



## **Legal Services Board – Decision Notice issued under Part 3 of Schedule 4 to the Legal Services Act 2007**

The Council for Licensed Conveyancers (**CLC**) has made an application under the Legal Services Act 2007 (**the Act**) to change its regulatory arrangements. The CLC has undertaken an exercise to completely re-write its regulatory arrangements for individuals and bodies regulated by the CLC.

The Legal Services Board (**LSB**) has approved in part the application for CLC's new Handbook. A part approval has been granted since the Handbook as presented included provisions which will only come into force if the CLC's applications to be designated as a Licensing Authority and to extend its reserved legal activities to conduct of litigation and rights of audience are successful. Provisions which are specific to those designations will be considered in the assessment of the relevant applications.

This Notice sets out the basis for the LSB approval and the decision taken.

### **Introduction**

1. The LSB is required by Part 3 of Schedule 4 of the Act to review and approve or reject alterations to the regulatory arrangements of the Approved Regulators. The CLC is an Approved Regulator.
2. Paragraph 25 of Schedule 4 explains that the LSB must approve a proposed change to the regulatory arrangements unless we are "...satisfied that..." the approval would fall within one or more of the criteria specified in sub paragraph 25(3) (and listed in the footnote below<sup>1</sup>). If the LSB is not satisfied that one or more of the criteria are met, then it must approve the application in whole, or at least the parts of it that can be approved when only part of the application meets the criteria.
3. As provided for by paragraphs 20(1) and 23(3) of Schedule 4 to the Act, the LSB has made rules about how the application to alter the Regulatory Arrangements must be made including the contents of that application. The rules highlight the applicant's

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<sup>1</sup> The Board may refuse the application only if it is satisfied that—(a) granting the application would be prejudicial to the Regulatory Objectives, (b) granting the application would be contrary to any provision made by or by virtue of the Act or any other enactment or would result in any of the designation requirements ceasing to be satisfied in relation to the approved regulator, (c) granting the application would be contrary to the public interest, (d) the alteration would enable the approved regulator to authorise persons to carry on activities which are reserved legal activities in relation to which it is not a relevant approved regulator, (e) the alteration would enable the approved regulator to license persons under Part 5 to carry on activities which are reserved legal activities in relation to which it is not a licensing authority, or (f) the alteration has been or is likely to be made otherwise than in accordance with the procedures (whether statutory or otherwise) which apply in relation to the making of the alteration.

obligations under section 28 of the Act to have regard to the Better Regulation Principles. The rules also require that the applicant provides information about the nature and effect of each proposed change and of appropriate consultation undertaken. Sub paragraph 25(3)(f) requires that each proposed alteration has been made or is likely to be made in accordance with the procedures which apply in relation to making of the alteration. This includes the LSB's rules.

4. The LSB will approve Regulatory Arrangements in so far that they appear to achieve their intended outcome and satisfy the sub paragraph 25(3) criteria. Most notably there must be no adverse impact on the Regulatory Objectives overall and the alterations and the process by which they have been produced must be consistent with Better Regulation Principles.
5. The chronology for handling of this application can be found towards the end of this Decision Notice.

### **Background**

6. In developing the approach, framework and rules for licensing authorities, the LSB has made clear that it expects applicants to adopt an outcomes-focused approach to regulation.
7. As part of its preparations for becoming a licensing authority and extending the reserved legal activities for which it is an approved regulator (both of which are subject to separate applications to the LSB) the CLC has taken the opportunity to review and revise all of its rules and guidance. It has also developed a series of framework documents which describe the parameters within which the CLC operate.

#### *The CLC Handbook*

8. The CLC recognises the merits of an outcomes-focused approach to regulation. It proposes to replace its existing prescriptive Rules and Guidance with a new Handbook of Codes and Frameworks. The Codes are the foundation stones of the proposed regulatory arrangements. They set out the regulatory responsibilities of the regulated community and, wherever possible, are based on principles rather than being prescriptive.
9. The Code of Conduct is the "parent" document. It sets out 6 Overriding Principles (OP)
  - OP1 Act with independence and integrity
  - OP1 Maintain high standards of work
  - OP3 Act in the best interests of your clients
  - OP4 Comply with your duty to the Court<sup>2</sup>
  - OP5 Deal with regulators and ombudsmen in an open and co-operative way
  - OP6 Promote equality and access to service
10. Each Overriding Principle is underpinned by

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<sup>2</sup> This Outcome will only be applicable if CLC's application to be designated for the reserved legal activities of rights of audience and right to conduct litigation is successful. This application is being considered by the LSB.

- Outcomes – the result for the customer; the end result of the application of a principle or specific requirement
  - Principles – an essential quality; a characteristic, behaviour or ethic which must be demonstrated so that positive outcomes for customers are achieved
  - Specific requirements – a strict direction for conduct
11. The supporting Codes & Guidance cover a range of subjects, e.g. accounts, conflicts of interest, equality, professional indemnity insurance. Each is introduced with Outcomes that the regulated community must deliver for their clients in that particular area of activity. They are explicitly linked to the Outcomes in the Code of Conduct and contain individual provisions relevant to the issue covered by the Code.
12. In addition to the Codes & Guidance, the CLC has developed 7 framework documents which describe the processes that the CLC follow, e.g. the Compensation Fund Operating Framework sets out how the CLC manage the Compensation Fund. These frameworks have been submitted for approval.
13. CLC's view is that the revisions will make the regulatory arrangements more transparent, accountable and appropriate. CLC intends to conduct a survey of its regulated community one year after the roll-out of the revised arrangements to determine whether transparency, accountability and proportionality have been achieved.

#### **Major changes proposed by CLC**

14. In developing the Handbook, CLC has introduced some significant changes to its regulatory arrangements.

#### *Regulation of non-reserved legal activities*

15. As part of its licensing authority application, the CLC is proposing that all licences stipulate the non-reserved legal activities that a licensed body is allowed to undertake through a series of permissions on the licence. It may also place limits on the non-reserved legal activities through the imposition of conditions. The CLC believes that the regulation of non-reserved legal activities to the same standard as reserved activities is in the interests of consumer protection.
16. The Licensed Conveyancers Licensing Framework and the Recognised Body Recognition Framework have similar provisions thereby ensuring a consistent approach across all of the CLC regulated community.
17. Differing opinions have been expressed on whether non-reserved legal activities should be regulated (see Annex 2 of the Decision Notice on the Licensing Authority application).
18. Paragraph 2(a) of schedule 17 of the Act provides an amendment to the Administration of Justice Act 1985 which broadens the scope of regulated activity for individuals to include "other services by persons who hold licences" which means that anything an individual licensed conveyancer does may be regulated. The CLC can also authorise

CLC recognised bodies to provide conveyancing services and “other relevant legal services” (as defined by section 32(1)(b) of the 1985 Administration of Justice Act).

19. The CLC has confirmed that any decisions to regulate non-reserved legal activities through permissions will be risk based and will be made in accordance with the outcomes set out in the CLC Code of Conduct. It is not seeking to reserve particular activities to authorised persons. Instead, the resources allocated to and arrangements for non-reserved legal activities will inform the risk assessment of the applicant. In determining each application, the CLC will assess the competence of the applicant, the sophistication and vulnerability of their clients and how closely aligned the non-reserved legal activities are to the reserved activities to be provided. The CLC will also consider the impact upon consumer choice and access to justice if the non-reserved activities are not permitted.

#### *Other changes*

20. CLC will introduce flexibility in the Professional Indemnity Insurance (PII) Code by allowing firms to opt out of the CLC Master Policy. Firms that elect to do so will need to provide evidence to the CLC that they have in place PII cover that is at least equivalent to that of the Master Policy.
21. CLC propose to remove the requirement for annual renewal of licences, though firms will still have to submit an annual return of key data and information. This will allow the CLC to direct its resources to more risk identification and management activities rather than administrative functions.
22. There is a new code dedicated to equality issues. The Equality Code & Guidance is designed to assist the regulated community to achieve compliance with OP6, Promote equality and access to service.
23. The Compensation Fund Framework enables the CLC to recover money from a manager without having to prove that he specifically contributed to the loss giving rise to the claim. This recognises that managers have a responsibility to ensure that firms have in place appropriate systems and procedures to prevent the loss arising in the first place.

#### **Changes to the proposals during the assessment**

24. During the assessment of the application, we raised a number of issues with the CLC which have led to the following changes to the proposed arrangements:
  - A requirement in the CLC Accounts Rules 2008 on licensed conveyance to pay interest, at his own expense, to clients on money that should have been held in a separate designated account or client account but it had not been carried forward to the new rules. As a result, the Accounts Code 15.1 has been amended to “ when holding *Client Money* in a *Client Account* or which should have been paid into a *Client Account*, subject to 15.3 you must account to the client for any interest earned or which should have been earned on such money”

- The Compensation Fund Operating Framework required that when making a claim for a grant from the Compensation Fund, “*Claimants* must sign, complete and deliver to *CLC* a notice of *claim* in the form required by the *CLC*”. Concern was expressed that some clients (such as those that are vulnerable or have disability) may not be able to meet these requirements. A further provision has been added “where the Claimant requires assistance in completing a notice of claim form this will be provided”
- An additional provision has been included in the Compensation Fund Operating Framework allowing a claimant a right to request that the CLC Adjudication Panel reviews a decision on a claim.

#### **Rules that are approved with effect from the date of this decision notice**

25. This Decision Notice only approves changes to the regulatory arrangements that apply to the current regulated community for the current reserved legal activities for which the CLC is an approved regulator.

#### **Rules that are not approved at this time**

26. The application contained provisions that will only become effective if the CLC is successful in its applications to be designated as a licensing authority and to extend the reserved legal activities for which it is an approved regulator. Proposals which are specific to those applications will be considered for approval as part of the assessment of those applications.
27. Annex 1 lists the Codes that have been approved in full and in part. It also lists those that have not been approved as part of this decision. For those parts that have not been approved, an indication is given as to which application will consider them.
28. Annex 2 contains a copy of the revised Code of Conduct. A copy of the full Handbook can be found on the LSB website.

[http://www.legalservicesboard.org.uk/what\\_we\\_do/regulation/applications.htm](http://www.legalservicesboard.org.uk/what_we_do/regulation/applications.htm)

#### **Decision**

29. We are satisfied that, having considered the application in the context of Schedule 4 sub paragraph 25(3) criteria, we have no grounds for refusing the application made in relation to the regulatory arrangements in so far as it affects the current regulated community. Therefore the application is therefore approved for those items listed on paragraph 1 and 2 of Annex 1.
30. The sections of the Handbook listed in paragraph 2 of Annex 1 are partially approved. Those listed in paragraph 3 are not approved. For the sections not approved, the application is refused under Schedule 4, paragraphs 23(d) and (e).

#### **Chronology**

- The LSB confirmed receipt of an application from the CLC on 21 February 2011.

- The 28 day initial decision period for considering the application ended on 18 March 2011
- The Decision Period was extended to 19 May 2011 on 18 March 2011 to allow for the proposals to be considered alongside the application from the CLC to be designated as a licensing authority.
- This Decision Notice is being published on our website on 10 May 2011

**Actions**

- The CLC to conduct a survey of its regulated community one year after the roll-out of the revised arrangements to determine whether transparency, accountability and proportionality has been achieved.

**The Legal Services Board  
9 May 2011**

**1. CLC Handbook – Codes & Guidance approved in full by this Decision Notice****Universal Arrangements**

- Accounts Code & Guidance
- Anti-Money Laundering and Combating Terrorist Financing Code & Guidance
- Complaints Code & Guidance
- Conflicts of Interest Code & Guidance
- Continuing Professional Development Code
- Dealing with non-Authorised Persons (third parties) Code & Guidance
- Disclosure of Profits and Advantages Code
- Equality Code & Guidance
- Estimates and Terms of Engagement Code & Guidance
- Management and Supervision Arrangements Code & Guidance
- Professional Indemnity Insurance Code & Guidance
- Undertakings Code & Guidance

**Specific Arrangements**

- Acting as an Insurance Intermediary Code & Guidance
- Acting for Lenders and Mortgage Fraud Code & Guidance
- Recognised Body Code
- Transactions Files Code & Guidance

**Frameworks**

- Compensation Fund Operating Framework
- Professional Indemnity Insurance Framework

**2. Other Framework documents approved in full under this Decision Notice**

- Licensed Conveyancers Licensing Framework
- Recognised Body Recognition Framework

**3. Elements of the CLC Handbook that are approved in part by this Decision Notice**

	Section of Handbook	Excluding	To be considered as part of
1	Code of Conduct	Overriding Principle (OP) 4 and the Outcome, Principles and Specific Requirements relating to the OP	Additional RLA application
2	Notification Code	Paragraphs 13 to 16 inclusive - provisions relating to Licensed Bodies (ABS)	Licensing authority application
3	Continuing Professional Development Framework	Para 2 in so far as it imposes requirements for holders of litigation and/or advocacy licences	Additional RLA application

	Regulatory Policy and Enforcement Policy	References to the standard of proof (as amended during consideration of the Licensing Authority application)	Separate application for alteration to regulatory arrangements
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**4. Elements of the CLC Handbook that are not approved under this Decision Notice**

- Licensed Body Code – will be considered as under the licensing authority application
- Litigation and Advocacy Supplementary Code – will be considered as part of the extension to reserved legal activity application



## Universal Arrangements

## Annex 2



### *Code of Conduct*

#### **Introduction**

This *Code of Conduct* was made in accordance with s.20 of the *Administration of Justice Act 1985* and s.83 of the *Legal Services Act 2007*.

All individuals and bodies regulated by the **CLC** must comply with this Code and its associated *regulatory arrangements*. In this Code “you” refers to individuals and bodies (and the employees and managers within them) regulated by the **CLC**. You must not permit anyone else to act or fail to act in such a way as to amount to a breach of this Code. Your main driver should be the delivery of positive *client outcomes*. The Code comprises *principles* and *specific requirements*, which taken together deliver positive *Outcomes* for your *Clients* and, particularly in relation to *Overriding Principle 6*, for others you deal with.

To effectively secure the protection of, and the provision of choice for, the consumer of legal services, you must at all times comply with the following *Overriding Principles*:

1. Act with independence and integrity;
2. Maintain high standards of work;
3. Act in the best interests of your *Clients*;
4. Comply with your duty to the court;
5. Deal with regulators and ombudsmen in an open and co-operative way;
6. Promote equality of access and service.

These are underpinned by *principles* of behaviour which must be demonstrated and *specific requirements* which must be complied with in order that the *Overriding Principles* are supported.

Disciplinary proceedings may be taken against you if the **CLC** believes there has been a breach of this Code, meaning that *clients* do not receive the standard of legal services they should reasonably expect to receive. The **CLC**'s response will be informed by the **CLC**'s Regulatory and *Enforcement* Policies.

In exceptional circumstances the **CLC** may waive a provision, or provisions, of the *regulatory arrangements* for an individual, body or circumstance for a particular purpose, or purposes, and with the *conditions* specified in the waiver.

**Overriding Principle 1. Act with independence and integrity**

**Outcomes** - you must deliver the following **Outcomes**:

- 1.1 **Clients** receive good quality independent information, representation and advice;
  - 1.2 **Clients** receive an honest and lawful service;
  - 1.3 **Client money** is kept separately and safely.
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**Principles** - delivery of these **Outcomes** requires you to act in a principled manner:

- a) You do not allow your independence to be compromised.
- b) You act honestly, professionally and decently.
- c) You do not conduct yourself in a manner which may result in a breach of the law nor in any other manner which may bring the legal profession into disrepute.
- d) You **carry on Reserved Legal Activity** only through a person entitled to **carry on** that activity.
- e) You do not give false or misleading information relating to the provision of **Regulated Services**.
- f) You do not allow fee arrangements to prejudice your independence or professional judgement.
- g) You do not conduct business under a misleading name.
- h) You keep **Client money** safe.
- i) You do not publicise your business through unsolicited communications in person or by telephone.
- j) Your advertising is clear, accurate and fair.
- k) You keep **Client money** entirely separate from your money or the money of the entity.
- l) You do not take unfair advantage of any person, whether or not a **Client** of the business.

**Specific Requirements** - you must also comply with the following **specific requirements**:

- m) You comply with **anti-money laundering and prevention of financing terrorism legislation**.
- n) When acting as a **CLC** licensee, you accept instructions only to act in a matter which is regulated by the **CLC**.
- o) All business **communications**, websites and office premises display information confirming the entity is regulated by the **CLC** and the names of the **Managers** (identifying those who are **Authorised Persons**).

**Overriding Principle 2. Maintain high standards of work**

**Outcomes**- you must deliver the following **Outcomes**:

- 2.1 **Clients** are provided with a high standard of legal services;
  - 2.2 **Client** matters are dealt with using care, skill and diligence;
  - 2.3 Appropriate **arrangements**, resources, procedures, skills and commitment are in place to ensure **Clients** always receive a high standard of service.
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**Principles** - delivery of these **Outcomes** requires you to act in a principled manner:

- a) You provide the level of service appropriate for, and agreed with, the **Client**.
- b) You keep your skills and legal knowledge up-to-date.
- c) You ensure all individuals within the entity are competent to do their work.
- d) You supervise and regularly check the quality of work in **Client** matters.
- e) You comply fully with any undertaking given by you.
- f) You **systematically** identify and mitigate risks to the business and to **Clients**.
- g) You promote ethical practice and compliance with regulatory requirements.
- h) You enable staff to raise concerns which are acted on appropriately.
- i) You maintain proper governance, management, supervision, financial, and risk management **arrangements** and **controls**.
- j) You administer oaths, affirmations and declarations properly.
- k) You deliver services in accordance with timetables reasonably agreed with the **Client**.

**Specific Requirements** - you must also comply with the following **specific requirements**:

- l) **Control** of an entity is from a permanent fixed address in England or Wales.
- m) A **Manager** who is an **Authorised Person** is responsible for ensuring that all of the entity's **employees** are properly supervised.
- n) You make provision for alternative supervision **arrangements** in case of illness, accident or other unforeseen event.
- o) You maintain proper records to evidence your **arrangements** and **controls** and how they are applied.

**Overriding Principle 3. Act in the best interests of your Clients**

**Outcomes** - you must deliver the following **Outcomes**:

- 3.1 Each **Client's** best interests are served;
- 3.2 **Clients** receive advice appropriate to their circumstances;
- 3.3 **Clients** have the information they need to make informed decisions;
- 3.4 **Clients** are aware of any referral arrangements and that they are consistent with your responsibilities both to them and to the **CLC**;
- 3.5 **Clients** are aware of any limitation or any condition resulting from your relationship with another party;
- 3.6 **Clients'** affairs are treated confidentially (except as required or permitted by law or with the **Client's** consent).

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**Principles** - delivery of these **Outcomes** requires you to act in a principled manner:

- a) You only accept instructions and act in relation to matters which are within your professional competence.
- b) You keep the interests of the **Client** paramount (except as required by the law or the **CLC's regulatory arrangements**).
- c) You do not act for a **Client** where you judge it is not in their best interests for you to do so.
- d) You do not accept instructions from a person nor continue to act for a **Client** whose interests conflict directly with your own, the entity's, or another **Client**.
- e) You disclose **client** information only as the **Client** has instructed (or as required by the **CLC's regulatory arrangements** or by law), keeping effective records of any disclosures you make.
- f) You only recommend a particular person, business or product when it is in the best interests of the **Client**.
- g) You cease acting in a matter if the **Client** so instructs or, in the absence of such instructions where it is reasonable to do so.
- h) You provide the **Client** with information which is accurate, useful and appropriate to the particular **Client**.
- i) You only provide **reserved legal activities** whilst you have **CLC**-approved **professional indemnity insurance** in force.
- j) You provide the **Client** with all relevant information relating to any fee arrangements or fee changes.
- k) You advise **Clients** of the name and status of the person dealing with their matter and the name of the person responsible for overall supervision.

- l) You consult **Clients** on key decisions in a timely way.
- m) You **promptly** advise **Clients** of any significant changes to projected **costs**, timelines and strategies.

**Specific Requirements**- you must also comply with the following **specific requirements**:

- n) Where the entity represents parties with different interests in any transaction each party is at all times represented by different **Authorised Persons** conducting themselves in the matter as though they were members of different entities.
- o) You ensure there are adequate indemnity arrangements in respect of **claims** made against you for work carried out by you after you have ceased to practise.
- p) If you seek to exclude or limit liability, you do so only to the extent that such exclusion or limitation is above the minimum level of cover provided by **CLC**-approved **professional indemnity insurance**; you must obtain the written informed consent of the **Client** for such exclusion or limitation to be effective.
- q) When providing services which are not regulated by the **CLC**, you advise your **Client** of this and inform them in writing that the activity is not covered by **CLC**-approved **professional indemnity insurance** or the **CLC**-administered **Compensation Fund**.
- r) Before or when accepting instructions, you inform **Clients** in writing of the terms on which the instructions are accepted, a complete, accurate estimate of fees and **disbursements** to be charged and if and when they are likely to change.
- s) You **promptly** inform the **Client** in writing of the existence and amount of any sum payable (whether directly or indirectly) as a result of receipt of that **Client's** instructions.
- t) With the exception of **disbursements**, you do not delay completion because fees are outstanding to you.
- u) You discuss and agree with the **Client** how **costs** will be paid, whether directly by the **Client**, by public funding, through an insurance policy or otherwise.

**Overriding Principle 4. Comply with your duty to the court**

**Note: this Principle will only be applicable if the CLC's application to regulate *advocacy and litigation* services is successful**

**Outcomes** - you must deliver the following **Outcomes**:

- 4.1 You act in the interests of justice;
  - 4.2 You act in good faith towards **Clients**.
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**Principles** - delivery of these **Outcomes** requires you to act in a principled manner:

- a) You promote and protect the **client's** best interests.
- b) You do not compromise your professional standards or independence.
- c) You assist the court in the administration of justice.
- d) You do not knowingly or recklessly mislead or deceive the court, or allow the court to be misled.
- e) You ensure that the Court is informed of all relevant decisions and legislative provisions (whether this has a favourable or unfavourable effect on the case you are advancing).
- f) You comply with any Court Order (unless an application for a stay is pending or the Order has been revoked by the Court) ;
- g) You advise your **Client** to comply with Court Orders and of the consequences of failing to do so.
- h) You properly protect sensitive evidence.
- i) You safeguard the well being of children and other vulnerable persons.

**Specific Requirement** - you must also comply with the following specific requirement:

- j) You ensure that the court is made aware of any relevant legal or factual matters which are likely to have a material effect on the outcome of the proceedings.

**Overriding Principle 5. Deal with regulators and ombudsmen in an open and co-operative way.**

**Outcome** - you must deliver the following **Outcome**:

5.1 You act in accordance with your regulatory responsibilities.

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**Principles** - delivery of these **Outcomes** requires you to act in a principled manner:

- a) You are open and honest in your dealings with us.
- b) You comply with the **CLC Code of Conduct** and the **CLC's** other **regulatory arrangements**.
- c) You comply **promptly** and fully with a **CLC** direction or request.
- d) You comply with any **authorisation, permission** or **condition** endorsed on your **licence, Recognised Body Certificate** or **Licensed Body Licence**.
- e) You co-operate with any **CLC** investigation.
- f) You co-operate with any **Legal Ombudsman** investigation.
- g) You comply **promptly** and fully with any **Legal Ombudsman** Order.
- h) You co-operate with other regulators and ombudsmen.

**Specific Requirements** - you must also comply with the following **specific requirements**:

- i) You make the **Compensation Fund** contribution determined by the **CLC**.
- j) You **systematically** identify, monitor and manage risks to the delivery of this Code's **outcomes**.
- k) You **promptly** notify insurers in writing of any facts or matters which may give rise to a **claim** under **CLC**-approved **professional indemnity insurance**.
- l) You **promptly** notify the **CLC** in writing of any facts or matters which may give rise to a **claim** under its **Compensation Fund**.
- m) As a **CLC** licensee operating in an entity regulated by another regulator you must comply with that regulator's regulations at all times in a way which is reasonably consistent with this Code.
- n) You obtain permission from the **CLC** before offering **Reserved legal activities**:
  - as a new business;
  - in an entity regulated by another **Approved Regulator**; or
  - through a entity with a **Manager** who is not a **Licensed Conveyancer**.
- o) You notify the **CLC** of any material breach of this Code, whether by you, the entity or any other person.
- p) You notify the **CLC** of a change as set out in the **CLC's** Notification Code.

**Overriding Principle 6. Promote equality of access and service.**

**Outcomes** - you must deliver the following **Outcomes**: -

- 6.1 The service is accessible and responsive to the needs of individual **Clients**, including those who are vulnerable;<sup>1</sup>
- 6.2 No-one - **Client, employee**, colleague, job applicant, trainee or other party - you deal with feels discriminated<sup>2</sup> against (whether directly or indirectly), victimised or harassed;
- 6.3 You accept responsibility where the service you provide is not of the expected standard and provide appropriate redress for the **Client** where necessary;
- 6.4 Handling of **complaints** takes proper account of **Clients'** individual needs, including those who are vulnerable;
- 6.5 **Complaints** are dealt with impartially and comprehensively.

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**Principles** - delivery of these **Outcomes** requires you to act in a principled manner:

- a) You comply with **Equalities legislation**.
- b) You make reasonable adjustments to prevent persons with disabilities from being placed at a substantial disadvantage.
- c) You provide equal opportunities for all partners, **employees** or applicants in employment and training.
- d) You make all reasonable efforts to ensure your service is accessible and responsive to **Clients**, including those with vulnerabilities.
- e) Your **complaints** procedure is clear, well-publicised and free.
- f) You treat **complaints** seriously and provide appropriate redress options.
- g) You deal with **complaints** fairly and within 28 days.
- h) You identify and address systemic **Client Complaints** issues.

**Specific Requirements** - you must also comply with the following **specific requirements**:

- i) Any allegation of (direct or indirect) discrimination, victimisation and harassment is investigated thoroughly, resulting, where appropriate, in disciplinary action.
- j) You advise **Clients** from the outset of their right to make a **complaint**, how to make it, to whom, and the timeframes involved.
- k) You advise **Clients** of their right to have their **complaint** escalated to the **Legal Ombudsman** and provide them with contact details and timeframes of that body.



- l) You keep a record of **complaints** received and any action taken as a result.

<sup>1</sup> a **Client** may be vulnerable because of a range of characteristics such as low-literacy levels; disability; distress; limited knowledge of, or limited skills in, use of English; or lack of knowledge of their legal entitlements. Vulnerability can only be assessed on a case-by-case basis.

<sup>2</sup> On the grounds of age, disability, gender reassignment, marital and civil partnership status, pregnancy and maternity, race, religion or faith, sex or sexual orientation.