

4.1 Complaints Handling Procedure.

- 4.1.1 Huma is the person responsible for the Complaints Handling Procedure.
- 4.1.2 As required by The Solicitors' Regulation Authority, we have a procedure for dealing with complaints from clients. We try to resolve as many as possible within the Practice to stop complaints escalating to The Legal Ombudsman and preserve the goodwill of the client; even if things have gone wrong.
- 4.1.3 We acknowledge that some of the complaints about us will be well founded. We all make mistakes and a lawyer should be honest and candid when a mistake has been made. Complaints must be dealt with sympathetically and quickly; the Practice's reputation depends on this.
- 4.1.4 What Constitutes a Complaint?
 - 4.1.4.1 A complaint is any expression of client dissatisfaction which the fee earner is unable immediately to resolve. For example, if a client simply complains that it has taken 30 minutes to return a call; clearly this does not amount to a 'complaint'. However, if a client complains that there is continual delay in returning calls or that calls are not returned at all; that constitutes a complaint. Further, as mentioned in our client care letter, clients always have the right to challenge or complain about our bill.
 - 4.1.4.2 We call them 'formal' complaints, and we treat them all in the same way even if an individual complaint may appear to be based on, for example, an unrealistic expectation of what we can do.
 - 4.1.4.3 Clients are notified in our client care letters that they have a right to complain. If they do complain, they must be given a copy of this complaints procedure.
 - 4.1.4.4 Huma will look objectively at the file, and ask for full details from the client either in writing or by interview.
 - 4.1.4.5 Once a complaint has been made, the person complaining will be told in writing how the complaint will be handled and in what time they will be given an initial response and that a substantive response will be given within 8 weeks. The whole object is to ensure that the client:-
 - 4.1.4.5.1 is satisfied that the complaint has been dealt with seriously;
 - 4.1.4.5.2 gets a prompt response;
 - 4.1.4.5.3 an assurance that the matter is being reviewed;
 - 4.1.4.5.4 is notified as soon as possible of the outcome.
 - 4.1.4.6 The client may not be lost to the Practice. Even though a lawyer may not agree that the complaint has any validity, the response from the Practice may be to agree with some elements of the complaint and to assure the client that an effort will be made to remedy the problem.

4.1.4.7 In the event that the immediate investigation results in being unable to remedy the complaint then the client's right to refer the matter to the Legal Ombudsman should be restated.

4.1.5 Remedies Open to the Client.

4.1.5.1 As a matter of course and after prior liaison with our professional indemnity insurers where appropriate, we will make an apology on behalf of the Practice and an assurance that the problem will not occur again, and that we will try to do better. If a complaint is justified we:

4.1.5.1.1 May make a reduction in the bill;

4.1.5.1.2 May make an abatement of the bill in total;

4.1.5.1.3 Will notify the client again of their right to complain to the Legal Ombudsman and remind the client of the Legal Ombudsman's full contact details:

4.1.5.1.3.1 telephone – 0300 555 0333

4.1.5.1.3.2 postal address – PO Box 15870, Tamworth, B77 9LE

4.1.5.1.3.3 email – enquiries@legalombudsman.org.uk

4.1.5.1.3.4 website address – www.legalombudsman.org.uk

4.1.5.1.4 Will notify the client of their right to see another solicitor and obtain advice as to whether we have been negligent.

4.1.6 What Happens After a Complaint?

4.1.6.1 Hopefully the client will be satisfied and the Practice will continue with the file. In some circumstances, if the solicitor/client relationship has broken down completely, it may be better for another Practice to take the file over. It is the responsibility of Huma to make this decision. If the original lawyer does continue with the file, every effort must be made to repair any damage in the relationship with the client.

4.1.7 Time Periods for Dealing with the complaint

4.1.7.1 There is a time period within which the Practice must resolve the complaint to the satisfaction of the client, usually 8 weeks. This is very important as the client has the right to refer the matter to The Legal Ombudsman (if they are not happy with our response and/or the way that we have handled the complaint) usually within 6 months of the earlier of the expiry of that 8 week period or our definitive response within that 8 week period. It is the responsibility of Huma to diarise the 8 week period and also the expiry of the relevant 6 month period.

4.1.7.1.1 However, there are exceptions and additional detail to these basic time limits and we now set out the relevant extract from the Legal Ombudsman's website in this regard:

4 When complaints can be referred to the Legal Ombudsman

After complaining to the authorised person

4.1 Ordinarily, a complainant cannot use the Legal Ombudsman unless the complainant has first used the authorised person's complaints procedure (referred to in chapter three).³¹

4.2 But a complainant can use the Legal Ombudsman if:³²

- a) the complaint has not been resolved to the complainant's satisfaction within eight weeks of being made to the authorised person; or**
- b) an ombudsman considers that there are exceptional reasons to consider the complaint sooner, or without it having been made first to the authorised person; or**
- c) where an ombudsman considers that in-house resolution is not possible due to irretrievable breakdown in the relationship between an authorised person and the person making the complaint.**

4.3 For example, an ombudsman may decide that the Legal Ombudsman should consider the complaint where the authorised person has refused to consider it, or where delay would harm the complainant.

4.4 Ordinarily, a complainant must refer a complaint to the Legal Ombudsman within six months of the date of the authorised person's written response, if that written response prominently included:

- a) an explanation that the Legal Ombudsman was available if them complainant remained dissatisfied; and**
- b) full contact details for the Legal Ombudsman and a warning that the complaint must be referred to the Legal Ombudsman within six months.³³**

Time limit from act/omission

4.5 Ordinarily, a complainant must also refer a complaint to the Legal Ombudsman within:

- a) one year from the act/omission; or**

- *b) one year from when the complainant should reasonably have known there was cause for complaint without taking advice from a third party;*
- *whichever is later.³⁴*

4.6 When the complainant should reasonably have known there was cause for complaint will be assessed on the basis of the complainant's own knowledge, disregarding what the complainant might have been told if he/she had sought advice.

Ombudsman extending time limits

4.7 If an ombudsman considers that there are exceptional circumstances, he/she may extend any of these time limits to the extent that he/she considers fair.³⁵

4.8 For example, an ombudsman might extend a time limit if the complainant was prevented from meeting the time limit as a result of serious illness or where the time limit had not expired when the complainant raised the complaint with the authorised person.

7.3.7.2 Not all clients are eligible to have recourse to the Legal Ombudsman. We now set out an extract from the Legal Ombudsman's Website regarding Eligibility to have recourse to the Legal Ombudsman:

Who can complain

2.1 A complainant must be an individual; or^{12 13}

- *(a) 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;*
- *(b) 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;*

(c) 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;

(d) 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;

(e) a personal representative of an estate of a person; or

(f) a beneficiary of an estate of a person.

For (e) and (f) the condition is that the services to which the complaint relates were provided by the respondent to a person –

- (g) who has subsequently died; and*

(h) who had not by his or her death referred the complaint to the ombudsman scheme.

4.1.8 Central Register of Complaints.

4.1.8.1 All complaints must be notified to Huma who keeps the central register of complaints received by the Practice. The notification should outline the complaint and attach the original of any letter of complaint if one exists.

4.1.8.2 Where complaints are substantiated, it may be that some form of corrective action needs to be taken to ensure, as far as possible, that the circumstances do not occur again. Huma should identify the cause of any problems and consider whether changes in procedures are necessary, or whether the member of staff concerned in a particular issue has additional training needs.

4.1.8.3 Huma conducts an annual review in the month of July of complaints data and trends, which forms part of the review of risk.

Our Service and Complaints

Luton Family Law is committed to high quality legal advice and client care. If you are unhappy about any aspect of the service you receive, or about the bill, please contact Huma Ali on 01582 966620, via email at huma.ali@lutonfamilylaw.co.uk or by post to Suite 114, Crystal House, New Bedford Road Luton Bedfordshire LU1 1HS.

We have eight weeks to consider your complaint. If we have not resolved it within this time you may complain to the Legal Ombudsman.

If you are not satisfied with our handling of your complaint you can ask the Legal Ombudsman at PO Box 6806, Wolverhampton, WV1 9WJ, by calling 0300 555 0333 or by email enquiries@legalombudman.org.uk to consider the complaint. Normally, you will need to bring a complaint to the Legal Ombudsman within six months of receiving a final written response from us about your complaint or within six years of the act or omission about which you are complaining occurring (or if outside of this period, within three years of when you should reasonably have been aware of it).

There are exceptions to the above periods, details of which appear on the Legal Ombudsman's website (<http://www.legalombudsman.org.uk>). In summary if the Legal Ombudsman may consider there are exceptional reasons to consider the complaints sooner than 8 weeks or without it having been made to us. If the Legal Ombudsman considers that there are exceptional circumstances he/she may extend any of these time limits to the extent that he/she considers fair for e.g. the Legal Ombudsman may extend a time limit if you were prevented from meeting the time limit as a result of a serious illness.

You also have the right to object to the bill by making a complaint to the Legal Ombudsman or by applying for an assessment of the bill under Part III of the Solicitors Act 1974. The Legal Ombudsman may not deal with a complaint about the bill if you have applied to the court for an assessment of the bill. If all or part of the bill remains unpaid the firm may be entitled to charge interest.

We enclose a second copy of both this letter and the terms of business of Luton Family Law. We ask that you sign them and return them to us so that we can commence acting on your behalf.

The Solicitors Regulation Authority can help you if you are concerned about our behaviour. This could be for the things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic.

You can raise your concern with the Solicitors Regulatory Authority. For more information please [click here](#)