

CLC Complaints Handling Survey June 2024

On 16 May 2024, the Legal Services Board (LSB) published their policy statement on first-tier complaints (<https://legalservicesboard.org.uk/wp-content/uploads/2024/05/First-Tier-Complaints-Policy-statement.pdf>). This policy sets outcomes and expectations which aim to ensure that legal services regulators use learning from intelligence gathered through first and second tier complaints to drive improvement in complaints handling across all legal services.

As a reminder, first tier complaints are complaints made by a client to an authorised person regarding the service delivered by the practice, and second tier complaints are those made by a client to the Legal Ombudsman under the rules of the Office of Legal Complaints (LeO). If a complaint has not been resolved by a practice within 8 weeks, the Legal Ombudsman may accept it as a second tier complaint.

Against this backdrop, the CLC are gathering data to understand more about the nature and scale of first tier complaints and how practices manage complaints. The data you provide will inform the CLC's policy and regulatory work, including, amongst other things, a review of the current Complaints Code and related guidance, with the aim of improving complaints handling across the sector, in the interests of consumers and practices alike.

Please note that we are collecting some identifying data (our name, job title and your practice) but any reports or briefings that may subsequently be published using data from this survey will be published in anonymised form.

Thank you for taking the time to complete this survey.

* Required

1. Your name *

2. Your job title *

3. The name of your practice *

4. Does your practice have a complaints policy? *

☐ Yes

☐ No

5. Does the policy name the person to whom complaints should be made? *

☐ Yes

☐ No

6. If no one is named in the complaints policy as the designated contact, where are complainants directed when they wish to make a complaint? *

7. Who is responsible for investigating first tier complaints (complaints made by a client to an authorised person regarding the service delivered by the practice) received by your practice? *

☐ the fee earner

☐ the team manager

☐ the HOLP

☐ an independent person or dedicated internal complaints function

☐ Other (please specify below)

8. If you selected 'other' above, please specify who usually investigates first tier complaints. *

9. Does your complaints policy provide an avenue for an internal appeal or review if clients remain dissatisfied after being informed of the outcome of their initial complaint? *

☐ Yes

☐ No

10. If your complaints policy provides for an internal appeal or review, who usually undertakes it? *

☐ the fee earner

☐ the team manager

☐ the HOLP

☐ an independent person or dedicated internal review/appeal function

☐ Other (please specify below)

11. If you indicated 'other' above, please specify who undertakes the internal review or appeal. *

12. Who usually investigates matters when clients have referred their complaint to the Legal Ombudsman as a second tier complaint? *

☐ the fee earner

☐ the team manager

☐ the HOLP

☐ an independent person or dedicated internal complaints function

☐ Other (please specify below)

13. If you selected 'other' above, please specify who usually investigates complaints that have been referred to the Legal Ombudsman as second tier complaints. *

14. Do staff who are responsible for handling or investigating complaints receive training on complaints handling? *

- ☐ Yes, regularly
- ☐ Yes, occasionally
- ☐ No

15. When you receive a new instruction, do you provide clients with information clearly explaining how they can make a complaint should they wish to? *

- ☐ Always
- ☐ Never
- ☐ Sometimes

16. When providing clients with a response to their complaints, do you advise them of the right to escalate their complaint to the Legal Ombudsman? *

- ☐ Always
- ☐ Never
- ☐ Sometimes

17. If a client expresses dissatisfaction during the course of their matter, do you advise them of how they can make a complaint should they wish to? *

- ☐ Always
- ☐ Never
- ☐ It depends on the circumstances or what the client's concern is

18. Does your complaints policy offer vulnerable clients and those with protected characteristics the option of making a complaint other than in writing? *

- ☐ Yes
- ☐ No

19. Do you adjust the way you handle complaints from vulnerable clients or clients with protected characteristics to accommodate any needs they may have? *

- ☐ Yes, where a need is identified in discussion with the client we will make any necessary adjustments
- ☐ Yes, we take a view on their needs and make any adjustments that we consider necessary
- ☐ No

20. Does your practice keep a complaints log? *

- ☐ Yes
- ☐ No

21. Is the complaints log reviewed to identify common systemic issues or themes? *

- ☐ Yes, regularly
- ☐ Yes, but only from time to time
- ☐ No

22. Does the log record complaints received from vulnerable clients or those with protected characteristics? *

- ☐ Yes, if we have identified that the client is vulnerable or has a protected characteristic
- ☐ Yes, but only if the client informs us
- ☐ No

23. Did your most recent review of the complaints log reveal common systemic issues or themes falling into any of the following categories (choose all that apply) *

- ☐ post-completion
- ☐ delay
- ☐ failure to keep clients informed
- ☐ failure to progress client matters
- ☐ excessive cost
- ☐ inadequate or deficient upfront costs information
- ☐ failure to advise and/or advise falling short of expectations
- ☐ conduct (of the lawyer or anyone else in the practice)
- ☐ failure to follow client's instructions
- ☐ Data Protection breach
- ☐ failure to keep papers/documents safe
- ☐ failure to investigate complaints internally
- ☐ failure to comply with agreed remedy
- ☐ discrimination
- ☐ allegations of criminal activity
- ☐ other (please specify at below)

24. If you selected 'other' above, please specify what the other systemic issues or themes were identified in the most recent review of your complaints log.

25. Between 1 April 2023 and 30 April 2024 what was the total number of first tier (complaints made by a client to an authorised person regarding the service delivered by the practice) complaints made to your practice? *

26. Of the first tier complaints made to your practice between 1 April 2023 and 30 April 2024, how many were resolved within 28 days of the complaint being made? *

27. Of the complaints resolved within 28 days, how many resulted in an offer of redress? *

28. Of the offers of redress that were accepted by clients, how many were actioned within 28 days of being accepted?

29. Of the total number of first tier complaints received between 1 April 2023 and 30 April 2024, how many took longer than 28 days to resolve?

30. Does your practice have a backlog of unresolved complaints i.e. complaints received prior to 1 April 2023 which are yet to be resolved? *

☐ Yes

☐ No

31. Please specify what the backlog is i.e. how many unresolved complaints are there? *

32. Does your complaints policy make provision for an internal review or appeal? *

☐ Yes

☐ No

33. If your complaints policy makes provision for an internal review or appeal, how many of the complaints received between 1 April 2023 and 30 April 2024 were reviewed or appealed? *

34. Have all complaints that were internally reviewed or appealed between 1 April 2023 and 30 April 2024 been resolved? *

☐ Yes

☐ No

35. Please specify the total number of unresolved appeals or reviews? *

36. Of the total number of first tier complaints made to your practice between 1 April 2023 and 30 April 2024, how many were escalated to the Legal Ombudsman? *

37. Between 1 April 2023 and 30 April 2024, what was the total number of second tier complaints (complaints to the Legal Ombudsman) made about your practice? *

38. Of the total number of second tier complaints about your practice that were made between 1 April 2023 and 30 April 2024, how many did the Legal Ombudsman determine were premature (i.e. received by the Legal Ombudsman before 8 weeks of the complaint being made to your practice)? *

39. Between 1 April 2023 and 30 April 2024, how many second tier complaints resulted in the client receiving a remedy? *

40. Between 1 April 2023 and 30 April 2024, how many second tier complaints resulted in an adverse finding about failure to investigate a complaint properly or at all, failure to progress a complaint, failure to resolve a complaint, or any other adverse finding regarding complaints handling? *

41. How would you rate the CLC's current Complaints Code [9https://www.clc-uk.org/wp-content/uploads/2017/12/181206-Complaints-code.pdf](https://www.clc-uk.org/wp-content/uploads/2017/12/181206-Complaints-code.pdf)) and Guidance (<https://www.clc-uk.org/wp-content/uploads/2024/05/2024-05-28-Complaints-Guidance-V1.1-Revised-to-reflect-LeO-Address-Change-1.pdf>) *



42. If you feel that the Complaints Code or Guidance could be improved, please explain why and detail the specific changes you would find helpful or most like to see in future.

43. Are there any issues emerging from the questions in this survey which you would like to see addressed in a revised Complaints Code or Guidance, if so, please provide details.

44. Do you have any other comments or observations regarding the LSB's May 2024 Policy Statement on First Tier Complaints (<https://legalservicesboard.org.uk/wp-content/uploads/2024/05/First-Tier-Complaints-Policy-statement.pdf>) and what you would like to see the CLC doing to meet the outcomes and expectations outlined in the statement?