



GUIDANCE NOTE 9 COMPLAINTS PROCEDURES Issue 2

**Issued by the Council for Licensed Conveyancers on
30 March 2009.**

This Guidance Note came into force on 31 March 2009.

This Guidance Note supersedes Guidance Note 9 – Complaints Procedures issued by the Council on 19 October 2005 which ceased to have effect on 31 March 2009.

Licensed Conveyancers, Managers and Recognised Bodies must at all times act in compliance with the Council’s Rules in so far as they are applicable. In particular, Rule 3.2 of the Licensed Conveyancers’ Conduct Rules 2009 provides:-

“A Licensed Conveyancer must:

- 3.2.1 comply with the Guidance Notes unless he has good reason for not doing so in the particular circumstances;**
- 3.2.2 ensure that the Recognised Body of which he is a Manager complies with the Guidance Notes unless it has good reason for not doing so in the particular circumstances.”**

Rule 4.6 of the Licensed Conveyancers’ Conduct Rules 2009 states

“A *Recognised Body* must

- 4.6.4 *have in place an appropriate written complaints procedure.”***

Rule 5.2 of the Licensed Conveyancers’ Conduct Rules 2009 states

“A *Licensed Conveyancer, in the provision of Regulated Services, must:-*

- 5.2.10 *before or when accepting instructions, set out in writing to the Client the terms on which instructions are accepted, an estimate of costs and the Recognised Body’s complaints procedure;***
- 5.2.11 *where a complaint is received comply with the Recognised Body’s complaints procedure.”***

These Guidance Notes adopt the definitions set out in the Licensed Conveyancers' Conduct Rules 2009.

1. A complaints procedure must be:
 - appropriate to the needs of clients;
 - clear, transparent and responsive;
 - impartially implemented; and
 - include the requirements set out at paragraphs 2 to 6 below.
2. The procedure must provide for investigation of the complaint by a senior member of the Recognised Body. A Licensed conveyancer who is the only Manager in a Recognised Body must investigate the complaint himself, unless he has an arrangement with another firm to investigate complaints.
3. The Recognised Body should reply in writing to complaints within 7 days. Where a complaint is made orally, the Recognised Body should include with its reply or acknowledgment to the complainant its understanding in writing of the complaint.
4. If a full reply to the complaint can not be sent within 7 days, the Recognised Body Conveyancer must acknowledge receipt of the complaint in writing within the 7 day period stating by what date within 28 days of receipt of the complaint a substantive response is likely to be sent and explain the reason for the delay.
5. If there are two or more Qualified Persons within the Recognised Body the procedure should include provision for the complainant, if he is dissatisfied with any aspect of the handling of the complaint by the Recognised Body, to ask for a separate review of the complaint to be carried out. If there is only one Qualified Person in the Recognised Body it may be appropriate to arrange for another firm to review the complaint. Any review should be completed within 28 days of the request for the separate review.
6. The Recognised Body must when it makes a full response to the complaint notify the complainant in writing of his entitlement (if he is dissatisfied with the Recognised Body's response) to ask the Council to consider the complaint, and include the name and address of the Council.
7. A record detailing complaints received and how they are resolved should be maintained. It is good practice to draw learning points from complaints and to use them for staff training and for possible changes to office procedures.
8. It is acceptable for a Recognised Body to include the following terms in any complaints procedure

"Unless it agrees there are good reasons not to do so, the Council will expect you to allow us to consider and respond to your complaint in accordance with the procedure set out above."
9. An explanation of the Recognised Body's complaints procedure should be included in the Terms of Engagement (see paragraph 8.6 Guidance Note 8 Estimates and Terms of Engagement).

