

Complaints Manual

February 2024



VICEROY LEGAL

PROPERTY LITIGATION SPECIALISTS

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1.2 Complaints Handling

A complaint is any oral or written expression of displeasure with our people, business or the services we provide which has caused the complainant to suffer financial loss, distress, inconvenience or other detriment. Internal grievances are dealt with in individual contracts.

SRA Code of Conduct

8.2-8.5: Complaints handling

- 8.1 You ensure that, as appropriate in the circumstances, you either establish and maintain, or participate in, a procedure for handling complaints in relation to the legal services you provide.
- 8.2 You ensure that [clients](#) are informed in writing at the time of engagement about:
- their right to complain to you about your services and your charges;
 - how a complaint can be made and to whom; and
 - any right they have to make a complaint to the [Legal Ombudsman](#) and when they can make any such complaint.
- 8.3 You ensure that when [clients](#) have made a complaint to you, if this has not been resolved to the [client's](#) satisfaction within 8 weeks following the making of a complaint they are informed, in writing:
- of any right they have to complain to the [Legal Ombudsman](#), the time frame for doing so and full details of how to contact the [Legal Ombudsman](#); and
 - if a complaint has been brought and your complaints procedure has been exhausted:
 - that you cannot settle the complaint;
 - of the name and website address of an alternative dispute resolution (ADR) approved body which would be competent to deal with the complaint; and
 - whether you agree to use the scheme operated by that body.
- 8.4 You ensure that complaints are dealt with promptly, fairly, and free of charge.

Under the Code of Conduct we are required to operate a complaints handling procedure. All clients are informed in their client care letter of the firm's complaints procedure, and they are informed who to approach in the event of any problem with the service provided. All members of the staff must be aware of the procedure.

P1-2 Complaints Handling Procedure

The vast majority of complaints received by the Legal Ombudsman (LeO) are from complainants who are not interested in gaining any specific form of redress, but simply want to have their particular matter dealt with satisfactorily. Often their complaint is a minor one, such as lack of communication, delay or discourtesy. It is much less common for the cause for complaint to be the standard of legal advice provided. Many of the complaints would not reach the LeO if the clients' problems had been resolved quickly and efficiently within the firm before they became a formal complaint.

At the outset of any matter the client is informed in writing of their right to complain and how complaints can be made. Clients are also informed in writing, both at the time of engagement and at the conclusion of your complaints procedure, of their right to complain to the LeO, the time frame for doing so and full details of how to contact the LeO.

A client shall be provided with a [F1-1 Client Complaint Form](#) if they request one or if they suggest that they have a grievance. All complaints must be referred to the Complaints Manager who is in overall charge of the complaints process.

P1-2 A Our Complaints Policy

We are committed to providing a high-quality legal service to all our clients. When something goes wrong we want our clients to tell us about it. Every complaint will improve our standards and our aim is to reduce the risk of potential complaints in the future.

P1-2 B Our Complaints Procedure

If a client has a grievance, the first step is to offer a sincere apology. Whether or not you feel that you are to blame for the issue, our clients' opinions are important and if they feel they have cause for a complaint then it is certain that we could have handled the situation better.

Secondly, see if you can solve their grievance quickly and efficiently. An example of this would be if a client feels you have not kept them up to date on a matter well enough. After offering an apology, you should give them a full update and explain when you will next contact them. You should ensure that this next contact happens as planned, and endeavour to ensure this continues throughout the retainer.

If a client suggests they have a complaint, or states that they would like to make a complaint, they should be provided with our [F1-1 Client Complaint Form](#) which is easy for clients to use and understand.

P1-2 C What Will Happen Next

All Client Complaint Forms are forwarded to the Complaints Manager.

- 1 The Complaints Manager will open a separate file for the complaint and record the details in the Firm's Complaint Management Form. This form will be kept at the front of the file. This must be done by the end of the day following receipt of the Client Complaint Form.
- 2 The Complaints Manager will then investigate the complaint, by asking the relevant members of staff to reply to the complaint or provide further details.
- 3 If necessary, the Complaints Manager will meet with the relevant members of staff to discuss the situation. The Complaints Manager will acknowledge the complaint within five working days from the date of receipt of the Client Complaint Form and will invite the complainant to a meeting to discuss the complaint and attempt to resolve it. In any case the Firm will send a response to the complainant within eight weeks from the date of the complaint.
- 4 If the complainant is not able or does not want to attend a meeting, the Complaints Manager will explain in writing, and if possible also by telephone, the outcome of their investigations and a suggestion for resolving the complaint.
- 5 If a meeting is held, the Complaints Manager will write to the complainant within two working days of the meeting, confirming the discussions that took place and any solutions that have been agreed. A letter sent to the complainant at this stage will contain details of what to do if the complainant is still unhappy. The complainant will be asked to write a 'secondary complaint letter' to the firm explaining why they are unhappy with the conclusion.
- 6 The firm will then arrange for a review of the Complaints Manager's decision. This will happen in one of the following ways:
- 7 Another Principal or senior member of staff will review the complaint, and if necessary, re-investigate the details of the complaint. The local Law Society or another firm of solicitors will be asked to review the complaint. The Complaints Manager will ask the complainant to agree to independent mediation.
- 8 The Complaints Manager will write to the complainant within five working days of the conclusion of the review, detailing the outcome of the review, and what the firm's final position is with regards to the

complaint. This letter will contain details of the Legal Ombudsman, who should be contacted if the complainant is still not satisfied.

These details are:

Phone: 0300 555 0333 (Calls to the Legal Ombudsman cost the same as a normal 01 or 02 landline number, even from a mobile phone, and are recorded for training and monitoring purposes).

If you are calling from overseas, please telephone +44 121 245 3050.

Email at enquiries@legalombudsman.org.uk

Address is PO BOX 6167, Slough, SL1 0EH.

P1-2 D Complaints to the LeO

The Legal Ombudsman has given a maximum of eight weeks for the complaint to be resolved. In some cases it may be expected to be dealt with sooner if it is more 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 the firm involved.

As a result of this it is preferable for us to deal with complaints quickly and try to resolve them before they are referred to LeO.

April 2023 Rule Change

The Legal Ombudsman now expects complaints to be made to them within one year of the date of the act or omission about which you are concerned or within one year of you realising there was a concern.

You must also refer your concerns to the Legal Ombudsman within six months of our final response to you.

Delay in dealing with complaints is as annoying for clients as the complaint itself. Even if a complainant does not return to us for legal advice in future, a complainant whose complaint is resolved quickly is less likely to discourage others from using our services. Also the LeO will impose a charge on the firm if the complaint has not been properly handled, even if the complaint is not upheld.

The client can access <https://www.legalombudsman.org.uk/make-a-complaint/>

Revised February 2024.

P1-2 D Complaints to the SRA

The SRA deal with cases where firms or those they regulate have breached the SRA Principles.

Most of the time, complaints about solicitors are about poor service, and therefore should be sent to the [Legal Ombudsman](#). If the Legal Ombudsman thinks your case involves a breach of our Principles, they will refer your case to the SRA. Likewise, if you report a solicitor for poor service, the SRA will refer you to the Legal Ombudsman;

The SRA do not have the power to award compensation for poor service, or to reduce or refund your legal fees. However, you should report the matter directly to the SRA if you think a firm or anyone regulated by the SRA has breached an [SRA Principle](#).

For guidance on the complaints process, call SRA [contact centre](#).

<https://www.sra.org.uk/consumers/problems/report-solicitor/>

What to do if you are unhappy with our behaviour

The Solicitors Regulation Authority can help if you are concerned about our behaviour. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic.

Visit their website to see how you can raise your concerns with the [Solicitors Regulation Authority](#).

Revised February 2024.

P1-2 E Putting Things Right

As stated above, a sincere apology should be offered if a client has a grievance. The Complaints Manager will include a full apology in a letter after the investigation, unless this is wholly inappropriate in the circumstances.

A prompt and a proportionate offer of redress may be made by a fee-earner with whom a grievance has been made, or by the Complaints Manager on investigation or review of a complaint.

The Complaints Manager must give permission for an offer to be made before the offer is communicated to the client. Offers made should give consideration to the impact on the complainant, while also recognising any upset and inconvenience caused by the complaint and the initial wrong doing.

P1-2 F Documentation

All complaints are to be thoroughly documented as follows:

The Firm's Complaint Management Form must be at the front of every Complaint File or Matter record.

The Client Complaint Form must be next in the file;

Thereafter, other items must be in date order;

A copy all relevant items of communication between the complainant and the relevant members of staff must be placed in the file as evidence;

Any other evidence should be put in the file;

All communication between the complainant and the Complaints Manager must be placed in the file;

All communication between the Complaints Manager and relevant members of staff must be placed in the file;

Any notes made by the Complaints Manager must be dated and placed in the file;

Any attendance notes from meetings should be placed in the file.

A report will be completed and distributed every twelve months on complaints trends by the Complaints Manager. The practice will endeavour to support personnel subject to complaints, but if training or other remedial action cannot overcome problems which may exist, personnel will not be left to cope with work for which they are unsuited.

P1-2 G Procedural Review

The complaints procedure outlined above shall be reviewed on an annual basis to verify that it is in effective operation throughout the firm.

1.3 One-Off Advice Policy

It is important to note that details of our complaints policy (including details of the right to complain and the time frame for doing so) and details on how to contact the Legal Ombudsman must be provided in writing to new enquiries and new clients in instances of walk-ins and those seeking one-off advice.

The firm is committed to high quality legal advice and client care and this applies to all of our clients, no matter how long the period of engagement.

F1-1 Client Complaint Form

We are committed to providing high-quality legal services and we take complaints very seriously. If you are dissatisfied with any element of service provided to you by the Firm you are encouraged in the first instance to inform the person, or his or her supervising partner, dealing with your matter.

By completing this form your complaint will be dealt with through the Firm's Client Complaint Procedure. We aim to acknowledge your complaint within five working days from the date of receipt and we will send a response within eight weeks from the date of your complaint.

If you are not satisfied with the response you may contact the Legal Ombudsman (LeO) at PO Box 6167, Slough, SL1 0EH. The helpline number is 0300 555 0333 or you may email enquiries@legalombudsman.org.uk.

Matter Number		File Ref	
Personal Details			
Forename		Middle Name	
Surname		Former Name	
Home Address 1		Home Address 2	
Town/City		Postcode	
Telephone (H)		Telephone (M)	
Telephone (W)		Email	
Method of Communication Preference			
<input type="checkbox"/> Telephone <input type="checkbox"/> Email <input type="checkbox"/> Post			
Please provide details of the person handling your matter			
Forename		Surname	
Department			
Have you notified this person of your concern?			
<input type="checkbox"/> Yes <input type="checkbox"/> No			
What is your complaint regarding?			
<input type="checkbox"/> Service provided <input type="checkbox"/> Our Fees			
<input type="checkbox"/> Other (please state)			

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What kind of legal work was involved?	
Please provide details of your complaint	
Problem	Date you first became aware
Please describe the effect this has had on you	
Have you contacted anyone else about your complaint?	
<input type="checkbox"/> Yes (please provide details below) <input type="checkbox"/> No	
What action would you like us to take to resolve the matter?	
Signed	Dated

- For internal use only -

Complaint No	Date received	Date resolved	Signed by Complaints Manager
Summary of action taken			

F1-2 Complaint Management Form

This form assists the Complaints Manager to investigate complaints effectively and fairly in line with the firm's Complaints Handling Procedure. A copy of this form should be kept at the front of the client's file and in the complaints file.

Matter No		Complaint No	
Complainant's Details			
Forename		Surname	
Home Address 1		Home Address 2	
Town/City		Postcode	
Telephone (H)		Telephone (M)	
Telephone (W)		Email	
Complaints Manager	Date of Complaint	Potential Insurance Claim	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Format of Complaint			
<input type="checkbox"/> Letter <input type="checkbox"/> Telephone call <input type="checkbox"/> In person <input type="checkbox"/> Email <input type="checkbox"/> Fax			
Details of the person against who Complaint was made			
Forename		Surname	
Department			
Details of any person(s) who need to be notified			
Forename		Surname	
Department			
Forename		Surname	
Department			
Details of Complaint			

What is the nature of the Complaint?	
<input type="checkbox"/> Conduct	<input type="checkbox"/> Failure to advise
<input type="checkbox"/> Costs information deficient	<input type="checkbox"/> Failure to comply with agreed remedy
<input type="checkbox"/> Costs excessive	<input type="checkbox"/> Failure to follow instructions
<input type="checkbox"/> Criminal activity	<input type="checkbox"/> Failure to investigate complaint internally
<input type="checkbox"/> Data protection	<input type="checkbox"/> Failure to keep informed
<input type="checkbox"/> Delay	<input type="checkbox"/> Failure to keep papers safe
<input type="checkbox"/> Discrimination	<input type="checkbox"/> Failure to progress
<input type="checkbox"/> Other (please state)	
Priority of Complaint	<input type="checkbox"/> High/urgent <input type="checkbox"/> Low/non-urgent
Timescale for completion	
Acknowledgment Sent date	
Does this complaint need to be escalated within the practice?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Action taken	Date of Action
Formal Reply Sent date	
Resolved	<input type="checkbox"/> Yes <input type="checkbox"/> No
Follow Up date	
Is the client satisfied with the response?	Did the client feel their complaint was properly and fairly handled?
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Key issues identified	

Proposed measures to be implemented	
Date discussed with person against whom complaint was made	Date discussed with Supervising Partner
Signed by Complaints Manager	Dated
Signed by Supervisor	Dated

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