

## Making a Complaint Against QualitySolicitors Jordans

This short document is intended to assist you in making an effective and timely complaint against this firm.

In the first place we are sorry that you feel the need to complain and as we operate an open and transparent complaint process we hope to seek to resolve your complaint within this framework.

### **Stage 1 Complaining to the Firm**

It is expected by the Legal Ombudsman which is the independent body charged with investigating complaints that any complaint **should firstly be sent to us** so that we can have the opportunity of investigating it.

[ You can find guidance by the Legal Ombudsman at : <http://www.legalombudsman.org.uk> ]

You should therefore send your complaint to us in Writing (or email) and this can be sent either to the Fee Earner who is dealing with your case or the Complaints Handling Partner .

If you have difficulty writing or with emails, then we can arrange a telephone appointment to take your complaint by phone call.

### **Stage 2 – Acknowledgement**

Once we have your complaint we will acknowledge it usually within 7 days.

We are allowed **up to 8 weeks** to investigate the Complaint in accordance with the Legal Ombudsman Rules. That said we take the view that it is better to seek to resolve complaints where possible more quickly. In the most complex cases we may need longer than 8 weeks.

We will set out to you when we acknowledge the complaint what the timescale will be.

During the review we will accept any further information you want to send to us (but this may elongate our investigation timescale) . We will not generally discuss anything you send to us until we have completed the report however.

### **Stage 3 – Our Report**

We will then issue our findings. We will invite you to respond before we confirm that as a final decision in case it is necessary for us to amend our findings.

If we find that any part of your complaint needs to be upheld (found in your favour) then we will set out the resolution which we offer.

Should we not find in your favour we will consider whether there is any benefit to a mediation.

We will also remind you of how you can pursue a complaint to the Legal Ombudsman.

### **Stage 4 – Ombudsman Investigation**

If we do not uphold your complaint and you decide to make a complaint to the ombudsman, then upon you lodging the complaint they will investigate your complainant. Due to the pressures on the ombudsman service it can take about 3 months for the Ombudsman to investigate your complaint – See these fAQ's <http://www.legalombudsman.org.uk/?faqs-category=the-public>

### **Stage 5 – Ombudsman Report**

The Ombudsman will issue a draft report dealing with assessment of whether there has been poor service. At this point the Ombudsman may seek to encourage the parties to seek a resolution. If resolution is not possible it will be referred to the Ombudsman to issue a final report and findings which may also be published.

### **Stage 6 – Other Actions**

In the most serious cases the Ombudsman has power to refer the case to the Solicitors Regulation Authority where it considers a Solicitor has broken professional rules (this is a very unusual occurrence but the Ombudsman will make that decision) . Equally if the Ombudsman finds there has been no poor service it will close the complaint.

Usually the Ombudsman will not investigate issues of advice or a case outcome as this falls within the territory of professional negligence. The Complaint process is intended to deal primarily with poor service. Again, this is set out on the Ombudsmans FAQ

### **Retainer – Acting for you**

Usually clients complain at the conclusion of their case . If however your complaint is during the currency of your case then that may raise the issue of whether we should continue to act for you.

### **We will never terminate a retainer simply because you have made a complaint against us.**

But you will need to consider whether as a result of the complaint it is in your best interests for us to continue to act for you. Equally we will have to consider when reviewing your complaint whether the relationship between us has broken down to the extent that it would not be in your best interests for us to continue to act.

### **Other Persons – I.e Barristers / Experts**

We cannot speak for others involved in your case and so any complaint against a barrister or expert must be dealt with by them. They will have a similar procedure in that you must complain to them first and if that does not resolve the matter approach the body they have for investigating complaints. For Barristers this is also the Legal Ombudsman. Experts have a range of different bodies and they will advise you.

### **Conclusion – Next steps**

We now await your written complaint and look forward to resolving it if it is possible to do so.

We strongly advise you to follow the procedure we have set out which is the ombudsman approved process. If you do not do so you may wait a number of weeks only to be told, then you have to send your complaint to us first.

### **Useful Links**

Legal Ombudsman - <http://www.legalombudsman.org.uk>

Solicitors Regulation Authority (for Rule Breach complaints ) - <https://www.sra.org.uk/home/home.page>

Bar Standards Board (for rule breach complaints ) <https://www.barstandardsboard.org.uk>

### **QS Jordans**

**Policy Last Updated May 2018**