



Bucksford Law

COMPLAINTS POLICY

What is a complaint?

A complaint is any expression of dissatisfaction made to a practice about any legal services, client care, costs payable or complaints management process supplied by such practice and where a response or resolution is explicitly or implicitly expected. All clients are informed of their right to complain within the Letter of Engagement which the client will receive at the beginning of any new instruction. The Letter of Engagement also outlines the Complaints Procedure and who is responsible for dealing with complaints.

There are two categories in which complaints are spilt, Inadequate Professional Service and Negligence or in some cases, the combination of the two. Any allegation which is of professional negligence (a breach of the duty of care owed by us to our client) should be referred to our Professional Indemnity Insurers without delay and should be without any admission of fault and to follow their instructions as to how the complaint is to be handled. If any such allegation is put to a fee-earner he or she must report it immediately to our Compliance and Risk Officer (CRO – will then contact the insurers as necessary) as it is still a complaint which will need to be recorded and monitored as it is resolved. The further conduct of a negligence claim or that component of the claim which is of negligence is handled by the Managing Director.

Inadequate Professional Service is any other alleged shortcoming which may range from not returning telephone calls or answering letters, delays in handling matters, not making yourself available to a client, poorly executed or infrequent contact with the client, secretarial errors in documents or accounts, impoliteness towards client, excessive or unfair billing. Whether they are insignificant or significant failings they must be acknowledged, handled, apologised for and correct/compensated as appropriate.

More than often clients are satisfied by the simple recognition of their dissatisfaction and an apology. Even so in a claim of negligence, whilst you should not declare any admission of liability simple acknowledging the clients grievance with an expression of regret that the client should have any need to complain will tend to go a long way in helping to resolve any claim.

The Compliance and Risk Officer (CRO) owes a duty not only to the client but also to the accused, to make sure a fair and equal examination of both sides are made of any complaint and in an unbiased manner.

What to do when someone complains about your conduct directly to you?

It is extremely important that you do not find yourself being drawn into an argument with a client. Whether they bring their complaint to your attention via telephone or in person you must remain calm and collected. The best thing for you to do in the given situation is to listen carefully and be sure to pin point the real reason of dissatisfaction. You will find a client will be more expecting in listening to your explanation (if you have one) once you have given them the opportunity to 'off load' their version of the event.

You must never point the finger of blame in the direction on your colleagues or make up quick excuses, as the client will not be interested and you are likely to antagonise them.

Subject to Negligent issues it is a case of honestly is the best policy and to hold your hands up, admitting that you have not done what was expected i.e. not sent a duplicate letter in the post as previously promised. It is always important whilst exercising this option to provide a simple apology. If the client can tell that you are sincere in your apology this will tend to disarm their hostile approach. Clients are human at the end of the day and you have to humanise yourself in order to gain their approval.

You may find that some client become abusive while making their complaint and the number one rule is that you remain cool headed and avoid entering into an argument. If it is a matter that requires immediate attention you need to take down details from that client and explain to them you will arrange for the 'Department Manager' to get back to them. It is important to not make any promises to the client that you are not certain can be kept. i.e. promising a call back within 24 hours, how are you to guarantee that this is achievable otherwise if it is not achieved you are bound to aggravate the client. The person who handles the complaint should then ask the client if they are satisfied with the outcome and if not, the person handling the matter should ask the client to revert to our Complaints Procedure.

Are you able to handle the complaint yourself?

If a client complains about Inadequate Professional Service it is usually quite easy to 'nip it in the bud' but drawing attention to the clients dissatisfaction directly with the fee-earner who the client has complained about. If the fee-earner accepts the criticism in an equally adult and honest fashion, promising to do better and does so then mutual respect and trust should be established without the need for other Bucksford Law personnel to get involved, saving chargeable time being wasted.

If there is any doubt you have in your ability to deal with a complaint swiftly and in a truly detached and objective manner then supply the client with a letter enclosing our complaints procedure. This way the CRO will be in charge of supplying a response however, the CRO will need to discuss the matter with you in order to be able to conduct an investigation, so this is not to be used as a 'get out of free jail card'. Although, if it is just the burden of having to deal with the complaint solely you are worried about then offloading this responsibility can be beneficial for you and the client.

You must not all complaints on the firm's Complaints Schedule, no matter how small or brief. All complaints must be lodged whether it was a complaint against yourself or a colleague and you must state whether or not you were able to resolve and settle the complaint. This is not to be used to embarrass a fellow colleague but simply to keep the Management Board aware of the degree to which clients are raising their complaints. Statistical information of this nature helps with risk assessment reviews which Management will need to conduct from time to time and help them to quash any repeating trends by applying the relevant training.

With this in mind please make sure you notify the Compliance and Risk Officer every time you handle a complaint. You will need to supply;

- Name of the client;
- File number;
- Whose case it is (who is the fee-earner)and;
- A draft letter to be sent to the client with any proposals to settle.

You will also need to send the hardcopy file to the CRO to allow them full access to make their investigation. You are encouraged to address any questions you may have with the CRO but you are not to offer a conversation/ explanation in place of the above. You must make sure that when you address the CRO you also make your department manager aware of the matter in hand.

All cases referred to the CRO will be lodged and so far as the client is concerned they then become the responsible person for handling the complaint. The actual investigation will be carried out by the CRO (Kacy Ford) who will then respond to the client direct. The investigation will also include an enquiry into the causes of the complaint. It is down to the CRO to inform the client of the complaints procedure and answer any questions they may have, whilst explaining in layman terms how the complaint will be handled and the necessary timescales.

Appeal

If the client is still unsatisfied despite the intervention of the Compliance and Risk Officer, our Complaints Procedure is set out in Schedule 1 of this document and it states that the matter should then be referred to the Managing Director, Martin Wilkins who will provide the firm's final opinion of the complaint. In that case, it will be passed to him to provide the CRO with regular updates on the progress of the matter and any resolution of such complaint. This is so the CRO can keep this firm's records completed and accurate, also ensuring that the clients concerns are always followed through to a conclusion. The time for such an appeal must be given to the client as a part of our complaints procedure.

Legal Ombudsman

The Ombudsman Service (which replaces the Legal Complaints Service) is there to act as a individual part between a complaining client and a solicitor, but they also has powers to award compensation to be paid to the client and costs to be paid by the offending solicitor, if a resolution cannot be made. Furthermore the Ombudsman Service concludes that there has been a degree of Inadequate Professional Service then they can issue the compensation is paid to the complaining client.

If you want to contact the Legal Ombudsman you can do this either on:

- *By email for any enquiries on - enquiries@legalombudsman.org.uk*
- *By phone - 0300 555 0333 and they are open 9am to 5pm Mon-Fri*
- *Write to them - Legal Ombudsman PO Box 6806 Wolverhampton WV1 9WJ*

Sometimes clients will try to bypass a practices in-house complaints procedure and go straight to the Ombudsman Service but they have stated that they will not intervene until such time that the client has exhausted the firm's own Complaints Procedure, on the basis this has been made readily and available to the client by the firm.

The Ombudsman Service will not intervene with a complaint of negligence against a practice, unless the negligence complaint has a degree of Inadequate Professional Service as well.

Time Limits

The time limits for the Legal Ombudsman Service accepting a complaint are;

- 6 years from the date of act/omission, or;
- 3 years from when the complainant should have known about the complaint.

The time limit for a client to complain to the Legal Ombudsman is 6 months from the end of the complaints procedure and if we provide full information about the client's right to take a complaint to the Legal Ombudsman at that point. Therefore, it is important to ensure that we provide complainants with the following information prominently in writing at the end of the complaints process:

- Their right to take a complaint to the Legal Ombudsman
- The timeframe for doing so, and
- The contact details for the Legal Ombudsman
- That the solicitor is obliged to submit to the ADR procedure operated by the Legal Ombudsman.

Financial Limits

The level of compensation the Legal Ombudsman can specify is £50,000 in relation to:

- Compensation for loss suffered
- Compensation for inconvenience / distress
- The reasonable cost of putting things right, and
- The reasonable cost of any specified action in the interests of the complainant.

Type of Complaints

The Legal Ombudsman Service will accept complaints from prospective clients where:

- A person has unreasonably been refused a service
- Persistently or unreasonably been offered a service that they do not want.

In the first case, the complainant will have to produce prima facie evidence that:

- There was no legitimate reason for the refusal to provide the service, and
- There has been a financial loss or that they have been unreasonably inconvenienced by the refusal.

Legitimate reasons for refusing to provide a service include lack of expertise or concerns about Money Laundering

Where the firm has not provided a service, the Legal Ombudsman will not normally expect the full complaints procedure to be followed. Instead a short explanation of why we refused to act should be sufficient. We should also signpost the client to the Legal Ombudsman.

However, if we find evidence that there was no legitimate reason for refusal of service then the complaint will be dealt with via the normal Complaints Procedure.

As of April 2013, all complaints made to the Legal Ombudsman and those that are investigated will incur a fee of £400 but if a firm follows a reasonable first-tier complaints process they may be eligible for the case-fee waiver.

Review

There will be an annual review of this Policy in January 2020 will be carried out by the Compliance and Risk Officer together with the assistance of the Managing Director where necessary. The Compliance and Risk Officer is responsible for this Policy. It is the responsibility of the Risk and Compliance Officer to recommend any changes to the procedure to the Managing Director as a result of a complaint.

Informing the Client

All clients must be informed at the outset of the new instruction that they have the right to complain and setting out details of our Complaints Procedure. The letter to the client should be based on the wording to the Schedule 1 to this Policy. The dates to deal with the complaints are estimates only and will vary depending on the complexity of the file, the issue to be considered and whether the person investigating the complaint is on annual leave etc.

Prepared by: Ms Kacy Ford - Business & Compliance Manager

Date: 21/01/2019

Approved by: Martin Wilkins

Next Review Date: 01/04/2020

Schedule 1



Bucksford Law

COMPLAINTS PROCEDURE AND CLIENT CARE POLICY

CLIENT CARE POLICY

We are committed at Bucksford Law Ltd to providing the highest of professional care to all of our clients. We are always looking for ways in which we can improve our services. If you are not happy about a service you have received with us, please let us know as we would like the opportunity to make it right again. With your feedback we can still pursue our biggest aim of achieving 100% client satisfaction.

Equally, if you are happy with the level of service received from us please tell us and your friends and family.

COMPLAINTS PROCEDURE

If you have a concern or a complaint, in the first instance we ask that you raise your comments with the person whom has been handling your matter. However, if you are not comfortable to do this or you feel that you have already tried to discuss the matter in hand with the responsible person and not had a satisfactory response, please put your concerns in writing to our Compliance and Risk Officer of The Bull Yard, High Street, Ashford TN24 8SF.

Please can you ensure you clearly provide your full name, a corresponding address to provide our written response and a telephone contact number within your letter of complaint.

Once we have received your concerns we will acknowledge receipt within 5 working days to the details provided in your initial letter. Within our letter we will provide details of the person who will be handling your complaint and confirmation that we have recorded your complaint on our firm's Complaints Schedule.

After details of the person handling your complaint has been provided, that nominated person will then write to you within 5 working days with a response and including suggestions for resolving the matter.

If you are still not satisfied after receiving our response, it will be open to you to have the opportunity to raise your concerns to the Managing Director, Martin Wilkins of The Bull Yard, High Street, Ashford TN24 8SN, telephone number 01233 527690. The further review of

your complaint will provide our final resolution and this will be within 28 days of sending you the acknowledgement letter.

Unless it is agreed there are good reasons not to do so, the Legal Ombudsman will expect you to allow us to consider and respond to your complaint in accordance with the procedure set out above in the first instance. If you are not happy with our final response you can refer your complaint to the Legal Ombudsman up to 6 months after you have received it. You can also contact the Legal Ombudsman service if we have not resolved your complaint within 8 weeks of us receiving your initial letter. A complaint can be referred to the Legal Ombudsman up to 6 years from the date of the act or omission or up to 3 years after discovering a problem. The ombudsman deals with service-related complaints; any conduct related complaints will be referred to the CLC.

If you make a valid claim against us for a loss arising out of work for which we are legally responsible, and we are unable to meet our liability in full, you may be entitled to claim from the Compensation Fund administered by the CLC (from whom details can be obtained).

If you would like any further information on this procedure, please feel free to contact our Compliance and Risk Officer.