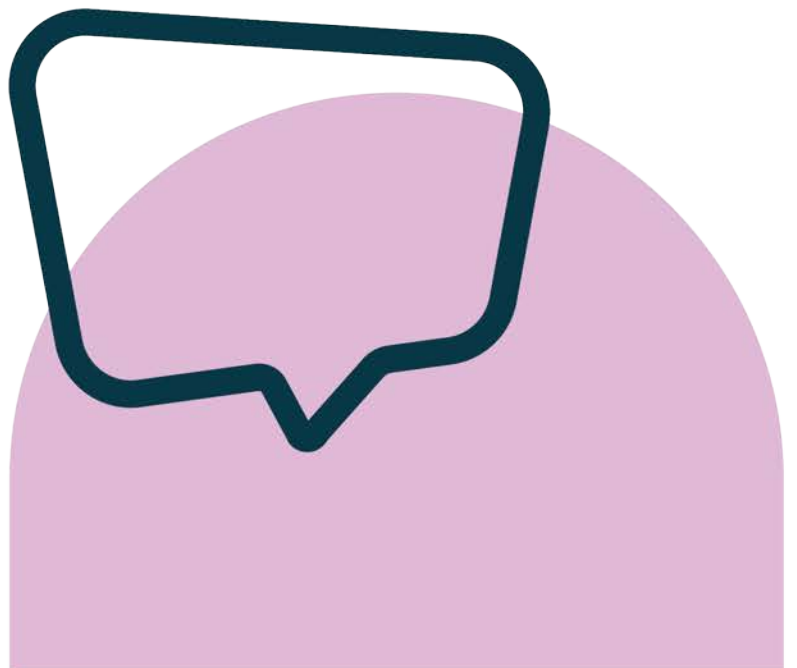


Making use of evidence in the Early Resolution process

Model Complaints Resolution
Procedure



Version

Version	Description	Date
1.0	First release of guidance	29 July 2026

Introduction

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 issues of complaint. Try to phrase them as questions that can be answered: *we charged £5,000 but told you it would cost £2,000*. This approach shows the consumer what you're considering and thus manages expectations in terms of response. It also gives the consumer the chance to tell you quickly 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 follow. Proportionality is key, here. Is there one piece of evidence that it 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 upheld. Consider whether excerpts from documents can be used to make the point, 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 sending the consumer this information (either in full or part) is likely to save time later, as you will have this to-hand, should we ask you for it.

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 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 detriment, which is the key consideration for remedy.



Example – a reasonable offer

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 two key periods of delay which totalled six weeks. They also highlighted two instances where Miss P's phone calls were not returned. Q & Co offered Miss P £100 off the bill, as the delays were not significant.

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. The complaint was dismissed under Scheme Rule 5.7c).

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 is far beyond a balance of probabilities test.

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



Example – no reasonable prospects

Ms G complained that Firm H 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 H 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 point.

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 – the importance of evidence to support a reasonable service

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.

