



Complaints handling procedure for clients



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 and without charge. 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 continue with your complaint in these circumstances you should contact our Client Care Partner (contact details below).

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); or**

• Our Client Care Partner 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 28 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 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 and, where appropriate, we will make proposals for resolving the matter. If you are not satisfied with our response or proposals you should write to/contact us again, and let us know if you have a particular preference about how you would like to proceed.

iv) Meeting

We may offer you a meeting to discuss and hopefully resolve your complaint.

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 including referral 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 someone who has not been previously involved in your complaint, usually our Client Care Partner.

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

If we are unable to resolve matters satisfactorily within a period of 8 weeks from receiving your complaint, you are entitled to refer your complaint to the Legal Ombudsman.

LeO is an independent complaints body established to investigate complaints about the service a client has received from a regulated legal service provider.

i) Who?

LeO can accept complaints from clients who are:

- Individual members of the public
- Micro enterprises (businesses with fewer than 10 employees and turnover or assets not exceeding 2 million Euros)
- Charities (with a net income of less than £1 million)

- Clubs/associations/organisations (with a net income of less than £1m)
- Trustees of a trust (with a net asset value of £1 million)
- Personal representatives or beneficiaries of an estate of a person who, before they had died, had not referred the complaint to LeO or where a complaint had been made but not concluded before the death of an individual.

ii) What?

LeO will investigate complaints relating to any act or omission in the service you have received.

LeO may choose not to investigate complaints which it believes would be more suitable for the issue to be dealt with by a court (eg where there are allegations of negligence) or which are matters for determination by our regulator, the Solicitors Regulation Authority (eg where there are allegations of misconduct or breach of regulatory obligations).

i) When?

Before accepting a complaint for investigation the Legal Ombudsman will check that you have tried to resolve your complaint with us first. If you have, then you must take your complaint to the Legal Ombudsman:

- No more than one year from the date of the act or omission being complained about; or
- No more than one year from the date when you should have realised that there was cause for complaint; and
- Within six months of receiving our final response to your complaint.

LeO has discretion to accept cases that are outside the time limits if they believe that it is fair and reasonable to do so.

The Legal Ombudsman's contact details are as follows:

Legal Ombudsman

PO Box 6167

Slough SL1 0EH

Telephone: 0300 555 0333

Email: enquiries@legalombudsman.org.uk

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

1. <https://www.legalombudsman.org.uk/media/iwidgg3q/leo-here-if-you-need-us-leaflet.pdf>
2. <https://www.legalombudsman.org.uk/for-consumers/factsheets/>

You can also obtain further information 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 our Client Care Partner, Balkar Bains, as follows:

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

T: 01284 732147

F: 01284 764214

E: Clientcarepartner@ashtonslegal.co.uk

www.ashtonslegal.co.uk

Ashtons Legal LLP (also trading as Heslop and Platt) is authorised and regulated by the Solicitors Regulation Authority (Licensed Body number 8003918). 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, January 2024. 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.