

Complaints Policy

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1. Overview of our Complaints Management

- 1.1 Henriques Griffiths is committed to providing a high quality legal service to all our clients and we hope to match or exceed your expectations. However, when something goes wrong we need you to tell us about it in order that we can correct it and improve our standards.
- 1.2 We will endeavour to make our complaints process easy to access and the policy and procedure is made available to you free of charge in order for you to make a complaint and have sufficient information to understand how it will be resolved.

2. Objectives of our Complaints process

- 2.1 The process and information provided should be set out so that it is easy for you to understand.
- 2.2 The initial response should be timely and reassure you that you are being taken seriously.
- 2.3 Your complaint should be treated courteously and you should be updated on the progress of your complaint.
- 2.4 In order to ensure good customer care we ensure staff are trained and equipped to handle a complaint properly and that they have a clear understanding of our complaints process.
- 2.5 We view any complaint as an opportunity for improvement in our client care.
- 2.6 All complaints should be answered in an objective and unbiased manner and clear and honest explanations given for any decision that is provided which should be based on the evidence available.
- 2.7 The information in relation to the complaints process will be treated with confidentiality.
- 2.8 We have a client focused approach and will take action on any complaint, showing our commitment to resolving difficulties that may occur.
- 2.9 If you experience challenges, for example hearing or vision difficulties, language barrier or other cross cultural issues, we will always look at ways to overcome those challenges. Please let us know at the time of your complaint if you do experience any such difficulties.
- 2.10 Whilst our complaints process focuses mainly on complaints from clients, we acknowledge that we can receive complaints from a range of other sources including:
 - i) People connected with the client such as carers or guardians;
 - ii) Solicitors representing the other side of the dispute or transaction;
 - iii) Barristers;
 - iv) Those involved in the justice system such as judges, court officials and prison officials.

- 2.11 Full records of the way in which a complaint is handled is kept separate from the main client file and will contain all relevant information in an organised fashion and in a form which can easily be copied to the Legal Ombudsman if required.
- 2.12 Any complaint will be treated impartially without any discrimination or prejudice.
- 2.13 Where reasonably possible the complaint will be reviewed by someone not involved in the matter leading to the complaint.
- 2.14 We will make every effort to put things right.

3. What is a Complaint?

- 3.1 Anything that makes a client dissatisfied with our Practice could be considered a complaint but we consider there are 17 categories of complaint which are set out in Appendix A annexed to this document and which are based on the views of the Legal Ombudsman.
- 3.2 Prospective Clients:
 - A complaint can also be made by a prospective client if we have:
 - Unreasonably refused a service to a complainant;
 - Persistently or unreasonably offered a service that the complainant does not want.

4. The Policy

- 4.1 At the beginning of every matter Henriques Griffiths will send you a Terms of Business letter in which you will be advised of who will be responsible for the work carried out on your behalf and who you should raise any queries with initially and if they have been unable to deal with your concerns the process you should follow if you are still dissatisfied with the service of the Practice.
- 4.2 If for some reason you do not wish to speak to person handling your matter then you should ask for the relevant Line Manager/Supervisor, whose name will be given in our Engagement Letter.
- 4.3 Complaints can be made in person by calling into the office or by telephone or in writing by letter or email.
- 4.4 If the complaint is of a complex nature then you may be requested to put the detail of the complaint in writing if you have not already done so.
- 4.5 If the complaint is of a simple nature then it may be possible to resolve the problem on the spot or within 24 hours of hearing from you and it may be possible to deal with it by telephone or by a meeting but, in any event, the outcome of the complaint will be confirmed by the Practice to you in writing.
- 4.6 In all matters of complaint our Complaints Officer, Sam Mayer who is a Partner and Solicitor of Henriques Griffiths, will be notified of the complaint and in some circumstances, it may be felt appropriate by the nominated person in the Engagement Letter that the complaint should be handled by

the Complaints Officer and in which case the you will be notified of this. Before any decision is made by the nominated person handling the complaint the matter will be reviewed by our Complaints Officer.

- 4.7 Henriques Griffiths will make every effort to acknowledge your complaint within 7 days, however it may not be possible to initially provide a full answer within such a time scale but we will make every effort to deal with, and resolve the complaint within 14 days.
- 4.8 If it is not possible to deal with the complaint within the above timescale we shall inform you of the nature of the difficulty in dealing with the complaint within that time span and put forward an alternative timescale for dealing with the complaint which is acceptable to you.
- 4.9 Henriques Griffiths will make every effort to investigate a complaint promptly and thoroughly and an explanation will be given to you of both the investigation and any appropriate action taken.
- 4.10 For reasons of confidentiality details of staff involvement may be treated with discretion.
- 4.11 Where an error or omission is admitted a full apology will be given at the earliest opportunity together with an explanation and in some circumstances it may be appropriate to give consideration to the impact on a complainant and recognise any upset and inconvenience resulting from the complaint as well as what went wrong initially.
- 4.12 In addition to explaining to you the findings of the investigation in to your complaint, if the complaint is founded then you will be advised of any system changes etc. that may be identified to improve the service provided and avoid such errors or omission in the future.

5. Taking your complaint to a second stage

- 5.1 If you are not satisfied with the response you receive from the person named in the Engagement Letter or their supervising partner, then you could contact our Complaints Officer, Sam Mayer at our Portland Square Offices. At this stage, if you have not already done so, it is usually helpful to us if you would put your complaint in writing both giving details of what you think went wrong and what you feel would put things right. The Complaints Officer will then investigate your complaint.
- 5.2 Your complaint will be acknowledged in writing within 3 working days and the acknowledgment letter will say when you can expect a full response. Because every matter is different, time may be needed to investigate it but you will receive a response within 21 days of us sending you our acknowledgement. If we cannot give you a full response within that time we will let you know when you will receive this.
- 5.3 If you are, or have been, our client we may invite you to a meeting to discuss your complaint either before or after we let you have our written response. If you are out client and would like to meet, please let us know when you first contact the Complaints Officer. If we meet before we send you our written response then we will send you our written response within

21 days of our meeting, unless we agree a different response time with you.

6. Taking your complaint to a final stage

6.1 Although we would hope that your complaint can be resolved within our own Complaint's Policy, if you are still not satisfied, you can refer your complaint to the Legal Ombudsman (LeO), although you should not contact the LeO until we have attempted to resolve your complaint through our internal procedure or until 8 weeks have passed since the date when you first made your complaint. We do not however wish to discourage you from contacting the LeO for further information and advice should you wish to do so.

6.2 The Legal Ombudsman's contact details are:

- i) **Address:** Legal Ombudsman, **PO Box 6167, Slough, SL1 0EH**
- ii) **Website:** www.legalombudsman.org.uk
- iii) **Telephone number:** 0300 555 0333
- iv) **Email:** enquiries@legalombudsman.org.uk

6.3 Normally, you will need to bring a complaint to the Legal Ombudsman within six months of receiving a final written response from us about your complaint. From 1st April 2023 the time limits for referring a complaint to the Legal Ombudsman will be no later than, one year from the date of the act or omission being complained about; or one year from the date when the complainant should have realised that there was cause for complaint.

6.4 Please contact the LeO direct or refer to its website for more information on whether you can use its service and the timescales for making a complaint. Regarding any complaint about our fees, you may have the right to apply to the Court for an assessment of the bill (under Part 111 of the Solicitors Act 1974) although if all or part of a bill remains unpaid you may have to pay interest.

6.5 Alternative complaints bodies ProMediate exist which are competent to deal with complaints about legal services should both you and our firm wish to use such a scheme.

6.6 However, we don't currently agree to use this Alternative Dispute Resolution service in view of the availability of the independent Legal Ombudsman Service established under the Legal Services Act 2007. We are bound by our Regulatory Code to comply with the Legal Ombudsman.

6.7 If we are unable to resolve your complaint which relates to a contract entered into online, you may contact the Online Dispute Resolution providers by accessing the following link <http://ec.europa.eu/consumers/odr>

7. Accountability and Responsibility

7.1 The accountability and overall responsibility for this Policy lies with the Practice's Complaints Officer, although general day to day client

care is overseen by the Client Care Partner and shared with all personnel in the Practice.

8. Review of Policy

- 8.1 It is the responsibility of the Complaints Officer to undertake an annual review of this Policy to ensure its effectiveness across the Practice and to present to the Partnership a written report on that review and to implement any changes which are necessary.

Appendix A

Complaint Categories

The 17 categories of complaint that Henriques Griffiths LLP have identified are listed together with their definitions below:

1. Conduct

- see Potential misconduct

2. Costs information deficient

- i) No information was provided about costs
- ii) The costs charged were more than the estimate and the complainant wasn't notified.
- iii) The complainant wasn't told about specific extra costs, such as disbursements.
- iv) Alternative funding options available to the complainant were not mentioned.

3. Costs excessive

- i) VAT has been charged when it is not chargeable
- ii) The same piece of work or payment has been charged more than once.
- iii) There are errors in the invoice calculation.

4. Criminal activity

- i) Theft of a complainant's money.
- ii) Forging a complainant's signature

5. Data protection/breach of confidentiality

- i) Information being disclosed to a third party without the complainant's consent.

6. Delay

- i) Taking an unreasonable amount of time to carry out a specific task.

7. Discrimination

- i) The complainant makes a claim of discrimination by the Lawyer. This will be referred to the approved regulator.

8. Failure to advise

- i) Legal advice, which would reasonably be expected, was not given.

9. Failure to comply with agreed remedy

- i) After agreeing to a remedy to resolve a complaint, the remedy has not been implemented. This can be a remedy agreed with or without the involvement of the Legal Ombudsman or a predecessor complaints handling body.

10. Failure to follow instructions

- i) Failure to follow a reasonable instruction or request from the complainant.

11. Failure to investigate complaint internally

- i) Failure to provide details of their internal complaints procedure.
- ii) Delay in responding to the complainant.
- iii) Only responding to part of the complaint.

12. Failure to keep informed

- i) Failing to keep the complainant informed of progress.

13. Failure to keep papers safe

- i) Loss of specific documents or a file.
- ii) Damage to specific documents or a file.
- iii) Loss of property
- iv) Damage to property.

14. Failure to progress

- i) Failure to act as would reasonably be expected to move a complainant's case forward.

15. Failure to release files or papers

- i) Refusal or failing to release files or papers without lawful excuse.

16. Failure to reply

- i) Failure to respond to telephone calls, emails or letters within a reasonable time.

17. Potential misconduct

- i) The complaint is about a potential breach of the professional rules of conduct. A potential misconduct complaint will often be accompanied by another complaint type concerning service that can be investigated.