

ANNEX 6 – Complaints

DEFINITIONS

1.1 In this Complaints Annex, the following expressions shall have the following meanings unless the context otherwise requires and any other terms defined in the Standard Terms, the Procedure Regulations and the Specification shall, if used in this Complaints Annex, have the meaning in the Standard Terms, the Procedure Regulations and the Specification (as applicable) applied to them:-

“*Complaint*” is any communication received by CLA, the Operator Service or you which expresses a negative comment regarding Civil Legal Advice and / or the service we provide (including through the Operator Service or you);

“*Contract Manager*” has the meaning given to it in the Standard Terms;

“*Review*” is where a Client, potential Client, Exempted Person or potentially Exempted Person (as applicable) has requested you to review a Determination or Withdrawal of a Determination as described in the Procedure Regulations; and

“*Resolved*” means that all aspects of the Complaint have been investigated in accordance with this policy, and where the complaint is deemed to be justified, resolved by you to the Client’s, potential Client’s, Exempted Person’s or potentially Exempted Person’s (as applicable) satisfaction.

COMPLAINTS

1.2 A Complaint must be accepted whether made verbally, in writing (e-mail, letter or other form of electronic communication) or made in person but in all cases, the same procedures in this Annex should be followed.

MINOR AND MAJOR COMPLAINTS

1.3 Complaints fall into two categories, either “Major Complaints” or “Minor Complaints”.

1.4 A Major Complaint is a Complaint concerning:

- (a) incorrect or negligent advice, including missed deadlines;
- (b) an adviser’s rude or inappropriate telephone manner;
- (c) any allegation of discrimination, harassment or victimisation or failure to make reasonable adjustments for a disabled person, as defined under the Equality Act 2010;
- (d) a Review;

- (e) threats to pass the matter on to the media or a governmental or other regulatory body or threats to pass the matter on to an MP, the Ministry of Justice (MoJ), the Legal Services Ombudsman or the Parliamentary Ombudsman;
- (f) the application of the data protection, confidentiality and child, young person and Vulnerable Persons Protection policies.

1.5 A Minor Complaint is any other Complaint including the following:

- (a) where a person expresses a negative comment about the service provided;
- (b) where they seek specific corrective action;
- (c) where they seek an improvement in the service generally;
- (d) negative observations on the efficiency of the office or staff attitude; and
- (e) complaints regarding response times to telephone calls and late delivery of advice.

1.6 The list is not definitive and each Complaint must be judged on the available information and the circumstances giving rise to the problem. Where there is any doubt, contact your Contract Manager.

2. **COMPLAINTS HANDLING**

2.1 If you receive a Complaint about anyone other than you, you must notify us in writing without undue delay.

2.2 If the Complaint relates to you then you must follow the procedures in this Annex.

INTERNAL COMPLAINTS PROCEDURE

2.3 You shall initially handle all Complaints that you receive through your own internal Complaints procedure. This procedure must be compliant with Section 1 of the Solicitors Regulation Authority Code of Conduct 2011, to the extent it relates to Client Complaints, (as amended or replaced from time to time) and include:

- (a) a process for informing complainants about how and to whom they should complain;
- (b) how complaints are identified including a process that recognises the distinction between Major and Minor Complaints;

- (c) who has responsibility for Complaints handling (generally and ultimately, including who is responsible for Complaints made about the person who would ordinarily have ultimate responsibility);
- (d) how Complaints are recorded, including whether or not you have assessed that the complainant is justified or unjustified;
- (e) how to identify the cause of a Complaint and respond to it (including acknowledging Complaints, telling the Client when they will receive a substantive response, explaining to whom they should take matters if they remain dissatisfied at any stage, providing options for redress and for correcting any underlying problem or unsatisfactory procedure or process);
- (f) the process for reviewing Complaints (what is reviewed, when and by whom);
- (g) the process for dealing with Complaints which relate to a Review; and
- (h) information that you must use to prevent any future similar complaints.

2.4 You shall inform Clients of the process for making Complaints in your initial contact with the Client or your initial written correspondence or communication with them to them. You must include details of how and to whom Clients should complain should they have reason to do so. There must be staff guidance and/or training for those members of staff dealing with Complaints.

2.5 Notwithstanding the above, within one Business Day of receipt of a Complaint, a letter must be sent to the complainant by post or electronically including the following details:

- (a) an acknowledgement of receipt of the Complaint;
- (b) a description of the next steps to be taken in resolving the Complaint; and
- (c) contact details of the person dealing with the Complaint.

2.6 We may specify additional guidance in the CLA Operations Manual which you must comply with when dealing with Complaints by letter or telephone.

2.7 You must review the central record at least annually to identify trends and to determine whether action can be taken, as a result, to improve the service being delivered. The results of this review (or of at least one review if more than one is carried out during a Contract Year) must be documented.

COMPLAINTS ESCALATION

- 2.8 In respect of any Complaint in connection with the service provided by you (which for the avoidance of doubt excludes Complaints in respect of the provision of legal advice e.g. a missed deadline), if following the conclusion of your internal Complaints procedure, a complainant is not satisfied with the outcome of their Complaint, or the way in which the Complaint was handled, you shall contact your Contract Manager for the matter to be dealt with in accordance with the LSC Complaints Procedure for CLA. A copy of the LSC Complaints Procedure for CLA can be provided on request.
- 2.9 Where a Complaint is escalated in accordance with this paragraph 2.8, the LSC will endeavour to resolve the Complaint and you shall provide all assistance required by us to assist us in resolving the Complaint in accordance with the LSC Complaints Procedure.

3. TIMESCALES FOR RESOLUTION OF COMPLAINTS

- 3.1 Complaints received after 4pm on a Business Day or on a day other than a Business Day shall be deemed to have been received on the next Business Day.
- 3.2 Your investigation of any Complaint must not obstruct or delay the progress of a Client's case that you are still dealing with.

MINOR COMPLAINTS

- 3.3 When you receive a Minor Complaint, you should endeavour to address it straight away.
- 3.4 Otherwise you must Resolve 100% of Minor Complaints within 15 Business Days from receipt of the Complaint.
- 3.5 If it proves impossible to Resolve a Minor Complaint, you must record what action was taken, and when, and why the Minor Complaint could not be Resolved within this timeframe.

MAJOR COMPLAINTS

- 3.6 All Major Complaints must be dealt with promptly from notification and you must Resolve 100% of Major Complaints within 15 Business Days from receipt of the Complaint.
- 3.7 In the letter of acknowledgement described in paragraph 2.5, the complainant must be provided with an initial estimate of the timescale for resolution of the Major Complaint.

3.8 The complainant must be provided with a regular update on the status of the Major Complaint (including any changes to the likely timescale for resolution) and in any event, not more than five Business Days from the previous update.

4. **RECORDS AND REPORTING OF COMPLAINTS**

4.1 You shall keep a central record of every Complaint. For each Complaint, you must record the details specified below and copies of any documentation (usually correspondence) showing how it was Resolved. Documentation may either be held on the central record or the case file with a cross reference in the central record.

4.2 The LSC is entitled to access and take copies of this central record, or any / all documents relating to individual Complaints at any time in accordance with Clause 9.1 of the Standard Terms. You will provide us with this information promptly, at our request.

4.3 You shall record details of every Complaint that you receive. This will form a "Complaints Log" showing the following information:

- (a) Complainant's name
- (b) Reference number
- (c) Owner of the Complaint
- (d) Delivery type e.g. letter, e-mail etc.
- (e) Date Complaint received
- (f) Description of the Complaint
- (g) Date holding letter was sent
- (h) Date full response was sent
- (i) Equalities monitoring data – complainant's age, disability, gender, gender reassignment, sexual orientation, race, religion or belief, and ethnicity and any relevance to the complaint
- (j) Whether you assessed the complaint as being justified or unjustified
- (k) Action taken
- (l) Category of Law

(m) Complaint category - whether Major or Minor - and type - e.g. incorrect or negligent advice, adviser manner, slow response time or delay, other access problems, or a Complaint related to a Review etc.

(n) Date closed

4.4 You must submit a copy of your Complaints Log for the preceding month's Complaints to us with your Monthly Case Report on or prior to 5pm on the 10th day of each month.