

Dealing With Complaints About Service Issues

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Many complaints received by the Committee raise service issues that are unlikely to result in an adverse finding against the practitioner. The sorts of matters which will generally constitute service complaints will be complaints concerning charges (but not gross overcharging), lack of communication and lack of courtesy. What can you do about service complaints?

Establishment of a Complaint Handling Procedure

Many firms do not have a properly formulated complaint handling procedure. Complaints are often handled on an *ad hoc* basis. A good complaint handling procedure within a firm will reduce the number of complaints made to the Committee.

Do you have a designated complaints handler? Does the client know who to complain to and do staff know when to refer a complaint to someone senior and who that person is? Often complaints will be made to a junior member of staff, sometimes the finance person who is chasing payment of a bill, or a secretary when a client is experiencing difficulties contacting a practitioner or a junior practitioner who is handling the client's matter on a day-to-day basis. Without coordination of such complaints, they are often not dealt with and lead to client dissatisfaction and perhaps ultimately a complaint to the Committee. The establishment of a good complaint handling procedure will stop many complaints at that stage.

Cooperation with the Committee

The Committee receives many enquiries each day from clients. All such enquiries are dealt with by legal officers of the Committee. When these enquiries raise service issues only, the legal officers seek to deal with them in the first instance by either getting in touch with the practitioner directly and seeking to resolve the issues or by suggesting that the client get in touch with the practitioner and explain that they have spoken to someone at the Committee who suggested they try to resolve the matter directly with the practitioner.

This is your opportunity to try to sort the matter out without a formal complaint being made. If it is possible to do so at this stage, it will save you time and costs later in responding to a complaint. It is worthwhile to think of this process as positive rather than negative. The fact that the client has resorted to contacting the Committee may mean that you do not have

a complaint handling system that the client could use or was aware existed. Even if that is not the case, it does not mean there has been a breakdown in the solicitor-client relationship, rather it may be that the client just needed to speak to someone about their complaint to get a better understanding of whether they had a valid complaint. If the Committee has suggested that the client try to deal with this directly with you, it is because the legal officers considered that it could be sorted out by you, if you are willing to do so.

Informal Resolution or Mediation of Complaints

The Committee actively seeks to resolve service complaints which do not raise conduct issues. When written complaints are received, if it appears that they could be easily resolved, the legal officer handling the matter may simply telephone the practitioner and explain that a written complaint has been received, what it's about and find out what steps the practitioner may be willing to take to resolve the matter. Such resolution may involve you getting in touch with the client and sorting it out directly. If that can be done, the client may well withdraw the complaint without you having to spend the time and expense providing a formal response to the complaint.

If the service complaint is more complex but still something that may be capable of resolution, the legal officer may suggest mediation. If you and the client both agree to mediation, a qualified mediator within the Committee's office will conduct the mediation. Although this will involve some time, in the Committee's experience it will, in the long run, save you considerably more time than would be involved in providing a formal written response to a complaint.

If the practitioner who is the subject of the service complaint is a junior practitioner, these procedures will require the partners or principal of the firm to assist in permitting the junior practitioner to have authority to enter into a negotiated settlement with the client.

If you take a positive approach to handling client's service complaints, both within your firm and when contacted by the Committee's officers, it will help you to reduce your time and costs in dealing with those complaints through the Committee's more formal processes.