

## COMPLAINTS PROCEDURE

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### 1. Introduction

- 1.1. We are committed to providing the best possible legal service for all of our clients but recognise that on occasion some may be dissatisfied with the service received.
- 1.2. If you are dissatisfied with our service, please tell us about the problem so that we can attempt to resolve it and we can continue to improve our standards.
- 1.3. We consider that how well we respond to a complaint is an important element of our standard of service to clients and a vital aspect of our professional ethics. We will endeavour to deal with your complaint promptly, fairly, openly and effectively and we would hope to resolve the matter to your satisfaction. You will, of course, not be charged for any of the time that we may spend in handling your complaint.
- 1.4. You have a right to refer your complaint to the Legal Ombudsman, an independent and impartial body which will handle complaints received from members of the public. Full details of the Legal Ombudsman's services can be found at [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk) and contact details are set out in full at paragraph 8 below.
- 1.5. The Legal Ombudsman suggests that clients use the following procedure for resolving complaints:
  - Step 1:** Tell your lawyer
  - Step 2:** Give your lawyer time to resolve things
  - Step 3:** Bring your complaint to the Legal Ombudsman
- 1.6. You cannot normally use the Legal Ombudsman service unless you have first used our complaints procedure. Details of circumstances in which you can use the Legal Ombudsman before our complaints procedure has been exhausted can be found on their website.

### 2. Informal Resolution of Complaints

- 2.1 If you feel that the issue can be resolved by a discussion with the individual or individuals working on your case, then please raise the matter with them and we would hope that the issue can be resolved quickly and to your satisfaction. If you feel that your complaint has been satisfactorily resolved, or if you would like to withdraw your complaint, we would ask that you confirm this in writing. We will then respond in writing confirming our understanding of the position.

2.2 In the alternative, if you feel that the matter is more serious, then you may consider it necessary to pursue a more formal complaint, in accordance with the following Formal Complaints Procedure.

**3. Formal Complaints Procedure**

3.1 Your complaint will be dealt with by means of a two stage procedure:

- **Stage 1:** Written complaint to the firm's Client Care Partner/s, Julian Hayes and/or Shula de Jersey.
- **Stage 2:** Written complaint to the firm's Senior Partner, Ian Burton.

3.2 Details of the action that you will need to take at each stage in the procedure are set out below.

**4. Formal Complaints Procedure Stage One: Written Complaint to the Client Care Partner**

4.1 If you do not feel that your complaint has been satisfactorily resolved by discussion with the relevant fee earner/supervising partner, then please inform us of this in writing, at which point your complaint will proceed to the first stage of the formal process.

4.2 At this stage, as your complaint will be handled by an individual or individuals who have not previously dealt with your case, we would ask you to set out full details of your complaint, addressing the letter for the attention of the Client Care Partner, in order that we can deal with your complaint as swiftly and as effectively as possible.

4.3 Within **2 working days** of receiving your complaint we will send you a letter acknowledging receipt of your complaint, enclosing a copy of this procedure.

4.4 At this time, our Client Care Partner will also open a separate file for your complaint and will begin to investigate. This will involve a review of your matter file by our Client Care Partner, who will speak to the member of staff who acted for you.

4.5 If appropriate, we will then invite you to meet the Client Care Partner to discuss and hopefully to resolve your complaint. We would hope to be in a position to meet with you in this way no longer than **15 working days** after sending you the letter acknowledging your complaint.

- 4.6 Within **5 working days** of the meeting the Client Care Partner will write to you to confirm what took place and any solutions s/he has agreed with you.
- 4.7 Alternatively, if you do not want a meeting or if it is not possible for a meeting to take place, within **20 working days** of sending you the acknowledgement letter the Client Care Partner will send you a detailed written reply to your complaint, including his/her suggestions for resolving the matter.
- 4.8 Our suggestions for resolving the complaint may include an apology, a reduction of any bill or a repayment in relation to any payment received, as appropriate.

**5. Formal Complaints Procedure Stage Two: Written Complaint to the Senior Partner**

- 5.1 If you are not satisfied with the outcome of the investigation undertaken by the Client Care Partner, you can request a review of your complaint by the firm's Senior Partner, such request to be made in writing and addressed to the Senior Partner.
- 5.2 Within **10 working days** of receiving that request, the Senior Partner will review your complaint file, which will contain a documentary record of all the steps taken in investigating and handling your complaint.
- 5.3 Within **5 working days** of conducting that review, the Senior Partner will write to you confirming his/her final position on your complaint and explaining his/her reasons.

**6. Complaints about Costs**

- 6.1 If your complaint relates to a bill or bills that you have received and we have not been able to resolve the problem internally, you also have the right to apply to the court for a section 70 Solicitors' Act 1974 (as amended by Legal Services Act 2007) assessment of costs:
- there is an absolute right to an assessment within one month of the date of delivery of the bill.
  - the permission of the court is required if the application is made between 1 and 12 months of the date of delivery of the bill.
  - after 12 months or if judgement has been obtained for recovery of the costs or if payment of the bill has been made, the court may order assessment only if special circumstances exist.

- 6.2 The Legal Ombudsman may not consider a complaint about costs where an application has been made to the court for assessment.
- 6.3 You may also consider whether the bill could be challenged under the common law on the basis that a solicitor is only entitled to recover costs agreed by the client or a reasonable amount for the work carried out.
- 6.4 We may be able to charge interest on all, or part, of an unpaid bill.

**7. Changes to Procedure**

- 7.1 If we consider that it will be either necessary or appropriate for the investigation to follow a procedure that is different from that set out above, we will:
- inform you in writing what procedure we propose to adopt, how it is different from our normal procedure and why we have adopted it; and
  - invite you to comment on the proposed changes to our normal procedure for investigating complaints.

**8. Legal Ombudsman**

- 8.1 If at the conclusion of our Client Complaints Procedure you are not satisfied with our handling of your complaint you can ask the Legal Ombudsman to consider the matter. You can find full details of the Legal Ombudsman's Scheme Rules on the Legal Ombudsman's website.

- 8.2 Contact details for the Legal Ombudsman are as follows:

Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

Address: Legal Ombudsman  
P.O. Box 6806  
Wolverhampton  
WV1 9WJ

Telephone: 0300 555 0333

Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

- 8.3 The Legal Ombudsman has time limits for dealing with complaints. Ordinarily you should contact them within **6 months** of receiving a final written response from us about your complaint.
- 8.4 There are two additional time limits. Complaints must be made:
- within **6 years** of the date of the act or omission about which you are complaining; or
  - within **3 years** of you becoming aware of the act or omission about which you are complaining.
- 8.5 Please note that the Legal Ombudsman will not accept complaints where the act or date of awareness was before 6 October 2010.