

Complaints Procedure

(Version 4 updated 27 September 2024)

We are committed to providing a high-quality legal service to our clients. When something goes wrong, we need you to tell us about it. This will help us to sort out any mistakes or misunderstandings, and to improve our standards.

Please be assured that your complaint will be dealt with promptly, fairly and free of charge.

Initial concerns

In most cases, an informal chat with the fee earner responsible for your matter will resolve your concerns (who may be the Department Supervisor rather than the fee earner responsible for the day-to-day conduct of the matter).

If it does not, you can formalise your complaint or speak to someone other than the fee earner responsible for your matter. Our Complaints Officer, Jane Mackenzie can record everything you are unhappy about and recommend the best solution for you. You can contact Jane Mackenzie at janemackenzie@barnesmarsland.co.uk or by writing to 103 High Street, Broadstairs, Kent, CT10 1JS.

What we need to know

To deal with your complaint correctly, it would be helpful when contacting us if you could provide the following information:

- Your name, contact details and preferred contact method
- File reference number
- Details of your concerns
- How you would like us to put things right.

What will happen next?

1. If you telephone us, we will endeavour to resolve the issue in that call.
2. If you email or write to us, or if your complaint cannot be resolved in a phone call, we will acknowledge receipt of your complaint in writing within five working days of receiving it.
3. We will then investigate your complaint. This will normally involve our Complaints Officer reviewing your file and speaking to the member of staff who acted for you.
4. Our Complaints Officer will conduct an initial investigation into the issues raised. This will normally involve reviewing your file and speaking to the staff member who acted for you. We will send you a detailed reply which sets out our findings

and any action plans or proposed resolutions within 5 weeks of sending you the acknowledgement letter.

5. If we have to change any of these timescales, we will let you know, explain why and seek your agreement before proceeding.

What to do if we cannot resolve your complaint

6. If you have exhausted our internal escalation process yet remain dissatisfied, or a period of eight weeks has expired since we acknowledged your complaint without our final response being received, you are entitled to refer your complaint to the Legal Ombudsman. The Legal Ombudsman will look at the complaint independently and any investigation by them will not affect how we handle your case.
7. Before accepting a complaint for investigation, the Legal Ombudsman will check:
 - you have tried to resolve the complaint with us in the first instance and
 - you have suffered significant financial loss, distress, inconvenience or detriment, which deems it proportionate for them to investigate.

We will always be happy to discuss your issues further, prior to you going down this route, if you wish to do so.

8. For complaints about our service, including billing issues, you may contact the Legal Ombudsman via one of the methods below:
 - Phone: 0300 5550333
 - Email: enquiries@legalombudsman.org.uk
 - Post: Legal Ombudsman, PO Box 6167, Slough. SL1 0EH
9. Any complaint to the Legal Ombudsman must usually be made within **six months** of the date of our final written response to your complaint. You should also be aware that the Ombudsman will consider your complaint if you refer it on to them within either of the following:
 - **one year** from the date of the act or omission being complained about
 - OR
 - **one year** from the date when you should reasonably have known that there was cause for complaint.

The Ombudsman has discretion to extend the one year time limit for specific customers if, on the evidence, it is fair and reasonable to do so.

10. Note that the Legal Ombudsman service cannot be used by businesses or most other organisations, unless they are below certain size limits. Further details are available from the [Legal Ombudsman's website](#).

11. It is worth considering, whilst it is open to you to submit a complaint to the Legal Ombudsman, they apply strict criteria to determine whether they will ultimately accept a complaint for a full investigation. They have the discretion to dismiss or discontinue all or part of a complaint if they believe:
- a) it does not have any reasonable prospects of success.
 - b) you have not suffered (and are unlikely to suffer) significant financial loss, distress, inconvenience or detriment.
 - c) it is frivolous, vexatious, lacks merit or where there is a compelling reason not to accept it.
 - d) the likely impact, size, complexity, scope, volume of evidence or your conduct render it disproportionate/unreasonable/impossible for the complaint to be investigated.
 - e) you have previously complained about the same issue to them, unless you provide material evidence that is likely to affect the outcome which only became available to you after you submitted the original complaint.
 - f) there has been undue delay in the complaint being raised.

Also note:

- a) If, during the course of an ongoing investigation by the Ombudsman, a revised/increased offer is made by us which is deemed to be fair and reasonable redress and you decide to reject that offer, the Ombudsman has the discretion to dismiss or discontinue all or part of your complaint.
- b) If you have already accepted an offer to settle your complaint made by us during our internal complaint handling process, which is deemed to be fair and reasonable redress, unless there has been some significant intervening act, you will not be able to have that agreement overturned in the hope of securing a preferential outcome by pursuing your complaint via the Ombudsman.

For more information on the Legal Ombudsman's rules and requirements, please see their [Scheme Rules](#) dated April 2023.

What to do if you are unhappy with our behaviour

12. The Solicitors Regulation Authority ('SRA') can help 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.
13. Visit the '[Reporting an individual or firm](#)' page of their website to see how you can raise your concerns with the SRA.

What to do if your complaint remains unresolved

14. If a complaint cannot be resolved, you may also be able to ask for it to be referred to a process of alternative dispute resolution using a certified provider. We are not required to agree to such a request. In any case this is not available to businesses, only consumers. We will give you more information about that right if it becomes relevant.