

Legal Ombudsman

Guide to good complaints handling

LEGAL
OMBUDSMAN

Guide to good complaints handling

Our role as Legal Ombudsman, is not just about resolving complaints brought to us, it goes much wider. Another key part of our work involves trying to help lawyers avoid complaints. We know mistakes will happen, things will go wrong - and where they do we want to provide guidance to help the lawyer to sort things out and put things right as quickly and effectively as possible. We want to use complaints as a way of improving the service provided by lawyers.

When we look at complaints raised with us, the Legal Ombudsman will be examining the way in which the complaint was dealt with as well as the reason for the complaint being made in the first place.

Good complaints handling should be reasonable, fair and proportionate, accessible and responsive to an individual's needs.

This document sets out the sorts of things the Legal Ombudsman will expect to see from lawyers in dealing with complaints.

Accessibility

- Was the individual using the legal service made aware of how to complain, both when they first employed the lawyer and once the complaint was made?
- Did the individual user of the legal service identify any special needs, and so far as practicable, were these accommodated?

Good customer care

- Were the staff handling the complaint properly trained and equipped and did they understand what they should do to provide a good complaints handling process?
- Did the lawyer act in accordance with the law, any relevant policies or guidance, and with published service standards?

Customer focus

- Was the complaints handling procedure clear and simple with as few steps as possible?
- Was the complaint acknowledged and dealt with promptly giving clear timescales at each stage of the process?

The Legal Ombudsman has given a maximum of eight weeks for the complaint to be resolved. In some cases we may ask why the complaint was not dealt with more quickly if there is a reason why this would have been desirable.

Once the eight week period has elapsed, the Legal Ombudsman will normally accept the complaint for investigation even if it has not yet been fully dealt with by the lawyer or firm involved.

- Was communication with complainant, whether in writing or on the phone, clear and understandable?

Accountability and transparency

- Was the complaint properly investigated and were the issues and evidence involved objectively considered?
- Was a clear and honest explanation for the decision provided based on the evidence?
- Was the complainant advised of their right to complain to the Legal Ombudsman if they remained unhappy with the decision?
- Is there a full record of the way in which the complaint was handled, kept separate from the main client file, containing all the relevant information in an organised fashion and in a form which can easily be copied to the Legal Ombudsman if required?

Acting fairly and proportionately

- Was the complaint treated impartially without any discrimination or prejudice?
- Was the complaint reviewed by someone not involved in the matter leading to the complaint (where reasonably possible)?

Putting things right

- If an error or omission was admitted, was a full apology offered at the earliest opportunity if this would have helped to quickly calm the situation?
- Was an explanation offered about what, if anything, went wrong?
- Was any offer of redress prompt and proportionate, and was any consideration given to the impact on the complainant, recognising any upset and inconvenience resulting from the complaint as well as what went wrong initially?

Learning from complaints

- Was the complaint used to identify ways to improve the service provided?
- Was the complainant told of any system changes which were made as a result of the complaint?

This list is not exhaustive and should not be used as a checklist to be applied mechanically. However, the above gives an indication of the sort of questions the Ombudsman will be asking in reviewing how a complaint has been handled.



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