**Complaints Policy**

**Reynolds Colman Bradley LLP**

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1. **Introduction**

This policy sets out how Reynolds Colman Bradley LLP (the firm) manages all Complaints received by the firm to ensure all Complaints are dealt with properly and consistently.

This policy acts as guidance to those within the business and is not intended for external use. To view the external policy, please refer to the firm's **Complaint Policy** found on the website or in the firm’s Compliance Folder found on the One Drive.

This policy applied to:

* Complaints made direct to the firm by any person.
* Complaints made via The Solicitors Regulation Authority (SRA).
* Complaints made via the Legal Ombudsman (LeO).
1. **Officers**

The firm’s Complaint Manager is Steven Reynolds.

The Complaints Manager is responsible for developing, monitoring, assessing and managing the Complaints procedure.

In addition, the Complaint Manager will ensure all Complaints are managed correctly, stored on the Complaint register and resolved with consistency.

1. **Definition**

The firm has adopted the Legal Ombudsman’s definition of a complaint, being: an expression of dissatisfaction with a service relating to an act or omission about a service provided to:

* + A complainant (including the client).
	+ Another authorised person who procured the service on behalf of the complainant or
	+ A personal representative/trustee where the complainant is a beneficiary of the trust/estate.

Which cannot be immediately resolved to the complainant’s satisfaction by the fee earner and the matter supervisor.

1. **Implementation**

It is important when a Complaint arises to follow the formal procure as through doing so, the firm will handle all Complaints with consistency.

* 1. **File Opening**

As part of the client care process and engagement with a client on every new matter, the client will be sent a client care letter. Within this letter will be details:

* Of their right to complain about either the service they have received, or a bill that has been rendered, or both.
* Of whom they should complain.
* That the firm has a complaints procedure, a copy of which will be supplied to them upon their request, and in any case if they make a complaint.
	1. **Ongoing Case Management**

Throughout the duration of a matter, a client will be able to access the complaint policy by reviewing the client care letter or by visiting the firm’s website. In the event a client, or any other person, wishes to make a Complaint (see Complaint handling below) they should be:

* Directed to the website to download a copy of the complaint policy
* If requested, sent a copy of the policy by email or letter, whichever is their preference
	1. **File Closure**

When closing a file, the client will be reminded of their right to complain and be directed to the Complaint Policy on the firm’s interest site. Details are contained within the matter closure letter.

1. **Procedure**

The following procedure will apply to all complaints received by the firm.

* 1. **Written Complaints**

Any written complaint received must be notified to the Complaint manager as per 5.4 below and a copy of the communication from the complainant must be attached to the notification form.

* 1. **Verbal Complaints**

Any complaint received verbally must also be notified to the Complaint manager as per 5.4 below.

A detailed attendance note must be written by the recipient of the Complaint and provided with the notification form.

* 1. **When to Report a Complaint**

It is necessary for the person receiving a call or correspondence, from a client or other person, to establish if the issue being raised fits into the definition of a Complaint as detailed in section 3.

Annual training will be provided on Complaint management where guidance is provided on the classification of a Complaint and the action to take. This procedure sets out the action to take when a Complaint meets the firm’s definition.

It is important for an individual to first understand if the client or other person is complaining. The firm does **not** expect a member of staff to report a matter where:

* The client has spoken to a person and has either misunderstood a situation that is easily rectified.
* The client is expressing dissatisfaction about a situation or circumstance that does not relate to the services provided or action taken by the firm.
* It is important to be aware that if a client is frustrated about a matter which is outside of the firm’s control, that there is a stronger likelihood of that client complaining about the firm’s service.
* If it is clear from a conversation with a client or another person that they are raising issues about the service provided by the firm or any party that the firm has engaged to provide a service to the client, the matter must be classified as a Complaint.
* If a member of staff is not clear on whether the issue being raised falls into the category of a Complaint, caution must be exercised and a Complaint notification made (see later) enabling a supervisor to make the final decision if the issue should be classified as a Complaint, reported and recorded.
	1. **Required Action by the Recipient of a Complaint**

The following action must be taken on receipt of a Complaint:

* The recipient is to complete a Complaint notification form (see appendix 1).
* The form will indicate where the notification form must be sent.
* In addition to sending the form to the recipients on the notification form, a copy should also be sent to the individual’s direct supervisor (where applicable).
* It is important to fully complete the notification form and provide any documents or other evidence considered to be relevant to the Complaint.
* Once the notification form has been submitted, further guidance will be provided by the Complaint Manager.
* The fee earner can continue to handle the file but should avoid, where possible, direct contact with the complainant and where this is unavoidable, they are to be informed that the Complaint has been referred to the Complaint officer who will contact them as soon as possible.
	1. **Action that will be taken by the firm**

Once the Complaint notification form has been received, the following action will be taken by the firm:

* The Complaint will be recorded on the firm's central Complaint Register.
* The Complaint will be allocated a Complaint reference.
* The Complaint will be allocated to a Complaint Officer who will be responsible for the investigation, communication and reporting to the complainant.
* All Complaints will be acknowledged within 24 hours of receipt and the complainant will be notified of:
	+ who their complaint will be handled by.
	+ when they can expect either an initial or substantive response to their Complaint.
* The firm will always seek to resolve the Complaint in the quickest time frame possible but will always seek to resolve the Complaint, to the satisfaction of the complainant within 8 weeks.
* If the firm has not been able to resolve the Complaint within 8 weeks, of receipt, the complainant is entitled to raise their Complaint with the Legal Ombudsman.
* Issuing an initial and formal response to the Complaint will be dictated by:
	+ The complexity of the matter.
	+ The complexity of the Complaint.
	+ The documentation to be reviewed.
	+ The time it will take to review the Complaint and documentation.
* Whenever possible, the firm will seek to respond, substantively to a Complaint within 21 days of receipt of the Complaint. If this is not possible, the complainant will be updated to confirm the action being taken and when they can expect to receive a substantive response.
* All responses to Complaints will be provided in writing. Where it has been necessary to speak to the complainant, the response letter will summarise the outcome of any call and the action to be taken or agreed to resolve the Complaint.
* The response letter to the Complaint will include:
	+ A summary of the Complaint.
	+ The action and investigation taken by the Complaint manager.
	+ The outcome of the investigation.
	+ Confirmation if the Complaint is considered justified or not with an explanation for the. decision.
	+ Action that will be taken by the firm.
	+ Where applicable any compensation or other consideration that will be made by the firm.
	+ Confirmation that if the complainant is not satisfied with the outcome, that they can raise their Complaint with the Legal Ombudsmen.
* Full details of the Complaint and the investigation and outcome will be stored on a separate part of the file.
* When resolved, the Complaint will be marked as closed on the Complaint register.
	1. **Multiple Complaints**

In the event,, a person raises multiple Complaints on one matter and any new Complaint that is unconnected to the original Complaint, it will be treated as a new Complaint. This will require a new notification form and a new entry on the Complaint register and a new Complaint reference number.

If a Complaint has previously been closed and the client or another person is raising further issues relating to the original Complaint, the original Complaint will be reopened and not recorded as a new Complaint.

If contact is made from LeO relating to a Complaint, the original Complaint will be reopened and the register will be updated to reflect that the Complaint has now been elevated to LeO. The Complaint will then be considered live until resolved with LeO.

1. **The Solicitors Regulation Authority (SRA)**

The SRA will not investigate Complaints about services provided by the firm. They will refer such matters to LeO.

Therefore, any contact by the SRA is likely to be as a result of a Complaint made about the firm itself or someone working within the firm.

Any contact made by the SRA to an individual within the firm must be reported to the COLP using the COLP Notification Firm (see appendix 2).

1. **The Legal Ombudsman (LeO)**

LeO’s have been appointed to investigate Complaints made about Solicitors in England and Wales.

Any correspondence or contact from The Legal Ombudsman must be sent to the Complaint Manager immediately.

To report contact from The Legal Ombudsman the Complaint Notification Form must be used and where the notifier is aware of a previous Complaint made by a person, that is relevant to the contact from LeO , details should be provided with the notification form.

LeO cannot investigate a Complaint in the following circumstances:

* The firm has been given the opportunity to respond to the Complaint or has been notified of the Complaint and has not resolved it within 8 weeks from the date of receipt of the Complaint.
* The Complaint is being made by a person who is not the recipient of a service from the firm or someone who is not representing the recipient of a service.
* The subject of the Complaint has been resolved by the court.
* An unreasonable amount of time has elapsed since the action or service by the firm was taken that caused the Complaint (there is no time limit provided by LeO).

Full details of LeO and how they operate can be found on their website: <https://www.legalombudsman.org.uk/>.

1. **Notifications**

To simplify the notification of a Complaint, the firm has developed a Complaint Notification Form (see appendix 1) this must be used to report all Complaints, without exception.

1. **Recording and Reporting**

All Complaints will be recorded on the firm’s central Complaint register which will contain all key information. Any documentation attaching to the Complaint will be recorded with the register.

Each Complaint will be allocated a Complaint reference so it can be easily identified and related to a file or matter.

The Complaints Manager will conduct the following reviews at least annually:

* A review of the Complaints procedures, including that which is sent to clients, to ensure that they are being used effectively throughout the firm, following which any necessary amendments will be made.
* A review of all complaints that have been received by the firm within the previous 12 months in order to:
	+ Identify any trends.
	+ Make corrections to any processes or procedures that are considered necessary to assist in the prevention of future trend occurrences.
	+ Compile a report from the findings, which will be submitted to the Partners.

It is the responsibility of the Complaint Manager to ensure the Complaints procedure and all Complaints are managed effectively.

1. **Training**

If any person would like training on the Complaint Policy or this Complaint Management Policy, they should contact Steven Reynolds.

1. **Version Control & Updates**

This policy is reviewed annually and updated as necessary.

In the event of any statute or regulatory changes, this policy will be brought up to date at that point in time.

A printed version of this policy should be considered obsolete.