



Complaints Procedure

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1. Background and Purpose

1.1 Background

Horwich Cohen Coghlan Ltd (HCC) is committed to providing clients with the highest standards of service however we recognise that errors can be made and clients will complain whether there is good cause or not.

It is important that we deal with complaints appropriately both to 'learn the lessons' where there has been a failure to provide an adequate service but also ensure that we support our employees when an unjustified complaint is made.

Clients will be made aware of how to complain in the Client Care Information provided at the outset of the matter. Information on how to complain will be available on the company website.

1.2 Purpose

To do this we will properly investigate the matter and provide a response explaining our views and if appropriate issue an apology and offer compensation.

We will not charge for investigating a complaint or responding to the complainant.

2. Scope and Applicability

We define a complaint to be an expression of dissatisfaction, which alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience or other detriment.

We will, save for below, only deal with complaints from our clients unless the client gives their authority for another person to present their complaint or that person has the sufficient locus standi.

We will only deal with complaints from a non-client when the complaint relates to the unreasonable failure to act or a matter of misconduct which ought be investigated.

3. Procedure

Any complaints must be immediately referred to the relevant manager or partner.

If the complaint is considered to be one where the manager can deal with it, this will be deemed an expression of dissatisfaction 'EOD'

The manager or partner must within one working day review the complaint and email or write to the complainant advising that they will deal with the matter and respond within five working days.

A record of EODs will be kept.

If there are matters that require reporting to compliance then these will be reported separately.

Any complaint which the manager or partner considers sufficiently serious must be referred to the Compliance Officer on the day that the fee earner / employee is aware of the complaint.

All formal complaints will be acknowledged within two working days and the complainant provided with a copy of this procedure.

The Compliance Officer will either investigate the complaint, or delegate the investigation and drafting of the response and provide a response within 56 days.

If it is not possible to provide a response in that period then the Compliance Officer will inform the complainant that the

response is delayed and when it will be received. At this point the complainant will be made aware of their rights with regard to complaining to the Legal Ombudsman.

An interim response may be sent, this will invite the complainant to discuss the matter or resolution of their complaint with the Compliance Officer. When sending the final response the response will signpost the complainant to the Legal Ombudsman and inform them of the timescale within which they must ask the Ombudsman to review the matter.

3.1 Setting out a Complaint

We will accept complaints orally as well as in writing.

3.2 Investigating a complaint

We will usually advise the complainant as to the nature and extent of our investigations unless there are matters, which require us to maintain confidentiality; for example personnel matters relating to the staff involved.

Evidence, where appropriate and subject to confidentiality and privilege, will be disclosed.

Where necessary we may be required to communicate with third parties, including but not limited to witnesses, experts, counsel and others. Their responses may be confidential and we may not be able to fully disclose their responses.

If the complaint includes aspects as to the substantive features of a case then the investigation will include a review of the case and that may result in a change of view as to the merits, whether we can continue, the approach to the case and external reporting: to include but not be limited to any relevant insurer, provider of services (including treatment, credit hire or repairs and so on).

3.3 Investigation Outcomes

We will record and analyse the outcomes of the investigations.

This analysis will be reported to the Board in the Risk Management Group reports.

3.4 Informing the complainant of the outcome

We will usually respond to complaints in writing, providing copy documentation as required; however in some circumstances we recognise that a meeting to discuss the matter and review correspondence and or documents may be appropriate.

Regardless as to whether the complainant chooses to attend such a meeting or decline we will always provide a written response.

3.5 If the complainant remains dissatisfied

If the Complainant is not satisfied with our handling of the matter we will refer them to The Legal Ombudsman.

4. Responsibilities

4.1 The COLP

The COLP has overall responsibility for ensuring that a regular review of complaints is undertaken.

4.2 Managers and employees

Managers are responsible for ensuring that:

- all employees are briefed on the Procedure and any related Policies.
- all new staff are given training on this Procedure and any related Policies.

Employees have a duty to:

- read the Procedure and any related Policies and consult their Manager if they are in any doubt.

- carry out their role in compliance with this Procedure.

5. Reporting

An annual return detailing material complaints will be submitted to the SRA.

A report on complaints including the number of complaints received / resolved will be provided to the Risk Management Group.