

## **COMPLAINTS POLICY & PROCEDURE**

### **1. Our Complaints Policy**

- 1.1. We are committed to providing a high-quality legal service to all our clients.
- 1.2. If you have not been satisfied with our service, we want to know about this, to help us improve our standards.
- 1.3. If you are a client and have a complaint, please feel free to contact us with details of your complaint. This may (for example) be dissatisfaction with our fees, service delivery, delay, not following your instructions, or not being kept informed of progress.
- 1.4. A complaint need not be expressed in any particular form – we like to be told about and given the opportunity to deal with any expression of dissatisfaction, no matter how informally expressed.
- 1.5. Rest assured that you will not be charged at any stage for dealing with your complaint – regardless of the outcome.

### **2. Our Complaints Procedure**

- 2.1. In the first instance, always consider taking up any problem or dissatisfaction directly with the person handling your matter. Alternatively, raise it with the partner overseeing or dealing with it, where the matter is being handled by a team which includes a partner. You may want to consider contacting another partner whom you feel you know and trust, or with whom you dealt when you first came to us.
- 2.2. Many problems - especially misunderstandings about advice or concerns over fees - can be resolved directly with the person dealing with your matter in a way which is satisfactory for all concerned, and often enables the working relationship both to continue and improve.
- 2.3. However, we understand that you might not want to raise - or may not feel comfortable about raising - your problem directly with the person handling the matter. You may lack confidence that your concerns will be satisfactorily addressed by doing so. There may be no other person within the firm with whom you are familiar, or feel comfortable approaching. You may feel you have tried doing this anyway, but are still not satisfied. In all such cases, please contact our Complaints Partner. The remainder of this procedure will then apply.

### **3. What will happen next?**

- 3.1. The Complaints Partner at Keelys LLP is Sharon Lawrence. She can be contacted by post, e-mail, fax or telephone – whichever you prefer. She may deal with your complaint

herself, or she may request another partner in the firm to deal with it, where appropriate. (This might be where the particular complaint concerns an area of law or specialism which is better understood and handled by someone who practices in that area.)

- 3.2. If possible, please supply the Complaints Partner with our file number for your matter, brief details of the matter, the nature of the complaint and the person dealing with your matter.
- 3.3. Although not essential, it is particularly helpful if you can set out your concerns in writing in a letter or e-mail, as the Complaints Partner will often know little about your particular matter when you first make contact, and may not practice in the particular area of law to which your matter relates. It also avoids misunderstandings about the nature of your complaint.
- 3.4. We will send a letter or e-mail acknowledging your complaint within three working days of receipt of your complaint. Where necessary, we may ask you to confirm or clarify some details set out in your complaint.
- 3.5. The Complaints Partner will then investigate your complaint, which will normally involve the following steps:-
  - reviewing the file, in the light of your complaint
  - discussing the matter with the member of staff concerned and considering any comments he/she, in turn, may have on your complaint
  - if necessary, telephoning you to obtain further details or clarification in the light of comments made. In some cases, she may suggest a meeting to discuss your complaint.
- 3.6. In most cases the Complaints Partner will try and resolve your complaint with you either over the telephone or by e-mail and will then send you an e-mail or letter confirming the outcome. However, if it is not possible to resolve your complaint informally with you, the Complaints Partner will send you a detailed reply to your complaint. The letter will explain her views and set out her reasons for holding them. The letter may also include further suggestions for resolving the matter, where a problem or issue is identified on investigation and she agrees that your complaint is justified in whole or in part. She will aim to do this within 21 days of acknowledging your complaint.
- 3.7. Where a file or matter is complex, or has been running for some time, the file can be large, and the process may take longer. In such cases, the Complaints Partner may not always be able to respond within 21 days, but she will in that time propose a date when she expects to be able to provide a detailed reply. If some comments or aspects of your complaint can be addressed at that stage, even if others can't, she will aim to do so.
- 3.8. You may have observations to make, in turn, in response to the reply sent under 3.6 above. There may be some further clarification or follow-up correspondence on both sides. The purpose of responding in writing is to give you time to consider what is said, check your own records, and reflect in your own time on whether you agree or disagree with any observations made or with the proposed resolution, and gather your thoughts.

- 3.9. The Complaints Partner will always consider any further observations you make in response, and respond in writing to those where appropriate within 14 days of receiving them.
- 3.10. Our aim is to deal with the complaint fairly and proportionately, to acknowledge any errors identified and to apologise to you if any shortcomings have been found, and if your complaint is justified. By way of resolution if your complaint is justified, in addition to apologising we may also make an offer of an appropriate payment reflecting the failing, or perhaps reduce or waive fees, or undertake corrective work.
- 3.11. Where the issues and the proposed resolution have been fully discussed and debated in the correspondence, the Complaints Partner will write to you with her final decision on your complaint, and any offer of redress.
- 3.12. If you accept the proposed resolution, it will then be implemented.

#### **4. What if you are not satisfied with the outcome?**

- 4.1. If you are not satisfied with the Complaints Partner's final assessment of your complaint or do not accept the offer proposed by way of resolution, you may if you wish proceed to ask the Legal Ombudsman to investigate your complaint. See section 5 below.
- 4.2. In that event, the Complaints Partner will write formally confirming that it has not been possible to resolve your complaint under our Complaints Procedure. She will also supply the contact details for the Legal Ombudsman and set out the time limit within which you must refer the matter to the Legal Ombudsman (see 5.2 below).

#### **5. The Legal Ombudsman**

- 5.1. You can take your complaint to the Legal Ombudsman if your complaint is not resolved to your satisfaction within 8 weeks of your first making it.
- 5.2. However you must usually refer the matter to the Legal Ombudsman within **six months** of the date of our final written response to your complaint (i.e. six months from the step in 4.2 above).
- 5.3. Subject to that time limit and provided you have attempted to resolve your complaint with us beforehand under our Complaints Procedure, you can request the Legal Ombudsman to consider your complaint. Please note that some categories of client are not eligible to use the services of the Legal Ombudsman. In general, all individual clients are eligible, as are clubs, associations or charities with an annual income net of tax below a certain threshold. Other business or corporate clients are eligible if they employ fewer than 10 persons, and their annual turnover or balance sheet total does not exceed £2 million. Not all types of complaint will be considered by the Legal Ombudsman.
- 5.4. The website of the Legal Ombudsman is:-

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

The telephone number of his office is 0300 555 0333 (calls are charged at a local rate and will be recorded). He can be e-mailed at enquiries@legalombudsman.org.uk. If you prefer, you can write to the Legal Ombudsman at:-

Legal Ombudsman  
PO Box 6806  
Wolverhampton  
WV1 9WJ

- 5.5. The Legal Ombudsman will investigate the matter in accordance with the Scheme Rules. It has power to award compensation for loss suffered or inconvenience/distress up to a certain amount, and to impose various other remedies, if it considers a complaint is justified and it considers the offer we have proposed is not adequate. If you accept the final decision of the Legal Ombudsman, both parties are bound by the decision and (in our case) are bound to implement it. However, you are not bound to accept its decision, in which case your legal rights are unaffected.
- 5.6. The Legal Ombudsman does not charge you for investigating a complaint. The process is informal and user-friendly, so you do not usually need any legal assistance (but you may of course choose to obtain it).
- 5.7. In relation to concerns over fees, you may also have the right to apply to the court to have an invoice reviewed by the court by means of a process called an "assessment" under Part III of the Solicitors Act 1974. If you decide to go down this path, the Legal Ombudsman may decide not to deal with a complaint about the bill.

## 6. **Timescales and procedures**

While we will endeavour to comply with the timescales referred to above, there may be reasons why this is not always possible. This could be due to the complexity of the matter and the size of the file, staff absences, the need for the Complaints Partner to read a lengthy file from scratch and to familiarise herself with any legal, technical or factual issues involved (which may not necessarily fall within her own legal practice area) etc. We will, however, aim generally to keep you informed at all times about the likely progress.

May we end by saying that we always aim to resolve complaints in the most amicable way we can.

KEELYS LLP

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