



Complaints Code & Guidance

Complaints Code

In this Code 'you' refers to individuals and bodies regulated by the **CLC**; all individuals and bodies regulated by the **CLC** must comply with this Code. You must not permit anyone else to act or fail to act in such a way as to amount to a breach of this Code.

Outcomes-Focused

The **Code of Conduct** requires you to deliver the follow **Outcomes**:

- **You accept responsibility where the service you provide is not of the expected standard and provide appropriate redress for the *Client* where necessary (*Outcome 6.3*);**
- **Handling of *complaints* takes proper account of *Clients'* individual needs, including those who are vulnerable (*Outcome 6.4*);**
- ***Complaints* are dealt with impartially and comprehensively (*Outcome 6.5*).**

Effective handling of ***complaints*** helps you deliver these **Outcomes** and requires you to act in a principled way:

1. **Maintain high standards of work. (*Overriding Principle 2*)**
2. **Promote equality of access and service. (*Overriding Principle 6*)**
3. You make all reasonable efforts to ensure your service is accessible and responsive to ***Clients***, including those with vulnerabilities. (**CoC P6d**)
4. Your ***complaints*** procedure is clear, well-publicised and free. (**CoC P6e**)

5. You treat **complaints** seriously and provide appropriate redress options. (CoC P6f)
6. You deal with **complaints** fairly and within 28 days. (CoC P6g)
7. You identify and address systemic **Client complaints** issues. (CoC P6h)
8. You operate a procedure which is appropriate to the needs of **clients** and which allows **complaints** to be made by any reasonable means.
9. You deal with **complaints** constructively and impartially, basing decisions upon a sufficient investigation of the circumstances.
10. Where redress offers are accepted, these are actioned within 28 days.
11. You treat fairly members of staff who are the subject of a **complaint**.

You must also comply with the following **specific requirements**:

12. From the outset you advise **Clients** in writing of their right to make a **complaint**, how to make it, to whom, and the timeframes involved. (CoC P6j)
13. You advise **Clients** in writing of their right to have their **complaint** escalated to the **Legal Ombudsman**, and provide them with contact details and timeframes of that body. (CoC P6k)
14. You keep a record of **complaints** received and any action taken as a result. (CoC P6k)
15. **Complaints** are investigated under the supervision of one of your senior **managers**/members.
16. You respond in writing to **complaints** within 7 days. Where a full response cannot be given in this timeframe, you acknowledge receipt of the **complaint**, give the reason for the delay and commit to responding fully within 28 days of receipt of their initial **complaint**.
17. The response includes:
 - a clear explanation of your assessment of the **complaint**;
 - your decision on it,
 - offer of remedial action and/or redress where a **complaint** is upheld;
 - information on your **complaint**-handling review procedure (if applicable), its timeframes and how it can be accessed;
 - information on the complainant's right to refer the **complaint** to the **Legal Ombudsman**, its timeframes and contact details.
18. Should your procedure make provision for review of how a **complaint** was handled it must be carried out in a timely manner and not inconvenience the complainant.

Complaints Guidance

Legal Ombudsman

1. We have adopted the **Legal Ombudsman's** definition of a **complaint**. Please see this Handbook's Glossary.

2. Contact information for **Legal Ombudsman**:

Tel no: 0300 555 0333

Email: enquiries@legalombudsman.org.uk [mailto:](mailto:enquiries@legalombudsman.org.uk)

Website: www.officeforlegalcomplaints.org.uk <http://www.legalombudsman.org.uk/>

Legal Ombudsman

PO Box 6806

Wolverhampton

WV1 9WJ

3. The **Legal Ombudsman** can normally only investigate a **complaint** if it has already been through your own **complaints** procedures. If the ombudsman receives a **complaint** concerning you/the body which has not been through your **complaints** process, it will be referred to you to be dealt with in the first instance. It is therefore acceptable for you to include the following terms in any **complaints** procedure,

“Unless it agrees there are good reasons not to do so, the **Legal Ombudsman** will expect you to allow us to consider and respond to your **complaint** in accordance with the procedure set out above, before they will consider it.”
4. The **Legal Ombudsman** can accept **complaints** up to 6 months after the completion of your own **complaints** process and within 12 months of the complainant discovering a problem. The complainant may also refer their **complaint** to the **Legal Ombudsman** if your own **complaints** process has taken 8 or more weeks to complete.
5. The **Legal Ombudsman's** jurisdiction covers service-related **complaints**; the ombudsman will refer any conduct-related **complaints** to the **CLC**.
6. The **Legal Ombudsman** will charge a case fee (currently £400) if the **complaint** is upheld following a formal determination. It currently operates a 2 free upheld **complaints** system i.e. legal service providers pay the case fee for the 3rd upheld – and any subsequent upheld - **complaint** over a 12 month period.

Requirements of the Code

1. Should your response timescales be shorter than those identified in the Code we would not require you to alter them.

2. Provision must be made for **complaints** to be made by any ‘reasonable means’; determination as to what constitutes ‘reasonable’ is at your own discretion, taking into account the body’s size, profile and **clients**, though we would expect the minimum provision to be in person, telephone and by letter. NB. Bodies may wish to also provide Customer Feedback Forms and provide for **complaints** to be made via the body’s website.

Example Procedure

Overriding Principle 6 of the **CLC Code of Conduct** requires you to promote equality of access and service. The Procedure template below aims to help you comply with that principle. You are not obliged to adopt this approach, but it offers you an example of the minimum that the **CLC** considers is likely to be needed for compliance. Should you adopt the procedure, it is likely that you would need to make amendments to ensure it works with the number of your **employees**, the nature of your work and your **Clients** e.g. sole **practitioners** should only have **complaint** determination review **arrangements** in place with other bodies if the review would be carried out in a timely manner. NB. If you do not have a review system in place, the complainant should be referred directly to the **Legal Ombudsman**.

Complaints Example Procedure

If you have any complaint about the way in which your matter has been dealt with this is the procedure which will be followed:

1.	A complaint is an oral or written expressions of dissatisfaction which alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience, or detriment.
2.	We aim to resolve any complaint you have about the service we have given you as quickly as possible. If you are unable to sort things out with the person who has been dealing with you please contact [name, contact details]. [Alternatively, for a sole practitioner – If you are unable to sort things out with me please let me know in writing and I shall ask [name, contact details] to look into your complaint for me].
3.	Once we have received your complaint, [name above] will write to you within 7 days to explain how your complaint will be investigated if a complete response to your complaint has not been made by that time. You will be told the latest date by which a complete answer will be given to your complaint (this should be not more than 28 days after we received your complaint). If you have made the complaint verbally - either at a meeting or on the telephone - we will set out in our full response our understanding of the nature of your complaint
4.	The assessment of the complaint will be based upon a sufficient and fair investigation. We will explain in writing our findings and where the complaint is upheld will offer remedial action or redress. This will be actioned promptly.
5.	[If you are dissatisfied with any aspect of our handling of your complaint, please feel free to contact [name, contact details], who will conduct a separate review of your complaint [Alternatively, for a sole practitioner – If you are dissatisfied with the way your complaint is

	<p>handled please let me know in writing and I shall ask [name, contact details] who will conduct a separate review of your complaint for me.] You will be told about the conclusion of this review within [28] days.</p>
6.	<p>If after following the review process you remain dissatisfied with any aspect of our handling of your complaint, you may contact directly the Legal Ombudsman to ask them to consider the complaint further:</p> <p>Tel no: 0300 555 0333</p> <p>Email: enquiries@legalombudsman.org.uk Website: http://www.legalombudsman.org.uk/</p> <p>Legal Ombudsman PO Box 6806 Wolverhampton WV1 9WJ</p> <p>Unless it agrees there are good reasons not to do so, the Legal Ombudsman will expect you to allow us to consider and respond to your complaint in accordance with the procedure set out above in the first instance. You can refer your complaint up to 6 months after you have received our final written response to your complaint. You can also use the Ombudsman service if we have not resolved your complaint within 8 weeks of us receiving it. A complaint can be referred to the Legal Ombudsman within 12 months of you discovering a problem. The ombudsman deals with service-related complaints; any conduct-related complaints will be referred to the Council for Licensed Conveyancers.</p>

Good Practice

This section provides you with **guidance** and examples of good practice, which you are not required to adopt but which you may wish to consider.

1. Learning from **complaints** is an essential part of overall customer care. **Complaints** data provides you with a useful 'business barometer' to prevent recurrence of similar-themed **complaints**, identify any training needs and increase **client** satisfaction. To this end, you may wish to record **complaints** by themes or categories which are useful to your business.
2. It is good practice to offer access to a review of how a **complaint** was handled. If you are the body's only **Manager** you may wish to arrange for another firm to carry out a separate review of the **complaint**. Any review should be completed within 28 days of the request for the separate review and should not inconvenience the complainant.
3. It is considered good practice for the senior management to review **complaints** trends. Lessons can then be learned and applied across the organisation, creating an environment in which **complaints** are seen as opportunities to improve systems and

services. It is also considered good practice to periodically review the **complaints**-handling process to identify if there are any improvements needed.

4. **Complaints** enable staff to develop a better understanding of the service user's point of view. All staff should be aware of the **complaints** procedure and take **complaints** seriously. If **complaints** identify a systemic issue it may be appropriate to organise staff training to address it. Some organisations recognise and reward those members of staff who handle **complaints** well.
5. It is beneficial for staff to feel that their **complaints**-handling procedures support them. It would be in their interests if the procedure meant that any accusations made against staff were known only to them and to those investigating the **complaint**. It is likely to be beneficial to the body if its staff – and if possible, its **clients** - are involved in developing **complaints** procedures.
6. To enhance the accessibility of your **complaints** process you could give consideration to **clients** being able to lodge a **complaint** via your website; allowing someone else to make the **complaint** on behalf of a vulnerable **client**; and providing the **complaints** procedure in large print. This list is certainly not exhaustive; procedures should be tailored to the needs of **clients** wherever appropriate.
7. Some organisations produce customer feedback leaflets which include an overview of the body's **complaints** procedure and sometimes a **complaint** form or slip. Others survey complainants to gauge satisfaction with the **complaint**-handling process. Below are some possible questions which those considering customer satisfaction surveys may find useful.

Possible 'How well did we do?' Survey Questions

- How did you find out about our **complaints** procedure?
- Was the **complaints** procedure information useful and easy to understand?
- How did you initially contact us with the **complaint**?
- What was the nature of your **complaint**?
- Did staff make you feel it was okay to make a **complaint**?
- Were you given a clear explanation of the **complaints**-handling process?
- Did you need help from us to make your **complaint**? If yes, did you get it?
- Did we keep you well-informed about the progress of your **complaint**?
- Did you find our staff helpful in dealing with your **complaint**?
- Did you feel the **complaint** was dealt with quickly enough?
- Did you feel the investigation into your **complaint** was thorough?
- Did you feel the investigation into your **complaint** was conducted fairly?
- Did you feel we understood your **complaint**?
- Was our response meaningful?
- Was our response easy to understand?
- Did our response address all the points you had raised?
- After the investigation into your **complaint** did we do what we promised?
- Were you satisfied with the final outcome of your **complaint**?
- How do you rate your overall experience of the **complaints** process?
- Do you have any suggestions as to how we could improve how **complaints**

are dealt with?

- Do you feel that your age, disability, ethnicity, gender, race, religion or sexuality led to any barrier in accessing the **complaints** procedure?
- Do you feel that age, disability, ethnicity, gender, race, religion or sexuality adversely impacted upon how your **complaint** was dealt with?
- Do you have any additional comments?

Some also profile the complainants to determine if there is a particular equalities group which feels disproportionately dissatisfied with the process.

8. In addition to **complaints**, any compliment and comments you receive provide you with an opportunity to learn what is working well, as well as what isn't. It may be appropriate to publicise these to staff so they know what customers want e.g. displaying thank-you letters, promoting service improvements made as a result of **complaints**.