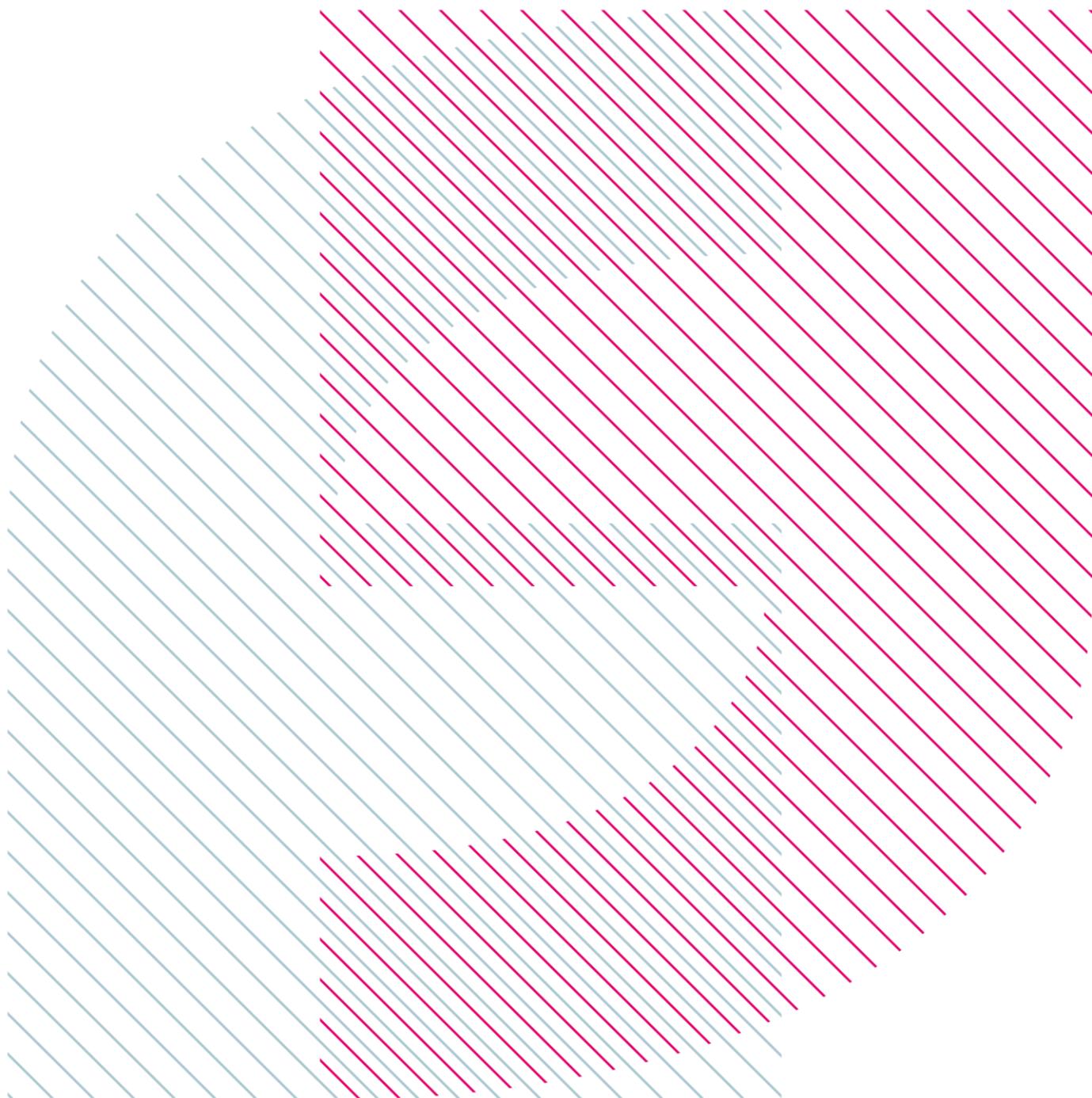


LEGAL
OMBUDSMAN

**Service complaint
procedure**



1. Help us to improve our services and our commitment to you

We aim to provide consumers and service providers with a consistently good service; however we want you to tell us as soon as possible if you are unhappy with the service you have received. This will help us to address your concerns, learn from our mistakes and to improve our service in the future.

A service complaint is an expression of dissatisfaction with the level of service we have provided, for example if we have:

- treated you rudely;
- failed to communicate with you in the agreed manner
- failed to keep you updated on progress
- failed to explain our process properly;
- caused unnecessary delays or
- failed to follow our process.

Disagreement with the views of an investigator or an ombudsman on the scope of our jurisdiction or the merits of a complaint against a service provider is not a service complaint. See section 4.

2. How can you raise your concerns?

a. Tell the investigator or team manager

If you are unhappy with the level of service you have received, please contact the individual you usually deal with first and they will refer your complaint to their team manager who will contact you directly with a response. If you wish you may ask the investigator for the team managers contact details. You must do this within three months after the concern first arose or closure of the relevant case, whichever is later. Your complaint will be acknowledged within 2 working days and the team manager will look into your concern, and respond to you within 20 working days following receipt of your complaint. If the team manager is

unable to do this he or she will let you know why and when you can expect a response.

Usually things can be sorted out straight away at this stage however if you remain dissatisfied, you may ask for the matter to be looked into further.

b. Raise concerns with a senior member of staff

If the team manager hasn't been able to sort out your complaint about the service we have provided, you can ask for a senior member of staff to look into your concerns. Please contact our Compliance Team and explain why you remain unhappy and what you would like the Legal Ombudsman to do further.

The Compliance Team can be contacted by e-mail on compliance@legalombudsman.org.uk, by telephone on 0121 245 3082 or by writing to:

The Legal Ombudsman
PO Box 6803
Wolverhampton
WV1 9WF

The Compliance Team will acknowledge receipt of your complaint within 2 working days and arrange for your concern to be looked into by a senior member of staff. Normally you can expect a reply within 20 working days following receipt of your complaint. If we are unable to do this they will let you know why and when you can expect a response.

3. If you are still unhappy – The Service Complaint Adjudicator

If, you are still unhappy and provided we have concluded looking at your complaint about the service provider you can ask for your service complaint to be reviewed by our external, independent Service Complaint Adjudicator. Please contact the Compliance Team within three months of receiving a response from a senior member of staff. The Compliance Team will arrange for the Adjudicator to review our service to you.

The Service Complaint Adjudicator (the Adjudicator) is appointed by, and acts on behalf of, the independent Board of the Office of Legal Complaints (OLC). The Adjudicator is an independent consultant, not an employee of the Legal Ombudsman or of the Office of Legal Complaints.

The Adjudicator's Terms of Reference are set out below and explain when the Adjudicator can look at a complaint. These terms of reference may be changed by the Board from time to time.

We will acknowledge receipt of your complaint within 2 working days and the Adjudicator will look into your concern and respond within 20 working days following receipt of your complaint. If they are unable to do this they will let you know why and when you can expect a response.

If for some reason the Adjudicator is not available, the service complaint will be considered by the Chair of the OLC who may in turn appoint an independent person or member of the OLC to investigate the matter and respond within the same timescales.

The Service Complaint Adjudicator's Terms of Reference

- 1) Any consumer or service provider unhappy with the service provided by the Legal Ombudsman may have their service complaint considered by the Service Complaint Adjudicator (the Adjudicator) about the standard of service if the following has taken place:
 - a) the service complaint has been responded to by the relevant member of staff or their manager **and**
 - b) has also been looked at by one of our senior members of staff. **and**
 - c) the request to refer the complaint to the Adjudicator is made within three months of the Legal Ombudsman confirming that it has completed its own internal procedures in relation to the service complaint

- 2) If the Adjudicator receives a service complaint that also relates to other matters, the Adjudicator will only investigate the service complaint. Service complaints **exclude**:

- a) the merits of any decision involving a complaint against a service provider under the law and/or rules relating to the Legal Ombudsman including: jurisdiction issues; dismissing, rejecting or upholding a complaint; and any redress;
- b) employment issues relating to employees of the Legal Ombudsman; and
- c) issues involving commercial transactions between the Legal Ombudsman and third parties
- d) interpretation of scheme rules or any other decision made under the scheme rules such as case fee waivers

3) Generally, the Adjudicator will not consider service complaints whilst a complaint against a service provider is in progress unless there are exceptional circumstances. If the Adjudicator does look at a service complaint whilst a complaint against a service provider is in progress, that investigation will continue unless the Chief Ombudsman agrees to suspend the investigation.

4) The Adjudicator will have access to all files held by the Legal Ombudsman relating to the service complaint and any relevant complaint against a service provider. These files include email traffic, letters, reports, file notes, and recordings of telephone calls. The Adjudicator may seek any further information that he or she considers necessary from the person or business making the service complaint, or from the Legal Ombudsman.

5) If the Adjudicator considers that a service complaint is justified in whole or in part, he or she may **recommend** to the Chief Ombudsman that the Legal Ombudsman should;

- a) apologise;
- b) take such steps as the Adjudicator believes would be fair and reasonable;
- c) pay reasonable compensation (equivalent to what the Legal Ombudsman would itself award against a service provider in similar circumstances); for any damage, distress and/or inconvenience caused by the Legal Ombudsman's level of service to the person or business making the service complaint

6) If the Chief Ombudsman decides **not** to accept that recommendation, the Adjudicator will refer the matter to the Legal Ombudsman's Board (the OLC). The OLC will normally decide on its response at the next meeting,

following its receipt of the details of the service complaint and the Adjudicator's recommendation(s). The OLC may request that the Chief Ombudsman and/or the Adjudicator attend the meeting.

7) If the OLC decides **not** to accept a recommendation referred to it by the Adjudicator, it will tell the Adjudicator and the person or business making the service complaint along with its reasons for not doing so. An anonymised summary of the case and the reasons for not accepting the recommendation may be published in the Adjudicator's annual review.

8) The Adjudicator will give his or her findings in writing and these will be provided to the Legal Ombudsman and to the person or business that made the service complaint. There is **no appeal** against the Adjudicator's decision.

9) Each year the Adjudicator will compile, for inclusion in the annual report of the Legal Ombudsman, a summary of the number and nature of the complaints received, and of any recommendations made to the Chief Ombudsman or referred to the OLC.

4. Complaints about the merits of ombudsman decisions.

We recognise we cannot please everyone all the time and our decisions may disappoint. Investigators have the ombudsman's authority to make judgements on complaints about a service provider and set out their views. Our process for looking at service provider complaints will provide opportunity to challenge and comment upon the views of an investigator. These will be considered by an ombudsman following which a final decision will be made.

The Service Complaint procedure cannot be used to challenge the conclusions of an investigator or ombudsman on the merits of a complaint about a service provider, the allocation of staff or the approach taken on the merits.