

### **Introduction**

As required by the Solicitors' Regulation Authority, we have a procedure for dealing with complaints.

Your complaint may relate to any aspect of the service that we provide, including our bill.

Our aim is to resolve complaints "in house" if possible. We hope that a diligent approach to complaints handling may preserve your goodwill, even if matters relating to your file have gone wrong.

There is no doubt that some of the complaints about us will be well-founded. We all make mistakes. If your complaint is well-founded, we shall endeavour to deal with it sympathetically and quickly.

### **Complaints Handler**

All complaints are referred to me. I am our firm's Complaints Handler and also the Practice Partner. I will record your complaint and investigate it. This process will almost certainly involve me speaking to the person who has handled your case. In some cases I may ask one of my colleagues to investigate the matter on my behalf.

### **How to contact me**

If you wish to get in touch with me in order to make a complaint then please contact me by post at Taylor Bracewell, 17-23 Thorne Road, Doncaster, DN1 2RP, by email at [clare@taylorbracewell.co.uk](mailto:clare@taylorbracewell.co.uk) or by telephone on 01302 341414.

### **Response**

I (or my designated colleague) will endeavour to acknowledge your complaint within five working days of receiving it.

The length of time it will take me to investigate your complaint will depend upon the circumstances. However, I would expect, save in the most exceptional of cases, to be in a position to write to you with my detailed response within 21 working days of receiving your complaint.

In some cases I may have to request from you further information about your complaint so that I can thoroughly investigate it and respond appropriately.

### **Remedies**

If your complaint is justified, my response to you will include one or more of the following:-

- (a) An apology and an assurance that the problem that has arisen will not happen again.
- (b) A reduction in your bill.
- (c) Abatement of your bill in total.
- (d) Confirmation of your right to complain to the Legal Ombudsman Service (LOS).
- (e) Notification of your right to see another solicitor and to obtain advice on the issue of whether or not we have been negligent.

If you disagree or are not content with my response then you may ask for the matter to be reviewed by our firm's Managing Partner, Mr Peter Caswell. In such a case Mr Caswell will carry out his review and, again save in the most exceptional of cases, will write to you with his views within twenty one working days of you requesting the review. If Mr Caswell is the person about whom the complaint has been made, the review will be conducted by another Partner of the firm. Whichever Partner conducts the review, he or she may invite you to attend a meeting to discuss the matter.

## **Bills**

As I have indicated above, your right to complain includes complaints about any bill that we have sent to you. In certain circumstances you are entitled to apply to the Court for our bill to be assessed, pursuant to Part III of the Solicitors Act 1974.

Please note that there is a time limit on this option. If the application is lodged within one month of the date of delivery of the bill then the Court *shall* order that the bill be assessed. If the application is lodged outside the initial one month period but within twelve months of the date of the delivery of the bill then the Court *may* order that the bill be assessed. If the application is lodged more than one year after delivery of the bill then only in exceptional circumstances will the Court order that the bill be assessed.

You are entitled to request a breakdown of our charges but you must do so within 60 days of the date upon which the invoice in question is sent out to you. Providing that your request is made within that 60 day period, a breakdown will be provided.

## **Legal Ombudsman Service**

If you remain unhappy with the way that we handle your complaint, you have open to you the option of referring the matter to the Legal Ombudsman Service (LOS).

The LOS can be contacted by post at PO Box 15870, Birmingham, B30 9EB, by email at [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk) or by telephone on 0300 555 0333. You may also be able to obtain further information from the LOS website, the address of which is [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk).

The LOS does not provide a service for all clients. It is, however, available to you if you are an individual member of the public, a very small business, a certain category of charity, club or trust, or a personal representative of or beneficiary of a person's estate.

The LOS Scheme does include rules about when complaints can be referred to the LOS. Ordinarily, you cannot use the LOS unless you have first made use of our complaints procedure. However, you can use the LOS if your complaint has not been resolved to your satisfaction within eight weeks of it being made to us or if the LOS consider that there are exceptional reasons to consider the complaint sooner, or without it having been made first to us, or where the LOS consider that in-house resolution is not possible due to irretrievable breakdown in the relationship between you and us. For example, the LOS may decide to consider your complaint where we have refused to consider it or where delay would harm you.

Also, ordinarily, if you wish to refer a complaint to the LOS then you must do so within six months of the date of our written response provided that that response prominently included an explanation that the LOS was available if you remained dissatisfied, full contact details for the LOS and a warning that your complaint must be referred to the LOS within six months.

Again, ordinarily, you must also refer a complaint to the LOS within six years from the act/omission complained of or within three years from when you should reasonably have known that there was cause for complaint without taking advice from a third party, whichever is the later. However the LOS will not accept complaints where the act or date of awareness were before the 6<sup>th</sup> October 2010.

When you should reasonably have known that there was cause for complaint will be assessed on the basis of your own knowledge disregarding what you might have been told if you had sought advice.

If the LOS considers that there are exceptional circumstances, then they may extend any of the time limits referred to above to the extent that they consider fair. For example the LOS might extend a time limit if you were prevented from meeting that time limit as a result of serious illness or where the time limit had not expired when you first raised the complaint with us.

Clare Ashby  
Practice Partner and Complaints Handler  
Taylor Bracewell Solicitors