

Sources of Further Information

- (a) Complaints Policy & Complaints Handling Procedures
- (i) The practice has a Complaints Policy which contains our principles and beliefs about how complaints should be resolved. It is these principles and beliefs which will influence and guide the decisions we make in relation to all individual complaints.
 - (ii) The practice also has a Complaints Handling Procedure which sets out the steps clients should take if they wish to make a complaint and gives the client certain information about timescales and appeals.
 - (iii) Clients are entitled to copies of these documents so all personnel should be familiar with their contents and with the paragraph headed 'Client Satisfaction' in the practice's standard Terms of Business.
- (b) The Legal Ombudsman website contains useful information and can be found at www.legalombudsman.org.uk (the 'Guide to good complaint handling' is particularly useful).
- (c) The Law Society's Practice Note on 'Complaints Management' dated 19th September 2011 can be found at www.lawsociety.org.uk.
- (d) The SRA Code of Conduct 2011(see www.sra.org.uk) contains the rules and guidance concerning complaints and you should be aware of the following:
- (i) Chapter 1 (Client care), particularly Outcomes 1.9 – 1.11 and Outcome 1.14 as well as the Indicative Behaviours concerning Complaints Handling generally;
 - (ii) Chapter 2 (Equality and diversity), particularly Outcome 2.5 relating to complaints which include an allegation of discrimination;
 - (iii) Chapter 10 (You and your regulator) concerning your duty to cooperate with the Solicitors Regulation Authority and the Legal Ombudsman.
- (e) The SRA Financial Services (Conduct of Business) Rules 2001 include important information concerning complaints made about the firm in relation to financial services, such as issuing After the Event or Title

Sheirs Solicitors - Complaints Handling: Information for all Personnel

Indemnity insurance policies, see in particular, the preamble and Rule 3 and guidance to Rule 3. These can be found at www.sra.org.uk.

Complaints Handling Procedures

- (f) None of us likes to be the subject of a complaint, but if the practice is truly committed to providing a quality service to clients all staff need to pick up on client dissatisfaction when it does arise and address it as best they can.
- (g) Client complaints can have many negative outcomes, including:
 - (i) Reputational damage leading to loss of present and potential clients;
 - (ii) Damages awards against the practice – the Legal Ombudsman can award up to £30,000.00 per complaint;
 - (iii) Enforcement and disciplinary sanctions for individual employees from the Solicitors Regulation Authority;
 - (iv) Increased Professional Indemnity Insurance premiums (which are already a significant cost to the firm) or possible even inability to obtain cover.
- (h) Our complaints handling process is therefore designed to ensure that we:
 - (i) Know about client dissatisfaction if and when it does arise;
 - (ii) Take all reasonable steps to ensure that the dissatisfaction is addressed and resolved wherever possible;
 - (iii) Reassure all clients who do complain that the practice will address their concerns without delay and that it takes all complaints seriously;
 - (iv) Learn from the experience to lessen the risk of complaints in the future.
- (i) A complaint is any expression of client dissatisfaction which cannot be immediately resolved. Some degree of common sense is needed, if for example, a client says 'you solicitors charge a lot for what you do' it would not usually be sufficient 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. If, on checking the file, the practice can evidence that the client had overlooked a letter that had been written to warn that the costs would be greater than previously discussed, the problem would probably have been dealt with and there would be no need to report the complaint as such. In all cases, however, it is necessary to take a view on how the client is reacting to the particular circumstances. The practice's overriding objective is to address client dissatisfaction.

- (j) Failure by any individual to report a complaint of client dissatisfaction to the firm's Designated Complaints Handler will be a serious disciplinary offence and will be dealt with accordingly.
- (k) All practices are obliged to make a copy of their complaints procedure available on request. The existence of our Complaints Policy and Complaints Handling Procedure is referred to in the practice's engagement letters and Terms of Business. If appropriate, you must refer the client to these documents and print a copy off and send it to them if they might have difficulty in acquiring it for themselves.
- (l) If it is necessary to report a complaint, please collect as much information as possible and then speak to the Designated Complaints Handler within 24 hours (or to another Principal if the Designated Complaints Handler is not available). If you think the complaint may result in a claim being made against the practice's insurers you must also explain this to the Designated Complaints Handler.
- (m) If you are unsure whether or not the complaint is sufficiently serious to merit a report, you should err on the side of caution and make a report.
- (n) As required by our Complaints Policy and Complaints Handling Procedure, the Designated Complaints Handler will consider any complaint received in as objective a manner as possible and seek to resolve the dissatisfaction. In particular we will offer to meet with the client if possible and appropriate and we will offer appropriate redress promptly.

Complaints referred by the Legal Ombudsman (LEO)

- (o) It is possible that a client may complain directly to the Legal ombudsman without first following our Complaints Handling Procedure. In such circumstances the LEO will normally refer the complaint to the Designated Complaints Handler and the normal complaints procedures will then be followed.

Complaints review

- (p) The Designated Complaints Handler will maintain records of all reported complaints received and the action taken on them. These will be retained in a central record and not on matter files. The Designated Complaints Handler is also responsible for conducting a review of all complaints records in October of each year in order to identify any trends.
- (q) It is essential that all staff learn from their experience and address any underlying problems. In this way the practice can use its complaints data to help to prevent future difficulties.

Making complaints

- (r) There may be occasions when a complaint may be made by the practice, either against another solicitor through the Legal Ombudsman or the Solicitors Regulation Authority. The agreement of the Designated Complaints Handler is needed before doing so in order that the professional and commercial standing of the practice can first receive proper consideration.