

KENWAY MILLER SOLICITORS

COMPLAINTS

Responsibility

- Matthew Miller is ultimately responsible for investigating and responding to complaints from clients.
- Anyone who becomes aware of circumstances giving rise to any possibility, however remote, of an allegation of negligence being made against the firm must immediately give notice of this to Matthew Miller and provide written details of all relevant facts and circumstances.
- As required by the Solicitors Regulation Authority, the firm has a procedure for dealing with clients' complaints. The aim is to resolve as many complaints as possible within the firm, avoid referrals to the Legal Complaints Service and preserve the clients' goodwill, even where things have gone wrong.
- No doubt some of the complaints about us will be well-founded; we all make mistakes. The partners expect honesty and realism from any fee earner who has made a mistake, In turn, the fee earner should expect support from the partners.
- Complaints must be dealt with sympathetically and quickly. Our reputation depends on this: it is part of our "quality service".
- The procedure is explained to clients in the following way:
 - If they have any problem with the firm's service, they should initially make it known to the fee earner with day to day conduct of their matter.
 - If they are reluctant to make the complaint known to the person handling the work, they should contact Matthew Miller who will deal with it as a matter of urgency. (*The person who will handle the complaint is always named in the client care letter sent when the client confirms his instructions.*)
 - A client can take up a complaint by writing to the firm by letter or email, on the telephone or in person.

What is a complaint?

- If a client simply objects to a fee earner because there has been a short delay in responding to a phone call, clearly that does not amount to a complaint. However, if the client says that the response to their phone calls is repeatedly delayed, or that there is never a response, then that is a complaint.
- These are called "formal complaints" and they are all treated in the same way. This is the case even if a particular complaint is, for example, based on an unrealistic expectation of what we can do.
- Clients are told of our communication channels, in our terms of business letter. If they do complain, they must be told straightaway by the fee earner that the matter has been referred to Matthew Miller for consideration.

- The client should be given a copy of the firm's complaints handling procedure on request. If a complaint is made, the client should be told in writing how it will be handled and the timescales in which they will be given an initial and /or substantive response.

The manner in which the complaint will be dealt with

- Matthew Miller will look at the case file and request full details from the client either in writing or by interview, the fee earner will also be interviewed. The whole object is to ensure the client
 - is satisfied the complaint has been seriously addressed;
 - gets a prompt response;
 - has an assurance the matter is being reviewed; and
 - is notified without delay of the outcome.

The Client may not be lost to the firm, even though the fee earner may not feel that the complaint is well-founded, the response from the firm may be to agree with some elements of the complaint and to assure the client that some effort will be made to remedy the problem.

- Fee earners must understand that this is not intended to undermine their position. We must all accept an amount of criticism in return, we hope, for more satisfied clients.

- Remedies open to the client:

- an apology from the firm, an assurance that the problem will not recur and a promise to do better;
- a reduction in the firm's bill;
- total abatement of the firm's bill;
- notification of the right to complain to the Legal Complaints Service, either as to a matter of professional conduct or the firm's inadequate professional services;
- notification of the client's right to consult another solicitor as to whether the firm has acted negligently.

What happens after a complaint?

- Hopefully, the client will be satisfied and the fee earner will continue with the file. In some circumstances, if the solicitor/client relationship has broken down completely, it may be preferable for another of the firm's fee earners to take over the file, If the fee earner retains conduct of the file, they must do everything possible to repair any damage to their relationship with the client.

Registration of Complaints

- All complaints must be reported to Matthew Miller
- The report must outline the complaint and attach the original of the letter of complaint if one exists.
- Matthew Miller will retain all substantive correspondence and documents relating to the complaint and details of how the matter was dealt with.

Corrective Action

- Fee earners and others about whom a substantiated complaint is made can expect that some form of corrective action be taken. This may take the form of a short informal word from the person's supervisor, or a formal note on the personnel file where the matter can be expected to be raised in the context of an appraisal.
- The Partners will consider whether changes in procedures may be necessary, or whether the training needs of the staff member concerned should be looked at. In extreme cases, the complaint could prompt a formal warning or even dismissal.

Procedure

- Whether notified to Matthew Miller or to the fee earner every complaint must be passed to Matthew Miller. This will be acknowledged in writing to the client by Matthew Miller within five days.
- The first person to receive a complaint must complete the "Details of complaint" section of a new Client Complaint form which will be allocated the next complaint reference in the system by Matthew Miller in numerical order. A substantive response will be collated in writing to the client by the partner with conduct of the complaint no later than fourteen days later.
- All complaints are investigated as a matter of urgency. A summary record of the result of the investigation into the complaint, action taken and outcome are recorded on the original Client Complaints form.
- The original complaints form is placed in the "COMPLAINTS PENDING" section at the front of the complaints file held on the office premises. A copy is sent to Matthew Miller immediately. All action taken to investigate and act on the complaint must be recorded on the original copy of the relevant complaints form.
- During the procedure, it is likely that the complainant should be informed of the option to raise the complaint with the **Legal Complaints Service, Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire, CV32 5AE Tel: 01926 820082, Fax: 01926 431435** and that the matter should be reported to the firm's professional indemnity insurers if any claim for damages might be pursued.
- Matthew Miller monitors progress of all complaints pending each quarter.
- When the complaint has been settled to the satisfaction of the person making the complaint, or Matthew Miller decides that no further action should be taken, Matthew Miller will sign the form off and note the final outcome. The form is then filed on the complaints file and a copy of the form is kept in the client's file.

Corrective Action

- Any internal corrective action taken by Matthew Miller as the result of a client complaint will be at his discretion.
- The complainant will be informed of progress of the complaint.

- The Client Complaints File is reviewed at Practice Review Meetings to ascertain any trends or patterns where client care needs attention.