

# **Complaints**

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## Complaint Handling

It is inevitable even within the best run organisations that there will be occasions when individual customers are not happy with the service provided. In such circumstances, customers complain.

We need to be clear as to what constitutes a complaint;

1. Any situation where an individual has expressed dissatisfaction, whether justified or not, either orally, or in writing about the firm's provision of, or failure to provide a service.

You should be vigilant to any complaint or, indeed potential complaint, involving the firm, which alleges;

2. a breach of ICAEW rules or guidance, or
3. negligence, a breach of a term of any customer agreement or any enactment or other rule of law which may be applicable to the business of the firm, or
4. misrepresentation, bad faith or other malpractice.

Should you receive a complaint or suspect that a situation may give rise to a complaint, you must notify Ruth Grears immediately. She will record it and then forward the details to a suitably experienced Partner, Director or Consultant nominated by Paul Dickson who will deal with the complaint in accordance with the firm's *Complaint Handling Procedures*.

You should not initiate contact with the customer until the investigating individual has informed you, in writing, that it is permissible to do so.

## Receiving Complaints

Complaints may be received in any reasonable means. For example; letter, telephone, e-mail, fax or in person.

All complaints should be investigated competently, diligently and impartially.

Details of the complaint will be recorded by Ruth Grears on the Complaint Log, located on Worksite which will include the following headings:-

- Date Received
- Client Name
- Partner/Manager
- Details of the complaint
- Date Resolved
- Timescale
- Outcome

A written acknowledgement will be issued to the complainant promptly within receipt of the complaint. Our business standard for this is within 5 business days. For the purposes of the firm, Paul Dickson will be responsible for receiving and acknowledging all complaints, however will allocate to an appropriate investigating individual.

A copy of the firm's *Complaint Handling Procedures* should be included with the firm's acknowledgement letter.

If the firm is able to issue its final response within five business days of receipt of the complaint, it may combine its acknowledgement with the final response.

## Notification to PI Insurers

Most PI policies contain a condition stating that *claims* and *circumstances which may give rise to a claim* must be notified **immediately** in writing to the insurers. Any complaint implying a failure in any professional duty as an Intermediary needs to be notified, however, if the complaint does not suggest you have failed within your professional duty or in any other way which would lead to a claim (such as matters relating to administrative or service matters), may not need to be notified. Under these circumstances, you would need to take a view on each complaint as soon as it is made as to whether it represents a *claim* or *circumstance* which needs to be notified.

If underwriters are not notified as soon as a complaint is made, or as soon as you are aware of a matter that could give rise to a complaint, it may prejudice our position under the policy.

Douglas Russell is responsible for considering whether a claim or circumstance should be notified to our PI Insurers, so all such potential matters should be sent to him, or discussed with him if in any doubt.

Once a *claim* or *circumstance* has been notified, most PI policies allow the insurers to control the conduct of the matter, and therefore all correspondence to the client needs to be pre-approved by the insurers. The exception to this may be the initial letter acknowledging the complaint.

## Appropriate Investigation of Complaints

Complaints must be investigated by an individual with sufficient competence who, where appropriate, was not directly involved in the matter giving rise to the complaint. For the purpose of the firm, complaints will be allocated to an appropriate investigating individual by Paul Dickson. The nominated investigating individual will aim to resolve any complaints as quickly as possible.

The investigating individual will examine, in detail, all documentation in relation to the complaint and will interview, where appropriate, any staff with an involvement in the content of the complaint. Communication with any connected parties will be fully recorded on the complaint file as will copies of all correspondence.

The client must be kept informed thereafter of the progress of the complaint.

If we are unable to complete our enquiry within eight weeks of receipt of the complaint, we will advise the complainant;

1. the reason for the delay
2. when the firm anticipates being able to make further contact. This must be within eight weeks of receipt of the complaint.

Complaints should be resolved at the earliest possible opportunity.

By the end of eight weeks after receipt of a complaint, the investigating individual, on behalf of Paul Dickson must issue a final response, or if he is not in a position to issue a final response, a letter explaining to the complainant;

1. the reason for the continued delay and;
2. when the firm anticipates being able to provide a final response

## Responding to the Complaint

Once all enquiries are complete, the investigating individual will draft a response for issue to the complainant.

The response is then sent to the complainant following completion of the investigation. The response will include details of the outcome of the investigation and the nature and terms of any settlement. Financial settlement will in most cases require the agreement of our insurers.

Where redress is appropriate, the firm must provide the complainant with fair compensation for any acts or omissions for which it was responsible.

The firm will comply with redress offers accepted by the complainant. Redress need not be financial and could include, for example; an apology. The result of the investigation is entered into the Complaints Log.

A complaint may be deemed closed when;

1. The firm's investigation has been completed and a Final Decision Letter has been issue to the complainant; or
2. Where the complainant has indicated in writing acceptance of the firm's earlier response, where appropriate

Where the firm receives a referred complaint, it should deal with the complaint in accordance with the firm's standard complaints procedure with time limits applying from the date on which the firm receives the complaint referral.

## Management controls and reporting

Paul Dickson will review all complaints on a periodic basis to ensure that they have been handled speedily, fairly and consistently. Appropriate action should be taken in the event of any trends or systemic problems as well as any specific problem identified by a complainant. A report on complaints will be presented to the Legal & Property Committee for consideration on a regular basis.

## Record Keeping

The firm will keep a record of each complaint received and the measures taken for its resolution, and retain that record for at least three years.