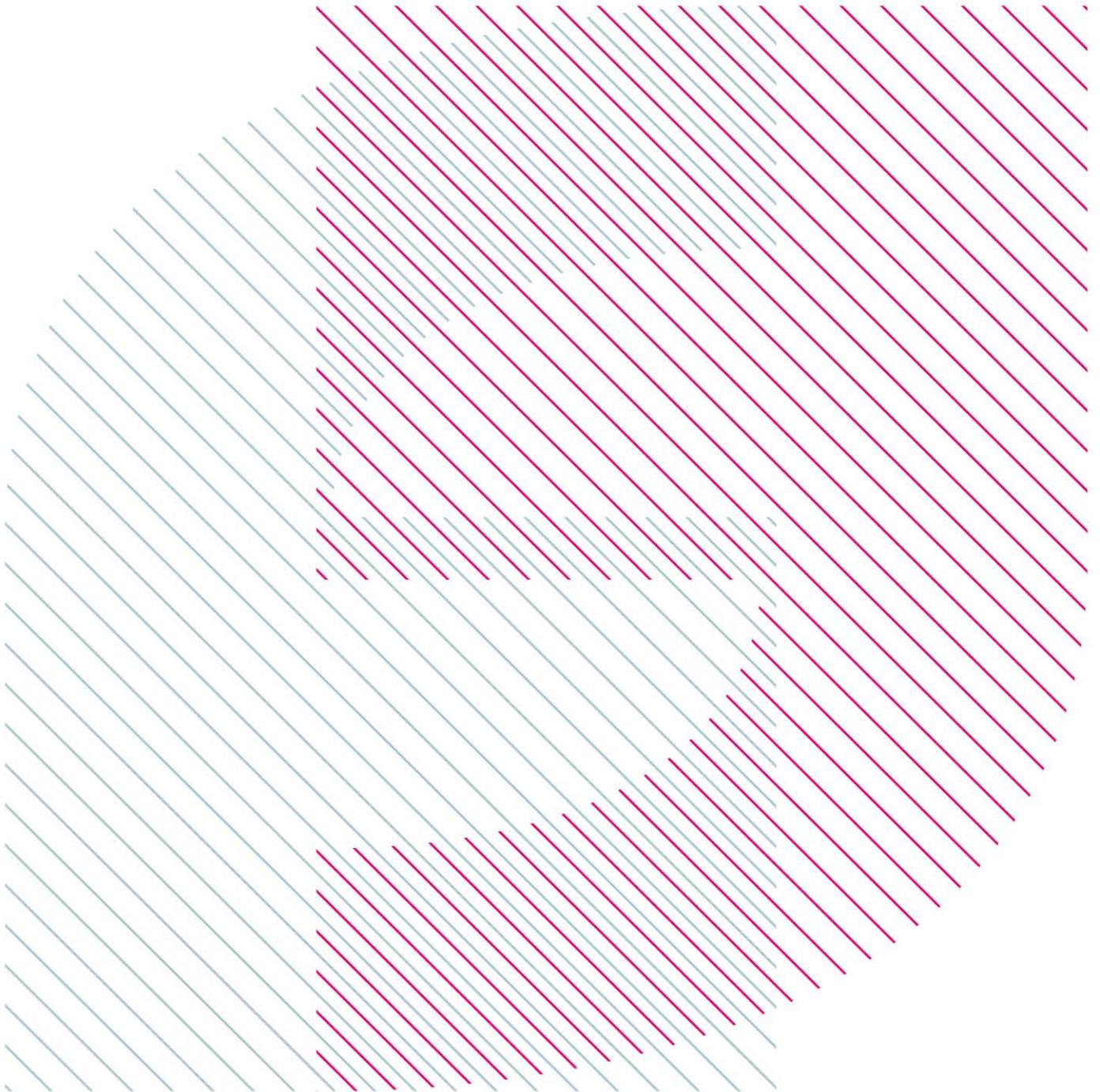


LEGAL
OMBUDSMAN

**Signposting consumers
to the complaints process**



Legal Ombudsman **January 2016**

1. Helping you to get it right	4
2. Why should you signpost customers?.....	5
3. What should you tell customers, and when?	7
4. Suggested text.....	9
5. Other resources	11
6. Use of our logo.....	12
7. Keeping in touch with the Legal Ombudsman	12

1.Helping you to get it right

We want to help you learn from complaints to improve your customer service and subsequent business prospects.

We have updated this signposting pack to help you meet the requirements to signpost customers to the Legal Ombudsman. There is a requirement under section 112 of the Legal Services Act and Chapter 3.2 of our Scheme Rules, which puts an obligation on you and your firm to inform customers how to complain.

Many legal service providers have asked us for some advice and guidance about what they should tell their customers.

So, in this signposting pack we have provided information that you can use on your website and in your client care or terms of business letter. We've also suggested text for you to provide at the end of your complaints process. You don't have to use it word for word but it sets out the basics of what we would expect to see.

Additional information on the requirements in our Scheme Rules and in Section 112 of the Legal Services Act are available on our [website](#). Regulators also provide further guidance on the topic of signposting.

You may also be aware of recent EU Directive¹ and UK regulations² on Alternative Dispute Resolution (ADR) which came into effect on 1 October 2015. The regulations require you to give the consumer the details of an ADR entity which has been approved to deal with the complaint. You must also tell the consumer whether you are prepared to use that ADR provider as there is no legal requirement for you to do so. The Legal Ombudsman is still able to consider complaints that have previously been considered by an ADR entity. You can find specific

¹ Directive 2013/11/EU on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013L0011>

² The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 No. 542 <http://www.legislation.gov.uk/ukxi/2015/542> and The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 No. 1392 <http://www.legislation.gov.uk/ukxi/2015/1392>

information about the different ADR providers and suggested wording for your letters here:

[Trading Standards](#)

[Law Society](#)

[Bar Standards Board](#)

[CILEx Regulation](#)

[Council for Licensed Conveyancers](#)

If you are an online trader, you must provide additional information to clients on your website from 15 February 2016 to meet the ODR regulations³. An online trader is defined as, 'a trader who intends to enter into online sales contracts or online service contracts with consumers'. This definition is likely to capture many lawyers and CMCs who would not ordinarily consider themselves to be online traders. The Department for Business, Innovation and Skills (BIS) has confirmed that this is likely to include people who send and receive contracts, customer-care information, etc to consumers via email.

2. Why should you signpost customers?

All authorised persons⁴ must signpost customers to the Legal Ombudsman as outlined in Section 112 of the Legal Services Act 2007. Chapter 3.2 of our Scheme Rules⁵ also puts obligations on service providers to inform all customers on how to complain.

In addition you may find it helpful to look at research such as:

- YouGov's research on First Tier Complaints Handling⁶
- Economic Insights' "Business Case for Good Complaints

³ eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:165:0001:0012:EN:PDF

⁴ Authorised persons is defined here as legal service providers regulated by the Solicitors Regulation Authority, Bar Standards Board, Council for Licensed Conveyancers, CILEx Regulation, Costs Lawyers Standards Board, Intellectual Property Regulator, Master of Faculties, ICAEW (members authorised for probate). A separate Signposting pack is available for Claims Management Companies.

⁵ <http://www.legalombudsman.org.uk/downloads/documents/publications/Scheme-Rules.pdf>

⁶ <http://www.legalombudsman.org.uk/?portfolio=yougov-consumer-experiences-of-complaint-handling-in-the-legal-services-market-first-tier-complainants>

Handling”⁷

Both of these demonstrate the value that complaint handling and good customer service can bring to your business, as well as some of the barriers and common challenges that consumers’ experience.

⁷ <http://www.legalombudsman.org.uk/?portfolio=a-business-case-for-good-complaint-handling-economic-insight>

3. What should you tell customers, and when?

When/where should you inform customers?	What should you tell customers?	What do we look for?	Suggested text / sample resources
Website or advertising material	Inform customers that: <ul style="list-style-type: none"> - There is a clear process to resolve any problems, should they arise. - They can access a free and independent service from the Legal Ombudsman if necessary. 	We won't usually check this as part of our investigations. It can be useful to have this information available for customers and reassure them that they can raise any problems with you.	Website text or Legal Ombudsman logo
Initial engagement document (i.e. contract, terms and conditions, client care letter)	Draw attention to the existence of your complaints procedures and how customers can make a complaint if they need to.	We will always ask for this document to check that you have provided signposting information	Suggested text for engagement letters
When they seem to be dissatisfied with your service	The Legal Ombudsman defines a complaint as an "Expression of Dissatisfaction" Scheme rules - s1.6 . It is best practice to be alert to conversations / correspondence that indicates a customer may be unhappy. This provides an opportunity for dealing with issues at an early stage.	If a case comes to the Legal Ombudsman we will be alert to correspondence that indicates a customer was unhappy (i.e. they have expressed their dissatisfaction) and look for evidence that you have responded to it.	Our Guide to good complaint handling gives guidance about what to do at this stage.
When it is clear that a formal complaint needs to be progressed	Acknowledge the complaint and send a copy of your complaints procedure, which should explain how you will respond to the complaint.	We will look at whether you have followed your own process, whether the process was reasonable, and how well you kept the customer informed.	Your own complaints procedure

<p>When you have finished your first tier complaints process</p>	<p>If you have been unable to resolve the complaint you should:</p> <ul style="list-style-type: none"> - Tell the customer clearly that this is your final response - Tell them they can complain to the Legal Ombudsman and the time limits for bringing a complaint to us - Tell them how to contact the Legal Ombudsman - Signpost to an ADR entity and state if you are or are not willing to use them 	<p>We will look at whether you signposted them to the Legal Ombudsman within the correct time limits.</p>	<p>Signposting for end of complaints process</p>
--	--	---	--

4. Suggested text

Website

We want to give you the best possible service. However, if at any point you become unhappy or concerned about the service our lawyer/claims management company/accountant/we has/have *[change as appropriate]* provided to you then you should inform us immediately so that we can do our best to resolve the problem for you. In the first instance it may be helpful to contact the lawyer/claims management company/accountant *[change as appropriate]* who is working on your case to discuss any concerns and we will do our best to resolve any issues at this stage. If you feel that you would like to make a formal complaint then you can access our full complaints procedure here *[link to process]*.

What happens if I don't agree with your views on the complaint?

If we are unable to resolve the complaint with you then you can have the complaint independently looked at by the Legal Ombudsman. The Legal Ombudsman investigates problems about poor service from lawyers / accountants / claims management companies *[delete as appropriate]*.

Before accepting a complaint for investigation the Legal Ombudsman will check that you have tried to resolve your complaint with us first. If you have, then you must take your complaint to the Legal Ombudsman:

- Within six months of receiving a final response to your complaint **and**
- Six years from the date of act/omission; or
- Three years from when you should reasonably have known there was cause for complaint (only if the act took place more than six years ago).

The act or omission, or when you should have reasonably known there was cause for complaint, must have been after 5 October 2010.

If you would like more information about the Legal Ombudsman please contact them.

Contact details:

Visit www.legalombudsman.org.uk

Call 0300 555 0333 between 8.30am to 5.30pm. For minicom call 0300 555 1777

Calls to 03 numbers will cost no more than calls to national geographic numbers (starting 01 or 02) from both mobiles and landlines. Calls are recorded and may be used for training and monitoring purposes.

Email enquiries@legalombudsman.org.uk

Legal Ombudsman PO Box
6806, Wolverhampton,
WV1 9WJ

(To comply with the ODR regulations)

1. A link to the ODR platform (<http://ec.europa.eu/odr>), and
2. the email address of the online trader

Do not send original documents to the Legal Ombudsman. They will scan any documents you send us to make computer copies and then destroy the originals.

Text for your engagement letter

If at any point you become unhappy with the service we provide to you then please inform us immediately so that we can do our best to resolve the problem for you. You can obtain a copy of our complaints procedure here [\[insert link\]](#).

If we are unable to resolve your complaint then you can have the complaint independently looked at by the Legal Ombudsman. The Legal Ombudsman investigates complaints about service issues with lawyers /claims management companies/accountants [\[delete as appropriate\]](#).

If you would like more information about this service, including the time limits for taking a case to them, please contact the Legal Ombudsman

directly. You can find out more about their service by visiting www.legalombudsman.org.uk or contacting them on 0300 555 0333.

Signposting for the end of your complaints process

This letter is the firm's final response to your complaint. If you choose to accept our response then please let us know by [date].

We hope that we have been able to resolve your complaint satisfactorily. However, if you remain unhappy with our response then you can refer your complaint to the Legal Ombudsman, an independent complaints body established under the Legal Services Act, who can investigate complaints about the legal service you have received from us.

The Legal Ombudsman can investigate complaints up to six years from the date of the problem happening or within three years of when you found out about the problem. If you wish to refer your complaint to the Legal Ombudsman this should be done within six months of the date of this letter.

You can contact the Legal Ombudsman by visiting www.legalombudsman.org.uk contacting them on 0300 555 0333 or by email on enquiries@legalombudsman.org.uk

Signposting to an ADR entity please see suggested text provided by regulators and professional associations:

[Law Society](#)

[Bar Standards Board](#)

[CILEx Regulation](#)

[Council for Licensed Conveyancers](#)

5. Other resources

We can also provide you with:

- Here to help leaflets, which explain the type of legal complaints we can deal with, our time limits, and how to contact us.

If you would like some of these for your office then please email support@legalombudsman.org.uk

6. Use of our logo

You may also want to use the Legal Ombudsman logo when signposting customers.

You may use our logo as long as:

1. The logo is accompanied by the following text:
"Reproduced with the permission of the Legal Ombudsman: the independent complaints handling body for legal service providers."
2. The logo is only used on your website. If you wish to use the logo for any other purposes please contact support@legalombudsman.org.uk our Communications Team for permission.
3. You do not alter the size, colour or quality of the logo, or remove any part of the logo.
4. The logo should be used in a context which is clear, appropriate and not misleading. It should not be used as a kite-mark.

Suitable versions of our logo are attached to this document along with some guidance on usage. If you wish to obtain the logo in a different format please contact support@legalombudsman.org.uk our Communications Team.

7. Keeping in touch with the Legal Ombudsman

If you would like to keep in touch with Legal Ombudsman you can follow us on:

Twitter – @Legal_Ombudsman

[Facebook](#)

Our stakeholder newsletter – [LeO News](#)