

## **CHARLES AND CO SOLICITORS LIMITED**

### **COMPLAINTS POLICY AND PROCEDURE**

#### **Our complaints policy**

Charles and Co Solicitors Limited are committed to providing a high-quality legal service to all our clients. When something goes wrong we need you to tell us about it. This will help us to improve our standards.

#### **Our Complaints Procedure**

If you have a complaint please contact Mr Jagdip Chahal, who is the person responsible for dealing with client care issues. You can contact him by post at Charles and Co Solicitors Limited 16/17 Caroline Street, Birmingham B3 1TR or via email at [jc@charlesandco.org](mailto:jc@charlesandco.org)

#### **What will happen next?**

1. We will send you a letter or email acknowledging receipt of your complaint within a maximum of seven days of us receiving the complaint, enclosing a copy of this procedure.
2. If we require further information about your complaint, we will contact you to request the same.
3. We will then investigate your complaint. This will normally involve reviewing your file and speaking to the member of staff who acted for you. If your complaint relates to a matter where the file has been closed we may need to obtain your file from our archive storage facility, which may take up to 5 days.
4. Mr Chahal will send you a detailed reply to your complaint (Response letter), including his suggestions for resolving the matter, within six weeks of sending you the acknowledgement letter.
5. In the unlikely event that we cannot complete our investigations within this timescale, we will let you know and explain the reasons for any extension. As a guide, this generally only occurs in circumstances where we need the input of third parties outside of Charles and Co Solicitors Limited, which cannot be obtained within the six week period.
5. If after receiving our Response letter you are still not satisfied, you should contact us again and we will arrange for another Director who has not had any dealings with your matter to review the initial decision.
6. We will write to you within 14 days of receiving your request for a review, confirming our final decision on your complaint and explaining our reasons.
7. If you are still not satisfied, you can contact the Legal Ombudsman (LeO) at the Office for Legal Complaints on 0300 555 0333, or by writing to PO Box 6806, Wolverhampton, WV1 9WJ. Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

We will remind you of this option at the end of our Response letter and/or final decision (if a review is requested) to your complaint. Ordinarily, you can ask the Legal Ombudsman to consider your complaint if all of the criteria set out in 7.1 - 7.3 below are met;

7.1 The problem, or when you found out about it, happened after 5 October 2010;

7.2 You are referring the matter to the Ombudsman within;

- (a) six years of the problem occurring; or
- (b) three years of the date upon which you found out about it; and
- (c) within six months of the date of Charles and Co Solicitors Limited final written response to your concerns, pursuant to this procedure.

7.3 You are;

- (a) an individual;
- (b) an enterprise with less than ten staff, or with a balance sheet of less than two million euros as defined by the European Recommendation 2003/361/EC of 6 May 2003;
- (c) a club, association or society with an annual income of less than £1 million;
- (d) a charity with an annual income of less than £1 million;
- (e) a trustee of a trust with a net asset value of less than £1 million;
- (f) a personal representative or the residuary beneficiary of an estate where a person with a complaint about legal services provided to them died before referring their concerns to the Legal Ombudsman.

If you are not able to meet the criteria set out in 7.1 - 7.3 above, the only available route available to you is to seek redress through mediation, arbitration or by action through the courts.

The Department of Business, Energy and Industrial Strategy has confirmed that the following Alternative Dispute Resolution (ADR) entities are currently available to deal with disputes in the legal sector; Ombudsman Services, ProMediate and Small Claims Mediation, in the event that you wish to engage in mediation in relation to your concerns. However, please be aware that Charles and Co Solicitors Limited will not be agreeable to engaging in ADR mediation until such time as the Legal Ombudsman is certified as an approved ADR provider.

8. It is important to be aware that, where outstanding monies are due to Charles and Co Solicitors Limited, all monies due to Charles and Co Solicitors Limited will be recovered in the normal way and in the normal time frames, in accordance with our terms and conditions of business. This will progress entirely separately from, and notwithstanding, the investigation of your complaint. Please be assured that, in the event that your complaint is upheld (either through our complaints procedure or via the Legal Ombudsman), any necessary refund fees will be made upon conclusion of your complaint.
9. If your complaint relates to a bill rendered to you by Charles and Co Solicitors Limited you may also have the right to ask the Court to assess our bill to see if it is fair and reasonable. It is important to note that strict time limits apply for challenging our bill. We must receive your objections to the amount of the bill within one month of the delivery of the bill. If we have taken our costs from money being held on your behalf and tell you of your right to object to our bill then you are required to submit your objections in writing within one month of the date that you received the bill.

You will be deemed to have received the bill within three working days of the bill date.

If we have not been able to resolve the matter to your satisfaction through our Complaints Procedure then, as stated above, you do have the right to ask the Court to assess our bill to see if it is fair and reasonable.

Either you or we can apply for the bill to be assessed. This is a legal term which means the court will review your bill. Assessment is a complicated process and you should talk to an independent solicitor before going ahead.

As with all court proceedings, assessment is likely to involve you paying court costs. Even if your bill is reduced you may still have to pay your own costs and our costs. The court will decide this.

There are strict time limits for assessments. For example, if you:-

- (a) Apply to the court within one month of having received your bill, the court will always allow assessment to go ahead;
- (b) Apply between one month and twelve months of receiving the bill and you have not paid the court may order assessment to go ahead;
- (c) Have paid your bill and it is more than twelve months since you received it, you can no longer challenge the bill.

Please note we reserve the right to charge you interest on the amount you owe on any outstanding bills at the rate payable on judgment debts from one month after you received the bill. You will be deemed to have received the bill within three working days of the bill date.