

Following our [survey regarding Complaints \(June 2024\)](#), this advisory note highlights areas that require further consideration by our regulated community and areas of good practice within the sector.

We are grateful to the 128 respondents who responded to the survey.

## The situation

1. Consumer expectations are constantly evolving – driven, not least, by technological advancements. Consumers tend to expect organisations to deliver high-quality ethical services with more immediacy, efficiency and empathy than ever before. No longer limited geographically nor to one type of qualified individual/practice, and with online review platforms and comparison websites, consumers have more choice and power, which also contributes to higher consumer expectations.
2. If services/our regulated community fail to keep pace with evolving consumer needs (and expectations), dissatisfaction and complaints increase.

## What we want to see

3. Our community needs to be aware of this evolution and continually develop their policies, processes, services and customer journey to ensure consumer needs are met.
4. Complaints provide valuable feedback and should be welcomed by providers.
5. At the CLC, we view complaints handling as a key indicator for how our community understands and meets consumer need. Whilst not all complaints are avoidable, we believe that all forms of complaints (including those raised informally) should be learnt from and action should be taken to prevent the same failures from being repeated.
6. Our Complaints [Code](#) and [Guidance](#) require our community to proactively detect and address issues before they cause complaint, acknowledge and satisfactorily address complaints, and use complaints as a valuable source of learning which drives continuous improvement.

## What you should do

7. We recommend that several actions are taken by our regulated community:

### Vulnerable clients

8. Our survey indicated that one common area for improvement relates to vulnerable clients. 62% of respondents' complaints policies offer vulnerable clients and those with protected characteristics the option of making a complaint other than in writing. We would encourage the remaining 38% to facilitate alternative ways to raise a complaint.
9. Whilst 64% of respondents stated that they would work with their client to make adjustments, 33% would make adjustments based on their own assessment of their client's needs, and 3% reported that they would not adjust the way they handle complaints to accommodate an individual's needs. Working with the client to understand their needs and agree adjustments with them is best practice.
10. We have published a [Guide to Identifying Consumer Vulnerability](#) to help practices ensure their services are accessible and inclusive and meet the needs of vulnerable clients.

**Our Community should reflect on our [Guide to Identifying Consumer Vulnerability](#) in respect to their complaints policies and procedures.**

## Handling unreasonable behaviour from complainants

11. It is understandable that complainants may be distressed, frustrated or angry when they raise an issue. This can sometimes result in a 'deadlock' between the practice and the complainant. Our community must always seek to resolve all complaints in a satisfactory manner and address the issues, rather than let the way it was raised negatively influence the approach to handling the complaint.
12. Rarely, however, complainants may display excessively unreasonable behaviour and/or make unreasonable persistent complaints. We recommend that practices have a policy which sets out how they will handle these scenarios to ensure complaints are treated appropriately and an individual's rights are protected. This policy should ensure that client vulnerability is properly considered, that the complainant is alerted to what behaviour is considered unacceptable and given a chance to change their behaviour before further measures are put in place, and that any measures put in place are proportionate.

**Our community should consider having an 'Acceptable Behaviour' policy (or equivalent) which ensures that consumer vulnerability is properly considered, that the complainant is alerted to what behaviour is considered unacceptable and given a chance to change their behaviour before further measures are put in place, and that any measures put in place are proportionate.**

### Best Practice

13. In addition to our complaints [Guidance](#), here are some of the 'top tips' primarily informed by our community's responses to our survey, for our community to consider:

#### **Tips for understanding your client's communication preferences:**

- At the start of your relationship, ask your client about their communication preferences (phone call, text messages, or email) and record it, and primarily use this method if a problem occurs.

#### **Tips for identifying client dissatisfaction at an early stage:**

- Use a one-click feedback mechanism in your email signature (such as smiley faces emojis / thumbs up or down). If you receive a negative response, this should prompt a call/email with the client, or an internal review of the correspondence.
- Introduce email sensitivity analysis, which scans email content to highlight areas of concern/dissatisfaction.
- Identify 'nudge' emails, where the client sends to more senior staff, often to raise awareness of an issue or seeking a better response or outcome.

#### **Tips for addressing issues before they cause complaint:**

- Manage expectations – set out the forthcoming customer journey/process/issue clearly without jargon, and seek to understand the client's expectations so you can manage them appropriately.
- Proactively inform clients of progress, let them know when they will next receive an update, and contact them at the earliest opportunity if an issue arises. Ensure you update them by the date you have said - even if it is a quick call/email to explain that there has been no change in the situation, and let them know when they will receive another update. Keep other parties updated too, for example the conveyancer acting for the other party and the estate agent so that they can keep the chain up to date and avoid unnecessary pressure being put on your client.
- Encourage staff to address issues as they occur, rather than wait for a complaint before trying to fix it.
- Make sure there are sufficient checks in place throughout the processes to address preventable issues related to post completion and requisitions early on. For example, names on identity documents, Transfers, and Proprietorship Registers not matching.
- Address any barriers within the organisation that prevent individuals or teams from making improvements in a timely manner. If staff are not empowered to resolve issues, for example if the organisation requires a series of formal complaints before issues are put forward for resolution, this is likely to be a systematic problem in your organisation that needs to be addressed first.

- Be honest – things go wrong, but your honest explanation can prevent it from escalating.
- Respond quickly – acknowledge the complaint and then prioritise its handling to avoid further escalation of the issue and seek to resolve the matter swiftly and appropriately.
- Keep them informed – always let the complainant know the timescale you are working to, any reasons for delay, and keep them updated as you progress.
- Ask the client what they would consider appropriate resolution to be, or what outcomes they are expecting. This enables you to understand their expectations and either fulfil them or manage them accordingly.

#### **Tips for handling complaints outside of your control / influence:**

- Communication and expectations management: delays in another organisation can be incredibly frustrating. If you proactively explain the situation (in a professional and respectful way about the other party) it can help to manage their client's expectations, reducing the likelihood of a complaint or a poor online review.

#### **Tips for learning from complaints and driving continuous improvement**

- Have regular feedback sessions with staff, introducers and other stakeholders to understand where they believe systems can be improved.
- Record more than just formal complaints on your complaints log – recording 'nudges' and complaints or issues raised informally can help build a better picture of trends and feed into your continuous improvement plans and business planning.
- Commit to taking action to prevent an issue reoccurring.
- Provide opportunity for complainants to give feedback on how their complaint was handled and invite suggestions to improve it.
- Consider undertaking 'quality audits' – where an independent person/body reviews your complaints over a period of time to identify ways that things could have been improved or complaints prevented.
- Use data from other sources to consider whether you have the same issues and seek to resolve them - the CLC survey respondents reported that failure to keep clients informed, delay, and post-completion issues were the most common themes picked up by their complaints log reviews. The Legal Ombudsman publishes data and case studies.
- When analysing the data, consider how you can contextualise it. This will give more insight into the themes which will help you to create a more informed continuous improvement plan.
- Even with a small number of complaints recorded, you can draw helpful qualitative and quantitative information which complements your continuous improvement strategy.
- Check whether your measures or targets for success are appropriate – for example:
  - having a target of 'zero complaints' or 'zero upheld complaints' is likely to drive unhelpful behaviours within your practice. Alternatively, you could consider positive targets such as: in every complaint you identify at least one meaningful lesson learnt; an action is completed for every identified lesson learnt, for example.
  - using the mean average to monitor complaints resolution time will not be as helpful as monitoring the proportion of complaints that are resolved within your target. For those which exceed the target resolution time, you might like to analyse the proportion that were resolved slightly late, very late, or are still overdue and in progress. For complaints which are paused whilst you await a third party (such as an insurer or the Legal Ombudsman) you might like to consider how you can measure your own timeliness separately from the overall resolution timeframe, so that the data is not skewed.

## **Relevant CLC Code(s) and Guidance**

- [CLC Complaints Code](#)
- [CLC Complaints Guidance \(2023\)](#)
- [CLC Guide to Identifying Consumer Vulnerability](#)

## Other useful resources

- [Legal Ombudsman - For Service Providers](#) – The Legal Ombudsman exists to help resolve disputes between consumers and legal service providers. They publish guidance and learning resources specifically for legal service providers.
- [Legal Services Consumer Panel \(LSCP\) Guide to Consumer Vulnerability](#)