

## **CLIENT COMPLAINTS**

### **Mandatory Requirements**

Organisations must comply with the relevant Solicitors Practice Rule governing the management of complaints.

Organisations must have written arrangements for: -

- a) Reporting and recording centrally every formal complaint made by a client.
- b) Responding appropriately to any complaints.
- c) Identifying the cause of any problem of which the client has complained, offering any appropriate redress and correcting any unsatisfactory procedure.
- d) Ensuring that clients are informed of the organisations' complaints procedure together with details of who has overall responsibility for making sure that complaints are resolved.
- e) Analysis and review of all complaints at least annually by an appropriate person.

### **Practice Procedure**

#### **STANDARDS OF CLIENT CARE**

The emphasis for providers of legal services in the 21<sup>st</sup> century will be to improve the quality of service that we give. No fee earner including Directors can ever state that the service they give to all their clients is always the best which is available.

Although it is not always possible to provide a perfect service at all times to all our clients, we must aim to improve the quality of that service all the time. The price of the service is not cheap nor should it be; we want to attract clients who are prepared to pay a reasonable price for a good quality service.

#### **COMPLAINTS PROCEDURE**

As required by the Solicitors Regulation Authority, we have a procedure for dealing with complaints from clients, so that we can resolve as many as possible within the firm and stop complaints to The Legal Complaints Service.

Occasionally a complaint may be well founded. We all make mistakes and the Directors will expect honesty and realism from any fee earner when they have done so. The fee earner may expect to receive support from the Directors. If a fee earner has made any error in a matter that could result in a claim being made against the Company, the Directors must be notified immediately.

A complaint should be defined as any expression of client dissatisfaction, however it is expressed, eg. in writing, by telephone or in person. This means that a complaint need not contain the word "complaint" in it, and might be presented in writing, over the telephone or in person.

If a client simply moans at you because it has taken you half-an-hour to return his or her call, clearly that may not amount to a complaint. If a client says that you continually delay in returning their calls or you don't return calls at all, that is a complaint.

Complaints against the Company must be dealt with sympathetically and quickly. Its reputation depends on this.

## HOW THE COMPLAINT WILL BE DEALT WITH

- A) At the outset of any matter it is a requirement that the client is told the name of the person with whom to raise any problems. This includes all matters whether or not a file has been opened. Hence when a file is opened a letter is sent containing this information, but if a file is not opened the client will be given a leaflet containing the information. Set out below is the content of a leaflet which accompanies the initial client care letter:-

As a client of EPO, we take your complaints very seriously. You are important to us and therefore if you have cause to complain about any aspect of our service, we want to know about it so that we can put things right, and not make the same mistakes again. This will help us to improve our standards.

EPO has a standard complaints procedure, introduced as a result of the Law Society Practice Note of 9th April 2008. We hope that if you have a complaint about us you will follow this procedure, and by doing so, it will give us the opportunity to investigate it thoroughly, and we hope it will give rise to a mutually satisfactory conclusion. It will provide us with information that we can use in the future to stop similar complaints being made about the company.

1. When you instruct us we will tell you who is dealing with your case from the outset. This is the person with whom you should initially raise any issue relating to our service, and they will do their best to resolve the issue with you. They will respond to you within 10 working days, acknowledging your complaint, and attempt to resolve the complaint with you.

2. If the complaint cannot be resolved as above, by the person dealing with your case, or the complaint is more serious and requires investigation, or the complaint raises allegations of repeated or systemic poor service, or you would like an internal review of the decision made in 1 above, then, you should write, email or telephone the Director dealing with complaints, and this is currently Miles Astbury-Crimes, 46 High St, Sutton Coldfield, B72 1UQ, tel 0121 686 9444 and email [miles.astbury-crimes@e-p-o.co.uk](mailto:miles.astbury-crimes@e-p-o.co.uk) Within 10 working days of receiving that complaint he will reply to you acknowledging it and telling you how he intends to proceed. Within a further 10 working days when he will have made his enquiries and thoroughly investigated the complaint, he will respond fully in writing setting out her decision to resolve the matter.

3. If you are still not happy with the outcome in 2 above, you may wish to raise your concerns with The Legal Complaints Service, Victoria Court, 8 Dormer Place, Leamington, Spa, Warks CV325AE. Tel 01926820082 or at [www.legalcomplaints.org.uk](http://www.legalcomplaints.org.uk) Any complaint to the LCS must usually be made within six months of the date of our final decision on your complaint.

- B) Documentation. All complaints are to be dealt with promptly and thoroughly documented as follows:

Full details of the complaint made by the client, details of the investigation, and of the outcome, must be recorded on the client file. Even if a verbal explanation has been given to the client, a full written explanation is always to be sent to the client.

Outline details of each complaint are to be notified for inclusion in the central record of complaints .

A central record of client complaints will be maintained by the Director who will have the responsibility for monitoring the complaints record and for ensuring that where necessary, corrective action is taken especially in respect of any procedure or system used by the firm. The central record is to be viewed annually, to determine if procedures need to be changed or new ones implemented.

- C) The whole object is to ensure that the client: -
- (a) Is satisfied that the complaint has been dealt with seriously.
  - (b) Gets a prompt response.
  - (c) Receives an assurance that the matter is being reviewed.
  - (d) Is notified as soon as possible of the outcome.

The client may not be lost to the company. Even though a fee earner may not agree that the complaint has any validity, the response from the firm may be to agree with some elements of the complaint and to assure the client that some effort will be made to remedy the problem.

The fee earners should understand that this procedure is not intended to undermine their position. We all have to accept a certain amount of criticism, in return, we hope, for more satisfied clients..

Hopefully the client will be satisfied and the fee earner will continue with the file. In some circumstances, if the solicitor/client relationship has broken down completely, it may be better for another fee earner to take the file over. If they continue with the file, every effort must be made to repair any damage in the relationship with the client.

Fee earners and others about whom a substantial complaint is made can expect that some form of corrective action will be taken. This may take the form of a short informal interview with one of the directors, or a formal note on the personnel file where the matter can be expected to be raised in the context of an appraisal. In extreme cases, it may result in a formal warning or even dismissal.