How to handle complaints as a large service provider

Model Complaints Resolution Procedure

Version

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Introduction

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 complaints department. There are pros and cons to each approach. We deal with both systems 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 that you can put things right.

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.

> 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.

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.

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.

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.

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.