

CILEx Regulation Complaint Handling Rules

Introduction

- 1 These are the CILEx Regulation Complaint Handling Rules.
- 2 These Rules apply to Chartered Legal Executives, CILEx Practitioners and Authorised Entities.
- 3 In complying with these rules, you are required to adhere to the CILEX Code of Conduct including but not limited to Principles 2, 4 and 5. An Authorised Entity is bound by the associated regulatory arrangements.
- 4 Responsibility for the application and administration of these Rules is delegated by CILEX to CILEx Regulation.
- 5 In seeking to comply with these Rules, you must have regard to:
 - a) CILEx Regulation's Transparency Rules where required and
 - b) any relevant guidance.
- 6 You must, as appropriate in the circumstances, either establish and maintain, or participate in, a procedure for the resolution of complaints in relation to the legal services you provide.

Provision of information

- 7 You must inform your clients about your complaint handling procedure and ensure that clients are informed:
 - a) of the client's right to complain to you about services and charges, including how to complain and to whom;
 - b) of any right the client has to complain to the Legal Ombudsman at the end of your complaints handling procedure if they are dissatisfied with the outcome of their complaint;
 - c) that after eight weeks following the making of a complaint, if the complaint has not been resolved to their satisfaction, of any right to complain to the Legal Ombudsman;

- d) how to make a complaint to the Legal Ombudsman including:
 - (i) the time limits for doing so;
 - (ii) full details of how to contact the Legal Ombudsman;
 - (iii) information about how to make a complaint available from the Legal Ombudsman;
- e) of the client's right to complain to CILEx Regulation if the complaint does not fall within the Legal Ombudsman Scheme Rules and include full contact details; and
- f) of the name and website address of an alternative dispute resolution (ADR) approved body which would be competent to deal with the complaint; and whether you agree to use the scheme operated by that body.

8 You must inform clients of the information in section 7:

- a) at the time of engagement on a new matter or the next earliest appropriate opportunity;
- b) at the conclusion of the matter;
- c) upon request; and
- d) if a complaint is made during a matter.

9 You must effectively communicate your complaints handling procedure to each client in a format or formats reasonably tailored for the client's circumstances having due regard to their information needs.

Complaint handling procedure

10 Your complaint handling procedure must:

- a) be prominent and accessible;
- b) make provision for a client to make a complaint in a way that is reasonable and accessible to the client;
- c) explain how a complaint will be handled;
- d) set out the steps that will be taken in resolving a complaint;
- e) ensure that complaints made orally are acknowledged in writing, stating your understanding of the details of the complaint;

- f) provide information on the possible outcomes to a complaint, including any options if a complaint is not resolved to the complainant's satisfaction;
- g) provide for a complaint to be:
 - (i) investigated by a person of sufficient experience, seniority and competence who, where possible, was not directly involved in the particular act or omission giving rise to the complaint;
 - (ii) assessed competently, diligently, and impartially;
 - (iii) responded to fairly, consistently, and promptly;
 - (iv) resolved at the earliest possible opportunity;
 - (v) dealt with free of charge;
- h) ensure that when a complaint is first notified, you must provide the complainant with:
 - (i) a prompt acknowledgement of receipt of the complaint;
 - (ii) clear and comprehensive information about your complaints handling procedure that will apply to their complaint and how it will be handled, including the information specified in section 7;
 - (iii) information on who the complainant may contact about their complaint;
 - (iv) a timeline for the resolution of the complaint.

11 You must ensure your complaint handling procedure is:

- a) documented in writing and available to staff, where relevant;
- b) endorsed by senior management, where relevant, or person responsible for its implementation; and
- c) implemented consistently and periodically reviewed.

Communication

12 You must:

- a) communicate with the complainant clearly, using plain and appropriate language;
- b) give the complainant regular updates on the progress of their complaint;
- c) communicate promptly the outcome of the complaint to the complainant;
- d) if the outcome includes any offer of a suitable remedy, comply promptly with the remedy if accepted by the complainant;
- e) inform the complainant if they are not satisfied with the outcome of the complaint of the information at section 7.

Record keeping

13 You must maintain records for each complaint including:

- a) details of the complaint;
- b) how it is dealt with; and
- c) the outcome.

Learning from complaints

14 You must implement measures to:

- a) identify any risks or issues including systemic issues in:
 - (i) how it has assessed and sought to resolve complaints and
 - (ii) in its services, and
- b) address those risks and issues;

15 You must consider and undertake appropriate training and provide appropriate support to address the risks and issues identified in section 14a).

Interpretation

In these Rules, unless otherwise provided

Chartered Legal Executive	means a CILEX member authorised by CILEX Regulation to conduct one or more reserved activities (also known as a Fellow of CILEX)
CILEx Practitioner	means a practitioner authorised by CILEX to provide one or more regulated legal activity
Authorised Entity:	means a partnership (including a limited liability partnership), company or sole principal authorised or licensed by CILEx under the Legal Services Act 2007 to: (a) carry on an activity which is a Reserved Legal Activity; or (b) provide immigration advice or immigration services; and where the context permits, references to acts or omissions by such a body shall include the acts or omissions of such a body's principals (including the partners in a partnership, the members in an LLP or the directors in a company) and employees;

CILEX:	means the Chartered Institute of Legal Executives;
CILEx Regulation:	means CILEx Regulation Limited;
Complaint:	<p>has the meaning given by section 128(2) of the Act, and as prescribed under the scheme rules made by the Office for Legal Complaints under Part 6 of the Act;</p> <p>an oral or written expression of dissatisfaction, which alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience, or other detriment;</p>
Client:	person for whom the authorised person acts, including prospective and former clients. Once a client makes a complaint, they are referred to in these Rules as the complainant.
Complainant	has the meaning given by section 128(2) of the Act, and as prescribed under the scheme rules made by the Office for Legal Complaints under Part 6 of the Act.
Legal Ombudsman	means the Chief Ombudsman and assistant ombudsmen appointed under section 122 of the Act.