



**CLC  
PROCEDURE  
FOR INVESTIGATING AND DETERMINING  
CONDUCT COMPLAINTS**

## **Who do I complain to?**

### Service Complaints

The Legal Ombudsman based in Birmingham accepts and determines complaints about the standard of service provided by lawyers (this includes licensed conveyancers, solicitors, barristers, legal executives and other providers). Where it considers it appropriate, it may direct the payment of compensation to the complainant. Details of the Legal Ombudsman's scheme can be found on the internet at <http://www.legalombudsman.org.uk/>.

### Conduct Complaints

The CLC continues to accept complaints about the conduct of licensed conveyancers and CLC regulated bodies. We use the term licensed conveyancer to refer to both licensed conveyancers and CLC regulated bodies. The term 'conduct' differs from 'service'. An investigation into a conduct complaint is restricted to considering whether there is evidence of a breach in the CLC Code of Conduct and other regulatory arrangements which justifies disciplinary proceedings. A copy of the Code of Conduct can be found on the CLC website at [http://www.conveyancer.org.uk/pdf\\_files/Handbooks/2011\\_CLC\\_Handbook.pdf](http://www.conveyancer.org.uk/pdf_files/Handbooks/2011_CLC_Handbook.pdf).

As stated above, complaints of poor service, such as delay or failure to keep a client informed, which may result in an award of compensation in favour of the complainant, are determined by the Legal Ombudsman.

## **What does the Council for Licensed Conveyancers do?**

The Council for Licensed Conveyancers (CLC) regulates licensed conveyancers and CLC regulated bodies (also called recognised bodies and licensed bodies or ABS).

## **How can I make a complaint to the CLC about a licensed conveyancer or a CLC regulated body?**

To help us with your complaint we ask all complainants to complete a copy of our Complaint Form. You can get a form from our offices – our address is detailed on the last page - or from the CLC website: [www.clc-uk.org](http://www.clc-uk.org) where it can be found in the Consumer section.

## **What can I complain about?**

The CLC will investigate any conduct complaint about a licensed conveyancer or a CLC regulated body where the matters set out in the complaint give rise to a concern that there might have been a breach of the CLC's Code of Conduct or other regulatory arrangements. The complainant should provide evidence in support of the complaint. It is unlikely that unsubstantiated assertions or evidence not directly relevant to the complaint will assist the investigation.

All fines imposed are paid by the licensed conveyancer or CLC regulated body to HM Treasury. The CLC has no power to make any award of compensation in your favour or to

direct a repayment of fees. The Legal Ombudsman (see above) however may be able to help you.

## **Time within which complaints should be made**

The CLC will not usually investigate a conduct complaint made to it by a complainant which has been made more than 12 months after:

- The licensed conveyancer has ceased to act for the complainant; or
- The complainant became aware of the issues giving rise to the complaint,

whichever date is the later.

The CLC will consider complaints outside the 12 month period where it considers it is reasonable to do so, and where it is satisfied that a fair investigation can be carried out.

The CLC may also investigate a conduct complaint made outside the 12 month period if:

- the complaint:
  - Raises issues of public interest;
  - Raises issues of unusual importance or sensitivity; or
  - Is made by or on behalf of a child, young person or vulnerable adult;
- the complainant can show good cause for any delay in making the complaint.

The CLC will consider all conduct complaints where unlawful discrimination is alleged and all complaints where dishonesty is alleged, beyond the 12 month time limit set out above.

The CLC may ask a complainant to explain why the complaint has been made to the CLC after the end of the 12 month period. Documentary evidence in support of the complaint may be requested.

If it is unclear whether the complaint has been made within the 12 month period, the complainant is likely to be given the benefit of the doubt, in which case the complaint will be investigated.

## **How will my complaint be handled?**

The procedure is set out in the attached timetable. We will inform you if we make any significant changes to the procedure or the timetable.

We will generally send you and the licensed conveyancer copies of correspondence and other documents that we receive from each of you, unless we believe there are good reasons for not doing so.

Licensed conveyancers who fail to respond promptly and politely to any correspondence from us may be in breach of our Code of Conduct.

The Licensing & Casework Manager will review correspondence and decide if the licensed conveyancer should give us their relevant files, so we can arrange for an external report

writer to prepare reports on those files for consideration by the Licensing & Casework Manager.

The Licensing & Casework Manager will also review complaints after receiving final responses and observations from both complainants and licensed conveyancer.

The CLC's procedure for the investigation of complaints is intended to avoid either party having to instruct lawyers to act on their behalf. There is power for an award of costs to be made against the licensed conveyancer, the complainant or the CLC. The power to make an award of costs against a complainant is likely to be exercised only in exceptional circumstances - for example if a licensed conveyancer or a complainant deliberately tries to mislead the CLC in the investigation. If you are considering whether to instruct lawyers to act for you, it would be advisable to contact the CLC to find out whether in your particular circumstances it is likely that an award of costs may be made in your favour.

### **What is the role of the Licensing & Casework Manager?**

On receipt of the complaint the Licensing & Casework Manager will decide whether the complaint relates to a matter within the jurisdiction of the CLC. We shall let you know if we are not able to accept the complaint.

Where the complaint is accepted, the licensed conveyancer or CLC regulated body will have an opportunity to comment on the complaint, and the complainant given an opportunity to respond to those comments. The Licensing & Casework Manager decides whether a report by an external report writer should be prepared, or whether a preliminary investigation can fairly be carried out without such a report.

The purpose of a preliminary investigation is to determine whether there is an issue to be determined by the CLC which justifies disciplinary proceedings, and, if so, whether it should be determined by the Licensing & Casework Manager, the Adjudication Panel or the Discipline and Appeals Committee.

The Licensing & Casework Manager may only certify that it is appropriate for him to hear and determine a complaint if it appears that any allegation (if proved) is likely to result in the award of a penalty of no more than £1,000 (payable to HM Treasury). The CLC expects that often in these types of cases the licensed conveyancer will have admitted a breach of the CLC's Code of Conduct.

Not less than 14 days after notice has been given to the parties that the CLC will determine the complaint, the Licensing and Casework Manager may:

- i) direct that the Licensed Conveyancer pay a penalty not exceeding £1,000 in respect of each allegation made to HM Treasury; or
- ii) dismiss the complaint; and
- iii) in either case, order the payment of costs by a Party (the Licensed Conveyancer or complainant). Costs are the costs of the investigation and /or hearing

### **What is the role of the Adjudication Panel?**

The Adjudication Panel reviews a decision made by the Licensing & Casework Manager (at the request of the complainant or the licensed conveyancer) or considers a complaint

referred to it by the Licensing & Casework Manager (before any decision has been taken). It may direct the payment of a penalty of no more than £50,000 to HM Treasury, as well as direct the payment of the costs of the investigation and/or hearing by any party (see above).

The Adjudication Panel has different powers if disciplinary proceedings are being taken against a licensed body (ABS).

### **What is the role of the Discipline & Appeals Committee?**

The Discipline & Appeals Committee reviews decisions made by the Licensing & Casework Manager and/or the Adjudication Panel, or considers a complaint referred to it by the Licensing & Casework Manager before any decision is taken.

The Discipline & Appeals Committee also considers appeals from the Licensed Conveyancer to decisions made by the Adjudication Panel. The Discipline and Appeals Committee does not consider appeals from the complainant.

### **What can you expect from the CLC?**

The CLC aims to be:

- courteous
- objective
- accessible
- flexible

### **Data Protection Act 1998**

The CLC is registered as a data controller under the Data Protection Act 1998 and therefore must comply with the rules of good information handling. The Data Protection Act allows individuals to find out what information is held about themselves on computer and some paper records.

### **Equal Opportunities Policy**

In our regulatory work and in processing complaints against licensed conveyancers, we are committed to ensuring that all users of the complaints service are treated fairly, impartially and without discrimination based on race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, age, religion, philosophical beliefs or political persuasion.

COMPLAINTS TIMETABLE		
Procedures		Timescale for response
<b>1</b>	We acknowledge to you that we have received the complaint. If the Licensing & Casework Manager decides the complaint relates to an issue outside the jurisdiction of the CLC the complaint will not be accepted and this will be explained in the acknowledgement.	Within five working days of receipt.
<b>2</b>	If the complaint is accepted we send a copy of the complaint to the licensed conveyancer.	Within three working days of receiving the complaint.
<b>3</b>	The licensed conveyancer should respond to the letter of complaint	Within eight days of the date of the complaint letter.

### Investigation of Complaint:

<b>4</b>	We send you a copy of the licensed conveyancer's response for comment.	Within three working days of receiving this response
<b>5</b>	We acknowledge the response from the licensed conveyancer.	Within three working days of receipt
<b>6</b>	If you tell us that you are not content with the licensed conveyancer's response, the Licensing & Casework Manager will review the complaint and decide whether: <ul style="list-style-type: none"> <li>a) a preliminary investigation is appropriate (see step 11 below); or</li> <li>b) it is appropriate to obtain a report on the file from an external report writer; if so, we shall ask the licensed conveyancer to send us the file within eight days of the date of our request (see steps 7-10 below).</li> </ul>	Within five working days of receiving the complainant's response
<b>7</b>	An external report writer, who has conveyancing experience, will prepare a report on the file for consideration by the Licensing & Casework Manager. After receiving the report the Licensing & Casework Manager may ask the complainant or the licensed conveyancer to provide further information or documentation. The report will usually be sent to the licensed conveyancer for comment, unless the Licensing & Casework Manager is satisfied there are good reasons why it should not be seen by the licensed conveyancer. The report is likely only to be sent to the complainant if the Licensing and Casework Manager is satisfied that there it is likely that it will assist the investigation. A short period will be allowed for comments after the report has been sent out and before the preliminary investigation is carried out. See step 10.	
<b>8</b>	We will, where relevant, tell the parties of any changes to the procedure or to the timetable.	
<b>9</b>	<b>NOTE TO COMPLAINANT:</b> If you do not comment on a licensed conveyancer's response to your complaint, then after one month the Licensing & Casework Manager will consider the matter, and may decide that the complaint has been abandoned and that the matter should be closed.	

### Decision

10	<p>The Licensing &amp; Casework Manager will carry out a preliminary investigation either if he decides that a report on the file is not necessary, or if he decides that a report is required (and steps 7-9 have been completed). The Licensing &amp; Casework Manager will:</p> <ul style="list-style-type: none"> <li>a) certify he will determine the complaint;</li> <li>b) refer the complaint to the CLC's Adjudication Panel;</li> <li>c) refer the complaint to the CLC's Discipline and Appeals Committee; or</li> <li>d) decide that there is no case in conduct to be referred for determination.</li> </ul>	
11	<p>The parties will be advised of the Licensing &amp; Casework Manager's decision at the above step '10' by letter</p>	<p>Within 14 days of commencing the preliminary investigation</p>
	<p>If you are dissatisfied with that decision you may ask the Licensing &amp; Casework Manager to refer the complaint to the Adjudication Panel to review the decision.</p>	<p>Within seven days after you have received the decision</p>
<b>Determination</b>		
	<p>Where the Licensing &amp; Casework Manager has certified they will determine the complaint:</p>	
12	<p>The Licensing &amp; Casework Manager makes a determination</p>	<p>No earlier than 14 days after sending a letter at step '11'</p>
13	<p>You notify the CLC if you are dissatisfied with the determination</p>	<p>Within 14 days after you have been notified of the determination</p>
<p>We shall advise you separately of the likely timetable where complaints are referred to the Adjudication Panel or to the Discipline and Appeals Committee.</p>		

Please note that this timetable is intended for guidance only. We will let both parties know of any significant changes to the procedure or the timetable.



# COMPLAINING ABOUT A LICENSED CONVEYANCER



16 Glebe Road, Chelmsford, Essex CM1 1QG. Tel: 01245 349599 Fax :01245 341300  
E-mail: [clc@clc-uk.org](mailto:clc@clc-uk.org) [www.clc-uk.org](http://www.clc-uk.org)

# FORM FOR MAKING A CONDUCT COMPLAINT ABOUT A LICENSED CONVEYANCER OR CLC REGULATED BODY

The Legal Ombudsman based in Birmingham accepts and determines complaints about the standard of service provided by lawyers (this includes licensed conveyancers, solicitors, barristers, legal executives and other providers). Details of the Legal Ombudsman's scheme are at <http://www.legalombudsman.org.uk/>.

The CLC continue to accept complaints about the conduct of licensed conveyancers and CLC regulated bodies. We use the term licensed conveyancer to refer to both licensed conveyancers and CLC regulated bodies.

**Please complete in black ink.**

You should keep a copy of this document for your own records.

## 1 Personal Details

Your surname	
First name(s)	
Title	
Address	
Post code	
Email	
Telephone no (home):	
Telephone no (work)	

## 2 Licensed Conveyancer Details

Name of licensed conveyancer	
Name of the firm	
Address of the firm	
Telephone no	
Did the licensed conveyancer act for you?	Yes / No
If the licensed conveyancer has not acted for you, for whom did he or she act?	

**3 Complaint Details**

What did you ask, or instruct, your licensed conveyancer to do for you?

Please tick in the relevant box for each of the following questions	Yes	No
Have you raised this complaint with the Licensed Conveyancer?	<input type="checkbox"/>	<input type="checkbox"/>
Has the Licensed Conveyancer replied to your complaint?	<input type="checkbox"/>	<input type="checkbox"/>
If not is the Licensed Conveyancer still dealing with the complaint?	<input type="checkbox"/>	<input type="checkbox"/>

Please tick in the relevant box for each of the following questions	Yes	No
Has the transaction been completed?	<input type="checkbox"/>	<input type="checkbox"/>
If so, on what date?	<input type="text"/>	
At the outset, did the Licensed Conveyancer send you a written estimate of costs and disbursements?	<input type="checkbox"/>	<input type="checkbox"/>
At the outset, did the Licensed Conveyancer send you written terms of business?	<input type="checkbox"/>	<input type="checkbox"/>
Have you paid the licensed conveyancer's charges?	<input type="checkbox"/>	<input type="checkbox"/>

Complaint 1:	
Please give brief details:	

FORM FOR MAKING A CONDUCT  
COMPLAINT ABOUT A  
LICENSED CONVEYANCER  
OR CLC REGULATED BODY

Complaint 2:

Please give brief details:

*If you have further complaints please detail each in turn on a separate sheet of paper.*

If the transaction completed more than 12 months ago please explain below when you became aware of the issues giving rise to your complaint and the reasons for any delay in bringing your complaint to the CLC:

**4 Signature**

I understand that you will send a copy of my complaint form to the Licensed Conveyancer for comments.

Signed

Date

In accordance with the Data Protection Act 1998, details of your complaint are held on a computer database solely for the purposes of CLC administration.



FORM FOR MAKING A CONDUCT  
COMPLAINT ABOUT A  
LICENSED CONVEYANCER  
OR CLC REGULATED BODY

Please return this completed form to:

Operations Department  
CLC  
16 Glebe Road  
Chelmsford  
Essex CM1 1QG

Or DX: 121925 Chelmsford 6