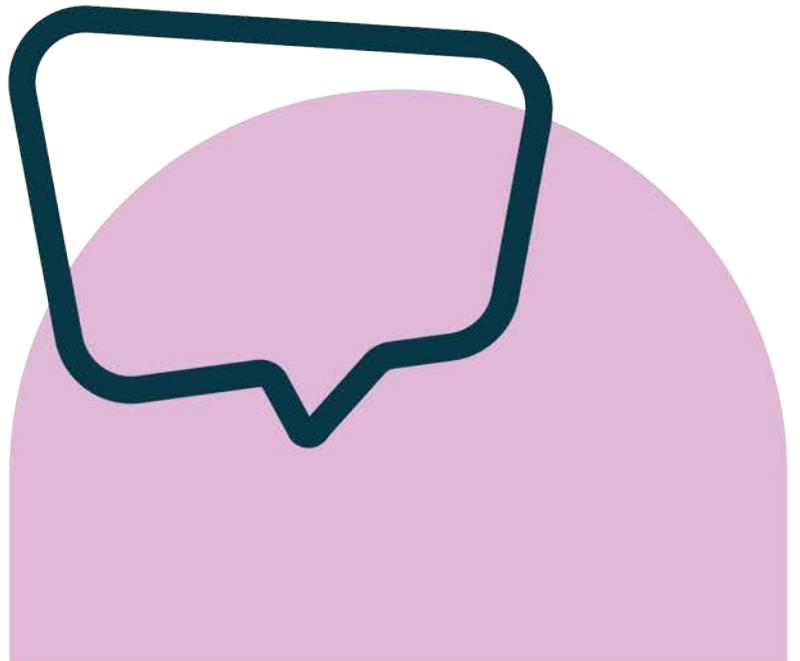


# Model Complaints Resolution Procedure

Guidance



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## When to use the Model Complaints Resolution Procedure

For all lawyers, there will be times where a complaint reflects an irretrievable breakdown in the relationship between lawyer and client. Unless and until that happens in a given retainer, the focus should be on resolution.

Complaints can be made at various points during a retainer, or once the work has concluded. Dealing with complaints in an ongoing retainer can have specific features, so this is covered by our guidance *Dealing with Complaints in Ongoing Retainers*.

### 1. Definition of a complaint

Our **Scheme Rule 1.6** defines this for our purposes:

*Complaint means an oral or written expression of dissatisfaction which:*

- a) Alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience or other detriment; and*
- b) Is covered by Chapter 2 (who can complain about what).*

Part b) of the test is effectively a jurisdictional question, so it is part a) that will matter most frequently.

### 2. How a complaint may be made

A complaint may be made in writing, on the telephone, in an online meeting or face-to-face. What matters is that there is an expression of dissatisfaction and then that there is some form of detriment alleged to flow from it. That second part might be satisfied simply by the emotions expressed in the complaint, as implied by the inclusion of distress and inconvenience in the definition as examples of detriment.

We recognise that written complaints are attractive, because they typically record the details of the problem clearly for lawyers to address. We strongly discourage requiring people to submit complaints in writing, however, because the person might already have done what they need to do for our purposes, if they've satisfied our definition in what they've said to their lawyer or their lawyer's superior. It's fine to explain the preference and the reason for it, but you should be aware (and so should the complainant) that the complainant may make their complaint in other ways. This means they can then bring their complaint to us without having written to you.



The distinction of “formal v informal” complaints is one we consider unhelpful. If it's a complaint, it should initiate your complaints procedure. If it isn't a complaint, it needn't always become one.

### 3. Resolving service issues before they become a complaint

This remains one of the most important parts of customer service for us. The best time to resolve a complaint is before it happens.

Sometimes, lawyers will anticipate a problem, fix it quickly and then report that to their client. This could be something as simple as overrunning appointments preventing them from meeting at the agreed time, or it could be something significant like an unpaid court fee. Often, we find that ownership of the solution and an open conversation with the client can stop a complaint from materialising.

You should always tell them what's been done, though, because it can easily look to an unhappy consumer that the issue has been discovered and covered up, even if the lawyer has acted in good faith in fixing the problem.

If the consumer is the one to bring it to your attention, they're likely telling you because they believe you can fix it.



- Consider straight away whether this is a complaint, using our definition.
- If you aren't sure, ask them.
- Explain that you have a complaints procedure and ensure that however you proceed is with the complainant's agreement.

Minor things that can be solved quickly – an amendment to an invoice, an apology or some corrective action – rarely need to trigger the complaints procedure. The individual lawyer or team handling the work can explore resolving the issue to the client's satisfaction. If they do, the client might not actually want to make a complaint about it, so the procedure won't be needed.



#### Example 1

Mr A rang the reception number of Firm Z. He asked to speak to the Senior Partner and was soon put through to her. Mr A told the Senior Partner he was "furious" with the attitude of his solicitor and "fed up" of chasing for "updates that were promised and never come".

The Senior Partner apologised that this had been Mr A's experience, assured Mr A that she'd speak to his solicitor and that either his solicitor or she would call him back within the hour.

When the solicitor called Mr A back half an hour later, the solicitor apologised, gave Mr A an update and explained what the next steps in the case were. Mr A thanked his solicitor for the update. When asked if he wanted to take the matter further, through Firm Z's complaints procedure, Mr A said, "No".

Requiring something like this to trigger Firm Z's complaints procedure would make the resolution of the complaint less likely, because it would deny the quick fix that was evidently available.

If, instead, Mr A had made clear that he didn't consider the matter resolved, Firm Z would need to start the complaints procedure.

#### 4. Who can make a complaint?

The list of who can bring a complaint to us is in **Scheme Rule 2.1**, and there is further guidance **here**. In short, anyone receiving the benefit of a service is likely to be able to make a complaint.

It won't always be obvious: lawyers acting for a bank might also provide a service to the couple getting a remortgage.

The beneficiaries of an estate or trust will be in jurisdiction, too, whether you are acting for the estate or trust, or whether you are only acting for one of the executors or trustees. We sometimes see lawyers telling beneficiaries that they aren't the firm's client and thus have no basis to complain. That's wrong. Beneficiaries are able to complain to us, so a complaint from them should be handled in the same way as one from the executor.



It won't always be a client that brings a complaint to you. If they are within our jurisdiction, they are able to escalate their complaint to us, so you should treat their complaint in the same way as you would a client's.

#### 5. Time limits

The time limits for people to bring their complaints to us are set out in our **Scheme Rule 4.5**, and there is further guidance **here**.

Sometimes, a client won't realise they have basis for a complaint until long after the retainer. The time limits we operate say that, provided they bring the complaint within a year of finding out, we'll accept the complaint.

Unless there is persuasive evidence against it, we will generally take the person complaining at their word on when they found out about the problem.



##### Example 2

Dr B raised came to sell her house and was told by her selling solicitor that she didn't own the garage she'd been using for the last five years. She contacted the conveyancers that had handled the purchase, Y & Co, who treated the allegation of failing to spot that the garage wasn't included as a complaint.

Y & Co rightly dealt with the complaint under its complaints procedure.

Further enquiry might lead Y & Co to conclude that Dr B should have known the garage wasn't included, or even that she gave instructions to proceed on that basis. Nevertheless, the complaint shouldn't be dismissed on the grounds that it is out of time, because Dr B has presented this as being something she has only learned of, when she came to sell.

Whether you deal with a complaint that comes to you outside these time limits is a matter for you to decide on. However, it's important to be aware that we do have the discretion to extend our time limits, as set out in **Scheme Rule 4.7**:

*"If an ombudsman considers that it is fair and reasonable in all the circumstances, they may extend any of these time limits to the extent that they consider fair."*

## 6. If the complaint falls outside the Legal Ombudsman's scope

Our jurisdiction and time limits need not define who can make a complaint to you.

A complaint from a widow who is unhappy that she has been left out of her late husband's will follows the same principle in this respect as a complaint from a large company client.

Similarly, if a complaint comes to you too late to be escalated to us, you are still able to deal with the complaint. Doing so won't change whether we accept it for investigation, if it's referred to us, but resolving the issue means it never gets to us.

Whether you follow our Model Complaints Resolution Procedure for these cases, or prefer an alternative, is a business decision for you.

## 7. Summary

Resolving any dissatisfaction someone has with your service is best done quickly. The Model Complaints Resolution Procedure follows that same principle, but it's also important to recognise that not everything is a complaint.



A complaint gives you an opportunity to demonstrate the quality of your service. Listen, engage, reflect and respond.

# How to use the Model Complaints Resolution Procedure: Timescales and Process

Service providers have a total of eight weeks to respond to a complaint before the consumer can escalate it with the Legal Ombudsman. This guide sets out the timescales for each stage of the MCRP, and how to make best use of your and the consumer's time during that period.

It's important to be clear that the MCRP does not change any regulatory obligations you have. For example, if your regulator requires you to perform an action within a shorter timeframe than in the MCRP, you should follow the regulator's requirement.

## 1. Acknowledgement

Complaints should be acknowledged within five working days. This is part of the overall eight-week period and so will need to account for statutory holidays.

The acknowledgement should include providing a copy of your complaints procedure and clearly set out whether this is a complaint you can deal with and what the next steps you will take are.

Consideration should be given right at the beginning as to whether this is a complaint that you can resolve quickly, with a minor change to an approach, an apology or some other action. If you do think you can resolve it quickly, you should explain that to the consumer. You can then take the necessary action and confirm that the consumer is content that the action resolves their concerns.

The timescale here is intended to be a maximum; there is no reason a complaint cannot be acknowledged sooner if it is considered suitable for Early Resolution.

## 2. Early Resolution

Not all complaints can be resolved quickly, but many can. For every complaint you receive, you should consider whether it is suitable for Early Resolution. If a complaint cannot be resolved early, then you can tell the consumer that and pass the complaint directly to the investigation stage. Importantly whether or not a complaint is suitable for Early Resolution is a decision for you. The important thing is that, if you chose not to use the Early Resolution process, you tell your customer that you'll be passing the matter straight to the Full Investigation stage.

Complaints that might not be suitable for Early Resolution include complex and detailed complaints, complaints about a matter which concluded some time ago, or complaints where it is obvious from the outset that you and the consumer have significantly different views on what happened, or on how to put it right.

Every complaint is different, so you should consider potential resolution options at the earliest available opportunity in every case.

If you do consider a complaint suitable for Early Resolution, ideally you should spend no more than 10 working days on this part of the process. However in some circumstances you may decide to allow some extra time where you think a resolution is achievable. Ultimately, the complainant has a right to an answer from you and you have an eight-week window to give that answer. You should tell the consumer this and explain what you plan to do to resolve the complaint.



### Example 3

Ms S raised a complaint that she is upset that she has not had an update on her matter for four months from E and B Solicitors.

E and B Solicitors acknowledge the complaint and can see from the file Ms S has not had an update for 4 months. They contact Ms S and ask if providing an update and then agreeing to provide updates, when there is something to tell her, in line with their standard service levels, would resolve her complaint.

Ms S accepts that it would. E and B Solicitors provide an update and make sure there is a note on the file to provide Ms S with regular updates. They confirmed that to Ms S in their update email, and she confirmed her complaint was resolved.

## 3. Full Investigation

If a complaint cannot be resolved in the Early Resolution stage it should be passed to the Full Investigation stage.

You have what is left of the eight-week period to provide a final response to the consumer. Whether the complaint is passed from Early Resolution or straight to Full Investigation, you should confirm to the consumer when they can expect to receive a response.

In that period you should:

### **Ensure you are fully aware of all of the issues of the complaint.**

If these are not clear from the consumer's complaint, you should contact them at the earliest possible opportunity to confirm their complaints and ensure that you fully understand what exactly is being complained about.

If the consumer does not respond to your attempts to contact them within a reasonable period of time, you should confirm that you are proceeding with the investigation on the basis of your understanding of their complaint, and then proceed to the next step.

**Investigate the complaint.**

You should assess each of the issues of complaint, and consider whether the evidence you have indicates that your service was reasonable.

**Prepare a final written response.**

Where possible, the final written response should:

- Address each issue of complaint individually;
- Refer to evidence to support your findings;
- Reach a clear conclusion in respect on each complaint issue;
- Reach an overall conclusion as to whether you consider your service was reasonable;
- If you uphold any complaint, consider the impact and appropriate remedy; and
- Clearly set out how and when a complainant can escalate their complaint to the Legal Ombudsman.

You should ensure your final response is provided within eight weeks of the receipt of the complaint. Even if you have asked for additional information from the consumer, if it has not been provided, you should proceed to issue a response, making it clear that the response is provided on the basis of the information you have available.



A complaint gives you an opportunity to demonstrate the quality of your service. Listen, engage, reflect and respond.

# How to use the Model Complaints Resolution Procedure: Early Resolution

This guide is intended to support service providers to resolve complaints at the earliest possible opportunity.

It is a common misconception that all complaints require a lengthy and detailed written response. This is often not the case: many complaints, even those in longer or more complex matters, can be resolved quickly.

## 1. Features that make a complaint suitable for Early Resolution

Any complaint has the potential for Early Resolution, but some naturally lend themselves to it more easily.

### a) Complaints that are easy to put right

- A complaint about a communication failing, brief delay, failure to provide an update, or a minor costs issue are all things that can be put right simply and quickly.

### b) Straightforward and clear complaints

- Some complaints will lack clarity and require additional explanation. This doesn't mean they won't be suitable for Early Resolution. However, complaints that are clear and straightforward are more likely to lend themselves to Early Resolution, as they generally won't require additional correspondence with the consumer.

### c) Complaints where the remedy is clear and reasonable

- When a consumer is clear about what they want it is easier for you to consider whether you are content to offer that remedy, in the event you agree there is a service failing.

### d) Complaints where you accept there is a service failing

- In circumstances where you were expecting a complaint, or, upon receipt, are not surprised by the complaint, you should be open to Early Resolution by making an offer to put what went wrong right.

### e) Complaints that can be resolved with an explanation

- Some complaints arise from a simple misunderstanding, or because of an incorrect expectation, and can be quickly resolved with an explanation.

## 2. Types of Early Resolution

### a) A reasonable offer

Where you receive a complaint that you either uphold or would be prepared to make a commercial offer to resolve (should you consider that to be appropriate), the key to an Early Resolution is making a reasonable offer.

To support your consideration of what we would consider to be a reasonable offer, you should consult our **Guidance on Remedies**.

You should also make it clear to the customer you have used the Legal Ombudsman's guidance, and say why you consider the offer to be reasonable. Referring to LeO's **case studies** or other materials to support your position may also be helpful.



#### Example 4

Mr B instructed Z and Co in his house purchase, but there was an undue delay in submitting the application for registration.

In his complaint Mr B told Z and Co that he was worried the registration would not take place before he needed to remortgage his property following the end of his agreed interest rate. He also explained that he had contacted the firm and that they had been able to expedite the matter, so it was registered in time. However, he explained that this was a period of concern and worry.

Z and Co agreed that there had been a delay on their part in submitting the application, and wanted to resolve Mr B's complaint, so they offered £200, and explained that this was in line with the Legal Ombudsman's guidance for a modest remedy, which was appropriate, as the issue was short-lived and had now been resolved. Mr B was happy with the offer and agreed to resolve his complaint at first tier.

### b) Doing work to put it right

Early Resolution isn't always about a financial offer. Often consumers may want a matter to be progressed more quickly, to be updated more frequently, or for a specific action to be taken.

Particularly in complaints about delay, or communication, or for example in respect of requests for information, doing work to put something right can lead to a speedy resolution. However, the important thing is to be clear about what you will do, and then ensure that it is done.

**Example 5**

Mrs P complained to G Ltd about the fact that she felt her case handler was rude and did not reply to her emails.

G Ltd reviewed the file, noted several instances when the case handler did not respond to Mrs P, and that his case notes reflected that his interactions with Mrs P lacked empathy.

G Ltd contacted Mrs P to offer an apology and a change of case handler. They also confirmed that, in future, responses would be provided in line with their standard timescales. Mrs P was content to resolve her complaint on the basis offered by the firm, and indeed was so pleased with her new case handler that she left a positive review at the end of the retainer.

**c) Negotiation**

In instances where you are prepared to accept a service failing or want to make an offer to resolve a matter, you may want to consider whether you'd be prepared to discuss this with the consumer. This is especially relevant where you and the consumer don't agree on a remedy, but aren't far apart.

**d) Addressing a misunderstanding or demonstrating why your service has been reasonable**

Some complaints can arise from a misunderstanding, such as how long a matter can take, and it may be possible to explain to the consumer what they have misunderstood and put their mind at rest.

The same is also true for instances where your service has been reasonable: if you can clearly evidence and explain it, then it may be possible to resolve a complaint on that basis.

**Example 6**

Mr M instructed B Ltd to advise on the prospects of success in a litigation matter. Mr M raised a complaint that the firm had taken too long to provide their advice.

B Ltd reviewed the complaint and noted that Mr M had been told they would provide their advice 14 days from receipt of all of the necessary information. They also noted that whilst Mr M had initially provided most of the information, there had been a delay in providing the final pieces, the firm then provided their advice within 14 days of receipt of that final information.

B Ltd were able to explain this to Mr M, and showed him the explanation as to their approach in their terms and conditions, which he had been provided with previously. As a result, Mr M

agreed to conclude his complaint with no further action, as he accepted the service provided was reasonable.

### Early Resolution administration

The outcome of a complaint should always be confirmed to the consumer. In the case of a matter resolved in Early Resolution, this could be over the phone, or by a simple follow up email. We have produced a template which could be used here.

You should ensure that you clearly state that following the consumer's agreement to the resolution, that this is the end of the matter, and no further action will be taken in respect of the complaint.

Where a particular action has been agreed, this should also be confirmed, so the consumer knows exactly what is being done. This could also include explaining to the consumer what you have learned or will do differently in the future.



Resolving a complaint at the earliest possible opportunity provides a genuine opportunity to learn from the issue, and avoids a more timely and costly complaint.

# How to Use the Model Complaints Resolution Procedure: Full Investigation

Not every complaint can be resolved through the Early Resolution stage. Although the Full Investigation stage is the more formal and the final stage of the Model Complaints Resolution Procedure, there remains scope for some complaints to be resolved even at this stage.

## 1. Scope of the Full Investigation stage

As this is the last stage of your procedure, you have the remainder of the eight-week period from receipt of the complaint available.

Whilst this can be extended by agreement between you and the complainant – and that might make sense to you both, if there is a lot of work to be done, or if discussions about resolution are encouraging – your default should be the eight-week deadline. This should be the complainant’s expectation, too.

You ought to be alive to the fact that, once the eight weeks are up, the complainant may come to us, and, if they do, we are unlikely to send them back to you.

The conclusion of the Full Investigation stage will be your final response. We have prepared a template for this, which we encourage you to use as a starting point for your letter.

## 2. Principles of good complaints handling at Full Investigation

When complete, the investigation itself must not only be the product of a thorough, fair-minded assessment of the service, but it must be seen to be so. You are looking to persuade the complainant that they have received a fair answer to their question.



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

### 3. Agreeing the issues of complaint

At the start of your investigation, you should look to get a clear list of the issues of complaint. This might have come organically from an Early Resolution attempt, or even because the complainant has given you a ready-made list already. Nevertheless, it is often going to be helpful for you to contact the complainant and get their agreement on the list. If you do so by telephone, strongly consider confirming it in an email.

Whilst the general theme of a complaint is usually apparent, defining the question you are being asked can present some challenges.

Not all complainants will know what has gone wrong; just that there has been an unexpected outcome and that they hold you responsible. That might be something that was in your control (communication or quality of advice) or out of your control (their unrealistic expectations, despite your best efforts). Either way, you should look to get a clear understanding of what it is you're being asked to give a response to.

When a complaint comes to the Legal Ombudsman, we'll set out the issues of complaint in a list, all worded as allegations of something the service provider did or didn't do. We'll specifically get the complainant to confirm this defines their complaint and that then forms the scope of our investigation and conclusions. Try to mirror this.

As well as providing certainty of process, there are practical benefits of this approach in how you structure your investigation:

- You have a clear question to answer: did you fail to do that thing?
- You naturally are drawn to consider whether that thing was something you would expect to do, in the circumstances of the case, and why.
- You will have a natural reference point for the complainant's position: their expectation that you would do that thing.
- Your review of the evidence will be focused on the circumstances of that thing.
- Your answer to the complainant will deal directly with the question being asked and, through this, with the complainant's expectations.

For some service providers, the person handling the Full Investigation stage won't have had any dealings with the case before and might even have no experience in the field of law the complaint concerns. The approach above should help make the exercise of drawing and sharing conclusions both transparent and trustworthy.

**Do**

- Try to keep to the same format of the issues of complaint.
- Try to cover each allegation in a single sentence.
- Stick to defining the allegation of a failing.
- Word it in a way that accurately reflects why the person is unhappy.

**Don't**

- Include the effect on the complainant. That comes later, if relevant.
- Use partial language. You need to show you're being objective.
- Rely on general terms like "delay" or "poor communication". Be specific.

With a list agreed, you can move with confidence to investigating the complaint.

#### 4. The evidence to consider when reviewing a complaint

Whilst it is true that the analysis of evidence is second nature to most lawyers, complaints can be imbalanced by emotions in a way that the legal service typically isn't. No one likes being complained about and we know how much pride the profession has in its work. The investigation exercise has to be objective, and it should be obvious to any reviewer that this is what's happened.

If the issue of complaint has been defined well, the relevant evidence should normally be obvious. This is why general headings without good definition create problems:

**Example 7**

The senior partner of Firm T (Ms T) is investigating a complaint from Dr J, relating to her TOLATA claim, which lasted between 2017 and 2024. The "file" is in four boxes, each with three large files inside. Compare the investigation required for these alternative wordings for the same allegation, of which Dr J might be agreeable to each:

- We failed to keep you updated on the progress of your case
- We failed to keep you updated for court hearings
- We failed to keep you updated in the period between April and June 2022, leading up to the court hearing of 23 June 2022.

The last of these (option c) gives Ms T a clear understanding of which part of the file she'll be looking at, and Dr J also gets a clear understanding of what the response will cover. The others will see Ms T do far more work than she needs to or than Dr J wants. How many court hearings were there? Should she look at every interaction Firm T had, across the entire seven years?

Defining the allegation well goes to show you understand the problem.

You will likely rely heavily on the file, if it is available to you. You will need to choose what weight you attach to any evidence you get, whether from your own records or those provided by the complainant.



Evidence isn't limited to documents: anything you gather during your investigation counts, including recollections of events. The weight you attach to that evidence must be fair and reasonable.

Whilst the decision of what weight to attach to evidence is yours, it is fair to recognise that contemporaneous evidence tends to be more reliable than recollections of things that happened some time ago, however sincere and however strong.

You should be willing to test the evidence, nevertheless, as we will sometimes want to see communication either side of a critical letter to understand its context: what prompted it? Did it address the issue? Did the complainant respond? Would you have expected them to?

The absence of evidence can also indicate that something wasn't done that should have been, and, if you should have done it but can't demonstrate you did, your position could well be hard to defend, particularly if it is based only on historic recollections.

Once you have what you need, you should move to drafting your final response.

## 5. The final response

As you'll see in our template, there is a clear structure:

- An introduction, setting out what you've done and the details of the complaint you're responding to;
- Your assessment, going through each issue in turn and setting out your conclusions;
- Your findings, which should include whether you consider the service fell below a reasonable standard overall;
- Any remedy proposal, if relevant; and
- Details of the Legal Ombudsman, should the complainant want to take the matter further.

The idea is to focus the response on the allegations in the complaint and, if there is merit in the allegations, on a proposal for resolution.

Our suggested structure for tackling each issue in turn:

- The complainant's position
- Any comments you can make about general expectation of a reasonable service – what would you assess as reasonable?
- What evidence you've seen
- What you find and why

- Finish with a clear line on whether you uphold this issue of the complaint



The final response is your final chance to resolve the complaint under your complaint procedure. There is often still a chance to resolve the complaint at this stage.

Legal services can be highly emotional and are unfamiliar to many people going through them. It is inevitable that there will be times where the understanding of the consumer and the lawyer on what should be expected will differ. In this context, when empathetically and carefully delivered, a good explanation of why a service was reasonable can be as effective as a remedy proposal.

## 6. Remedies

The starting point for any remedy should always be to assess the detriment that has flowed from any failings in the service.

Our approach to remedies is to put the person complaining in the position they would have been in, had the service been of a reasonable standard. If you can define this clearly, it will make the exercise of coming to a fair remedy much easier.



Compare what happened with what should have happened. The difference between them is the detriment.

Our **Guidance on Remedies** gives you and the complainant a reference point, and we expect that it will help both sides develop a view on a fair outcome.

We recognise that there will sometimes be other considerations in any proposal you make, including commercial factors. These are for you, but you should be aware that we will never direct you to pay a remedy where we don't believe one is fair, and we will never direct you to pay a larger remedy than we believe to be fair.

## 7. Concluding an investigation

Once you have sent your response, you have no control over whether the complainant responds to you. It is sensible to set a deadline for a response, if you have made an offer, but the complainant will ultimately decide whether they contact you.

If you get a response, accepting your proposal, you can handle any administrative requirements promptly and close your file. If the response is a rejection, your process is at an end, so remind the complainant of their right to go to the Legal Ombudsman. If the response is to make an offer or counteroffer, you have no obligation to negotiate, but you may do so if you wish. We've prepared a template letter for you to inform complainants who don't accept your final response that your process at an end.



## Making use of evidence in the Early Resolution process

This guidance addresses how service providers can use evidence to improve the prospects of resolving the complaint through the MCRP's Early Resolution process and avoid escalation to LeO.

It also covers how you can improve the chance that the complaint will be resolvable by LeO's Early Resolution Team, in the event the complaint is escalated.

### MCRP Early Resolution

A critical part of good internal complaint handling is understanding the complaints being raised, and what evidence can be used to uphold or reject those complaints.

#### A suggested structure:

The first step in LeO's process is to agree the complaints. The complaints are phrased as questions that can be answered. For example, the service provider charged more than they said they would, or the service provider's advice on the level of SDLT payable was wrong. This approach clearly demonstrates to a consumer what complaints are being considered, and so manages expectations in terms of response, and gives the consumer the chance to explain that their complaint has been misunderstood.

Here is an example to show the key steps a good complaint response should follow:

#### 1. Set out the complaint

Mr A complains that Law Firm Y have charged him more than they said they would in their client care letter.

#### 2. Consider the relevant evidence

Law Firm Y can show they set a client care letter which told Mr A they would estimate their charges to be £1,000 plus VAT and disbursements. Law Firm Y can also show their final invoice was for £950 plus VAT and disbursements. Law Firm Y include both of these documents in their final response to Mr A.

#### 3. Clearly conclude on the complaint

Law Firm Y conclude that their service was reasonable, as their fees were under the estimate provided to Mr A.

### Relevant considerations

There are a number of considerations when using evidence to support conclusions in final responses.

### **1. The volume of information**

Attaching lots of documents or including detailed chronologies in final responses can make the letter difficult for some consumers to understand. Proportionality is key, here. Is there one piece of evidence that is critical? Is it possible to provide a high-level chronology setting out key points? In those cases, it's fine to explain that there is more information available, should the consumer want to see it.

### **2. Whether the consumer is entitled to documents**

This frequently arises in probate matters. It may be that beneficiaries (or other parties that are not clients, for example in a re-mortgage) are not entitled to documents which would go to whether their complaint is or is not upheld. One option to consider here is whether excerpts from documents can be used to provide evidence, without providing full documents. An example of a document which shows that an email was sent, or that something specific was done, rather than every document that supports the position, can demonstrate the reasons a complaint has not been upheld, and may result in faster resolution.

### **3. Time taken to provide a final response**

Reviewing files and providing evidence can be the most time-consuming aspects of dealing with a complaint. However, if the complaint is escalated, it is likely we will ask for key evidence, so providing this information (either in full or part) is likely to save time later, as service providers will have this to-hand should it be needed.

## **LeO's Early Resolution Team**

The two most commonly used dismissal reasons LeO uses in our Early Resolution Team are:

- Scheme Rule 5.7c) – The authorised person has already offered fair and reasonable redress in relation to the circumstances alleged by the complainant which has either already been accepted by the complainant or is still open for acceptance; and
- Scheme Rule 5.7a) – It does not have any reasonable prospect of success.

### **Scheme Rule 5.7c)**

Under 5.7c) we are considering whether, if all of the issues of complaint were upheld, the remedy being offered would be reasonable in all the circumstances of the complaint.

Evidence is important here because it can go to the issue of impact.

**Example 8**

Miss P complained about communication and delay in a personal injury matter. The service provider, Q & Co, set out a chronology of the matter, highlighting 2 key periods of delay which totalled 6 weeks, they also highlight 2 instances where Miss P's phone calls were not returned. Q & Co offered Miss P £100 as the delays were not significant and there were only 2 instances of poor communication.

Miss P did not accept the remedy, and escalated her complaint to LeO. The complaint was reviewed and passed to our Early Resolution Team, who decided the offer was reasonable as the offer was in line with our remedies guidance.

**Scheme Rule 5.7a)**

For a complaint to be dismissed by LeO as having no reasonable prospects of success, we must be able to conclude that it is highly unlikely we would uphold the complaint.

This means it is likely evidence is needed to support a final response which concludes that the service provider's service is reasonable.

**Example 9**

Ms G complained that Firm R failed to tell her that the house she bought had a septic tank, rather than a mains sewerage connection.

In the final response to her complaint, Firm R provided excerpts of the water and sewage search, which they had sent to Ms G and which clearly stated that the property had a septic tank. They also provided a further copy of their report on title which highlighted the same.

When the matter was escalated to LeO, it was dismissed under Scheme Rule 5.7a), as it was clear from the evidence that Firm R had given the information Ms G complained she hadn't received.

**Example 10**

Mr K complained about delay and poor communication in a family matter. The service provider, S & T Ltd, wrote a final response, saying they had reviewed their file and they were satisfied that there was no delay or poor communication. No chronology or evidence were provided to support that conclusion.

When the matter was escalated to LeO, it was passed for an in-depth investigation, as there was no evidence to allow an early finding that there were no reasonable prospects of success. Whilst LeO's Early Resolution Team can ask for a few pieces of evidence to enable an early review of a complaint, where the final response lacks detail, and does not accept any service failing, the chances of it being suitable for Early Resolution are significantly reduced.



Providing clear examples to evidence service, is likely to increase the prospects of early resolution, both at T1 and if the matter escalates to LeO.

# What to do when a consumer doesn't engage with the complaints handling process

## Introduction

This guidance covers what steps to take when, after they have submitted a complaint, a consumer does not engage with you.

A failure to engage could include a consumer stopping responding to communications, or not providing specific information or evidence that has been requested. It could also include a consumer not engaging with a proposed means of communication, or corresponding in a way which does not support resolution.

The most important thing to remember here is that you should always ensure that you issue a final response in line with the timescales set out in your complaints handling procedure (be this the MCRP or your own complaints handling procedure). Even if there are aspects that the response cannot deal with, due to answers not being provided by the customer to requests for clarification, a timely response should still be provided. If necessary, that response can highlight gaps, reflecting where a customer has not engaged or provided requested information.

Providing a response ensures that, if a complaint is escalated, the service provider's complaint handling will not be found to be unreasonable on that basis.



You should always provide a final response in line with the relevant timescales, even if the consumer has not provided requested information.

## Early Resolution

You should look to resolve complaints at the earliest possible opportunity. However, this does not mean Early Resolution is suitable for all complaints.

Sometimes, consumers do not respond to, or engage with, Early Resolution attempts. There are a range of considerations you should take into account, based on the circumstances of the complaint and the consumer. These factors may lead you to conclude that it is reasonable to extend the window for Early Resolution briefly, or indeed that it is best to simply pass the complaint to Full Investigation.

Factors which may lead to a service provider agreeing an extension in the window for Early Resolution include:

### 1. Does the customer understand what you are trying to achieve with Early Resolution?

This may arise if, for example, you've tried to call the consumer, or if you have acknowledged the complaint and provided your complaints procedure, but the consumer hasn't understood the purpose of the Early Resolution stage. If you consider this to be the case, an option is to contact the consumer by email, indicating you've tried to call and that you want to discuss what you can do to resolve the complaint.

The purpose of the Early Resolution stage is to resolve the complaint as quickly and with as little formality as possible. This might be by offering to do something to put right something that has gone wrong or it might simply be providing an explanation to the consumer. Consumers might be wary of less formal complaints handling, and so explaining the purpose of this stage, and assuring the consumer that they will still receive written confirmation of the outcome could encourage their participation.

### 2. Is there a reason the consumer has not responded?

It is important to consider a consumer's circumstances and any reasonable adjustments. Using more than one method of communication and ensuring you are using the consumer's preferred contact method are important. It may also be that a consumer is away on holiday or has other commitments and it could be worth providing some extra time for Early Resolution.

### 3. Is the complaint easily resolvable?

Where a consumer has not engaged, but it is clear that the complaint is one that can be quickly and easily resolved, it might be appropriate to devote additional time to Early Resolution attempts.



You should use the benefit of your experience to assess whether to allow some additional time for consumer engagement with Early Resolution.

There are also a range of factors which may lead to a case being passed to Full Investigation sooner:

#### 1. Has the relationship with the consumer been damaged by the complaint?

In circumstances where the relationship has fully broken down, Early Resolution may not be appropriate. However, where there is some impact, but not a full breakdown, it may still be beneficial to propose Early Resolution. If the consumer does not then engage, you may decide to move to Full Investigation sooner.

## 2. Is it a complex matter with a large number of complaint issues?

Complex matters in any event tend to be less suitable for Early Resolution (although not in all circumstances). Where this is coupled with a failure to engage in Early Resolution attempts, you might reasonably decide to proceed to Full Investigation and have the benefit of the saved time to devote to the complaint investigation.

### Full Investigation

One of the most common practical problems that arises is when a consumer has been asked to provide detail about their complaints, evidence to support them, or information about losses or impact, but fails to do so.

It is critical that you give a timely final response to the complaint. Therefore, where a consumer does not provide requested clarification or evidence, the approach should be as follows:

- **Request** – when asking the consumer for information, give a clear deadline for the provision of that information, be clear about why it's needed and how it will help to resolve the complaint.
- **Remind** – if the deadline is not met, provide a reminder, clearly explaining that if the information is not provided, that a final response will be issued on the basis of the information available, and outline the implications of that.
- **Proceed** – issue a final response in line with the MCRP/your complaints handling procedure.

You should always ensure that you keep a record of the attempts to obtain information, as this can be useful if the complaint is escalated to LeO.



#### Example 11

Mr F complained to the Firm N about poor communication. Firm N contacted Mr F to ask for specific examples of the communication issues, and to ask what Mr F wanted to resolve his complaint. Mr F did not respond. Firm N then followed up, explaining that they would review their file, but that, without specific examples, they could not be sure that they would be able to address Mr F's concerns fully. No response was provided, so the Firm N issued a final response, having reviewed their communications, and set out a brief chronology of the matter. They explained in the final response they had requested clarification and not received it.

Firm N's conclusion was that, in the main, their communication was in line with their SLAs, but, as there were several instances where they had not responded to emails from Mr F, they offered Mr F a £100 bill reduction to recognise the modest impact of these failings. When the matter was referred to LeO, this complaint was resolved by LeO's Early Resolution Team.

## Dealing with complaints on ongoing retainers

Whilst most complaints come at the end of a retainer, there is no barrier in theory to them coming at any time.

On the one hand, dealing with a complaint at the end can be administratively easier for service providers. It's possible to review the whole matter and, particularly for small entities without dedicated complaint-handlers, it puts less pressure on the operational resources. For some consumers, there will always be a worry that raising a complaint during an ongoing retainer will damage the relationship with a lawyer whose help they really need, so waiting until the end can be attractive for them, too.

However, dealing with a complaint as soon as the consumer realises they're unhappy presents an opportunity to put things right straight away. Complaints are a kind of feedback. They offer the chance to improve a service for a consumer while the retainer is still ongoing, a chance to avoid triggering the same irritation twice and a chance to reward the trust the consumer has placed in the service provider in the first place.

In our experience, service providers who understand the value of complaints frequently resolve them more quickly and to greater satisfaction. A quick recognition that something has gone wrong and a practical offer which fixes the problem can be all that is needed to restore the relationship. Conversely, service providers who consistently dismiss complaints – and those who make them – find the administrative burden more challenging and their clients less complimentary about the service.

### Is it a complaint?

We recognise that every service provider will have their own understanding of what counts as a complaint. Our guidance on *When to Use the Model Complaints Resolution Procedure* addresses this in more detail.

Even if it doesn't meet the threshold of being a complaint, remember that there is nevertheless an unhappy consumer and, with that, a chance to put things right.

### If it is a complaint

The default position is very simple: once you receive a complaint, initiate your complaints procedure. This is true whether the complaint is made at the end of the work, at the end of a piece of the work or at any point after the initial instruction. Indeed, it is true if a complaint is made about a refusal of service.

There are, however, circumstances where it might make sense to defer the handling of the complaint. This might be where there is an important deadline ahead and resources can't easily be redeployed, or where the consequences of a failing will be better understood at a known point

in the future. On explanation, this might be attractive to the consumer, or at least something they are willing to agree to.

Again, the default position is a complaint is a clear instruction to initiate the complaint procedure. However, provided it is reasonable to do, and provided the party complaining agrees to it, a deferral of the complaint to a natural, later point is unlikely to be treated as a failing by LeO.

If the complaint is deferred, it is imperative that the service provider reminds the consumer of this at the appropriate time. It is not for the consumer to remind the service provider; they have made their complaint and, even if dormant, it should be treated as made, with the conditions now met.

When reminded, some consumers might not want to continue to pursue the complaint at that point. It could be that the work done in the interim has satisfied the consumer of something that had previously concerned them, or that their attitude towards the complaint has changed for other reasons. If that is the case, should the consumer make clear that they don't want to pursue the complaint, the service provider may fairly regard the matter as closed. It's smart to confirm that outcome in writing, to avoid any confusion or dispute later.



### Example 12

Firm T was the sole executor of Ms U's father's estate. Ms U, the sole beneficiary, made a complaint about the amount of time the estate administration was taking.

Apologising for the lack of updates, Firm T explained that it had been waiting for information from a third party about some stocks and shares Ms U's father held. Once that was in place, it would be able to give her the draft estate accounts.

A complaint about the amount of time the firm took to complete the work would naturally be best addressed when the work was complete. However, Ms U was entitled to be concerned at the apparent lack of progress.

After giving her the update, Firm T proposed to come back to the complaint after sending the draft estate accounts. Ms U was content with this.

Two weeks later, Firm T received the details it had requested, prepared the draft estate accounts and sent them to Ms U. The email ended, "We had agreed to delay the investigation of your complaint, pending the information we had asked for about the shares. Now that this is done, do you want us to start our complaint procedure?"

Ms U confirmed she did and Firm T treated that as Day 0 for the purposes of its complaint procedure.

## Before deferral, there is a chance to resolve the complaint

This is something that some service providers miss.

When a consumer expresses frustration in the form of a complaint, there might be a quick and effective way to resolve the complaint to the consumer's satisfaction, instead of deferral.



### Example 13

Mx L raised a complaint with Firm M about its communication with them in their personal injury claim. They were frustrated that Firm M rarely responded to emails and 'phone calls within the two-working day period Firm M had promised in its client care letter.

Firm M knew that it was about to receive a medical report and that this would give a good opportunity for an update, with a roadmap for the rest of the case. For the past two months, Firm M had been waiting for the report and had little information to give Mx L.

Whilst it was possible for Firm M to suggest deferring the complaint until the medical report is in, or until the end of the retainer, and then review the communication, Firm M telephoned Mx L and apologised for the delay in updating them. The firm then gave an update on the situation and promised that, once the medical report was in, Mx L would see more progress and get better updates.

Assured by these commitments, Mx L agreed to the firm's proposal and the complaint was resolved there and then. At the end of the retainer, Mx L wrote a positive review of Firm M online, after receiving a favourable settlement.

## Getting it right

Deferring a complaint should be the exception, rather than the rule, and there are a number of ways to get this wrong. Here are our tips on how to get it right:

- Only suggest deferral where it is clear that there is a good reason for both you and the consumer to do so
  - The default position is a complaint starts the complaint procedure.
  - Deferral during the retainer only for your own benefit (other cases, office renovation, staff leave) is rarely going to be either a good reason or fair and reasonable.
- Explain clearly to the consumer what you propose and why
  - Why is it in the consumer's best interest to defer the complaint?
  - How long will it be for? Specify a point in time or a clear, defined event.
  - Why should they trust that you are taking their complaint seriously?

- If the matter ever comes to LeO, it must be clear to us that the consumer was given a fair choice and made an informed decision to defer the complaint.
- Confirm what you agree in writing
  - This formalises the deferral and it provides a record for you both of what has been agreed.
  - It is evidence that LeO might need to see at a later point, should the complaint be escalated to us.
- When the agreed conditions have been met, contact the consumer and remind them about the complaint
  - This will reinforce the expectation you have set that you are taking the complaint seriously.
- In that contact, be clear that you are ready and able to continue with the complaint procedure
  - It is likely helpful to remind the consumer of the complaint procedure at that point, particularly if significant time has passed.
- Be alive to the possibility that the terms of the complaint might have changed since they were last discussed
  - Some things might no longer be significant to the consumer and there could be new issues to address.
  - Your attitude to some of the issues raised might also have changed.
  - It is essential that the consumer has the opportunity to raise any new issues at this point.
- The minimum expectation for the consumer is you will do what you said you would do
  - Remind yourself of what you agreed at the point of the deferral and ensure that you follow it.



#### Example 14

Mr J instructed Firm K to help him with a dispute he was in with his neighbour. The firm gave an estimate of £10,000+VAT for the work and, six months later, sent him a cost update that had the current work at £25,000+VAT.

Unhappy at the unexpected cost, Mr J raised a complaint. Firm K accepted it had failed to revise its estimate and that it would need to consider some form of redress. However, with the retainer ongoing, there was merit in dealing with this at the end of the work. Mr J agreed to this, on the basis of a cap being agreed on the costs at the new estimate the firm gave of £35,000+VAT.

When the work was completed and Mr J had won his case, Firm K contacted Mr J and reminded him of their agreement. Firm K offered to start its complaint procedure and Mr J – buoyed by the result, but still unhappy with the price – agreed. The firm proceeded with its normal procedure and, using LeO's Guidance on Remedies, resolved the complaint by agreement with a reduction of fees.



## Handling complaints as a large service provider

It stands to reason that a large firm is typically going to get more complaints than a sole practitioner or an individual barrister. The sheer number of retainers means that, even if only a small proportion of consumers are unhappy with the service they received, the number of complaints will exceed those which one person alone will encounter.

Our experience is that small firms will often see either the same person who handled the work handling the complaint, or someone in the same team. Large firms, dealing with significant volumes of complaints, tend to have dedicated staff, teams or departments responsible for complaints. This isn't true of all large firms, but it is naturally more common in larger firms than elsewhere.

From LeO's perspective, we don't have a preference as to whether complaints are dealt with within the normal business or in a dedicated department. There are pros and cons to each approach. We deal with both regularly and we're perfectly able to engage with either approach.

This guidance shares some of our experiences in our dealings with the two approaches.

### The central message is the opportunity complaints bring

Whether complaints are handled by supervisors, partners and senior managers or in a separate team or department of specialists, the same point is worth making.

Complaints are a form of feedback. Consumers don't have to tell their lawyer that they aren't happy. They could tell their friends, their family, their social media followers, a review website or indeed they could tell no one. That they have chosen to tell you is an indication that there remains a belief that you can put right what they consider has gone wrong. Whilst the dissatisfaction is a reflection of some damage to the relationship, for many clients, the act of the complaint is a demonstration of their trust.

Large firms are given more examples of consumer feedback, so there is more data to help them shape the service they deliver more accurately. Those who encourage dialogue with consumers will cultivate an ecosystem where consumers feel not just comfortable but responsible for sharing their views on anything they like or don't like.

### Why is LeO talking about this?

Simply, at a time where LeO is facing unprecedented demand, we receive too many complaints that needn't have come to us. There are complaints which should have been resolved by better engagement with consumers and a better application of the complaints procedure.

We see the same mistakes being made by firms not spotting the patterns and themes their consumers are telling them about. The service providers that actively seek these patterns and themes and that are keen to learn from the data they're given will make changes to the service that prevent complaints from being made in the future.

## Where there is a dedicated complaint team

The combination of efficiencies and consistency that a dedicated department brings is naturally attractive to businesses. The decision to operate in that way will inevitably have been the product of research and reflection, so it should work for your firm and your consumers.

If this is how your firm operates, these are the challenges we see:

- **Independence can come at the expense of client care**

Taking the responsibility for the complaint away from an individual fee earner or their manager gives connotations of independence. The risk is that the staff of a specialist department, dealing with complaints all day and only complaints, can appear desensitised to consumers, particularly in volume operations.

Q. What do you do to ensure staff engaging with consumers in the complaints department build rapport and engender trust? How do they maintain the human touch many consumers value?

- **Operations staff can lose the value of consumer feedback**

The removal of responsibility for complaints can risk the perceived value of consumer feedback being reduced for fee earning staff. We have spoken to firms with large complaint departments who have found this to be a challenge.

Fee earners who hear from an unhappy client might be motivated to find a solution, or they might refer to a policy and direct the client to the complaint department. These lost opportunities can be expensive for businesses, when added up.

Q. What do you do to ensure all staff feel they have a personal and shared responsibility for client care?

- **Making poor use of rich data sets**

The identification of themes and lessons is, in our experience, handled well by dedicated complaint teams. It is what happens next that can be problematic.

Businesses need to decide what solutions exist and whether the benefits justify the expense. These questions are for the individual business and not for us.

What we do sometimes find, though, is that the complaints department understands the problem, but it tells us that it isn't allowed to make the changes that we believe will help drive down complaints and improve customer service. This betrays a disconnect between the two departments and inevitably leads to waste.

We are always willing to work with service providers to help them reduce the complaints that come to LeO.

Q. What processes do you have in place to ensure you make the best use of the data your complaint team gathers?

## Where there isn't a dedicated complaints team

For firms without a separate team, there exists the benefit of complaints not being dissociated from the legal service functions and the benefit of maintaining client contact.

However, we've encountered some risks:

- **Inconsistency of approach**

The nature of a staged procedure for dealing with complaints means that escalated complaints will go to an individual or a small group for review. In that case, consistency is much easier to manage.

But most complaints will not get that far. This means there is a challenge in ensuring staff engaging with complaints follow a set process and have minimum standards for complaint handling, including what counts as a complaint. We recognise this will always be a huge challenge for any large business.

Q. What policy and communication do you have in place to ensure consistency of approach in complaint handling?

- **Learning from the data**

Where a dedicated department has the edge is that complaints data is more easily collated and processed. It's much harder to keep a shared access log maintained and accurate when there are a lot of people able to access and edit it. The responsibility within the business for analysing the data and for the process of evaluating and acting on recommendations should be understood.

Q. How often do you review the data in the complaint records to spot trends, implement improvements and provide feedback to operational staff?

## Applying the MCRP

The Model Complaints Resolution Procedure has two stages. It's for you to decide how those are divided. Consider:

- Is the Early Resolution process a natural fit for operational staff and line managers?
  - It could help to have people familiar with the case and the consumer for the first, less formal, stage.
- Or does the specialist skillset of a dedicated person, team or department offer a more attractive solution?
  - If there is need for the Full Investigation stage, this can be managed efficiently and with consistency of service.
- Who is able to authorise remedies?
  - We have seen firms that have a first stage of complaints where the individual doesn't have the authority to offer a remedy beyond an explanation or an apology.
  - This risks creating another stage of the complaints process, where someone with the authority makes an offer, before a third, written stage and that is going against the MCRP's two-stage model.
- However you do it, make it work for your business, your staff and your consumers
  - Small adaptations to the MCRP to personalise the experience can be helpful. Only make changes you believe to be beneficial and keep any changes under close review.
- How do you identify and record complaints?
  - The MCRP will help with the processing of complaints. The rest remains a human endeavour.
- Ensure there is the facility for the information gathered in complaints to be fed into service improvement.
  - The best way to reduce complaints is to improve service, and the best way to do that is to use the data from direct contact with consumers.
- Keep good records of the complaints and the outcomes
  - If the complaint is escalated to LeO, we will be asking for copies of documents, including the final response. If there has been an agreement reached to resolve the complaint, we'll want to see what was agreed.

## Handling complaints as a small service provider

Whilst LeO receives complaints across the entire spectrum of legal services in England and Wales, we know that the vast majority of service providers are small and don't receive many complaints.

When they do arrive, the process of dealing with them in a way that is up to date, compliant with regulatory requirements, conducive to resolution with the consumer and consistent with organisational philosophy offers a considerable challenge, not least when the exercise means time away from chargeable work.

The MCRP has been developed from LeO's experience of a large volume of escalated complaints and our exposure to the same number of first tier complaints.

What's clear is that some small firms and individuals really get the value of feedback from those using the service and have huge personal pride in the interactions that help find an amicable resolution. This guide is designed to cultivate that and share how the MCRP can be applied to best effect.

### The central message is the opportunity complaints bring

Complaints are a form of feedback. Consumers don't have to tell their lawyer that they aren't happy. They could tell their friends, their family, their social media followers, a review website or indeed they could tell no one. That they have chosen to tell you is an indication that there remains a belief that you can put right what they consider has gone wrong. It is a reflection – not a shattering – of their trust.

Those service providers who encourage dialogue with consumers will cultivate an ecosystem where consumers feel not just comfortable but responsible for sharing their views on anything they like or don't like.

The absence of a complaint doesn't mean the consumer was totally happy with all aspects of the service they received and no improvement was possible. Why miss out on the chance to make a small improvement for the next person through the door?

### Why is LeO talking about this?

Simply, at a time where LeO is facing unprecedented demand, we receive too many complaints that needn't have come to us. There are complaints which should have been resolved by better engagement with consumers and a better application of the complaints procedure.

We see the same mistakes being made by firms not spotting the patterns and themes their consumers are telling them about. The service providers that actively seek these patterns and

themes and that are keen to learn from the data they're given will make changes to the service that prevent complaints from being made in the future.

For small service providers, we often see complaints procedures that are out of date, inefficient and difficult to navigate. Some reflect a different time in customer service, where consumers felt less confident about expressing their views.

## Applying the MCRP

The Model Complaints Resolution Procedure has two stages. It's for you to decide how those are divided.

- Who will carry out the Early Resolution process?
  - If you're a sole practitioner, this is an easy question to answer.
  - For those with staff, it's important to know that we don't believe that first stage must be carried out by a partner/member or even by someone senior at the firm.
  - What matters is that whoever carries out the Early Resolution process:
    - Has the skills and knowledge to do so;
    - Has the authority to make decisions that will resolve the complaint (there might be a limit above which approval is required);
    - Can get to grips with the background and reason for the consumer's dissatisfaction;
    - Knows what to do, if the Early Resolution process isn't successful; and
    - Keeps good records of what happened during the process.
- However you apply MCRP, make it work for your business, your staff and your consumers
  - Small adaptations to the MCRP to personalise the experience can be helpful. Only make changes you believe to be beneficial and keep them under close review.
- Ensure there is the facility for the information gathered in complaints to be fed into service improvement
  - The best way to reduce complaints is to improve service, and the best way to do that is to use the data from direct contact with consumers.
- Keep good records of the complaints and the outcomes
  - If the complaint is escalated to LeO, we will be asking for copies of documents, including the final response. If there has been an agreement reached to resolve the complaint, we'll want to see what was agreed