

ILEX PROFESSIONAL STANDARDS

GUIDANCE ON COMPLAINTS HANDLING

1. One of the requirements of Principle 5 of the Code of Conduct is that ILEX members must inform clients fully and honestly about complaints procedures. This guidance sets out what you must do to comply with this requirement. It includes the requirement to provide information about the new Legal Ombudsman service which came into operation on 6 October 2010.
2. This guidance applies to all ILEX members. You must take all practicable steps to make sure that:
 - complaints handling procedures provide effective safeguards for clients;
 - complaints are dealt with fully and promptly; and
 - appropriate redress is provided where necessary.

Even if you do not have direct responsibility for complaints handling policy or procedures within your firm or workplace you are expected to do what you can in your particular circumstances to comply with this guidance.

3. Clients should be given information about the firm's complaints handling procedure when client care letters are sent or at the point where instructions are accepted. Clear information should be given to clients at this time about their right to complain to the Legal Ombudsman if any complaint regarding the service provided by the firm is not resolved to their satisfaction. The information provided must include the role of the Legal Ombudsman service, contact details and timescales for making a complaint to the Legal Ombudsman.
4. The process for clients to make a complaint to the firm must be clear and simple for all clients to use and must be free of charge. Complaints should be dealt with quickly and, as far as possible, within the time limit which applies to the making of a complaint to the Legal Ombudsman (currently 8 weeks). At the end of any complaints process clients must be informed of their right to complain to the Legal Ombudsman, how to make such complaint and the timescale for doing so.
5. Firms must provide information about the Legal Ombudsman service to their existing clients at the next appropriate time, whether or not a complaint has been made to the firm or is in prospect. This is a requirement of the Legal Services Board made under Section 112(2) of the Legal Services Act 2007.

6. If you have personal responsibility for client matters and your employer has not made arrangements to comply with this guidance (or guidance or rules issued by another legal services regulator such as the SRA or the CLC) you should inform your clients of the complaints handling procedures of the firm and make sure they receive the necessary information about the Legal Ombudsman service.
7. If a complaint is made to the Legal Ombudsman by one of your clients or your employers' clients, you must cooperate with the Ombudsman and assist him to deal with the complaint.
8. For the purpose of this guidance a complaint is an oral or written expression of dissatisfaction which alleges that the complainant has suffered or may suffer financial loss, distress, inconvenience or other detriment.

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