

## **CLARKE & SON COMPLAINTS AND REPORTING POLICY**

1. It is important those in positions of responsibility within Clarke & Son are aware of anything which may have gone wrong. For example the SRA Code of Conduct requires us to:

- Deal with clients' complaints promptly, fairly, openly and effectively.
- Inform clients if we discover any act or omission which could give rise to a claim by them against us.
- Identify, monitor and manage risks, and take steps to address issues identified.
- Report certain information to the SRA, including (amongst other things) "serious misconduct by any person or firm authorised by the SRA".

It is a Solicitors' Regulation Authority requirement that all firms of Solicitors have an internal complaints procedure. This is designed to reduce the number of cases going to the Legal Ombudsman. However, this is more than a professional responsibility. 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. What is a complaint?

If a client is simply unhappy with you because it has taken you half an hour to return his call then clearly that does not amount to a complaint. If a client is saying that you continually delay in returning their calls or you do not return the calls at all then that is a complaint. Clients will be notified in our terms of business when the file is opened of their right to complain about a fee earner to the firm's Client Care Manager.

Our complaints procedure is in Appendix 18. 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 use that procedure. Even if we feel a complaint is malicious or misconceived we must respond courteously and handle it effectively.

Note that the definition of a "complaint" in the SRA Code of Conduct 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". 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.

3. How the complaint will be dealt with:

Upon receipt of a complaint then the client will be sent a copy of our complaints procedure together with an acknowledgement letter.

The fee earner and the relevant Head of Department will complete a Complaints Report Form (Appendix 18) immediately. This will initiate the complaints procedure which is detailed in Appendix 18.

The whole object of the exercise is to retain the client and to satisfy them that their complaint has been taken on board. Even though a fee earner may not agree with the validity of the complaint the response from the Client Care Manager may be to agree with some elements of the complaint and to assure the client that efforts will be made to remedy the problem. Fee earners must understand that it is not intended to undermine their position and we will all have to accept a certain amount of criticism in return, hopefully, for more satisfied clients. The register is also reviewed annually by the Client Care Manager to ascertain whether there is evidence of any trends.

The Complaints Form details the complaint and the action taken and the Central Complaints Register held by the Client Care Manager summarises all complaints on a central basis. To maintain the Central Register each complaint form is forwarded to the Client Care Manager who maintains the Central Complaints Register. The Register is reviewed quarterly to ensure appropriate action is being taken and that every endeavour is being made to prevent re-occurrence.

If any client asks about our complaints procedure you should send them a copy.

4. Remedies open to the client:

- An apology from the firm together with an assurance that it will not happen again and that we will try to do better.
- A reduction in the bill.
- Abatement of the bill in total.
- Notification to the client of their right to complain to the Legal Ombudsman either as to our professional conduct or as to our inadequate professional services.
- Notification of the client of their right to see another Solicitor and obtain advice as to whether we have been negligent.

5. Your general duty to report

Even if there has not been a complaint you must promptly report possible mistakes and misconduct of which you are aware to the partner supervising the relevant matter and to the Compliance Officer for Legal Practice or the Compliance Officer for Finance and Administration as appropriate. Do not yourself admit liability to clients or third parties since this might prejudice our insurance cover.

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.

6. What happens after a complaint?

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 over the file. If you do not continue with a file every effort must be made to repair the damage that has been done with the client.

7. Review

A quarterly review of all complaints will be carried out by the Client Care Manager to ascertain whether:

- There are a disproportionate number of complaints about any one fee earner; and
- Clients are making the same type of complaint against any one fee earner.
- In any event a review of the Complaints Register will be undertaken quarterly by the Client Care Manager.

8. It will be possible for some complaints to be dealt with informally by the fee earner concerned. These are known as “first tier” complaints. All fee earners will be given training on how to deal with these complaints and please also refer to the Office Manual at Section 2.21.

9. 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.

If you report in good faith 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. This protection will apply even if your concerns turn out to be unjustified. “Good faith” means that you believe the report to be true and that you do not make the report with malice intending to damage another person or the firm. Anyone who retaliates against someone who has made such a report will be subject to disciplinary action.

## **CLARKE & SON COMPLAINTS PROCEDURE**

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

If you have a complaint, write to our Client Care Manager, Mrs Julie McKinney, with the details.

We will send you a letter acknowledging your complaint. You can expect to receive our letter within 3 days of us receiving your complaint.

We will then investigate your complaint. This will normally involve the following steps:

- Your complaint will be considered by Mrs McKinney within 7 days.
- She will liaise with the member of staff who acted for you and obtain their comments on your complaint within 7 days.
- She will then examine their reply and the information in your file and, if necessary, may interview the fee earner involved. This may take a further 7 days from receiving their reply and the file.
- If appropriate Mrs McKinney will invite you to a meeting to discuss your complaint and how it can be resolved. If you do not wish to attend a meeting then Mrs McKinney can discuss your complaint by telephone. All matters discussed at a meeting or by telephone will be confirmed to you in writing.

Mrs McKinney will then consider your complaint and the response from the fee earner involved in detail and will then write to you with a detailed response. In any event we will endeavour to respond to your complaint within 21 days from receiving it. If for any reason this is not possible then we will write to you and explain the reason for the delay.

Following receipt of our detailed response and any meeting which may take place, if you are still not satisfied with the outcome then you can request an internal review. We will give you information about this in our letter. We will then arrange to review our decision and this will normally involve a review of Mrs McKinney's decision by a partner of this firm. We hope to be able to complete this review within a further 14 days.

If you are still not satisfied you can contact the Legal Ombudsman, PO Box 6806, Wolverhampton, WV1 9WJ about your complaint. Any complaint to the Legal Ombudsman must usually be made within six months of the date of our final written response on your complaint but for further information you should contact the Legal Ombudsman on 0300 555 0333, or by email at [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk). Please note that the Legal

Ombudsman service cannot be used for businesses or most other organisations unless they are below certain size limits. Further details are available from the Legal Ombudsman.

The legal Ombudsman has certain time limits for accepting complaints. These are:

- Six years from the date of the relevant act or omission, or
- Three years from when you should have known about the complaint.

Please be assured that we will do our best to resolve your complaint to your satisfaction. We will adopt a mediatory approach to your complaint and endeavour to consider your complaint in a fair and reasonable manner. We hope that this will lead to a satisfactory outcome for you. If we have to change any of the timescales we will let you know and explain why.

Yours faithfully

**CLARKE & SON LLP**

### Complaints Report Form

Details	Reply
Fee Earner/Head of Dept	
Client Name	
Matter No	
Work Type	
If file archived, Archive No	
Name of person making complaint	
Is that person the client?	
Date on which complaint received (if by letter attach copy of letter; if by telephone or at a meeting, attach copy of Attendance Note) -	
Fee Earner who dealt with the work	
Brief details of the nature of the complaint	
Your preliminary comments on the merits of the complaint	
Has the client suffered any loss?	
Are we in a position to take action to remedy the complaint	
Head of Dept notified of claim?	Yes/No

<b>Details</b>	<b>Reply</b>
Comments	
Signed.....Fee Earner	Date:
Signed.....Head of Dept	Date:

**APPENDIX 18**

**COMPLAINTS MONITORING FORM**

<b>Client's name:</b>	<b>Funding type:</b>
<b>Case ref:</b>	<b>Private paying/CFA/Third party (state)</b>
<b>Fee earner:</b>	<b>Supervisor:</b>
Complaint received by: _____ Date: _____	
Passed to Client Care Manager – Date: _____	
Brief outline of complaint:	
Brief outline of action taken in investigating the complaint:	
Outcome:	
Complaint upheld – reason:	Complaint not upheld – reason:
Insurers notified?	Yes/No
If yes, date: _____	
Offer of redress? State what: _____	
Compliance with time limits for responses:	
1. Acknowledging receipt of the complaint (3 days)	Yes/No
2. Meeting with fee earner (7 days after receipt)	Yes/No
3. Investigation of the complaint (14 days after receipt)	Yes/No
4. Final letter to client (28 days after receipt)	Yes/No
5. Timetable not met or varied – reason: _____	
Issues to be taken into consideration for future risk management: _____	
Notified to Risk Manager – date: _____	



<b>Client's name:</b>	<b>Funding type:</b>
<b>Case ref:</b>	<b>Private paying/CFA/Third party (state)</b>
<b>Fee earner:</b> <b>Supervisor:</b>	
File closed – date:	
Signed by Client Care Manager:	