



## COMPLAINTS PROCEDURE

We are committed to providing a high-quality legal service to all our clients. When something goes wrong, we need you to tell us about it. This will help us to sort out any mistakes or misunderstandings, and to improve our standards.

### **1 Procedure**

- 1.1 If you have a complaint or concern about the quality of service, it should first be raised with the fee earner dealing with your matter. Most minor issues can be resolved quickly and to everyone's satisfaction in this manner.
  
- 1.2 If that has not resolved the problem, or you consider it is more than a minor issue, then you should raise your complaint with the relevant Head of Department responsible for your matter. Their name will have been provided to you in the Terms of Business Letter sent to you when you first instructed us on your matter.
  
- 1.3 If your complaint is about the Head of Department, or you don't think they can resolve it, then you should contact our Complaints Handling Partner, Alistair McArthur. His details are as follows:

Alistair McArthur – Complaints Handling Partner

Herrington Carmichael LLP



Building 2, Riverside Way

Watchmoor Park

Camberley, Surrey

GU15 3YL

Tel: 01276 686 222

Email: [alistair.mcarthur@herrington-carmichael.com](mailto:alistair.mcarthur@herrington-carmichael.com)

- 1.4 If the complaint is about a fee earner and you have not already considered approaching the Head of Department, he will pass the complaint to the Head of Department and ask them to investigate it in the first instance<sup>1</sup>.
- 1.5 To deal with your complaint correctly, please ensure when contacting us you provide the following information:
- Your name, contact details and preferred contact method;
  - File reference number (if known);
  - Details of your concern(s); and

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<sup>1</sup> If your complaint is about Family Mediation and you are not satisfied with the Head of Department's investigation, then you are entitled to contact Resolution within 6 months of your last contact with us. They can be contacted at: Resolution, Central Office, PO Box 302, Orpington, Kent BR6 8QX or [info@resolution.org.uk](mailto:info@resolution.org.uk) or telephone 01689 820272.

- A summary of how you would like us to put things right.
- 1.6 We will acknowledge receipt of your complaint in writing, within five working days of receiving it.
- 1.7 Once we have your detailed information, as requested above, we can start the investigation into your complaint. The Head of Department will normally investigate the complaint. If the complaint is about the Head of Department, the Complaints Handling Partner, or another partner, will conduct the investigation instead.
- 1.8 The investigation can involve all, or any, of the following steps.
- Asking the fee earner or member of staff complained about to provide their comments.
  - Reading the file in order to see what has and has not occurred.
  - Asking another fee earner who deals with that sort of work to review the file and report back with their views.
- 1.9 Within twenty one working days of the start of the investigation we will either, write to you with an outcome to our investigation and suggestions for

resolving the matter, or write explaining what additional information is needed either from you or a third party to enable the investigation to be completed.

- 1.10 If you are not happy with the outcome or suggested solutions, then you can request a review of the decision.

## **2 The Review**

- 2.1 The review can happen as follows:

2.1.1 The Head of Department (or Complaints Handling Partner if they have prepared the original outcome) will review their own decision and notify you of our final position within a further twenty one working days; or

2.1.2 We may ask another partner not previously involved in the complaint to review the decision. You will be provided with their final review decision within a further twenty one working days.

## **3 Referral to the Legal Ombudsman**

- 3.1 If you have exhausted our internal complaint process, yet remain dissatisfied, or a period of eight weeks has expired since we acknowledged your complaint without our final response being received, you are entitled to refer your complaint to the Legal Ombudsman (the “LeO”).

- 3.2 The LeO will look at the complaint independently and any investigation by them will not affect how we handle your case.
- 3.3 Before accepting a complaint for investigation, the LeO will check that you have tried to resolve the complaint with us in the first instance. We will discuss your issues further, prior to you going down this route, if you wish to do so.
- 3.4 For complaints about our service, including billing issues, you may contact the Legal Ombudsman via one of the methods below:

Phone: 0300 5550333

Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

Post: Legal Ombudsman, PO Box 6806, Wolverhampton WV19 9WJ

- 3.5 Any complaint to the LeO must usually be made within six months of the date of our final written response to your complaint. Other time limits to be aware of are:

3.5.1 The LeO will consider your complaint if you refer it on to them within either of the following: six years of the problem happening or three years from when you found out about it.

3.5.2 The LeO will not accept complaints where the act / omission or the date of awareness was before 5 October 2010.

3.6 Please note that the LeO service cannot be used by business or most other organisations unless they are below certain size limits. Further details are available from the LeO.

#### **4 What to do if you are unhappy with our behaviour**

4.1 The Solicitors regulation Authority (“SRA”) can help if you are concerned about our behaviour. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic.

4.2 You can raise your concerns via their website:

<https://www.sra.org.uk/conseumers/problems/report-solicitor/>

#### **5 What to do if you complaint relates to an insurance policy**

- 5.1 If your unresolved complaint relates to an insurance policy covering your case, you may contact the Financial Ombudsman service:

Phone: 0800 023 4567

Online complaint forms available via their website

Post: Financial Ombudsman Service, Exchange Tower, Harbour Exchange, London E14 9SR.

## **6 Your Data Security**

- 6.1 Throughout the process of your complaint, personal and sensitive data is required to ensure that all of our information is correct so we can handle your complaint in a timely and lawful manner.
- 6.2 Any documentation, requests, evidence and associated notes or telephone recordings will be stored on the matter file to which access is restricted. This information will be kept in line with the firm's retention policy and subsequently deleted after this time.
- 6.3 If you raise a complaint with the LeO, we will be required to provide them with supporting documentation from your matter so that we can, in turn, comply with our legal obligations to them.



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