Investigating complaints - information for service providers

Our approach to investigations

Our role at the Legal Ombudsman is to resolve complaints in a way that is fair and reasonable in the circumstances of each case. We are independent and impartial. We don’t take sides, or make assumptions about who might be right or wrong.

We aim to resolve complaints quickly and informally; but where there is something to put right and agreement can’t be reached, then we have official powers to order a remedy.

Throughout our investigation, we will look for opportunities to resolve the complaint by finding a solution that you and the complainant can agree to.

Our investigator will listen to both sides, look at the facts, weigh up the evidence and explain their view. If the investigator thinks the service you provided was of a reasonable standard, they will explain why. Similarly, if they think the service complained about was poor – and that it has had a negative impact or caused the complainant a financial loss – they will explain what should be done to put things right. In some cases, we may suggest a way of resolving the complaint which involves both sides in a bit of give and take. It can be quicker to sort out a problem if everyone agrees what the solution needs to be.

If we think that the service provided was poor and something needs to be put right, we can instruct you to do any of the following things:

- Apologise to the complainant;
- Give back any documents the complainant might need;
- Do more work for the complainant, if this will put right what went wrong;
- Refund or reduce fees; or
- Pay compensation if the complainant has lost out or been badly treated. Most of our awards are under £500, though we can direct compensation up to £50,000. Usually higher awards are limited to those cases where we have seen evidence that poor service has caused a direct financial loss.

Any remedy will always be based on the individual circumstances of the complaint and the impact of any poor service on the complainant. More information about the remedies we’ve awarded can be found in the ‘Data and decisions’ area of our website.

Liaising with the Legal Ombudsman

There is an obligation on you to co-operate with the Legal Ombudsman. It may help if you appoint one person to be the point of contact throughout our investigation. This will avoid correspondence going unanswered and deadlines being missed, but it will also help you to build a relationship with the investigator responsible for the complaint. You will be contacted by an investigator shortly who will provide you with their contact details.

We encourage you to remain objective and open to resolving the complaint throughout the investigation.
Providing evidence

Please retrieve your complaint file and any other information or documentation you relied on in responding to the complaint. Our investigator will be in touch shortly and will ask both you and the complainant to provide us with documentary evidence.

Please only provide us with the documents we ask for. **Do not send your entire file unless we specifically ask you to.** Please only send us copies of documents: do not send us original documents unless we request them because our correspondence is destroyed after being scanned. If we ask you for originals we will keep them safe and return them once the complaint has been resolved or closed.

Under the Legal Services Act 2007, service providers have a professional obligation to co-operate with us. We have advised the complainant that information will be shared between parties. This includes the documents and papers that service providers hold. We are not required to obtain written permission from the complainant for service providers to release papers to us.

**What if an agreement can’t be reached?**

Our aim is to resolve complaints informally. If an agreement can’t be reached the investigator will set out their views in writing. This is called a Preliminary Decision. If the investigator identifies poor service that has had a negative effect for the complainant, they may propose a remedy or action you should take.

If either you or the complainant don’t accept what our investigator says, either of you can request an ombudsman’s decision.

An ombudsman will then review the Preliminary Decision, as well as the information and comments that you and the complainant provided. They will make a final decision about the complaint. The ombudsman is not bound in any way to follow the Preliminary Decision.

After an ombudsman has made a decision, we will ask the complainant if they accept it. If they do, it will be final and binding on you. There will be no further way of challenging it with us. This also means the complainant won’t be able to have the same complaint looked at again. Accepting an ombudsman’s decision also stops the complainant from taking any legal action in relation to the same complaint.

If the complainant rejects the decision or doesn’t tell us what they think about it, you are not obliged to comply with the decision. In these circumstances, the case will be closed and we will not take any further action. The complainant would be free to make any other claim in relation to their complaint or seek independent legal advice. They will not be able to bring the same complaint back to us.

Once a final decision has been made our investigation of the complaint is over.
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How long will it take us to look at a complaint?
We aim to resolve complaints within three months of the date the complainant confirmed the details of the complaint with us. However, if an ombudsman’s decision is required or we need more information, it could take longer.

We aim to investigate complaints efficiently and if documentation is sent promptly this will prevent delays.

Do you ever end an investigation for any reason?
If we receive further information during an investigation which shows we can’t or shouldn’t look at the complaint under our rules, we could stop the investigation and close the case. For example, this could be because the complaint actually falls outside of our time limits.

Will I be charged a case fee?
The Legal Services Act 2007 requires the Legal Ombudsman to set charges for complaints we accept. We have set this charge at £400 per case. A case is chargeable when we accept it for resolution.

Where a case that we investigate turns out not to be within our jurisdiction, then no case fee will be charged, nor will a fee be charged if the case is dismissed or discontinued under paragraph 5.7 of our rules.

Do you always charge a case fee?
No. There are some circumstances where we will waive the case fee. These are where the complaint was:

a) withdrawn or abandoned by the complainant during the course of the investigation; or
b) settled, resolved or determined in favour of the service provider; and
c) we are also satisfied that the service provider took all reasonable steps under their complaints procedure to try to resolve the complaint.

How do we decide whether or not to waive the case fee?
The decision to waive a case fee will depend on the outcome of the investigation. Where we find either that the service provided to the complainant was of a reasonable standard, or that the service provider had already made a reasonable offer before we became involved, we will waive the case fee unless we believe the provider had not dealt with the complaint adequately.

Publishing ombudsman decisions
We publish data about all cases that require an ombudsman’s decision on our website. This includes the name of the service provider, the decision of the ombudsman and the area of law. We do this in line with the powers given to the Office for Legal Complaints (the Board of the Legal Ombudsman) under the Legal Services Act 2007. Further information can be found in the ‘Data and decisions’ area of our website.
How long does the information about a legal service provider stay on the website?
The information about an individual case stays on the page for a year.

How often do you update the data you publish?
Every three months we publish new data of our cases with an ombudsman decision.

Important things for you to note

Calls are recorded, including calls you make to us, calls we make to you as well as calls to other people and organisations.

We will need to share information we consider relevant about the complaint with the complainant or their representative as well as your approved regulator.

We use information from the complaints that come to us to improve our service, and to help shape how we work and our policies. We may share information about this case, including your contact details, with carefully selected third parties for research purposes, such as customer satisfaction surveys. If you do not want us to share this information, or to be contacted for these purposes, please let us know.

We comply with data protection rules at all times. You can contact our dedicated team (compliance@legalombudsman.org.uk) for further information about this and any freedom of information requests.

All documents you send to us will be scanned on to our computer system and then destroyed after 28 days. Case related information that is stored electronically will usually be deleted 18 months after the case file is closed.

Please do not send us original documents unless we ask you to. If we do ask you to send us original documents, we will keep them safe and return them to you.

What if I am unhappy with the service provided by the Legal Ombudsman?

Please tell us as soon as possible if you are unhappy with the level of service we have provided when handling your complaint. An example of a service complaint might include our failure to keep you informed or our failure to explain things properly to you. However, our service complaint procedure does not cover any dissatisfaction felt at the outcome of an investigation or any final decision that we make about the level of service provided.

Please contact the investigator at the Legal Ombudsman who you usually deal with. They, with their manager, will try to put right anything we may have done wrong as quickly as possible. They will acknowledge your complaint about our service within two working days of hearing from
you. They will then look into your concern and respond to you within 20 working days of receiving your complaint.

If we are unable to resolve your complaint about our service at this stage, we will explain the full process we have for responding to you so that you can decide what to do next. Full details of our complaints policy can be found on our website.

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**How to contact us**

Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)
Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)
Telephone: 0300 555 0333
NGT Lite users: 18001 0300 555 0333
Minicom text phone user: 18002 0300 555 0333
Overseas: +44 121 245 3050
Postal address: PO BOX 6806, Wolverhampton, WV1 9WJ

If you need information in another language or in another format such as large print, Braille or audio CD, please get in touch.
The Legal Ombudsman is committed to delivering high quality customer service in a timely, flexible manner that meets individual needs, situations and expectations. Our Service Principles are a reflection of our core values of being *Open, Fair, Independent and Effective*. Our Standards apply to all, and show how we respect and respond to each other internally and externally with our customers and stakeholders. The Service Principles and Standards set out what this commitment means in practice and what our customers can expect from us.

### OPEN - We will always be clear with you

#### Our service standards
- We will communicate using plain English so you can make appropriate, informed choices.
- We will discuss with you at the beginning what you can expect from the service we provide.
- We will explain the complaints process and keep you updated about what is happening throughout.

#### You can expect us to:
- Communicate in a way that can be understood, avoiding using jargon, providing clear and relevant information.
- Listen carefully and ask questions to understand your complaint.
- Be professional and knowledgeable.
- Make sure everyone is clear about our process at every stage of the complaint

### OPEN - We will be understanding and approachable

#### Our service standards
- We will recognise each individual’s perspectives and experiences.
- We will take your individual needs into account.
- We will offer support in a variety of ways via BrowseAloud, large print, and languages other than English to help you access our service.

#### You can expect us to:
- Be polite and treat you with respect.
- Listen to you and take your views seriously.
- Be empathetic and sensitive to your needs, and support them.
- Make reasonable adjustments for people who require them.

### EFFECTIVE - We will make good use of everyone’s time

#### Our service standards
- We will deal with your complaint efficiently and keep you informed about progress.
- We will help both parties resolve the complaint at the earliest opportunity.

#### You can expect us to:
- Ensure we understand your needs and deal with your complaint promptly.
- Keep you informed at all times throughout your involvement with us as to what to expect and when to expect it.
Our Service Principles: What you can expect from us

**Our Service Principles:**

- We understand that some complaints can be complicated: we will be honest about what we can deliver.
- Let you know as soon as possible if we are unable to help you.

**FAIR/INDEPENDENT** - We will be impartial, thorough, and base our work on facts

Our Service Principles

- We will be clear about what information we need from you.
- We will listen to what you have to say and consider relevant information provided by both parties before any final decision is reached.
- We will reach our decision based on information and what is balanced, fair and reasonable.
- We will provide a clear explanation of our decision.

You can expect us to:

- Ensure we are objective, non-judgmental, and fair throughout the investigation.
- Help you identify what information is needed, and be clear what can be used.
- Be consistent in our approach.
- Communicate our decisions clearly and concisely.

**EFFECTIVE** - We will make a difference

Our Service Principles

- We will be an independent voice and use our experience to inform debate within the legal, claims management and ombudsman sectors.
- We will help improve the complaint practices of service providers.
- We will identify the main causes of complaints and feed best practice information back to service providers.
- We will publish ombudsman decisions on our website, which will include information that is accurate, easy to find and understandable.

You can expect us to:

- Listen to, consider, and learn from feedback we receive.
- Engage with service providers to provide support based on our learning.
- Provide information and learning to service providers by delivering external courses.