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Policy Name	Version	Owner	Policy Reviewed	Published
Client Care Policy	1.3	Howard Kent COLP	April 2019	April 2019

1. Introduction

We are committed to providing a high quality service to all clients. Our services should be recognised as being expert, accurate and appropriate. We strive to ensure that our advice is cost effective and communicated in a manner that is appropriate for each client. We are also committed to providing a truly professional service: we act with integrity and strict confidentiality in all our dealings with clients.

2. Policy Intent

Our client care policy describes what this commitment means in practice and what our clients can expect from us. We will adhere to the principle of putting our clients first and “going the extra mile” for our clients, thereby ensuring that excellent service is an integral part of the planning and delivery of all services to our clients.

3. Policy

In order to achieve excellent client service, we will at all times:

- Provide clients with a high quality, professional and consistent service;
- Act in accordance with the Solicitors’ Code of Conduct 2011, and other relevant regulatory requirements;
- Act in a respectful and courteous manner in all dealings with clients;
- Represent our clients’ best interests;
- Ensure all our staff fully understand and are committed to client care in all their interactions with clients;
- Ensure we communicate effectively with our clients and with an agreed mode of communication upon request; and
- Provide clear legal advice.

We make sure that our clients receive a client care letter that fully sets out the level of service they will receive. In addition, we will name the person responsible for individual matters, their position in the firm and their qualifications. The client care letter will give the name of the supervisor responsible for each matter, and the name of the person who is responsible for dealing with any complaints. We will promptly notify the client in writing of any changes to the identity of the person dealing with their matter, the supervisor or the person responsible for dealing with any complaints.

In order that we can continually improve our service, we actively encourage and value feedback from our clients. We will use client satisfaction surveys to gather feedback from clients, and mystery shopping exercises to measure client care service levels. In addition, we monitor and evaluate client complaints to identify and address shortcomings and failings in our standard of service. Such feedback is essential to help continually to gauge client perceptions of our service.

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We have the above measures in place to ensure we achieve our goal of providing a high quality service to all our clients across the firm. Achieving a consistently high level of service from each of our legal teams is a major goal for us.

This policy will be reviewed annually each year by the COLP (Howard Kent) or Managing Partner (Susan Glenholme) Lexcel as part of the annual review of client care and as part of the annual review of risk, both of which are in line with the Law Society's Conveyancing Quality Scheme (CQS) Core Practice Management Standards, and Lexcel.

4. Competence

We will accept instructions only where we can meet our commitment to the provision of a high quality, accurate, appropriate, expert and professional service to clients. Where this commitment cannot be met, instructions will be declined. In any cases of doubt, the lawyer must inform and seek guidance from the Team Leader who should be consulted. See also the firm's policy on 'Services Which We Will and Will Not Offer'.

Our professional indemnity cover is limited to £30 million. We will not accept instructions where the value of the transaction or potential for liability exceeds this amount, unless the Terms of Service or Client Care Letter limit this separately.

5. New Enquiries

All new enquiries will be directed to the appropriate Team Leader, or if the Team Leader is not available to another senior member of the department. The Team Leader will ascertain the nature and scope of the enquiry and the identity of any other party. Any verbal estimate will be recorded in writing and where appropriate confirmed via email.

The Team Leader will allocate the matter to a fee earner with the appropriate level of experience and capacity. Instructions must be declined unless the Team Leader is confident that the firm is able to provide the highest level of client service.

No specific advice is to be given until a conflict search has been conducted, a retainer letter issued and ID/KYC completed.

The retainer letter must be sent out in the department's agreed form. This, together with any supplemental letter and our standard terms and conditions will include:-

- a summary of the client's requirements and objectives
- any material issues involved and the options available to the client
- the scope of the firm's services and responsibilities
- timescales, service levels and frequency of reporting
- (where appropriate) methods of funding
- (where appropriate) a cost / benefit analysis

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- the name and status of the fee earner who will be acting
- the name and status of the fee earner with overall responsibility for supervision

6. Confirmation of instructions

At or near the outset of every matter the client should receive confirmation of:

- The name and status of the person acting, along with details of the person responsible for the overall supervision of the matter. It is necessary to provide the client with the name of the person with overall supervision of the matter, even if a Partner is acting for the client. This information is contained in our client care letters, which should always be sent or handed to the client;
- A written estimate of costs and disbursements in our standard form;
- The terms of service under which we act.

Where a client gives repeat instructions to the firm it is acceptable to have one overarching client care letter to set out our standing terms of business with that client. Notwithstanding this, the name of the fee earner, supervisor and cost estimate should still be confirmed in writing at the outset of each matter. With regard to the standing client care letter:-

- Copies of the standing retainer letter should be sent to the Lexcel Partner;
- The standing retainer letter should be reviewed annually by the supervisor/client partner to ensure the terms are still current and the letter is clearly worded;
- If new firm wide terms of service are issued copies must be sent to the client.

7. Referrals to a third party

Where we are unable to act for a client it is permissible to offer to refer them to a third party *where appropriate*. In some cases it may not be appropriate e.g. where we are unable to act because a conflict has arisen.

If the client consents to a referral then the client may be referred to a third party provided that:-

- no referral fee or other benefit is requested, offered and/or accepted;
- there is no connection between the referrer and the third party other than on a professional basis;
- the referrer has a reasonable belief that the third party has the relevant expertise;
- the client is made aware that the referrer is not responsible for the performance of the third party; and
- generally the firm's policy on third party referrals on the DONet is followed.

8. Confidentiality

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We are under a professional and legal obligation to keep details of clients' matters confidential. This obligation, however, is subject to certain limited exceptions, one of which may require a solicitor who knows or suspects that a transaction on behalf of a client may involve money laundering or terrorist financing to make a disclosure to the National Crime Agency, via the firm's Anti Money Laundering Officer.

If we are legally required to make a disclosure in relation to a client matter, we may not be able to inform the client that a disclosure has been made. We may also have to cease acting in the client's matter for a period of time and may not be able to inform them of the reasons for it. Guidance will be provided by our Anti Money Laundering Officer where required.

Under the Law Society Conveyancing Protocol we are required to make the transaction as transparent as possible and to share information with others to assist in the efficient management of each transaction or chain of transactions. Before doing so we must obtain the client's consent. If the client consents to the disclosure of information about the transaction, other transactions in the chain or any change in circumstances, this information should be disclosed. We should not encourage clients to withhold the authority to disclose, save in exceptional circumstances only.

In most circumstances it will also be inappropriate to reveal whether or not we are in receipt of instructions from any named client. If a member of staff is ever in doubt as to whether they should reveal whether we act for a given client, or give out his, her or its name or address, they should check with their Team Leader who will be able to provide guidance. Breaches of confidentiality could cause considerable problems for us and will be treated by us as a serious disciplinary offence, and dealt with in accordance with our policies and procedures which are available on our intranet.

Confidentiality can be put into jeopardy by thoughtless conversations and meetings in the reception area. Client business should not be discussed in the reception area. Wherever possible, a client should be escorted to a meeting room when they come in to sign a document or bring papers in. What could be a short and uncomplicated visit can easily change if the client asks questions, and they are entitled to do so out of the earshot of other clients or visitors.

All staff should avoid personal conversations in the reception area. The impression gained by clients overhearing conversations in the reception area can be negative.

9. Commitment

Many clients find having to consult solicitors stressful. All clients are entitled to expect a real commitment to a high quality service from us in handling their instructions, and for us to attach appropriate priority to their requirements. A professional service does not involve becoming emotional, and this should be borne in mind in wording correspondence. If it is necessary to issue a client's ultimatum, make sure it is clear that we are acting on the client's instructions.

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10. Courtesy

All clients are entitled to be dealt with in a respectful and courteous manner. This will have many implications, from not keeping clients waiting in the reception area without explanation, to showing them the way to and from meeting rooms. Staff should also be courteous when communicating via telephone calls and e-mails, as well as showing genuine interest in the client's matter and any concerns about it. This can be done simply by our being seen to do, our best to help them.

11. Dress and demeanour

It is important that we should project a sense of professionalism at all times. First impressions gained by clients matter. Everybody should dress in accordance with our dress code, and which respects the attire of others without discrimination.

Professionals should also try to conduct themselves in a way that will reassure clients and enhance our commitment to client service. This can be achieved by appropriate behaviour both inside and outside the office towards clients, business contacts, suppliers and others. A positive, respectful and professional approach will have a significant impact on any client.

12. Timescales for communicating with the client and others

As a general rule:-

- a. A timely response should be made to telephone calls and correspondence from the client and others. Telephone calls should be returned the same day, or no later than the end of the next day;
- b. Short/simple emails should be responded to the same day or by the end of the next working day. Emails requiring a detailed response should be acknowledged the same day or the next working day with an indication when the substantive response will be made;
- c. Letters should be responded to in 5 working days, unless there is a specific reason why this is not possible, e.g. an opponent makes a proposal and gives us 14 days to respond or for all matters governed by WIQS, in accordance with the requirements of the WIQS protocol.
- d. For matters where we have a specific Service Level Agreement with a client or a funder, the response times and file requirements may be more stringent than above

13. Lawyer responsibilities for client service

Lawyers must take responsibility to:

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- Make a reservation as soon as possible when meeting rooms are required by accessing the on line booking facility via the firm's intranet, DONet;
- Ensure they meet clients from reception and show clients back to reception, or off the premises;
- Ensure that clients are not kept waiting;
- If there is a delay of more than 10 minutes, advise reception of the reasons for the delay and give a time estimate for when the client will be seen;
- Inform their secretarial staff of their whereabouts in the building;
- Ensure that reception and their secretarial staff are informed if they leave the premises other than at lunchtime or close of business, telling them when they are leaving our office(s) and their expected time of return.
- Advise clients of car parking availability at our offices.
- Discover if the client has a disability or is infirm.

14. Receptionists' responsibilities for client service

The reception area is our 'shop window' and is critical to the first impression that visitors will gain. Receptionists should take responsibility to ensure that:

- All visitors are greeted appropriately and advised of any current delay;
- Ensure that clients are shown hospitality and are provided with appropriate refreshments
- The relevant member of staff is contacted immediately via phone;
- Clients are escorted to the relevant meeting room, if appropriate;
- Clients are provided with suitable refreshments;
- The reception area is clean and tidy;
- Newspapers and magazines are up to date and are neatly arranged;
- Our publicity material is made available to clients and is kept up-to-date and in presentable condition, and that floral displays are fresh;
- Any colleagues discussing inappropriate topics, e.g. a client matter, are advised to vacate the reception.

If there is a delay of over 10 minutes the receptionist should:

- Offer an apology to the client;
- Phone the member of staff and request an update to inform clients;
- Inform clients of the reasons for the delay and actions to remedy; Escort clients to the relevant meeting room, if appropriate; Provide clients with suitable refreshments.

If there is a delay of over 20 minutes the receptionist should:

- Offer an apology to the client;
- Phone the member of staff and advise that they, a member of their team or secretarial support are required to deal with the situation;

- Suggest a different appointment time, or organise the lawyer's secretarial support to do so, if directed to by a colleague.

15. Making reasonable adjustments – guidance for Client Care Policy

We are all bound by the provisions of the SRA Handbook on Equality and Diversity and in particular Chapter 2 in the Code of Conduct 2011 that largely reflects our legislative obligations under the Equality Act 2010.

We seek to ensure that we achieve the mandatory Outcome 2.3 that states as follows:

Outcome (2.3) - you make reasonable adjustments to ensure that disabled clients, employees or managers are not placed at a substantial disadvantage compared to those who are not disabled, and you do not pass on the costs of these adjustments to these disabled clients, employees or managers

We must be aware of its obligations to ensure reasonable adjustments are made for disabled clients, employees or managers. The duty to make reasonable adjustments applies to the provision of services in the same way as it is applicable in an employment setting.

There is no set formula that can be used to decide if an adjustment is reasonable. In the majority of cases, we will be expected to make every effort to accommodate the need for a reasonable adjustment.

When you consider reasonable adjustments, you must give careful thought as to whether the disabled client will be at a 'substantial disadvantage', which is defined as 'more than minor or trivial' in the Equality Act 2010 S.212(1) if the adjustment is not made.

In some situations it may be useful to get advice from expert disability organisations who can assist with guidance, signposting and other forms of support. The following organisations may be useful:

- Remploy
- Shaw Trust
- RNIB
- Action on Hearing Loss
- Employers Forum on Disability
- Access to Work

Please note: Having a policy which applies additional charges to all clients for out-of-office appointments may indirectly discriminate against disabled clients in some circumstances.

The attendance at an out-of-office meeting with a disabled client is a reasonable adjustment if the reason the client cannot go to the solicitors' office arises out of their disability. Once this is

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established (the disability) it becomes a matter of regulation (SRA outcome 2.3 requires no additional charge be made for a reasonable adjustment) and the law as service providers requires providers to ensure disabled service users are not placed at a substantial disadvantage.

This is subject to the definition of 'reasonable' which is not defined in the EA 2010 and is open to interpretation. The interpretation of 'reasonable' will vary on a case-by-case basis. Distance and cost can be factors in establishing whether a request for an adjustment is 'reasonable', however, a number of factors would have to be significant to be considered appropriate justification for refusing the request.

The justification required will vary with the size of firm, type of work being undertaken, resources available to the solicitor and the type of disability, as this will have an impact on the kinds of adjustments which may be required.

Issues around out-of-office appointments and/or travelling long distances without the client incurring additional charges can be mitigated with the use of technology such as Skype (which is free for both solicitor and client.)

Agreeing alternative methods for delivering the service to the client such as relying on suitable technology should be discussed with the client to ensure disruption is minimised for the solicitor and to ensure that the client does not receive less favourable treatment which arises from their disability.

In addition, we seek to achieve Outcome 2.2 in respecting client diversity as follows:

Outcome (2.2) - you provide services to clients in a way that respects diversity

We must provide an appropriate level of service to all clients. We have expressed a clear commitment to equality and diversity.

For example, your practice should ensure that its website is WCAG2.0 compliant. - (Web Content Accessibility Guidelines) for users with disabilities.

We may also wish to consider:

- having plans to promote access to its services to diverse groups, taking account of language, cultural background, religion and disability
- identifying ways in which it can participate in equality and diversity work in the wider local community
- demonstrating its commitment to equality and diversity to prospective clients.

16. Client feedback

A client's experience can have a significant impact on our practice. It could result in repeat business or a positive referral to a prospective client. To help us continually to improve our service, feedback from clients is actively encouraged and valued.

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There are various methods to elicit feedback, including client satisfaction surveys. Feedback will be regularly reviewed and escalated to management level. A monthly report will be prepared by the Marketing Team and presented to Partners showing how the firm has performed in respect of Client satisfaction for the preceding month. Results will be fed back to staff by way of periodic presentations and comments in the Chief Executives blog.

We should also monitor and evaluate client complaints to identify and address shortcomings and failings in our standard of service. Such feedback is essential to help continually to gauge client perceptions of our practice. This task is conducted by our Complaints Partner Louise Attrup who will annually conduct a review of complaints received by us and feed these back to the Partners.

Our client care policy and feedback is the responsibility of the Compliance Officer for Legal Practice and Managing Partner and will be reviewed at least annually each year as part of the annual review of risk and in accordance with our obligations under the Law Society's CQS requirements and Lexcel.

17. Complaints procedure

As part of our ongoing commitment to providing best practice client care, we operate a complaints procedure. The Partner responsible for the complaints procedure is Juliet Schalker, Complaints Partner.

18. Definition – what is a complaint?

We define a complaint as any expression of dissatisfaction which may result in a formal complaint, whether oral or written and whether justified or not, from or on behalf of a complainant about any aspect of the work carried out by the Firm

19. Objectives in our complaints handling

The overriding objectives in our complaints handling are:

- to achieve a sound and fair commercial outcome for the firm and the complainant,
- to protect the firm and its people where necessary,
- the minimisation of risk to the firm and
- adherence to our regulatory and compliance obligations as a firm.

20. Our approach

The guiding principle is to try to convert a complainant into an advocate for the firm's people and services, through the positive way that any expression of dissatisfaction is handled. This philosophy is best achieved when we deal with any such expression quickly so as to avoid a formal complaint being raised. Also, we look at dissatisfaction and complaints generally as an opportunity for us to improve our policies, processes, systems and services.

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21. Your obligations

Any expression of dissatisfaction must, as soon as received, be communicated by the person to whom it has been made to their Team Leader or Supervising Partner to ensure action is taken as early and as far as possible to prevent it from becoming a formal complaint.

22. Early reporting

From a common sense perspective and in line with the guiding principle above of early intervention, it is best practice to make Team leaders or Supervising Partner immediately aware of anything that remotely appears to be an 'expression of dissatisfaction' and not get stuck on a definition of a complaint. Simply, if in any doubt at all, just report it, as by doing so it ensures from that point the firm becomes part of any solution and works with you to address any issues arising.

23. Complaints Handling Procedure

Under our Complaints Handling Procedure which is sent to a complainant, a complaint is handled either by the lawyer's Supervising Partner and/or the Client Care Partner who will record details of the complaint on a Complaints Register form at the outset of dealing with a complaint. Forms are to be sent to the Client Care Partner at the conclusion of the procedure.

As part of the client care role, the Client Care Partner reviews the Complaints Handling Procedure and the Complaints Register forms quarterly in order to ensure that complaints handling is in effective operation across all Teams within the firm and to look at how we can improve our policies, processes, systems and services.