

## Complaints Procedure

### **Making a complaint**

You can register the complaint with the person dealing with your matter or the Client Care Partner, Henry Brookman or Talitha Brookman. They are responsible for ensuring that complaints are handled effectively and in accordance with this procedure. This procedure will also apply to prospective clients who we have refused to provide a service to or persistently or unreasonably offered an unwanted service to but only if the complainant has evidence to show that we did not have reasonable grounds to do so.

The Client Care Partner keeps a file / register of all complaints. The register/file include all the required details and the register is signed off when the complaint has been finalised. The Client Care Partner reviews the complaints data and it also forms part of the Annual Risk Review. The complaints are reviewed to determine if there are any training requirements, changes in systems and processes which are required. This forms part of the Annual Risk Review.

### **Investigating the complaint**

- We will acknowledge the complaint within seven days.
- We will conduct a full investigation and an independent review of the matter.
- We aim to respond in full within 28 days. However, if the complaint is of a more complex nature we will require more time but we will let the complainant know when they will receive a full response.
- We may invite the complainant to meet our Client Care Partner to discuss, and it is hoped, resolve the complaint.
- If the complainant does not want a meeting or it is not appropriate, we will send you a detailed reply to the complaint, as below.
- We will reply to the complainant, usually in writing to tell him/her of our views on the complaint and how we propose to resolve it, hopefully to the complainant's satisfaction, including appropriate redress, this could include a reduction in fees if appropriate, compensation of a gesture of goodwill. The complainant will also be advised in what timescale they will be given an initial/substantive response.
- If the complainant is dissatisfied with the outcome, or the way the complaint has been handled, the complainant may write to the Client Care Partner to review the decision and will make such further investigations as are necessary, which may include:
  - Asking another solicitor in the firm to review the Client Care Partner's initial decision, within 10 working days.

- Asking our local Law Society or another local firm of solicitors to review the complaint within 10 working days;
- We will invite the complainant to agree to independent mediation.

The Client Care Partner will inform the complainant of the conclusions and any alternative proposals to resolve the complaint, usually within 28 days of this being referred to him/her.

If still unresolved at this stage, the complainant may take their complaint to the Legal Ombudsman, the complainant will have to bring the complaint to the Legal Ombudsman within 6 months of receiving a final response from the about the complaint and 6 years from the date of the act or omission giving rise to the complaint or alternatively 3 years from the date the complainant should reasonably have known there are grounds for complaint (if the act/omission took place before 6 October 2010 or was more than 6 years ago).

We will record and report centrally all complaints received from clients.

We will identify the cause of any problems of which the client has complained offering appropriate redress and correcting any unsatisfactory procedures.

## **Legal Ombudsman**

The Legal Ombudsman is an independent body established by the Office for Legal Complaints under the Legal Services Act 2007 to deal with complaints against Solicitors.

The Legal Ombudsman may:

Investigate the quality of professional service supplied by a solicitor to a client.

Investigate allegations that a solicitor has breached rules of professional conduct.

Investigate allegations that a solicitor has unreasonably refused to supply a professional service to a prospective client.

Investigate allegations that a solicitor has persistently or unreasonably offered a professional service that the client does not want.

Before it will consider a complaint the Legal Ombudsman generally requires that the firm's internal Complaints Procedure has been exhausted. If the Legal Ombudsman is satisfied that the firm's proposals for resolving a complaint are reasonable, it may decline to investigate further.

# BROOKMAN

THE FAMILY FIRM FOR FAMILY LAW

The Legal Ombudsman's address is:

PO Box 6806, Wolverhampton, WV1 9WJ; telephone, 0300 555 0333; website, [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk); or email [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

A complainant to the Legal Ombudsman must be one of the following:

- An individual;
- A micro-enterprise as defined in European Recommendation 2003/361/EC of 6 May 2003 (broadly, an enterprise with fewer than 10 staff and a turnover or balance sheet value not exceeding €2 million);
- A charity with an annual income less than £1 million;
- A club, association or society with an annual income less than £1 million;
- A trustee of a trust with a net asset value less than £1 million; or a personal representative or the residuary beneficiaries of an estate where a person with a complaint died before referring it to the Legal Ombudsman.

If you do not fall into any of these categories, you should be aware that you can only obtain redress by using our Complaints Procedure or by mediation or arbitration, or by taking action through the Courts.

Any complaint which raises an allegation of professional negligence will give rise to a conflict of interest immediately and we will have to cease acting forthwith. Such claims are outside the remit of the Complaints Procedure and that of the Legal Ombudsman except insofar as it may concern an issue of service.

## **The Solicitors Regulation Authority**

The Solicitors Regulation Authority can help you 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.

You can raise your concerns with the Solicitors Regulation Authority.

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