

TEMPLE & CO COMPLAINTS PROCEDURE

Our aim is to offer all our clients an efficient and effective service at all times. Our clients and our staff are of first importance to us. We hope that you will be pleased with the work we do for you. However, should there be any aspect of our service with which you are unhappy, please raise your concern with Euan Temple.

We have eight weeks to consider your complaint.

What will happen next?

1. We will send you a letter acknowledging receipt of your complaint within five working days of receiving it, enclosing a copy of this procedure.
2. We will then investigate your complaint. This will normally involve passing your complaint to our client care partner, Euan Temple, who will review your matter file and speak to the member of staff who acted for you.
3. Euan Temple will then invite you to a meeting to discuss and hopefully resolve your complaint. He will do this within 14 working days of sending you the acknowledgement letter.
4. Within three working days of the meeting, Euan Temple will write to you to confirm what took place and any solutions he has agreed with you.
5. If you do not want a meeting or it is not possible, Euan Temple will send you a detailed written reply to your complaint, including his suggestions for resolving the matter, within 21 working days of sending you the acknowledgement letter.
6. If you remain dissatisfied, the complaint will be reviewed and a second response given within 14 working days of the request for a further review.
7. At this stage, if you are still not satisfied, you should contact us again and we will arrange for someone unconnected with the matter at the firm to review our decision or an appropriate alternative such as review by another local solicitor or mediation to review the decision.
8. We will write to you within 14 working days of receiving your request for a review, confirming our final position on your complaint and explaining our reasons.

If you are still not satisfied, please contact the Northamptonshire Law Society (NLS) Complaints Handling Service at Tel. **01604 585653** philsmithdw@aol.com

Mr Phil Smith
Northamptonshire Law Society Administrator
PO Box 959
Northampton
NN5 9AT

Complaints via Northampton Law Society (NLS)

The NLS Scheme is an informal conciliation process designed to provide mutual satisfaction for solicitors and their clients locally. As such, the NLS has no power to impose sanctions, and cannot deal with complaints that have already been referred to the Legal Ombudsman service (**LeO**), which came into existence on 6 October 2010.

Complainants to the NLS (whether directly or via a third party such as their local MP or councillor) against a solicitor practising in Northamptonshire will initially be informed of the Solicitors' Regulation Authority (SRA) Code of Conduct 2011 Complaints Handling requirements, and referred back to the law firm concerned, unless that procedure has already been exhausted.

Where complainants have exhausted the internal SRA Complaints Handling Procedure and the complaint involves a firm within the NLS area, the complainant will be asked to supply details to NLS. As it is an informal procedure, there are no special forms, but putting details in writing to NLS is found to be helpful. Complainants will be advised that NLS is not the regulatory body, but is an independent body using conciliation procedures to assist complainants.

NLS will pass these details to a NLS Complaints Handler; Complaints Handlers are current NLS officers, and other volunteer Past Presidents and members. Checks will be made for conflicts of interest so that complainants know that the Complaints Handler has no interest in the outcome.

The Complaints Handler will contact the complainant and the law firm concerned to determine what further information, if any, is required and whether the complaint is capable of resolution by NLS conciliation procedures. If the complaint is not suitable for NLS conciliation, the complainant will be advised to refer it to the Legal Ombudsman.

If it is suitable for NLS conciliation, the NLS Complaints Handler:

- will at the earliest opportunity and, in any event, within 7 days contact the Senior Partner of the firm advising him that a complaint has been received, and discuss what steps the firm intend to take, and to resolve the matter
- when appropriate, will offer to conciliate between the firm and the complainant
- will take whatever steps that he or she feels reasonably appropriate to help resolve the matter
- will have discretion at any time to advise the complainant to refer the matter to the Legal Ombudsman

The NLS Administrator will monitor the progress of each complaint with the relevant Complaints Handler at month end, and at the middle of the following month.

If a complaint has not been resolved after 8 weeks since the since the relevant NLS Complaints Handler received notice of the complaint, the complainant will be reminded of his or her entitlement to refer the matter to the Legal Ombudsman. Consumers can contact the Legal Ombudsman at **0300.555.0333** (Mon-Fri 8.30am-5.30pm).or write to him at the address below: .

The Legal Ombudsman

If you are ultimately not satisfied with your solicitor's and NLS's handling of your complaint you may ask the Legal Ombudsman (**LeO**) to consider your complaint. The Legal Ombudsman provides an independent, impartial and free service to consumers who have not been able to resolve a complaint via their solicitor's own internal complaints procedure.

If NLS conciliation does not resolve the matter, complainants in England and Wales should contact the **LeO**. The service is open to all members of the public, very small businesses, charities, clubs and trusts. (So this does not include limited companies).

Please note that the Legal Ombudsman will not consider a complaint regarding a bill if you have already applied to the Court for assessment of that bill.

If the consumer is not happy with the final response from the law firm or the NLS, he/she has up to 6 months to bring their complaint to the **LeO**. The complaint should also be brought to the **LeO** no later than 12 months from when the problem first happened, or from when the consumer should reasonably have become aware of the problem.

Please use the **LeO** telephone help-line which can advise the complainant about whether there are grounds for a complaint and, if so, how to proceed.

If the consumer is not happy with the final response from the law firm or the NLS, he/she has up to 6 months to bring their complaint to the **LeO**. The complaint should also be brought to the **LeO** no later than 12 months from when the problem first happened, or from when the consumer should reasonably have become aware of the problem.

If the complainant wishes to proceed, there is a special form available from the **LeO** which needs to be completed. The **LeO** will consider the complaint and, if appropriate, pass it on to a different section which could discipline the solicitor and/or order the solicitor to:

- refund money which has been paid
- order the solicitor to correct any mistakes or take any other necessary action at their own expense
- pay compensation.

More details about the **LeO** are contained on its website but include the following:-

Here are the steps you need to take

Step 1: Tell your lawyer

You have the right to expect the highest standard of service and fairness from your lawyer. But sometimes things do go wrong.

If you are unhappy with the service you have received, tell your lawyer so they have a chance to put things right. Every lawyer should explain how their own complaints handling procedure works. So ask them about this first.

You must give your lawyer a chance to resolve your complaint before the Legal Ombudsman can get involved. Make your complaint to them as soon as you are aware there's a problem – don't leave it too long.

If you are having difficulties contacting your lawyer and are not sure what to do next, please get in touch with us.

Step 2: Give your lawyer time to resolve things

You should allow your lawyer up to eight weeks to resolve your complaint. If they have failed to deal with the complaint to your satisfaction in that time, you can involve the Legal Ombudsman.

Step 3: Bring your complaint to the Legal Ombudsman

Come to us as soon as you can after trying to sort things out with your lawyer yourself. If you are not happy with their final response, you have up to 6 months to bring your complaint to us. Your complaint should also be brought to us no later than 12 months from when the problem first happened, or from when you should reasonably have become aware of the problem.

When you contact us we will need you and your lawyer to provide information about the steps that have been taken to resolve the complaint before it reached us. Keep copies of any written correspondence as well as any notes you might have made on what happened and when. See overleaf

Key facts issued by the Legal Ombudsman

- Our job is to resolve legal complaints in a fair and independent way – we will not take sides.
- We are the Legal Ombudsman for England and Wales, set up by the Office for Legal Complaints (our Board) under the Legal Services Act 2007. Parliament wanted to simplify the system and make sure consumers had access to an independent expert to resolve complaints.
- Our service is open to all members of the public, very small businesses, charities, clubs and trusts. *(So this does not include limited companies)*. Our service is free to these consumers.
- We can get involved in different types of complaints about legal services. Some examples are wills, family issues such as divorce, personal injury and buying or selling a house. There are many others.
- We are independent and impartial. This means that when we start to receive complaints, we will look at the facts in each case and weigh both sides of the story. We are not consumer champions or part of the legal profession, and we are also independent of Government. If we decide the service you received was unsatisfactory, we can ask the lawyer and the firm to put it right. We may also say that we think that your lawyer provided a reasonable service – if we think this, we will explain why.
- Most complaints can be resolved informally. If needed, we will carry out a formal investigation. As this could involve us getting more information from you and your lawyer, it could take longer to deal with.
- Once an Ombudsman decision is accepted, we can make sure that the lawyer does do what we say is needed.
- We don't have to investigate every complaint we receive, even if we have the power to do so. For example, we may decide not to investigate, if we think the problem you have told us about has only had a slight impact on you.
- Our help doesn't cover any disappointment you feel because you don't agree with the outcome of a court case.
- We don't write the rules for lawyers or police them if the rules are broken. This is the job of the different legal regulators.