

## Complaints Policy and Procedure 2019

At the Law Centre, we aim to provide an efficient and effective service. It is accepted that, from time to time, a complaint may be made about the service. We aim to avoid complaints by:

- Keeping clients up-to-date with progress and explaining the reason for any lack of progress;
- Being clear about what you can and cannot do and what the client can realistically expect to achieve;
- Not taking on cases which are outside a practitioner's knowledge or capability;
- Raise any problems with the senior solicitor or Director at the earliest opportunity.

### 1. What is a Complaint?

A complaint is any expression of dissatisfaction by a client, or a person acting on behalf of a client, whether written or verbal where a response is requested or is reasonably expected.

Some complaints can be trivial but the occasional one may be substantial and give rise to a claim against our professional negligence insurance. It may concern rudeness or unavailability of our service. This means that we have to be careful to treat each complaint seriously and ensure that the substance of it is properly notified to the Director or Chair of Trustees.

Examples of complaints issues:

- Dissatisfaction with the handling of a case;
- Disappointment with an alleged lack of communication;
- Frustration with an alleged lack of case progress;
- An allegation of discrimination;
- Dissatisfaction with the outcome of the case.

### 2. Reporting Complaints

Our client care letter sets out who clients should raise problems with. This should usually be the case worker in the first instance.

Staff should encourage potential complainants to put their concerns in writing but this is not essential.

Staff should also encourage those making a complaint to indicate what sort of outcome they are seeking eg. acknowledgment, apology, change to procedure to ensure it does not happen to someone else, further or different intervention from the case worker.

Where a complaint is made to the Director about a member of staff (whether or not it is informal) the Director will notify the staff member of the nature of the complaint or potential complaint at the earliest opportunity. If a complaint is made to the Trustee Board in respect of the Director the Chair of Trustees will notify the Director at the earliest opportunity.

### 3. Response times

Complaints should be responded to promptly. The complaint should be acknowledged within 10 days and the complainant advised how it is going to be investigated.

The target time for fully responding to a complaint is 14 days up to Stage 2 and 35 days for Stage 3. The complainant should then be notified promptly of the findings or progress that has been made. If there is going to be any delay, for example, because a member of staff is sick or on holiday, then the complainant must be informed of this as early as practicable.

#### **4. Record Keeping**

The Director should keep a log of all complaints including the date of receipt, the main issue and the outcome eg. not upheld, partially upheld, upheld.

#### **5. Procedure**

##### Stage 1 – Informal

Some complaints can be resolved quickly and amicably by a meeting or phone call between the complainant and the staff member involved. The Staff member may seek support and advice from the Director and should always inform the Director of the complaint. Explanations of points of law or practical limitation will often lead to resolution.

Apologies may be made without admitting liability and will often lead to resolution.

If the complainant is not satisfied with the resolution offered at Stage 1, then the complaint should proceed to Stage 2. If the complainant refuses an informal resolution then the complaint should proceed to Stage 2.

##### Stage 2 – Formal investigation

The complaint will be investigated by the Director or a senior staff member specifically delegated by the Director, who will provide a copy of the Complaints Policy and Procedure to the complainant. If the complaint concerns the conduct of the Director, the complaint will proceed to Stage 3 if informal resolution (Stage 1) is not successful.

- Aim for a quick response and speedy resolution
- Telephone or meet the client if necessary
- Be understanding and thorough and do not get irritated
- Try and resolve all the problems raised if possible
- Confirm solutions in writing
- A formal apology can be made which does not imply liability

Where the Director identifies a potential negligence claim, the Director will consult with the professional indemnity insurance provider and will decide, in conjunction with our insurers, whether we should continue with this complaints procedure or adopt some other course of action.

##### Stage 3 – Appeal

If the complainant remains dissatisfied they may appeal to the Management Committee (Chair of Trustees) if the matter relates to the way the service is run or the behaviour of staff. The Chair or a delegated Trustee will review the handling of the complaint at Stage 2 and investigate complaints involving the Director. Solutions will be confirmed in writing.

## **6. Annual Review**

The Director will carry out an annual review of the complaints to look for any trends, and will provide a report to the Management Committee, as well as details of client satisfaction sheets received. The report must be done at least annually.

## **7. External Appeal**

If after eight weeks of the complainant making a Stage 3 complaint the complainant remains unsatisfied and the complaint relates to a matter of professional conduct by a solicitor they also have the right to contact the Legal Ombudsman to ask the Legal Ombudsman to investigate their complaint. The Legal Ombudsman will usually require the complainant to use the Law Centre's complaints procedure before they review a complaint.

Complainants have up to 6 months from receiving the Law Centre's final response to a complaint within which to contact the Legal Ombudsman. Complainants can contact the office of the Legal Ombudsman PO Box 6806, Wolverhampton WV1 9WJ [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk) telephone 0300 555 0333 from 9am to 5pm Monday to Friday or email [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk).