

## COMPLAINTS HANDLING POLICY AND PROCEDURE

# Complaints Handling Policy and Procedure

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## VERSION CONTROL

Version No.	Changes	Date	Initials
1.0	Policy and Procedure created	Feb 24	HiveRisk

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## INTRODUCTION

### 1. Commitment

1.1 We are fully committed to providing an excellent service to our clients and it is therefore important that those in positions of responsibility within Clutton Cox are aware of anything which may have gone wrong. Being frank about such matters helps us to build the firm, by learning from mistakes or misunderstandings, improving our standards and retaining our reputation and the goodwill of our clients. This Policy explains your obligations in these areas.

### 2. Purpose

2.1 The aims of this Complaints Handling Policy (**'this Policy'**) are:

- (a) to encourage staff to report errors and client dissatisfaction as soon as possible, in the knowledge that concerns will be taken seriously and investigated as appropriate; and
- (b) to provide staff with guidance as to how to report and deal with complaints.

2.2 Our Complaints Procedure, which we provide to clients, is set out at Schedule 1.

### 3. Scope

3.1 This Policy applies to all partners, employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers (**'staff'**).

3.2 This Policy does not form part of any staff's contract or working agreement and we may amend it at any time.

### 4. Who is Responsible for this Policy

4.1 Peter Redmond has overall responsibility for the effective operation of this Policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating this Policy and ensuring its maintenance and annual review is Peter's responsibility.

4.2 Peter Redmond ensures that all staff who may deal with concerns or investigations under this Policy receive regular and appropriate training.

4.3 We have a specific responsibility to ensure the fair application of this Policy and all staff are responsible for supporting colleagues and ensuring its success.

4.4 Staff are invited to comment on this Policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to Peter Redmond.

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## COMPLAINTS

### 5. What is a Complaint?

- 5.1 Our definition of 'complaint' is *an oral or written expression of dissatisfaction which alleges that the complainant has suffered or may suffer financial loss, distress, inconvenience or other detriment.*
- 5.2 If you are not sure if a comment from a client amounts to a complaint, ask if they wish the matter to be handled under our complaints procedure.

## CLC CODE OF CONDUCT

### 6. Our Obligations

- 6.1 Our obligations with regards complaints handling are set out in the Council for Licenced Conveyancers ('CLC') Complaints Code and Guidance for Licenced Conveyancers.
- 6.2 The Code provides that we:
- (a) "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);
  - (b) Handling of complaints takes proper account of Clients' individual needs, including those who are vulnerable (Outcome 6.4);
  - (c) Complaints are dealt with impartially and comprehensively (Outcome 6.5"
- 6.3 4 -11 provides that:
- (a) The complaints procedure is clear, well-publicised and free".
  - (b) You treat complaints seriously and provide appropriate redress options. (CoC P6f)
  - (c) You deal with complaints fairly and within 28 days. (CoC P6g)
  - (d) You identify and address systemic Client complaints issues. (CoC P6h) 2
  - (e) You operate a procedure which is appropriate to the needs of clients and which allows complaints to be made by any reasonable means.
  - (f) You deal with complaints constructively and impartially, basing decisions upon a sufficient investigation of the circumstances.
  - (g) Where redress offers are accepted, these are actioned within 28 days.
  - (h) You treat fairly members of staff who are the subject of a complaint.
- 6.4 12-16 provides that upon being instructed by a client, we inform them in writing of:
- (a) From the outset you advise Clients in a prominent place on your website and in writing of their right to make a complaint, how to make it, to whom, and the timeframes involved. (CoC P6j).
  - (b) You advise Clients in a prominent place on your website and 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)
  - (c) You keep a record of complaints received and any action taken as a result. (CoC P6k)
  - (d) Complaints are investigated under the supervision of one of your senior managers/members.
  - (e) 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

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for the delay and commit to responding fully within 28 days of receipt of their initial complaint.

- 6.5 We are also required to respond to the client detailing the following:
- (a) a clear explanation of your assessment of the complaint;
  - (b) your decision on it,
  - (c) offer of remedial action and/or redress where a complaint is upheld;
  - (d) information on your complaint-handling review procedure (if applicable), its timeframes and how it can be accessed;
  - (e) information on the complainant's right to refer the complaint to the Legal Ombudsman, its timeframes and contact details;
  - (f) information about a named complaint body approved by The Chartered Trading Standards Institute which is competent to deal with complaints about legal services, if both you and Clients wish to use such a scheme;
  - (g) a statement whether you agree to use such a scheme .

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## COMPLAINTS PROCEDURE

### 7. Firm's Procedure

7.1 Our 'Complaints Procedure' is set out at Schedule 1, and is also a 'stand-alone' document for sending to clients. It explains to clients how we will handle their concerns if they feel something has gone wrong. Whenever a client complains about our service, or about the bill, we must send out and follow our Complaints Procedure. Even if a complaint is malicious or misconceived we must respond courteously and handle it effectively.

7.2 Accordingly, if a client asks about our complaints procedure or if a complaint is made by or on behalf of a client, notify our complaints partner, Peter Redmond. Peter will then handle the matter, starting with sending the client a copy of our Complaints Procedure.

7.3 Peter will also take action to ensure that we learn from the complaint, including keeping a record, analysing complaints data and correcting any unsatisfactory procedures.

### 8. Prospective and Former Clients

8.1 We should not ignore or dismiss a complaint merely because it is from a prospective or former client. Former clients are entitled to complain about our service.

8.2 Complaints from prospective clients are likely to be rare, however they can arise, e.g. if someone is disappointed by our refusal to act for them. Prospective clients may complain to the Legal Ombudsman if they are not satisfied with the way we handle their complaint.

## STAFF OBLIGATIONS AND PROTECTION

### 9. Your General Duty to Report

9.1 Even if there has not been a complaint, you must promptly report possible mistakes and misconduct of which you are aware to your supervisor or to Peter Redmond, as appropriate. Do not yourself admit liability to clients or third parties since this might prejudice our insurance cover.

9.2 Your obligation to report extends to an allegation by a client or third party that there has been a mistake or misconduct, even if you believe that allegation is malicious or misconceived.

9.3 A failure to make a report may be treated as a serious disciplinary matter.

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### 10. Whistleblower Protection: Our Promise to You

- 10.1 If you report a mistake or misconduct for which you are responsible the firm will strive to take a constructive and supportive approach to resolving the issue.
- 10.2 If you report a possible mistake or misconduct for which someone else is responsible you will not be subject to any retaliation or retribution for making that report, even if your concerns turn out to be unjustified. Anyone who retaliates against someone who has made such a report will be subject to disciplinary action.
- 10.3 In accordance with the general law on this subject, the provisions of the preceding paragraph apply to disclosures which, in the reasonable belief of the person making the disclosure, are made in the public interest. They may not apply to other allegations, for example allegations made insincerely or maliciously.
- 10.4 We are committed to protecting our staff and we have a Whistleblowing Policy in place so that an individual making a report of a mistake or misconduct may be reassured there will be no come-back. We are of the view that our staff should feel that they can report concerns without fear of adverse consequences to themselves, and the Whistleblowing Policy is evidence of our commitment to this.

### PRACTICAL TIPS

#### 11. Practical Tips for Raising a Concern

- 11.1 The organisation “Public Concern at Work” offers these suggestions for those reporting suspicions of wrongdoing:
- (a) **Let the Facts Speak for Themselves:** Concentrate on the facts of a situation and focus on what you know for sure. Relying on hearsay and rumour may upset or anger your colleagues and/or employer and may damage personal reputations and work relationships. Remember there may be an innocent or good explanation for what has occurred;
  - (b) **Separate Our Personal Grievances:** A public concern and a personal grievance are not the same thing. If you are aggrieved about your personal position, you should use your employer’s internal grievance procedure to make this known;
  - (c) **Be a Witness Not a Complainant:** Communicate the concern in a professional, calm and factual manner. If you know how to resolve the problem, suggest a solution. As a witness you do not have to prove your concern and it is important you do not delay raising the concern by acting as a private detective.”
- 11.2 In any event, contact Peter Redmond in the first instance if you have any queries.



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## SCHEDULE 1

### 12. Clutton Cox Complaints Procedure

We are committed to providing a high-quality legal service to our clients. When something goes wrong, we need you to tell us about it. This will help us to resolve any mistakes or misunderstandings and improve our standards.

If you have a complaint, please raise the problem with the person responsible for your matter in the first instance to enable them to try and resolve the matter. Very often any concerns you have can be resolved by speaking to the person who is working on your case, or their supervisor, and they will be only too happy to explain what they are doing or resolve any issue you have.

If for any reason your concerns have not been resolved having raised it with the person responsible for your matter or their supervisor, please follow our complaints procedure as set out below.

#### Contact

Please contact our Complaints Partner, Peter Redmond, by one of the following methods:

- (a) by e-mail to [peter@cluttoncox.co.uk](mailto:peter@cluttoncox.co.uk)
- (b) in writing to: Peter Redmond, Parliament House, 4 High Street, Chipping Sodbury, Bristol BS37 6AH; or
- (c) by telephone: 01454 312125.

When contacting us, please ensure that you provide us with your file reference number(s).

#### Acknowledging and Logging

We will acknowledge receipt of your complaint in writing within three days of receiving it.

We will record your complaint on our central register.

#### Investigating and Responding

Once we have acknowledged and recorded your complaint, we will then start our investigations. This will normally involve our Complaints Partner reviewing your file and speaking to the member of staff who acted for you.

Within 14 days of sending you the acknowledgement letter our Complaints Partner will invite you to a meeting to discuss and resolve your complaint. If you do not want a meeting or it is not possible, our Complaints Partner may instead offer you a chance to discuss the matter by telephone.

Within three days of the meeting, or any telephone conversation we have with you instead of a meeting, our Complaints Partner will write to you to confirm what took place and any solutions we have agreed with you.

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In any event, our Complaints Partner will send you a detailed written reply to your complaint, including suggestions for resolving the matter, within 21 days of sending you the written acknowledgement of your complaint.

### **Opportunity to Respond**

If, after receiving our initial response, you are still not satisfied, you should contact us again and we will arrange for another partner or someone unconnected with the matter at the firm to review the decision.

We will then write to you within 14 days of receiving your request for a review, confirming our final position on your complaint and explaining our reasons.

If we have to change any of these timescales we will let you know and explain why.

### **Independent Mediation / Alternative Dispute Resolution**

If a complaint cannot be resolved you may also be able to ask for it to be referred to a process of alternative dispute resolution using a certified provider. There are three providers available:

- (a) Ombudsman Services;
- (b) ProMediate; or
- (c) Small Claims Mediation.

We are not required to agree to such a request. We must also advise that this option is not available to businesses, only consumers.

We will provide more information about this option if it becomes relevant.

### **Legal Ombudsman**

If you are still not satisfied, you can contact the Legal Ombudsman:

Legal Ombudsman  
Po Box 6167  
Slough  
SL1 0EH

**Tel:** 0300 555 0333

**E-mail:** [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

**Website:** [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

Any complaint to the Legal Ombudsman must usually be made within six months of the date of our final written response or within six months of the act or omission about which you are complaining (or if outside this period) within 1 year of when you should reasonably have become aware of it.

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**Please Note:** The Legal Ombudsman service cannot be used by businesses or most other organisations unless they are below certain size limits. Further details are available from the Legal Ombudsman.

### **Council for Licenced Conveyancers ('CLC')**

We are regulated by the CLC. If you believe Clutton Cox or any individual within the firm has breached any of the [CLC Codes of Conduct](#) then you may report the issue directly to our regulator and you can find more details on how and when to report an issue to them on their website [www.clc-uk.org](http://www.clc-uk.org)

**Please Note:** The CLC does not have the power to award compensation for poor service, or to reduce or refund your legal fees. If your report relates to these issues you will be signposted back to the Legal Ombudsman.

**Peter Redmond**  
**Director**