What to do when the consumer doesn't engage in the process

Model Complaints Resolution Procedure

Version

Version	Description	Date
1.0	First release of guidance	29 July 2026

Introduction

This guidance covers what steps to take when, after they have submitted a complaint, a consumer does not engage with you, or where the original complaint lacks clarity.

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) and ensure you are compliant with your regulatory obligations. 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, your 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.

Steps to take where the initial complaint lacks clarity

Where the complaint you receive lacks clarity as to the detail of the concerns, or what the consumer wants to put it right, the first thing you should do is ask for that information.

It may help the consumer if you provide examples of the types of explanation or information you are looking for. For example, if the consumer's complaint is about delay, but they do not specify the point of the delay, or the period, you can ask them to provide some or all of the following information:

- The dates the delay was between;

- The length of the delay;
- Whether there are particular communications which relate to the delay; and
- Whether there was a specific impact of delay.

When asking for any clarification, you should always make clear what will happen if you do not receive the requested information.

For example:

> *We have asked for you to provide detail of the communications which you say were not responded to. Please provide this by [date]. Please be aware if you do not provide this information, we will need to proceed to issue our final response to your complaint, but without the requested information this may impact on both the detail and any proposed resolution of your complaint.*

You can also signpost the consumer to LeO's consumer materials to support them to provide any information you have requested.

Early Resolution

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, or that it is best simply to 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 might 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. 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 consider a consumer's circumstances and any reasonable adjustments. Using more than one method of communication and ensuring at least one is the consumer's preferred contact method is 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 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 use the saved time to devote to the complaint investigation.

Example – lack of engagement at Early Resolution
Mr F complained to the firm who was running his personal injury claim that the matter was taking too long and that their communication was poor. The firm were of the view that it was clear from the outset that there was a service failing, and they wanted to offer to resolve the matter through Early Resolution.

The firm contacted Mr F to make an offer, but he did not respond to their email. The firm waited a few days and, when they did not receive a response, followed up with a phone call. Mr F answered and explained that he doesn't really like email communication. The firm discussed the service issue with him, and agreed to make a payment of £100 to recognise the service issues, as well as putting in place an action plan for future communications. Mr F was happy with the proposal, and the firm agreed to confirm the outcome by letter given Mr F's dislike of emails.

Full Investigation

A common practical problem 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, from a service, regulatory and reputational perspective. So, if 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 – providing a response when no clarification has been provided

Mr M complained to the Firm N about poor communication. Firm N contacted Mr M to ask for specific examples of the communication issues, and to ask what Mr M wanted to resolve his complaint. Mr M did not respond. Firm N 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 M'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 service level agreement, but, as there were several instances where they had not responded to emails from Mr M, they offered him 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.