LEGAL OMBUDSMAN

Dealing with unreasonable behaviour

Model Complaints Resolution Procedure

Version

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1.0	First release of guidance	29 July 2026

Introduction

This guidance is focussed on setting out what LeO expects lawyers to do to provide a reasonable service to all consumers during the complaints handling process. It provides a range of suggested approaches for addressing unreasonable consumer behaviour during the complaints handling procedure and covers a number of common situations that lawyers ask LeO about.

Key principles

Everyone is entitled to be treated respectfully, courteously and in a polite manner.
It is reasonable for organisations not to accept or tolerate unreasonable behaviour or unreasonably excessive communications (either in frequency or volume).

Lawyers should have a clear policy, setting out their approach to dealing with any unreasonable consumer behaviour. The most important principle is to ensure that you follow your policy: do what you say you will do.

However, it is also important to consider the causes of any unreasonable behaviour and assess whether there is anything that can be done to support consumers, should the need arise.

The consumer that does not make a complaint

We know some lawyers struggle with consumers that repeatedly raise concerns or say they will complain but then do not do so.

The process to follow in these cases is to ensure that at all points a consumer knows what you are and are not doing. Our suggested approach is to:

1. Acknowledge the concern and ask if the consumer would like to use your complaints procedure;
2. If the complainant does not respond or says that they do not want to use the procedure (whether now or at all), confirm that their concern has been noted but will not be taken further;
3. If the consumer continues to say they will complain (but still doesn’t), tell them that you will take no further action until a complaint is received;
4. You should provide a copy of the MCRP and make clear what steps the consumer needs to take to make a complaint; and
5. If the consumer continues to say they will make a complaint, and does not do so, depending on the nature or volume of that correspondence, you should consider whether

to activate your unreasonable behaviour policy. You can also use LeO's Technical Advice Desk (**technical.advice@legalombudsman.org.uk**) for support if you need it.

Clearly tell the consumer what you will do, then do it

The persistent complainant

What about consumers who make multiple complaints during a retainer?

The first point here is to ensure that, if a consumer complains during an ongoing retainer, this is an opportunity to fix something that will prevent the consumer from being unhappy at the end of the retainer. If you're able to resolve a complaint during a retainer, make sure whatever caused that complaint isn't repeated, as the second complaint will be much harder to resolve.

Secondly, if a consumer raises a number of complaints during a retainer, you should refer to our guidance on complaints raised during the retainer, as there can sometimes be a way of managing the issues effectively.

Again, the main approach is to be clear with the consumer as to what action you are taking, and whether you will deal with complaints individually.

If you decide to address each complaint individually, you should follow the MCRP and be clear as to exactly which complaint is being addressed.

If you decide to discuss deferring the complaint to the end of the retainer, as our guidance explores, you should ensure that this is confirmed with the consumer. You must make absolutely sure that they understand what that means and you should clearly record the agreed action in writing.

If you are of the view the complaints being raised are excessive or unreasonable, you should follow your unreasonable behaviour policy. Again, be clear what this means and what steps you will take.

Consumers who do not engage in the complaints handling process

We often get questions from lawyers about consumers who do not fully set out their complaint, or who do not provide additional, requested information in accordance with timescales provided.

You should always issue a final response within the timescale required by your regulator and within your own published complaint procedure. This is because there is a risk that if a complaint is escalated, the failure to provide a response could lead to a LeO case fee.

If you have asked a consumer to particularise their complaint or provide information, but they have not done so and they have not responded to further requests for the information, you should still send your response, based on the information you do have, and clearly explain that is what you have done.

Example

Mr K complained to his barrister citing concerns about being given the wrong advice before a hearing.

The barrister asked Mr K to explain what advice he had been given that was wrong, and what the impact of that was.

Mr K did not reply to the barrister, despite being contacted again following the initial request. The barrister provided a final response, giving an overview of the advice that had been provided and explaining why the barrister was of the view that the advice was reasonable in the circumstances. The barrister also clearly explained that he had given a high-level response as no further information had been provided.

When the complaint was escalated to LeO, it was dismissed by the Early Resolution team, as there was no evidence any of the advice provided was unreasonable, so the complaint had no reasonable prospects of success.

1. Excessive post-final response correspondence

Once a final response has been issued, your complaints procedure is at an end.
If a consumer continues to correspond after that response, it is a business decision for you as to whether you want to reply.

It is reasonable to issue one further, final communication, which clearly states your complaints procedure is at an end, and that you will not reply to any further correspondence. It is important then to follow up on that and not provide further responses.

As long as you have clearly explained to the consumer what you will or will not do (and have then done so) and have taken into account any reasonable adjustments (where appropriate), there are unlikely to be any concerns about your complaints handling, if the complaint is then escalated to LeO.