13 Unmeritorious or vexatious complaints**

Even if a client makes a complaint without merit or uses the SSL's Complaints Handling Procedure in a vexatious manner, SSL will treat all complaints seriously and properly assess them.

#### **3.13.1 Unmeritorious complaints**

SSL will explain politely and clearly why we will not be taking any further action following the complaint and what the appropriate appeal options are.

### **3.14 Ceasing correspondence**

If SSL considers it has dealt with the complaint fully, it will cease correspondence, even if the client continues to correspond about it. This would be where the complaint has been fully considered by the Practice, a decision has been made, remedies offered, if appropriate, and appeal options either taken up or ignored. If SSL decides to cease corresponding with the client in relation to a complaint, the Practice will write to the client:-

- Outlining briefly the details of the complaint;
- Re-stating what decision has been made and why or what remedies were offered;

- Explaining that in the absence of new evidence in relation to that complaint, SSL will not continue to correspond with the client on the matter and that SSL regards the complaint as closed.
- Saying that SSL will monitor any further correspondence for new evidence or areas of complaint not previously considered, and make a note of our consideration. If further evidence or areas of complaint are raised, SSL will assess this information and consider appropriate action.

#### **4. Monitoring and continual improvement**

SSL will use the lessons from complaints to continually improve business practices. SSL will consistently record relevant complaints information centrally to enable effective monitoring and will review information regularly with the Management Team. Through regular review, SSL will identify trends in complaints and areas of service needing improvement and assess where the policy or procedure changes are reducing the level of complaints. Regular review will also enable SSL to assess the effectiveness of the Complaints Handling Procedure and build up an understanding of what are appropriate remedies, in particular complaints situations.

SSL will continually review its Complaints Handling Procedure, at least annually, and consider how to update and improve it.