

COMPLAINTS POLICY

Our complaints policy

We are committed to providing a high quality legal service to all our clients. When something goes wrong we need you to tell us about it. This will help us to improve our standards.

Our aim is to resolve any problems as quickly and as smoothly as possible and the simplest way may be for this to be dealt with informally at an early stage.

Start with the hands-on fee-earner

Please contact the fee-earner dealing with your matter as soon as you have a query or any concern. The person with hands-on knowledge of the file is best placed to deal immediately with any concerns.

Our complaints procedure

You can always speak to any partner on the telephone if you are unhappy with our service in any respect. If you wish to lodge a formal complaint with us, then please write to us with the details.

What will happen next?

- We will record your complaint in a register and open a separate file.
- Your complaint will be notified to our senior partner.
- We will let you know the name of the person who will be dealing with your complaint. This may initially be the partner or solicitor acting for you, or the senior partner (see footnote 1 below).
- We will then investigate your complaint (see below)

Time scales

We will act speedily and will try to abide by timescales indicated below or let you know of any reason for extending these.

Investigating your complaint

Our investigation will normally involve the following steps:

- An independent review will be made of your file and papers.
- The appropriate fee-earner who has dealt with your matter will be asked to comment on your complaint within seven days from the conclusion of the independent review.
- The person dealing with the complaint will then examine the fee-earner's comments and the information in your file. If necessary he may also speak to the person involved. This will take up to five days.

Footnote ¹ The senior partner may nominate another partner or consultant within the firm for this purpose, for example if the senior partner will not be available to deal promptly with the complaint or if the senior partner was himself professionally involved in the subject matter of the complaint.

- Either the fee-earner or the senior partner will then respond to your complaint, as may be appropriate. We may invite you to a meeting to suit your convenience and without formality in order to discuss and hopefully resolve your complaint.
- If there is a meeting, the senior partner will write to you within three days to confirm what took place and any solutions he has agreed or proposed.

Alternative to a meeting

We hope that you will tell us on receipt of the letter in reply to your complaint if you are satisfied or if you think further steps need to be taken to resolve the matter. If you do not wish to have a meeting with us or if it is not possible for any reason, that will be quite understood. The senior partner will then send you a further reply and this may include suggestions for resolving the matter.

Summary of the above

We will do our best to resolve your complaint without formal correspondence if that is an appropriate course open to us.

- Once you have lodged a formal complaint with us, it will be investigated independently and we will let you have a reply to your complaint within seven days of the conclusion of that investigation.
- You may be invited to a meeting.
- Alternatively, if there is to be no meeting then the partner investigating your complaint may propose suggestions for resolving the matter.

Appeals stage : process and decision

If you inform us that you are still not satisfied and confirm that to us in writing, we will then arrange to review our decision. This will happen in one of the following ways:

- Another partner with seniority in the firm who has not previously been involved with your complaint will review the complaint decision within 14 days; or
- Alternatively, we may invite you within seven days to agree to independent mediation, letting you know what such a process would involve.
- Within five days of the conclusion of the review of our decision, we will inform you of the result in writing. That will confirm our final position on your complaint and explain our reasons.

Legal Ombudsman

We have 8 weeks to resolve your complaint, but if you are still not satisfied after we have informed you of the result about the handling of your complaint, you may be eligible to take the matter further with the Legal Ombudsman (LeO).

Not all clients are able to have recourse to the LeO, but if you do you normally have 6 months starting from the earlier of our telling you of the result of your appeal and the expiry of the 8 week period.

The LeO can investigate complaints:

- up to 6 years from the act or omission you wish to complain about; or
- within 3 years from when you found out about the problem.

You can also use the LeO before the 8 weeks have expired in circumstances where the LeO considers:

- there are exceptional reasons to consider the complaint sooner (e.g. we have refused to); or

- that in-house resolution is not possible due to irretrievable breakdown in the relationship between us and you.

If the LeO considers there are exceptional circumstances, he may extend the time limits to the extent that he considers fair.

Ordinarily, the complaint must be referred to the LeO within 6 months of our final response to your complaint.

The clients who can complain to the LeO are:

- (a) an individual;
- (b) an enterprise which, at the time at which the complainant refers the complaint to the respondent, is a micro-enterprise within the meaning of Article 1 and Article 2(1) and (3) of the Annex to Commission Recommendation 2003/361/EC, as that Recommendation had effect at the date it was adopted;
- (c) a charity with an annual income net of tax of less than £1 million at the time at which the complainant refers the complaint to the respondent;
- (d) a club, association or organisation, the affairs of which are managed by its members or a committee or committees of its members, with an annual income net of tax of less than £1 million at the time at which the complainant refers the complaint to the respondent;
- (e) a trustee of a trust with an asset value of less than £1 million at the time at which the complainant refers the complaint to the respondent;
- (f) a personal representative of an estate of a person; or
- (g) a beneficiary of an estate of a person.

The clients who cannot complain to the LeO are those who at the time of the act/omission to which the complaint relates were:

- a) a public body (or acting for a public body) in relation to the services complained about; or
- b) an authorised person who procured the services complained about on behalf of someone else

In addition, the LeO can accept a complaint from someone who has been unreasonably refused a service by us or persistently or unreasonably been offered a service by us which they do not want.

You can contact the Legal Ombudsman about your complaint by writing to:-

The Legal Ombudsman (www.legalombudsman.org.uk) at PO Box 6806 Wolverhampton WV1 9WJ or by email to (enquiries@legalombudsman.org.uk). Their telephone number is 0300 555 0333.

Solicitors Regulation Authority

If you are unhappy with our behaviour apart from the handling of your complaint the Solicitors Regulation Authority may be able to help. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic.

Visit their website to see how you can raise your concerns with the Solicitors Regulation Authority <http://www.sra.org.uk/consumers/problems/report-solicitor/>.

The partner responsible for this policy is Seamus Smyth

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