

# Handling complaints about the SRA – our policy

Updated 18 March 2024

## *Introduction*

1.

The Solicitors Regulation Authority (SRA) is responsible for regulating solicitors in England and Wales. Our purpose is to protect the public by ensuring that solicitors meet high standards and by acting when risks are identified.

2.

We are committed to providing a high standard of service, dealing with everyone in a way that is fair, transparent, proportionate and free from discrimination. We recognise that we may not always provide the level of service that we would like and welcome the opportunity to consider and respond to any concerns that may arise.

3.

We take all complaints seriously and will learn from our mistakes to improve our performance.

4.

For the purposes of this policy, the term 'complainant' has been used to refer to anyone making a complaint about the service provided by the SRA, for example, an informant, student, solicitor, etc; or subject solicitor against whom we are taking regulatory action.

5.

Until we introduced this policy, the only external review available for complainants was provided by the Legal Services Ombudsman.

6.

We launched this policy on 1 April 2010 which involves a three stage process for dealing with complaints about the service provided by the SRA: stage 1: response is provided by the unit (i.e. the person who has been dealing with the matter or their line manager); stage 2: a response is provided by the central Complaints Team; and, stage 3: since 1 October 2010, we have introduced an independent element to our complaints

handling policy, provided by an independent reviewer - an external appointment commissioned by the SRA.

7.

The independent reviewer is intended to have two distinct roles:

to provide independent oversight of the way that we are carrying out our complaints handling function (see accountability and reporting [#accountability] )

to provide a final independent response for those complaints that we cannot resolve internally (see stage 3: Independent review [#stage3] )

## *Aims and objectives*

8.

The policy has three main aims and objectives:

to provide a user-friendly way for people to complain about the service we have provided

to provide us with a procedure that helps us to respond quickly and efficiently to complaints that we receive

to help us monitor our complaints so that we can understand where we may be going wrong and improve the way we work

## *Promoting this policy*

9.

This policy is available on the SRA website and it is possible to make a complaint online [<https://www.sra.org.uk/sra/complaints-service/make-a-complaint/>] .

10.

A leaflet (called 'Making a complaint about our service') which summarises this policy and explains how to make a complaint is available to all complainants.

11.

We will advise people how to make a complaint if things go wrong at the outset of our dealings with them and tell them where to get a copy of this policy and/or the leaflet.

12.

We will work with stakeholder groups representing the profession, including specific equality groups, and with consumers to promote awareness of this policy.

13.

We will work with our partners in the Law Society Group, the Legal Services Board [<http://www.legalservicesboard.org.uk/>] and the new Legal Ombudsman [<http://www.legalombudsman.org.uk/>] to promote awareness of this policy.

### *Principles of good complaint handling*

14.

We have adopted the six principles of good complaint handling identified by the Parliamentary and Health Service Ombudsman [<http://www.ombudsman.org.uk/>] which oversees a large number of public bodies in England and Wales.

15.

A full description of the principles is available [<https://www.sra.org.uk/sra/complaints-service/>], but in summary the six principles are:

**Getting it right** – having a system that is robust, outcome-focused, and handled by staff with appropriate skills and experience

**Being customer focused** – having simple and accessible procedures and dealing with people promptly and sensitively

**Being open and accountable** – by publishing information about how to access the complaints procedure and providing honest, evidence-based explanations and reasons for decisions

**Acting fairly and proportionately** – ensuring that complaints are dealt with impartially and without unlawful discrimination or prejudice

**Putting things right** – providing appropriate remedies, acknowledging mistakes and apologising where appropriate

**Seeking continuous improvement** – recording and monitoring our complaints and learning from the outcomes

### *What is a complaint?*

16.

A complaint is an expression of dissatisfaction about the way in which we have carried out, or failed to carry out, our work which requires a response.

17.

We hope that, before they make a complaint, people will first raise any concerns or questions that they may have with the person dealing with their case and they will make every effort to respond immediately, before these matters develop into a formal complaint.

18.

Complaints may be made about any aspect of the service we have provided, for example:

- mistakes or lack of care
- unreasonable delay
- unprofessional behaviour
- discrimination, and
- bias

19.

We will not be able to change the outcome of regulatory decisions made by the SRA through the complaints policy, but where appropriate we will advise complainants to use any available appeal process. However, if we have failed seriously in the way we handled your case, we may reconsider our decision.

### *Discrimination complaints*

20.

We will take any complaint that we receive very seriously, and it is an important part of our drive for transparency that we respond openly and fairly if things go wrong. This is particularly important when we receive complaints about discrimination.

21.

It is essential that the public, consumers of legal advice, the profession and other stakeholders have trust and confidence that we will carry out our responsibilities fairly and without discrimination. Through this policy, we will take the opportunity to challenge discrimination, helping us meet our equality duties and deliver our equality actions in our Equality, Diversity and Inclusion Strategy 2014/15 to 2016/17 by:

- dealing thoroughly and sensitively with complaints of discrimination

making sure that all staff dealing with complaints have received training on handling discrimination complaints

equality monitoring our complaints

reviewing the incidence and outcomes of discrimination complaints and using the findings to improve the way that we work

### *When will this policy apply?*

22.

Although this policy came into effect on 1 April 2010, the services of the independent reviewer were only available from 1 October 2010. Therefore complainants who made their original complaint to the SRA after 1 October 2010, will have the right to refer their concerns to the independent reviewer.

23.

This policy applies to complaints brought by or on behalf of someone who has been directly affected by the action or inaction complained of.

24.

For complaints raised by complainants via their Member of Parliament (MP), although we will respond separately to the MP to address their concerns directly, we will investigate the constituent's complaint using this procedure.

25.

This policy applies to complaints about the actions (or inaction) of our staff (whether they happen to be solicitors or not), and anyone we have authorised to act on our behalf (e.g. panel solicitors, firms to whom we may have outsourced our work to, etc).

26.

We will consider complaints made to us within six months of the action complained of. We will make exceptions for complaints made outside the six-month time limit when there are reasonable grounds for the delay, for example illness or where the complainant becomes aware of the actions about which he or she is complaining after the expiry of the six month period.

27.

Some complaints are better handled outside this policy—for example, general concerns about something we have said in the press or a criticism of one of our policies. In these cases, we will acknowledge the complaint within five working days of receipt, explaining who will respond and when. We will then refer the matter to the relevant unit for an appropriate response.

28.

In exceptional cases, we may decide to defer a complaint investigation where it would be more appropriate to address the issues using other internal SRA procedures (for example, the disciplinary or capability procedures). In such cases, a response to the complaint will be provided at the conclusion of the alternative internal procedure used.

29.

If we do decide to defer the investigation, the complainant will be advised of the reasons for our decision and will be able to ask for a review of the decision by the independent reviewer.

### *Assurances and expectations*

30.

We provide the following assurances to complainants:

we will observe the good complaint handling principles in the way that we apply this policy

we will seek to respond to all complaints promptly and in accordance with the service standards set out within this policy

all complaints will be handled in confidence

we will treat complainants with courtesy and respect at all times

31.

We appreciate that people making a complaint will be feeling dissatisfied with the way they have been treated. We understand the frustration that this may cause, but we do nevertheless expect people to be courteous in dealing with our staff.

32.

In circumstances where we feel that someone has not been courteous to our staff, we will consider taking action to restrict our dealings with that person in accordance with our policy for Managing unreasonable behaviour

towards SRA staff [<https://www.sra.org.uk/sra/complaints-service/unreasonable-behaviour-policy/>] .

### *Roles and responsibilities of staff*

33.

All staff have a responsibility to familiarise themselves with this policy and for advising complainants about how to make a complaint.

34.

All managers will be expected to undertake training in relation to this policy, as they will be expected to implement the policy if a complaint is received about a member of staff in their team.

35.

Each unit is responsible for making sure that its staff are recording and maintaining complaints handling data and implementing any recommendations and/or learning any lessons arising from our complaints.

36.

The Complaints Team has responsibility for overseeing, administering and supporting the operation of the policy. In particular, the team is responsible for:

- providing advice and guidance to all staff and managers on complaints handling

- receiving and coordinating all complaints received online

- conducting central complaint investigations and reviews

- liaising with the independent reviewer

- keeping this policy and the SRA's complaints handling leaflets and procedures up to date

- providing quality assurance for all our complaints handling work; and

- monitoring complaints data and coordinating the work required for our annual complaints handling report from the independent reviewer.

37.

All managers, with the support of Human Resources and Development (if required), will be responsible for advising and supporting their staff as appropriate and as required through the complaints handling process.

### *Handling complaints where there is ongoing regulatory action*

38.

Where a complaint is made about an ongoing regulatory matter, we will not normally suspend our regulatory work. We have an ongoing responsibility to protect clients and the public, and will take this into account when we consider the position on receipt of the complaint.

39.

In considering a request for the regulatory action to be suspended we will take into account:

the public interest

the nature of the complaint made, in particular whether if upheld it could have a significant impact on the outcome of the regulatory action

the reasons given for the request, in particular whether there will be any significant disadvantage to the complainant if the action continues; and

whether there will be significant impact on any third party.

40.

We will explain our decision with reasons to the complainant making this request.

41.

If we do continue with the regulatory action, we will not normally transfer the case to another staff member unless we feel that a change is necessary to preserve the integrity of the investigation, for example where the complainant has accused the staff member of bias, discrimination or dishonesty.

### *Making a complaint*

42.

Call our Contact Centre [<https://www.sra.org.uk/home/contact-us/>] who will initially help with any concerns about our service, or take details of your concerns to decide which team would be able to assist.

43.

Complaints may be made in the following formats: in writing, by email, online, or by telephone. We will also respond to complaints that are made in

person during the course of our investigation or other work.

44.

Complainants may be referred to the SRA website for a complaints form [<https://www.sra.org.uk/sra/complaints-service/make-a-complaint/>]. The complaints form can be completed online or can be downloaded and sent in by other means. Completion of the complaints form is preferable but not compulsory; it is intended to help complainants understand what information we need to help us respond fully to the complaint and within our timescales.

45.

Staff who have received a complaint should be careful not to treat completion of the form as the first step of the complaints procedure. If the complaint has already been made verbally or in writing and it is clear what the complaint is about and the complainant's preferred outcome, it will not be necessary to ask the complainant to complete the complaints form. Simply asking a person to repeat their complaint in a different format is likely to add to their frustration and could be seen as discouraging the complaint.

46.

Although it is preferable for complaints to be received in a written format (for certainty and to assist with our record keeping), complainants are not required to do so. Where the complaint is made verbally it is our preference that all responses are sent in writing (to avoid any misunderstanding) unless the complainant requests otherwise—in which case very clear and detailed telephone attendance notes will be kept.

47.

In complex cases where the complaint is made verbally, staff should confirm the nature of the complaint with the complainant and where possible, record their preferred outcome. As soon as possible after the conversation staff should make a clear and careful record of the complaint and this should be agreed with the complainant before the complaint is investigated.

48.

We may be able to offer some assistance to complainants in making their complaint, in particular to disabled complainants who have asked for reasonable adjustments and to complainants who need to communicate with us in an alternative language. For details about how to respond to such requests, staff should refer to our Reasonable Adjustments policy

[<https://www.sra.org.uk/sra/equality-diversity/diversity-policies/policy/reasonable-adjustment-policy/>] and Interpreting and Translations policy.

### *Seeking a resolution*

49.

In dealing with complaints, our priority is to achieve a satisfactory outcome for the complainant and at every stage of the procedure we will consider whether there is a practical and simple way to resolve the problem by agreement with the complainant.

50.

In some cases, it may be appropriate to try to resolve the problem through mediation, and, where we think this may help, it will be arranged or facilitated by the Complaints Team.

51.

In all cases where a complaint is resolved before the complaints procedure has been completed, the terms of the resolution will be confirmed in writing to the complainant (unless the complainant requests otherwise i.e. verbally, or as a reasonable adjustment) and the complaint will be regarded as withdrawn on the terms agreed.

### *Our response to complaints received*

52.

On receipt of a complaint, we will decide whether to refer the complaint for a stage 1 [#stage1] response from the unit where the complaint arose or a stage 2 [#stage2] response from the Complaints Team. All complaints are taken seriously and a response from the unit where the complaint arose does not mean we regard it as less serious or less important. We would expect the majority of complaints to be dealt with as a stage 1 and this decision will be made by the unit where the complaint arose by liaising with the Complaints Team in accordance with the criteria set out below. The Complaints Team will be available to advise the unit in relation to that decision and will audit the process to ensure that the decisions are consistent and being made in accordance with the criteria.

53.

If at any time either the unit where the complaint arose or the Complaints Team decides that a complaint referred for a stage 1 response becomes more suitable for a stage 2 response (or vice versa), the complaint will be

transferred accordingly, the complainant will be advised of our decision and the reasons will be explained.

54.

We will acknowledge the complaint and advise the complainant how the complaint will be dealt with and by whom. We aim to resolve most complaints on our first attempt, whether or not that is from the unit where the complaint arose or the Complaints Team.

55.

The complaints that may be more appropriate for referral straight to our Complaints Team at stage 2 include complaints:

which are about the work of more than one unit in the SRA, when it would be preferable for a single response to be prepared by the Complaints Team

where the case is sensitive or high profile

where there is likely to be a significant impact on the SRA and/or on the complainant, for example cases where the outcome could affect the SRA's work more widely than within the unit where the complaint arose or where the SRA is involved in related legal proceedings

where a stage 1 response from the unit would be inappropriate because there has been a serious breakdown of trust and confidence between the complainant and the unit

56.

Our investigation (whether conducted by the unit where the complaint arose or the Complaints Team) will involve an officer reviewing the relevant case papers, consulting the SRA's procedures and policies, and seeking a response from the staff involved in the matter complained of.

57.

We will ensure that the complainant and the staff involved have an equal opportunity to put forward their case and will keep in contact with the complainant and the staff involved as necessary to clarify the issues, seek further comments and to report progress. Contact with complainants and staff will usually be by telephone, email or letter; but in exceptional circumstances if we feel it will help to progress the complaint or encourage its early resolution, we will consider meeting complainants and staff in person. However, this will be at the discretion of the SRA. We recognise that this may be agreed as a reasonable adjustment for our disabled complainants.

58.

A complaint may be upheld, not upheld or partially upheld, and the complainant will be given written confirmation, with reasons, of all decisions made under this policy. By 'partially upheld' we refer to cases where some of the allegations made are upheld but some are not and in each case these will be clearly specified.

59.

The next sections explain the three-stage process that complaints may follow and a flow chart is available at annex 1 to this policy to help explain the process.

### *Stage 1: Response from the unit where the complaint arose*

60.

Our approach in dealing with complaints at stage 1 will be flexible, depending on the nature of the complaint. Some complaints may be best dealt with by a phone call from the person who has been dealing with the matter or their line manager. Others complaints will involve a detailed review of the file before a response can be provided.

61.

In all cases, we will write to the complainant to confirm the outcome of the complaint, advising them that they have the opportunity for their complaint to be reviewed by the Complaints Team (at stage 2) if they are not satisfied with the outcome.

62.

In exceptional cases, it may be appropriate to refer the complaint directly to the independent reviewer (at stage 3)—for example, where there has been a full investigation by the unit where the complaint arose and the Complaints Team feels that there is little further to be gained by a stage 2 review.

### *Stage 2: Response from the SRA's central Complaints Team*

63.

The Complaints Team will review complaints that we have not been able to resolve at stage 1 and will investigate the complaints which we have

decided are not suitable for a stage 1 response.

64.

In all cases, we will write to the complainant to confirm the outcome, advising them that they have the opportunity for their complaint to be considered by the independent reviewer (at stage 3) if they are not satisfied with the outcome.

### *Stage 3: Independent review*

65.

We expect that only a small minority of complaints will be referred for a full review by the independent reviewer — these are the complaints that we have not been able to resolve internally and which the independent reviewer decides are appropriate for review.

66.

We will ask complainants to tell us which part of the complaint outcome they are dissatisfied with, and why and what they are seeking to achieve from the independent review. The independent reviewer will then decide which cases are suitable for a full review.

67.

The independent reviewer may decide not to review a complaint in the following circumstances:

The original complaint was made before the appointment of the independent reviewer

The complaint is outside the independent reviewer' time limit for referral

The complaint is not within the independent reviewer' remit. For example, the independent reviewer cannot review a complaint about a regulatory decision, although they can review complaints about the way that decisions are reached

It appears that there has already been a full investigation by the SRA and appropriate redress has been offered

It appears that there is an opportunity for resolution between the complainant and the SRA. If the independent reviewer thinks that resolution is possible, the independent reviewer will discuss this with the complainant and the SRA to see whether the outcome the complainant is seeking is reasonable and can be agreed

It appears, in all circumstances, a full review would be unreasonable or disproportionate. For example, if the SRA does not accept there has been poor service because a letter to the complainant was sent a few days later than expected and this has not caused any particular loss or inconvenience to the complainant, it would not be a reasonable or proportionate use of resources for there to be a review.

Where the case has already been considered by another independent competent authority (such as the Legal Ombudsman) it will not be appropriate for the independent reviewer to consider the matter again.

68.

For those cases that the independent reviewer decides are appropriate for a full review, he or she will conduct a review of the papers to consider whether

the investigation was thorough and fair

all the relevant facts were taken into account

the conclusions reached (in respect of complaints about the service provided by the SRA) were reasonable and properly explained; and

the investigation was handled efficiently, without unnecessary delay.

69.

The outcome of the review will be confirmed to the complainant in writing by the independent reviewer. The independent reviewer's decision will be final, and this will represent the end of this complaints handling process.

## *Remedies*

70.

A complaint that has been upheld or partially upheld at stage 1 [#stage1] or stage 2 [#stage2] may attract one or more of the following remedies:

a full acknowledgement and explanation of any poor service

an apology

appropriate action to rectify the situation for the complainant, such as an extension of time to respond to a deadline

appropriate recommendations for action to improve the SRA's practices or procedures

71.

Where a complaint has been upheld or partially upheld by the independent reviewer at stage 3 [#stage3] , he or she will provide a full acknowledgment and explanation for any poor service and may require the SRA to provide one or more of the following remedies:

an apology

appropriate action to rectify the situation for the complainant, such as an extension of time to respond to a deadline

appropriate action to improve the SRA's practices or procedures

### *Our service standards for handling complaints about the service provided by the SRA*

72.

We will acknowledge all complaints within five working days of receipt and, at the same time, will advise complainants whether we will be providing a response from the unit where the complaint arose or from the Complaints Team.

73.

If a complaint is referred for a stage 1 response from the unit where the complaint arose, we will acknowledge receipt of the complaint within five working days; and aim to provide a full response within 10 working days (two weeks) from the date of the acknowledgment.

74.

At the conclusion of stage 1, if the complainant is dissatisfied with the outcome, they will have 15 working days from the date the outcome is sent to them to request that their complaint is progressed to stage 2.

75.

If a complaint is referred for a stage 2 response from the Complaints Team, we will acknowledge receipt of the complaint within five working days; and aim to provide a full response within 20 working days (four weeks) from the date of the acknowledgment.

76.

At the conclusion of stage 2, if the complainant is dissatisfied with the outcome, they will have 15 working days from the date the outcome is sent to them to request that their complaint is progressed to stage 3.

77.

If a complaint is referred for independent review at stage 3, we will expect the independent reviewer to determine whether the case will be accepted for a full review within 15 working days from the date they receive the SRA's file (and all relevant information). If the review is accepted, we will expect the full response to be provided within a further 20 working days.

78.

If we are not able to respond within these timescales, we will advise the complainant why and let him or her know when we will be in a position to respond fully.

### *Accountability and reporting*

79.

We will monitor and review our complaints handling against the good complaint-handling principles referred to above and report to our Senior Management Team and/or the SRA Board as required.

80.

We will learn from our complaints and ensure that we make appropriate changes to our policy and/or practices as a result of the lessons learnt and such changes will be part of our regular reporting requirements.

81.

We will ensure that there is an annual report on complaints handling published by the SRA, which contains the outcome of an annual review of our complaints handling work from the independent reviewer. This will give us independent feedback to help us improve the way that we handle complaints.

## *Annex 1: Flow of the three-stage complaints process*

### *Complaint received*

A complaint is an expression of dissatisfaction about the way in which we have carried out or failed to carry out our work which requires a response.



**In certain circumstances a complaint may be passed directly to stage 2.**

Acknowledge complaint within 5 working days from receipt.

### *Stage 1 - Response from unit where the complaint arose*

Investigation by the unit where the complaint arose - first SRA response for most complaints cases but a minority of cases may be investigated by the central complaints Team at stage 2.

Substantive response within 10 working days from date of acknowledgement.

If the complainant is satisfied with the result then the complaint is closed.

If the complainant is not satisfied then they can be referred to stage 2 [#stage-2] .

### *Stage 2 - Response from the central Complaints Team*

Review by the central Complaints Team for complainants dissatisfied with the outcome of stage 1

**or**

Investigation by the central Complaints Team for the minority of cases referred to Stage 2 at the outset.

Acknowledge complaints within 5 working days from receipt; substantive response sent within 20 working days from date of acknowledgement.

If the complainant is satisfied with the result then the complaint is closed.

If the complainant is not satisfied then they can be referred to the independent reviewer. If the reviewer feels there is a case to answer then you can go to stage 3 [#stage-3] . **If the independent reviewer declines a full review the complaint is closed.**

### *Stage 3 Response - Independent external review*

Was the investigation thorough and fair?

Were all the relevant facts were taken into account?

Were the conclusions reached reasonable and properly explained?

Was the investigation handled efficiently, without unnecessary delay?

The independent reviewers decision is final and the complaint is then closed.