

Complaints Policy

The Complaints Partner is Tracey Wright who is responsible for this policy which will be reviewed annually.

The Solicitors Regulation Authority Code of Conduct 2011 governs (amongst other things) the management of complaints and must be complied with at all times; Under the SRA Transparency Rules a firm of solicitors “must publish on its website details of its complaints handling procedure including, details about how and when a complaint can be made to the Legal Ombudsman and to the SRA, this information can be found on our website at www.woolcombeyonge.co.uk.

It is important Partners are aware of anything which may have gone wrong. For example, the SRA Code of Conduct requires us to:

- deal with clients' complaints promptly, fairly, openly and effectively
- inform clients if we discover any act or omission which could give rise to a claim by them against us
- identify, monitor and manage risks, and take steps to address issues identified
- [report certain information to the SRA, including (amongst other things) “serious misconduct by any person or firm authorised by the SRA”].

However this is more than a professional responsibility. Being frank about such matters helps us to build the firm, by learning from mistakes or misunderstandings, improving our standards and retaining our reputation and the goodwill of our clients.

1. All clients must be advised in the initial Client Care Letter of their ultimate right to make a complaint to the Complaints Partner (Tracey Wright), and/or refer to the Legal Ombudsman.
2. For the purposes of this section “a complaint” should be taken as meaning any expression of dissatisfaction however it is expressed. Therefore, this might be in writing, over the telephone, in person or by email;
3. Experience tells us that some clients will choose to complain in the first instance to the fee earner concerned. This cannot be avoided. If the complaint is of a minor nature (see para 15 below for guidance as to what constitutes a “minor complaint”) then the fee earner or head of department has authority to attempt to deal with the complaint in such a way as they see fit in the circumstances. Immediately it becomes apparent that a minor complaint cannot be satisfactorily handled within the department then the complaint must be passed to the Complaints Partner and the client must be advised of this. The complaints timetable set out in must be followed and the client written to and provided with a copy of the timetable.

4. All major complaints (see para 16 below for guidance as to what constitutes a “major complaint”), and those minor complaints which cannot be handled to the satisfaction of the client within the department, must be handled and concluded by the Complaints Partner who must write to the client within seven days of the receipt of the complaint acknowledging the existence of the complaint and setting out a reasonable time scale within which the complaint will be investigated and the client contacted with the outcome.
5. Notwithstanding the provisions of paras 4 and 5 **EVERY** complaint made against the Firm (including those minor complaints successfully handled within the department) must be **REPORTED** to the Complaints Partner for recording (see 7 below).
6. The Complaints Partner will keep a record of all complaints and these will be recorded on the Rliance Compliance System in 7 days of receipt of the complaint.
7. In the case of all complaints (whether successfully handled within the department or whether handled by the Complaints Partner) the Complaints Partner will record the complaint on the Rliance Compliance Software and a copy of the report and relevant paperwork kept in the Complaints file (either paper or within the case management system).
8. In every case the Complaints Partner will do whatever she considers is necessary in the circumstances to obtain the views of both the client and the fee earner concerned. On the basis of the facts before her the Complaints Partner will decide whether in her opinion the complaint is justified, and if so, to what extent. At the discretion of the Complaints Partner (but particularly if fault is established in the case of a major complaint) the Complaints Partner will refer her findings to a meeting of the Partners.
9. In each case the Complaints Partner will investigate the complaint and communicate her findings to the client and the fee earner concerned as quickly as possible;
10. The remedies available to the client, one or more of which will be offered as appropriate by the Complaints Partner, are:-
 - an apology
 - bill reduction
 - bill cancellation
 - financial compensation
 - change of fee earner
 - notification to the client of their right to refer the complaint to the Legal Ombudsman as to inadequate professional service
 - notification to the client of their right to seek independent legal advice in the event of possible negligence

11. If the Complaints Partner establishes the complaint arose as a result of a particular identifiable cause (for example, lack of training or unsatisfactory office procedures) the Complaints Partner must immediately take steps, with the relevant persons within the office, to rectify the problem;
12. The Complaints Partner will review all complaints recorded on the Rliance Compliance Software system and the Complaint's File annually and will analyse the information contained in them and take such corrective steps, with the appropriate persons within the office, to rectify any existing problems and to ensure they do not occur again. The Complaints Partner will mark the Complaints file to the effect this annual review has been carried out.
13. A "minor complaint" for the purposes of this section is one made by a client which arises from an isolated failure to provide an adequate level of professional service, for example (but not limited to):
 - failure without good cause to return a telephone call within a reasonable period;
 - failure without good cause to reply to a letter within a reasonable period;
 - failure to provide an appointment within a reasonable period;
14. A "major complaint" for the purposes of this section is one which, in the opinion of the Complaints Partner, does not constitute a minor complaint and arises from a **series** of failures to provide an adequate level of professional service, or which arises as a result of potential negligence or professional misconduct on the part of the firm. Examples of a major complaint include (but not limited to):
 - consistent failure without good cause to return telephone calls;
 - consistent failure without good cause to reply to letters;
 - failure to give any or any adequate advice;
 - wrong advice;
 - failure to act on instructions;
 - lack of legal knowledge or experience;
 - personality clash;
 - failure to attend meetings or court appointments;
 - over charging;
 - conflict of interest;
 - breach of client confidentiality

Policy reviewed by Tracey Wright on 29th April 2022