

Complaints Handling Procedure Policy 2023

A complaint is said by the Law Society to be “any expression of client dissatisfaction, however it is expressed”, about an act, omission, decision, or a service provided by us.

At Curwens, it is our intention to resolve as many as possible, to the satisfaction of the client within the firm. This prevents complaints being referred to the Legal Ombudsman. We all make mistakes and accept that complaints may be well founded, and resolving complaints sympathetically and quickly is all part of our high standard of service that our clients should expect of us.

The procedure for making a formal complaint is explained in the document, ‘Our Agreement With You’ which would have been sent to you with the Client Care / Engagement Letter, and the ‘Complaints Procedure’ is both online and also available in a leaflet for clients who wish to make a formal complaint.

What is a complaint?

Clients are notified in our terms of business leaflet, Our Agreement With You, of their right to complain. Initially, they are asked to raise any issues of dissatisfaction with the Fee Earner concerned. This is an “informal complaint” and will not be recorded as part of our complaints procedure. We hope that any issues that arise can be resolved without blossoming into full-blown formal complaints. However, we acknowledge that things may go further. The client may make a formal complaint, possibly to the Fee Earner themselves, possibly to the named supervisor, or by contacting the Partner Responsible for Handling Complaints.

We are authorised and regulated by the Solicitors Regulation Authority (SRA). We are committed to delivering high quality legal advice and client care and aim to offer all our clients an efficient and effective service. However, if our clients would like to discuss how the service to them could be improved, the level of their bill, or should there be any aspect of our service with which they are not satisfied, we ask them to kindly contact the person in our firm responsible for complaints Handling:

Alan Carter, Managing Partner, on 020 8363 4444

Or email him at alan.carter@curwens.co.uk

Or contact by post at Curwens Solicitors, Estate House, 19 High Street, Hoddesdon, EN11 8SX.

We are keen to resolve any concerns promptly, fairly and free of charge and in order to do this, will follow our complaints handling procedure.

Our complaints procedure is as follows:

Step One:

If you have not already done so, we ask our clients to let us know the full nature of the problem.

Step Two:

Our Complaints Handling Representative will write to the client acknowledging their complaint within five working days. In this letter, we shall confirm what happens next.

Step Three:

Our complaints Handling Representative shall then investigate the matter by reviewing the matter file and speaking to the member of staff concerned within ten working days of acknowledging receipt of the complaint. If, for some reason, the matter cannot be investigated in this timeframe, then we will write to the client notifying them of this together with the reason why and giving a revised timescale.

Once the investigation has been completed, our Complaints Handling Representative shall invite the client to a meeting to discuss the issue(s) they have raised and hopefully resolve the complaint. This could be a meeting, video conference call or telephone call and the client's preference will be taken into account along as well as how best the matter may be dealt with. This process of engagement will take place within ten working days of our concluding the investigation of the matter. Following the meeting or call, our Complaints Handling Representative shall write to the client within five working days of the meeting or call to confirm the discussion and the solution agreed upon.

If the client does not want to or is unable to attend such a meeting or engage in a discussion (or the meeting or call is not necessary), we will be happy to send the client a detailed, written response, including the proposed solution, within fifteen working days of our concluding the investigation of the matter.

Step Four:

If the client is satisfied with our response following the above steps, that will be the end of the matter. However, if the client is not satisfied, they will be invited to contact our Complaints Handling Representative again and they will arrange for another Partner who is unconnected with the matter to review the decision. They will write to the client within ten working days of receiving the request with confirmation of the firm's final position in relation to the complaint, outlining the reasons and any final redress that is offered.

Step Five: Other avenues

Clients must always raise a formal complaint with us first. In most cases they will not be able to take their complaint further without allowing us the opportunity to put things right.

Legal Ombudsman

We are permitted a period of eight weeks to consider the complaint. If for any reason we are unable

to resolve the problem between us within that timeframe, then our clients are advised that they may ask the Legal Ombudsman to consider the complaint.

Clients are free to refer any complaint about our work, fees or level of service but there are some conditions and time limits. Please be aware that any complaint to the Legal Ombudsman must usually be made within six months of the client having received a final written response from us about their complaint. Complaints to the Legal Ombudsman must usually be made within one year of the act or omission about which the client is complaining occurring; or within one year from when the client should have known about or become aware that there were grounds for complaint.

For further information, please contact the Legal Ombudsman on 0300 555 0333 or visit www.legalombudsman.org.uk . The Legal Ombudsman may be contacted at PO Box 6806, Wolverhampton WV1 9WJ.

Solicitors Regulation Authority

If someone thinks a solicitor might be dishonest or you have concerns about their ethics or integrity, they have the right to notify our regulator, the Solicitors Regulation Authority (SRA). There are no time limits for making a report but there are limits on what the SRA will consider. Please note that the SRA is not able to deal with issues of poor service (complaints of this nature should instead be referred to the Legal Ombudsman). For further information about the SRA's role, please contact the SRA or visit:

<https://www.sra.org.uk/consumers/problems/report-solicitor.page#report> .

Information Commissioners' Office

To the extent that your complaint relates to a breach of Personal Data or it is evident that you are exercising your Rights as a Data Subject under data and information rights legislation (including, but not limited to the UK GDPR and Data Protection Act 2018), there may be aspects of the complaint that we may have to deal with and/or respond to differently in light of our obligations as a Data Controller. It may be that aspects of your complaint will need to be passed to our Data Protection Officer [Lisa Dearman] to assess and respond to in accordance with our Data and Privacy Notice which is available on our website and on request. Our standard complaint handling timescales noted above may also not be appropriate and we will advise you if we have to escalate the timeframe for responding.

In the event of an allegation of a breach of Personal Data and/or any concern that our firm has not handled your personal information properly, we will consider whether a report needs to be made to the Information Commissioner's Office (ICO). Not all breaches are reportable and we will advise you of the results of our assessment.

Should it be clear that you are exercising your rights under data and information rights legislation, please be assured that we will handle that aspect of your complaint in accordance with our regulatory obligations. For instance, we will aim to provide a full response to a Personal Data request within one month but if we cannot respond within that timescale, we will let you know when we will be able to respond. You can find guidance on our obligations under data and information rights legislation on the ICO's website (www.ico.org.uk) as well as information on their regulatory powers and the action they can take. You also have the right to lodge a complaint with the ICO provided that you have first allowed us the opportunity to attempt to resolve it ourselves. For further information

or to contact the ICO please visit www.ico.org.uk/concerns or call 0303 123 1113.

Your rights to refer the complaint to the Legal Ombudsman and SRA (as set out above) may still be available to you in addition to your Personal Data rights.

CILEx Regulation

If someone has a complaint about the misconduct of a chartered legal executive, CILEx practitioner or CILEx member, they have the right to submit a complaint directly to CILEx Regulation. Complaints about poor service should instead be directed to the Legal Ombudsman as directed above. For further information about CILEx Regulation's role and the means to make a complaint, please visit: <https://cilexregulation.org.uk/complaints/complain-to-us/> .

Resolution

If the complaint relates to the conduct of a Resolution Member or Resolution Mediator and suggests that they have worked outside the Resolution Code of Practice or the Family Mediation Council Code of Practice, then a complaint may be referred directly to Resolution. Resolution will only consider the complaint after our own internal complaints procedure has been exhausted (and permitting us a period of eight weeks to attempt to resolve the complaint ourselves). For information. Please see: <https://resolution.org.uk/contact-us/complaints/make-a-complaint-about-a-member/> and <https://resolution.org.uk/contact-us/complaints/make-a-complaint-about-a-mediator/> .

If Resolution's complaints process has been exhausted and the complainant is still not satisfied with the response, where the complaint relates to a mediator, they can appeal directly to the Family Mediation Council. Please see: <https://www.familymediationcouncil.org.uk/complaints-about-mediators/> .

Further Information

For further information about our complaints handling procedures, please do not hesitate to contact, Alan Carter, Managing Partner, on 020 8363 4444 and alan.carter@curwens.co.uk or by post Curwens Solicitors, Estate House, 19 High Street, Hoddesdon, EN11 8SX.