

Ashtons
LEGAL



Complaints handling procedure for clients



www.ashtonslegal.co.uk

Our policy

We seek to provide all of our clients with a consistently high level of service. We therefore take complaints made against the firm seriously. We also consider them to be a valuable source of feedback concerning the quality of our service and aim to learn from them and constantly improve upon our standards. We aim to respond to and resolve your complaint as promptly, fairly and effectively as possible. We hope that we will be able to agree a resolution which is satisfactory to you and provides the basis for a mutually beneficial relationship between us.

Who does this procedure apply to?

If you:

1. Are a client of the firm:
2. Are a beneficiary of an estate in which we either act for or as the administrators or trustees: or
3. Have instructed us through another legal services provider

We will respond to your complaint. If we do not consider you to fall within the categories set out we will explain why. If you wish to persist with your complaint in these circumstances you should contact our Client Care Partner.

Our Client Care Partner will also respond to your complaint if you feel that we have unreasonably refused to provide you with a service or have offered you a service inappropriately.

Making a Complaint

You can make a complaint orally or in writing. If orally it would be helpful if subsequently you can set the detail out in writing, but we do not insist on that. We prefer it if complaints are made to the lawyer acting for you as quickly as possible so that they can be resolved directly and without delay. However, should you feel unable to do so or this is impractical for any reason you should contact:

- Your lawyer's supervisor or Business Unit Director (whose details will have been set out in our letter of engagement), for preference; or

- Our Client Care Partner, Claire Sleep (contact details below), whom you should contact in any event if neither your lawyer nor their supervisor or Business Unit Director has been able to resolve your complaint to your satisfaction.

If you are unhappy with our bill, your concerns will be treated in the same way as a complaint about service and will be referred to the Client Care Partner if we are unable to reach a satisfactory resolution. You may also have a right to object to the bill by applying to the Court for an assessment of it under Part III of the Solicitors Act 1974. If all or part of a bill remains unpaid we may be entitled to charge interest.

What will happen next?

i) Acknowledgement

We will endeavour to acknowledge your complaint within 48 hours of its receipt and ideally sooner. We may acknowledge it by telephone and/or in writing. We will provide you with a copy of this procedure, unless your complaint has been resolved to your satisfaction in the meantime. It will be our intention to respond fully to your complaint, if possible within 14 days. We will keep you informed of the timescales within which you can expect to hear.

ii) Investigation

Following receipt of your complaint we will wish to investigate it with your lawyer. Our investigation will involve reviewing the contents of our file concerning your matter and may also include conversations with other members of the firm who have been involved in your matter from time to time. It may be that to enable us to investigate your complaint fully we require further information or clarification from you. We would appreciate your cooperation in this regard. Should the completion of these investigations appear likely to delay our response to your complaint we will let you know and advise you of the alternative timescale within which we anticipate being able to respond.

iii) Our Response

We will generally provide or confirm our response to your complaint in writing when we will make proposals for resolving the matter as appropriate. If you are not satisfied with our response or proposals you should write to/contact us again, and should let us know if you have a particular preference about how we should proceed.

iv) Meeting

We may offer you a meeting to discuss and hopefully resolve your complaint. If you would like to meet with us for this purpose please tell us and we shall be pleased to arrange this. We will write to you to confirm what took place and any solutions that have been agreed with you.

v) Conclusion

We hope that we will be able to resolve your concerns fairly and to your satisfaction. We will in any event remind you of your rights of access to the Legal Ombudsman (see below).

Review

It may be that we are unsuccessful in achieving a satisfactory and agreed resolution to your complaint. In that case it is open to you to ask us to undertake an internal review of the handling of your complaint and of the conclusions reached. Such a review will be undertaken by one of our Senior Partners and/or Consultants and/or Directors (if appropriate), who has not been previously involved.

Legal Ombudsman (LeO) – who can complain to the LeO, for what and when?

If we are still unable to resolve matters satisfactorily, within a period of eight weeks from receiving your complaint, you are entitled to refer your complaint to the LeO.

i) Who?

LeO will assist with a complaint by clients who are individuals, small businesses (with less than ten staff and turnover of £2 million), charities, clubs, associations and societies (with a turnover of less than £1million) and trustees of Trusts with a value of less than £1million.

ii) What act or omission?

Any act or omission in the delivery of our service to you. This may not include any alleged technical errors for which it would be possible for you to make a claim through the Courts and/or which are matters for the determination of our regulator, the Solicitor's Regulation Authority under the terms of its Principles, Code and Handbook.

LeO will also consider complaints if you are the beneficiary of the estate of a client of ours who had complained to us/the LeO before he/she died and the consideration of whose complaint had not been concluded.

i) When?

Any complaint to the LeO must ordinarily be made after you have first used our procedure and within six months of our last substantive letter to you concerning your complaint, and in any event not later than 1 Six years from the date of the act/omission; or 1 Three years from when you or the deceased should reasonably have known you had cause for concern.

In addition, the LeO will not accept complaints where the act or default complained of, or date of awareness, was before 6 October 2010. LeO may at his discretion vary or extend these time limits if he considers certain circumstances to be exceptional.

The Legal Ombudsman's contact details are as follows:

Legal Ombudsman
PO Box 6806
Wolverhampton WV1 9WJ

Telephone: 0300 555 0333
Email: enquiries@legalombudsman.org.uk

The Legal Ombudsman has provided guidance in the form of the following leaflets:

- 1. How to complain to your lawyer: Be bold, be clear, be fair**
- 2. A guide to our revised Scheme Rules.**

You can also obtain further information via the internet at **www.legalombudsman.org.uk**

Alternative complaints bodies (such as ProMediate – www.promediate.co.uk and Small Claims Mediation – www.small-claims-mediation.co.uk) exist which are competent to deal with complaints about legal services should both you and our firm wish to use such a scheme. We have, however, chosen not to adopt an ADR process. If, therefore, you wish to complain further, you should contact the Legal Ombudsman.

Our Management Review

As part of our programme for quality improvement we undertake an ongoing review of all complaints received at senior level. The review considers team experience over the previous period and we seek to identify and agree training or other action which might reduce cause for complaint and improve quality of service to our clients in the future.

Contact Details

You can contact Claire Sleep, Client Care Partner, as follows:

The Long Barn
Fornham Business Court
Fornham St Martin
Suffolk IP31 1SL

DX: 57200 Bury St Edmunds

T: 01223 431094

F: 01284 764214

E: Clientcarepartner@ashtonslegal.co.uk

www.ashtonslegal.co.uk

Ashtons Legal is authorised and regulated by the Solicitors Regulation Authority (Recognised Body number 45826). The information contained in this guide is of a general nature and specific advice should be sought for specific situations. We believe the information to be correct as at the time of publication, November 2017. While all possible care is taken in the preparation of this leaflet, no responsibility for loss occasioned by any person acting or refraining from acting as a result of the material contained herein can be accepted by the firm or the authors.