Toolkit: Early Resolution

Model Complaints Resolution Procedure

Version

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1.0	First release of guidance	29 July 2026

Introduction

This guide uses our extensive experience of early resolution to share a range of practical tools and top tips to both promote and improve the prospects of service providers achieving an early resolution at first tier following a complaint.

The key principles here: Listen, Engage, Reflect, Respond

This guide considers each step of the Early Resolution process and provides helpful examples you may want to consider using at each stage. There is also a section at the end of this toolkit on how to ensure positive Early Resolution phone calls.

Step one – Recognise a complaint at the earliest possible opportunity

The first step is recognising that a complaint is being made and seeking to proactively engage the consumer to resolve an issue, before it escalates, or before there are additional issues of complaint.

Our guidance When to use the MCRP sets out the definition of a complaint. We do know it is often the case that lawyers categorise complaints differently, depending on business practice.

"Early" complaints, "informal" complaints and "expressions of dissatisfaction" can all still be a complaint, but may be treated differently by lawyers. Therefore, if you believe a consumer may be making a complaint or is considering making a complaint the first step to take, is to ask if they want to use your complaint procedure. This is not to invite complaints that would not otherwise have been made, but to avoid any uncertainty for both you and the consumer.

When asking the consumer, consider how best to phrase the question:

> *“I can appreciate you are frustrated by the delays. We do have a procedure for dealing with complaints. Would you like to use our complaints procedure, or are you happy for me to deal with this informally?”*

If the consumer says they don't want to make a complaint, you can confirm that and move on. If they say they do, provide a copy of the MCRP (or your own complaints procedure) and start the process.

Examples

Not a complaint

The firm are working on a residential conveyance for Mr J. Mr J contacts his case handler and says that he is concerned about the time the transaction is taking, as he needs to give notice on his current rental property.

The case handler asks Mr J if he'd like to make a complaint. He replies that he does not, but he is worried and wants some reassurance. The case handler emails Mr J, explaining what steps are next in the process. The handler also confirms that Mr J does not want to make a complaint but makes it clear what steps Mr J should take, if he has any further concerns. The transaction then completes, and Mr J has no further concerns.

A complaint

Mrs S has made a personal injury claim with the firm. She raises a query with her case handler about the level of updates she is receiving, as she says she doesn't know what is going on, and it's causing her to worry.

The case handler asks Mrs S if she is making a complaint, and Mrs S says that she is because she's sent several emails, which have not been responded to. The case handler immediately apologises for the oversight and sends Mrs S a copy of the complaints procedure. The complaint is then responded to through that process, and a service improvement plan was agreed to resolve Mrs S's concerns.

Step Two – Explain what Early Resolution is (and what it isn't)

Early Resolution is seeking to address and resolve a complaint at the earliest possible opportunity. Some consumers might be concerned that their complaint will not be fully considered under Early Resolution, but you can assure them that is not the case; Early Resolution includes the whole complaint, but it offers the benefit of being faster and less formal.

When proposing Early Resolution to the consumer, the focus should be on resolution, and putting right anything that has gone wrong. Early Resolution is not about paying financial remedies, unless of course a remedy is appropriate.

A resolution under the Early Resolution process can take lots of forms: explaining something that has been misunderstood, explaining why a service issue has occurred, offering to change the way something is done in future or agreeing to take a specific action.

Explaining Early Resolution to the consumer is important, as a good explanation can build trust in the process and improve the chances of achieving a resolution.

Key features of a good explanation include:

- Being clear that this is a genuine attempt to resolve any issues, and that you'd like to agree a solution with the consumer.
- Being clear that, if an Early Resolution is not agreed, the consumer can still have a full investigation.
- Being clear that, if an Early Resolution is agreed, it will be confirmed in writing and the complaint process will end.
- Being clear that Early Resolution is not seeking to avoid a full investigation; it's a genuine attempt to get the issues resolved at the earliest possible opportunity.
- Explaining that, to facilitate an Early Resolution, the consumer may need to be able to take part in calls or emails and provide any requested information within a reasonable timescale.

Step Three – Understand the complaint

The most important part of any complaint is to understand what the complainant's concerns are.

The level of detail that is needed depends on the stage of the complaint. In Early Resolution, being aware that the consumer is concerned about poor communication, delay, a failure to progress or the level of costs is often sufficient. However, you should also seek to understand the extent of any failings, as this can be relevant to any remedy (where there has been a service failing). For example, that it's a single specific failing, or a number of failings over a period of time.

In the Early Resolution stage, there are two suggested approaches to demonstrating a clear understanding of the issues of complaint.

1. **Phone call**

The best approach to Early Resolution is to start with a phone call (where it is appropriate to do so), as early as possible after the complaint.

That phone call could start with explaining the purpose of the call, such as, *"I'd like to confirm my understanding of your complaint and have a conversation about how I can help your resolve your concerns*."

It can then continue by setting out an overview of the consumer's concerns. For example:

"I've read your email, and I understand that you're concerned because we've charged you more than the estimate provided at the beginning of our work on this matter. Is that right?"

Importantly, by asking the consumer if your summary is right, you give them the chance to explain any differences. Getting the terms of reference clear minimises the chance you will later be told your response has missed or misunderstood the complaint the consumer wanted to make.

2. Email

Depending on the nature of the complaint (or the consumer's needs), you may want to email the customer before the phone call. This could be to provide an overview of the Early Resolution process and to set out an overview of what you understand their complaint to be.

The benefits of this approach include the ability to use standard text to explain the Early Resolution process (which may save time for service providers with a larger number of complaints), as well as the ability to summarise several complaints, and establish common ground before the phone call.

An example of complaints in an email could be:

I've reviewed your email of [date] and I believe that your complaints are:

1. There has been a 4-month period with no communication from us;
2. You've sent several emails but not had a reply; and
3. Your claim has already taken longer than you thought it would.

The consumer can then be asked to agree the summary (making it clear it's a summary) before the call, meaning the call can then focus on how to resolve the matter.

Example – agreeing the detail

Mr W emailed his lawyer to complain about the most recent bill he had received, saying it was a lot higher than he thought it would be. It was decided that this complaint may be suitable for Early Resolution and so a complaints handler phoned Mr W to discuss his concerns.

The complaints handler summarised the complaint as being "you're concerned our charges are more than we told you they would be". However, Mr W told her that his actual concern related to a particular aspect of the bill, as he'd been charged for time spent reading emails. The complaints handler was able to show Mr W the terms of business which make clear all emails both in and out will be charged for. She was also able to provide assurance that the matter was within estimate. Following this explanation, Mr W understood the position and decided not to take his complaint further. The complaints handler confirmed the resolution in writing after the call.

Step Four – What is the consumer seeking to put things right and is it reasonable?

A key part of Early Resolution is understanding what the consumer wants to achieve from the complaints process. Importantly, for many consumers, that may not be a financial remedy. So, an important aspect of any Early Resolution phone discussion is to understand why the consumer is complaining, the impact they believe it's had, and how they'd like matters to be resolved.

Asking an open question about what the customer believes would put things right is often the best way forward. It also gives you the chance to manage expectations, if a consumer's expectations are unreasonable.

Language here is also very important, particularly if the complaint is arising from a misunderstanding, or where it's unlikely you'd offer any financial remedy. Possible ways to phrase the question here could include:

A key part of this conversation is so I can understand what it is you're looking to achieve from this process. Can you let me know what action you'd like us to take, if we agree our service has been unreasonable?

Or

I'm really very sorry you've been concerned by the lack of communication on your matter. How can I help put this right?

Understanding what the consumer is looking for will also help you to manage expectations during the call, especially where those expectations are unlikely to be achieved.

Example – an explanation and a financial remedy

Mr F had complained that the barrister had failed to provide a copy of the drafted court order in line with the agreed timescales.

The complaint handler for the Chambers called Mr F to explore an Early Resolution, given the specific nature of his concerns. He asked Mr F what impact the delay had had and what he was looking for to resolve his complaint.

Mr F said that the court order was about a difficult family matter, which had been causing him stress and worry, and that the delay in the final drafted court order was "the final straw". He said the key thing for him was to understand what had happened, but that he also wanted a bill reduction given the delay.

The complaint handler explained to Mr F that the other side's barrister had delayed in providing their input, and that the delay in providing the court order was not down to the barrister. However, the complaint handler did agree that this could have been explained to Mr

F sooner, and offered £75 for the distress and worry caused. Mr F accepted that remedy as he appeciated that the delay was not caused by his barrister.

Step Five – How to propose a resolution

The most important part of proposing any resolution is being clear with the customer as to how that resolution addresses their concerns, and why the resolution you are proposing is reasonable.

Some complaints can be resolved with an explanation.

For example:

> *You have complained that you felt the case handler put you under unreasonable pressure to accept a settlement. However part of our role is to ensure you understand your options, which includes being clear that if you do not accept our advice on a settlement that we may not be able to continue to act for you under a conditional fee agreement. I appreciate that advice may be difficult to hear, but it's something we have to do.*
>
> *The advice we gave you was based on our analysis of the facts and our professional judgment. I know you don't agree and you believe we should carry on with your case. However, we have given you our best advice and our position that we can't act for you any further remains.*
>
> *My role is to review the service we have provided, which is not a second opinion on the legal advice, but considering whether we acted reasonably in giving the advice we gave. I consider [giving reasons] that we took everything you told us into account and gave you advice we were reasonably entitled to give.*

Other complaints can be resolved by agreeing to do something specific

For example:

> *I am going to suggest that we agree a specific plan for communications moving forwards, and we'll update you every 6 weeks. This is to avoid any further concerns on your part about the progress of your matter. Does that work for you?*

Or:

> *The reason for the delay here, is because we've waiting for information from the other side. This isn't down to us, but I accept we could keep you better informed as to what we're doing to progress this. I'm going to suggest we chase the other side, and then we'll update you in 4 weeks as to what we've done, and our next steps. Would that resolve your concerns here?*

Some complaints may also require a financial remedy. An important part of proposing any financial remedy is making clear why that remedy is reasonable, and why it's in line with what LeO would direct.

For example:

> *I'm very sorry there has been an issue with our communication on this matter. As the issue was for less than a six-month period, I am going to propose a service payment of £150, which is in the Legal Ombudsman's bracket for a modest award. I am of the view that if you took your complaint to the Legal Ombudsman, they would award a payment in that bracket because the impact of the issue was short lived, and we've agreed an improved communication plan moving forwards. Are you content to resolve this complaint on that basis?*

Step Six – How to confirm a resolution

All Early Resolutions should be confirmed in writing. We have provided a template to support this, but, if you'd like to create your own, the key features of that confirmation should include:

- Confirmation of the date of the complaint, and a brief summary of the complaints.
- The date of the call or email to discuss the Early Resolution.
- What was agreed.
- That the complainant agreed to the Early Resolution.
- Confirmation that this correspondence is your final response.
- Signposting to the Legal Ombudsman.

There may be rare occasions where a consumer decides that they are no longer prepared to accept a previously agreed Early Resolution. In this instance, you can pass the matter into the Full Investigation stage.

How to address customer concerns arising during an Early Resolution discussion

Every Early Resolution discussion will be different. We've provided some practical tools to help you maximise the chances of those discussions being productive.

Firstly, it is important to understand that the very fact the consumer has complained may have been difficult or caused upset. It might therefore be helpful to let the consumer explain why they are upset. Allowing the consumer to speak, and giving them space to set out those issues, without seeking to interject or being defensive, is an important strategy for most Early Resolution calls.

Acknowledge concerns, and where appropriate empathise or apologise for the issues the complainant has experienced.

It may also be necessary to seek clarification or ask questions to ensure you understand the concerns or specific points being made. Prefer open questions and explain you're asking to ensure you really understand the issue that is being raised.

Once the consumer has explained the issue, and any impact, you can respond. The key to any response is to ensure it is explained simply and clearly in consumer-focussed language. Avoid legal terminology or jargon and focus on what you can do to resolve the issue. As much as possible, present what can be done as choices or options for the consumer.

The tone of the call is very important. It should be calm and understanding. Be prepared to clearly explain your position, if the need arises.

The consumer should feel:

- Reassured
- Listened to
- That you genuinely care
- That they can trust that the issue has been resolved.

Summary

To have the best chance of securing an early resolution, you should always:

Listen	Be open-minded. What's motivating the complaint? Avoid taking a complaint personally and never assume it's unmeritorious or outcome-driven.
Engage	Make contact to establish scope and desired outcome. This could be fixable quickly. It's a great chance to demonstrate you have listened.
Reflect	Where there are differences of interpretation of events, why is that? What does the evidence tell you?
Respond	Demonstrate you know your client, when you talk to them. Set out your analysis clearly, in plain language. Tailor your response to the audience and look to be understanding in your approach.