

## COMPLAINTS PROCEDURE

---

### 1. WHY DO WE NEED A COMPLAINTS PROCEDURE?

1.1 We need a complaints procedure because:

- Every complaint (even a trivial or unfair or misguided one) tells us something about our business and the expectations of our clients. By pooling knowledge of all complaints and analysing it over time we can learn a great deal.
- Without a formal procedure, complaints will be handled by individual attorneys perhaps in an inconsistent way and without providing the opportunity to correct or improve recurring problems in our operating procedures or client care skills.
- By dealing appropriately and in a timely way with minor client concerns and problems we are likely to avoid major problems, which can lead to claims and lost clients.
- A formal complaints procedure is generally regarded as best practice in the professional services sector and is now a requirement of the IP Regulator.

### 2. HOW DO WE DEFINE COMPLAINTS

2.1 A complaint is:

any expression of client dissatisfaction - however minor.

This could range from a slight grumble from a client who had to wait for his telephone call to be answered to a formal written complaint to the Chief Executive alleging incompetent conduct of a case. It would cover all shades of dissatisfaction in between.

2.2 Note that a complaint does not necessarily have to be characterised as a complaint by the client and that it may be delivered in passing, rather than in any formal or structured way. It certainly need not be in writing.

2.3 Given this very wide definition of complaints many, indeed most, complaints will be of a minor nature, and our internal complaints handling procedure distinguishes minor complaints from more serious ones.

### 3. HANDLING MINOR COMPLAINTS

The firm trusts staff to use their initiative, within the spirit of these guidelines, to resolve minor complaints either on their own or in conjunction with a colleague. (See also Section 5 on the need to report even minor complaints for entry into our Complaints Log).

3.1 A minor complaint is typically a grumble or expression of irritation or disappointment by a client – a sense that we are in some way falling short of their expectations.

Examples:

- A client writing or telephoning to ask for information about the progress of his case, and saying that he feels it is taking too long..
- A client complaining to a secretary that the attorney is hard to get hold of or is not returning his calls.
- A client indicating to an attorney that he didn't understand a recent letter of advice or didn't feel that it answered his questions.
- A client telling the credit controller that he feels a recent bill was "a bit steep".

## COMPLAINTS PROCEDURE

---

- 3.2 Individually, these incidents are of limited significance. But what if, over the space of a year, lots of clients indicate that they feel our bills are “a bit steep”. This information would cause us to reassess our charging practices. What if lots of clients are finding it difficult to get hold of the attorneys from a particular team or office? This would cause us to evaluate work allocation and staffing levels. What if many clients do not find our advice sufficiently clear and focussed? This would create an opportunity for improved client care through training.
- 3.3 Ideally, minor complaints should be resolved swiftly, and politely by either the person who receives the complaint or by the fee earner who is handling the case. Some of the examples given at 3.1 above, could for example be resolved as follows:
- The secretary could apologise that the attorney in question has been difficult to contact, offer an explanation and indicate a firm time when they believe the attorney will be available. The secretary could also ask if another attorney may be able to assist. In this case, when the attorney does call (or when someone else calls on his behalf) a further apology could be offered.
  - The attorney could apologise for any lack of clarity in his advice and could take time to ensure that the client does now understand the position and that his commercial concerns are being addressed.
  - The credit controller could apologise for the fact that the client has concerns about the bill and could offer to obtain a breakdown or an explanation from the attorney.
- 3.4 Note that the response to a minor complaint need not be formal (i.e. in writing). It should be proportionate to the nature of the complaint.
- 3.5 Here are some guidelines for handling minor complaints:
- Always respond promptly – preferably on the day that you become aware of a client complaint. This helps to show that you are taking it seriously.
  - Always offer an apology. The nature of the apology will depend on the nature and indeed fairness of the complaint.
  - If the complaint is or may be unreasonable, it is sufficient to say that we are sorry that the client feels disappointed (and then go on to explain the misunderstanding). If the complaint is reasonable then apologise sincerely for the act or omission that has lead to the complaint.
  - Sometimes a simple apology is all that is needed to put things right. At other times more may be required. You may need to prioritise work for this client to make up for delays or may need to write to them with some sort of explanation or information.
  - Occasionally you may need to reduce a bill or to waive a charge. If you need authority to do this – consult your supervising partner as soon as possible.
  - Try not to be defensive – it is impossible to meet client expectations all of the time and we all do some things better than others. One slightly aggrieved client doesn't mean that you are bad at your job. On the contrary try to remember all the other clients who are doubtless delighted with your work.
  - If you can't respond positively or if you find the client irritating or unreasonable, you can ask someone else to handle the complaint for you. We all occasionally encounter a client with whom we simply cannot get along. If this is a problem it is better to ask a colleague to assist or even, in some circumstances, to take over the file.

## COMPLAINTS PROCEDURE

---

### 4. HANDLING MORE SERIOUS COMPLAINTS

- 4.1 A more serious complaint is one which involves:
- Any allegation of negligence, breach of contract or professional misconduct on the part of anyone at HL.
  - A client who is particularly angry or distressed.
  - A client who may cease instructing Haseltine Lake.
  - A client who has indicated a wish to invoke our formal complaints procedure.
- 4.2 Serious complaints will always be handled by the Chief Executive in conjunction with a partner or senior attorney (the assisting partner/attorney).
- 4.3 Whenever anyone in the firm receives a complaint which may be serious they should immediately report it to the partner responsible for the case or client. It is that partner's responsibility to notify the Chairman or Chief Executive and to agree an appropriate course of action with them.
- 4.4 Failure to notify a more serious complaint may expose our business to risk and so the requirement to notify is a very strict one. Anyone failing to notify a more serious complaint promptly may be the subject of disciplinary action.

### 5. PROFESSIONAL INDEMNITY ISSUES

- 5.1 It is important to understand that the system for monitoring and reporting complaints is separate from our obligation to notify professional indemnity insurers of any circumstances which could lead to a negligence claim against the firm. Whenever anyone becomes aware of any such circumstances these must be notified to the Chief Executive immediately, irrespective of whether a client has complained or is likely to complain.
- 5.2 Thus, a complaint by a client alleging negligence should be notified under the complaints procedure and will automatically be referred to the Chief Executive for notification to our insurers. But if anyone becomes aware of circumstances which could give rise to a negligence claim but which are not presently the subject of a client complaint, these fall outside the scope of the complaints procedure but must nevertheless be notified directly to the Chief Executive for onward notification to our indemnity insurers.

### 6. THE COMPLAINTS LOG

- 6.1 Under IPReg rules we are obliged to keep a complaints log and to report statistics annually. The log is not intended as a means of monitoring individual members of staff and we will not be keeping any kind of league table.
- 6.2 The log will be maintained by Kate Hackett. Details of **all complaints however minor** must be notified to Kayleigh by email or in hard copy.
- 6.3 It is the responsibility of the person receiving the complaint to notify it even where the complaint does not relate to them. This is not telling tales. The logging of a complaint does not give it any legitimacy and the person involved will have an opportunity to resolve the problem directly with the client.

## COMPLAINTS PROCEDURE

---

- 6.4 There is a complaint notification form in the Staff Information section under HR on *Hoogle* or you can simply prepare a brief note or email. All that is required by way of notification is the following data:
- Client or person complaining.
  - Date of complaint.
  - Brief details of complaint.
  - Person receiving complaint.
  - What action taken, when and by whom.
- 6.5 More serious complaints which are notified directly to the Chairman or Chief Executive will automatically be entered in the complaints log without the need for separate notification.
- 6.6 The MC will review the log at regular intervals to determine:
- The nature of complaints (based on the IPReg classification system).
  - The time taken to respond to and resolve complaints.
  - The relationship between minor and major complaints.
- The MC will use this data to improve working practices and propose best practice guidelines.

**L C Evans**  
**Chief Executive**

## COMPLAINTS NOTIFICATION FORM

---

**TO:**

**FROM:**

**DATE:**

---

MINOR COMPLAINT

MORE SERIOUS COMPLAINT

### SUMMARY OF CIRCUMSTANCES (continue on a separate sheet if necessary)

Name of person making the complaint:

Company name:

Date of complaint:  HL person receiving the complaint:

Details of the complaint:

Action taken so far (and by whom):

Further action planned (and by whom):