

## COMPLAINTS HANDLING PROCEDURE

### 1 Introduction

- 1.1 Providing our clients with a good service is important to us. Continuously improving the service we provide, including by learning from our mistakes, is also our aim.
- 1.2 If despite our best efforts something goes wrong and you are dissatisfied with any aspect of the advice or service we have provided, or any fees we have billed, we invite you to tell us so that we may try and resolve the matter fairly, effectively and as promptly as circumstances allow.
- 1.3 Clients may use the procedure described below to raise a concern about our advice or service and/or an issue relating to our fees or an invoice we have delivered.

### 2 Overview of our complaints handling process

- 2.1 Our internal complaints handling process has three stages. Most complaints are resolved at the first stage, which is always our wish and our aim.

Stage 1: Notification of the complaint to, a written acknowledgement of the complaint from, and a written response to the complaint by, the relevant supervising partner.

Stage 2: If you remain dissatisfied, escalation of the complaint to, an independent investigation by, and a written decision from, the relevant practice area leader.

Stage 3: If you are still not satisfied, escalation of the complaint to, a review of the complaints handling procedure which the practice area followed by, a sense check of the practice area leader's decision by, and a final written response on behalf of the firm from, the firm's Complaints Partner.

- 2.2 Stage 1: Most issues can be resolved quickly by the supervising partner, so please contact him or her in the first instance. The supervising partner's name and contact details appear in the relevant engagement letter and in the letters and emails which they have sent to you.
- 2.3 Stage 2: If the supervising partner is unable to resolve the matter, please contact the relevant practice area leader. An enquiry of the supervising partner or responsible fee earner, or of our switchboard or website, will provide the practice area leader's name and contact details.
- 2.4 Stage 3: If the practice area leader is unable to resolve the matter, please contact the Complaints Partner (Richard Foss). He is responsible for the firm's complaints handling process and for reviewing any complaints which cannot be resolved within the practice area.

### 3 Complaints handling procedure

- 3.1 Concerns should be raised with, and directed to, the relevant supervising partner in the first instance. He or she will acknowledge receipt of the complaint, investigate your concerns, and provide a written response. They will be able to resolve most matters quickly and effectively.
- 3.2 If the supervising partner is unable to resolve a particular issue however, they or you may escalate the matter to the relevant practice area leader. The practice area leader in writing will acknowledge receipt of the complaint and enclose a copy of this Complaints Handling Procedure. At the same time they might also ask you to explain any aspect of the complaint that is unclear or invite you to suggest an appropriate remedy if you have not done so.
- 3.3 The practice area leader will then investigate the complaint in whatever manner he or she considers is necessary and appropriate having regard to the issue(s) raised. Normally this will involve speaking to the supervising partner and the responsible fee earners and examining the file or the relevant part of it. When the investigation is complete, they will write to you setting out their view of the matter and suggesting any redress they feel is appropriate.

- 3.4 If the practice area leader considers that a meeting might help to explain or resolve a complaint, they will write to you suggesting a meeting. You are under no obligation to attend a meeting however. If you would prefer not to do so, they will write to you instead. If a meeting does take place, after the meeting the practice area leader will write to you confirming what was discussed and agreed during the meeting.
- 3.5 If you are not satisfied with the practice area leader's decision, please contact the Complaints Partner to let him know that you remain dissatisfied and to explain why you are unhappy. He will in writing acknowledge receipt of your request for a review of the practice area leader's decision. He will then review how the practice area handled the complaint and the practice area leader's decision in such manner as he considers is appropriate. When he has done that he will write to you setting out the firm's final position with regard to the complaint. In his final response letter he will tell you about the Legal Ombudsman Scheme and how and within what time period you should contact the Legal Ombudsman should you wish to do so.
- 3.6 How we handle a complaint and the length of time it takes us to investigate it and respond to it will depend upon a number of factors, some of which might be outside our control. They include: the size and complexity of the matter; the nature and circumstances of the complaint; the quantity of documentation to be reviewed; the time that has elapsed since the matter complained about occurred; whether an archived file needs to be retrieved from storage off-site; and the availability of the partner and fee earners who have or had conduct of the matter.
- 3.7 The Legal Ombudsman Scheme gives us 8 weeks in which to issue a final written response to a complaint. Subject to the above-mentioned considerations, we will try to complete all three stages of our complaints handling process within that 8 week period. If exceptionally and because of circumstances outside our control more time is needed, we will tell you and indicate how long we believe we might need to investigate and respond to your concerns properly.

#### **4 Legal Ombudsman Scheme**

- 4.1 If having exhausted our own internal complaints handling procedure as described above you are still not satisfied with our final written response to your complaint, or with the manner in which we handled the complaint, you may ask the Legal Ombudsman to consider the matter.
- 4.2 Information about who may submit a complaint to the Legal Ombudsman, the types of complaint which fall within his remit, the timescales within which a complaint must be submitted to him, and the procedures he will use if he accepts a complaint that is submitted to him is published on the Legal Ombudsman's website ([www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)).
- 4.3 Normally a complaint must be notified to the Legal Ombudsman within 6 months of you receiving a final written response from us about the complaint, or within 6 years of the date of the act or omission complained about (or if outside of this period, within 3 years of when you should reasonably have been aware of it).
- 4.4 The Legal Ombudsman has however a degree of discretion about the complaints he accepts and as to when and how they must be notified to him. Normally he will expect a client to: (1) exhaust the firm's own complaints handling procedure before submitting a complaint to him, provided the firm provides a substantive response within 8 weeks of receiving the complaint; and (2) submit the complaint to him within 6 months of the client receiving a final written response from the firm about the complaint.
- 4.5 The Legal Ombudsman can be contacted by post (Legal Ombudsman, PO Box 6806, Wolverhampton WV1 9WJ), by email ([enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)) or by telephone (0300 555 0333).

#### **Kingsley Napley LLP**

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