

SMITH HAMILTON

SMITH HAMILTON COMPLAINTS HANDLING PROCEDURE

We aim to provide our clients with the best possible service at all times. However, if at any point you become unhappy or concerned about the service you are receiving from us, then please inform us immediately, so that we can do our best to resolve any problem.

In the first instance it may be helpful to contact the lawyer who is working on your case to discuss your concerns and we will do our best to resolve any issues. If you still have queries or concerns, please contact Gray Smith, our head of compliance, either by e-mail to gray.smith@smithhamiltonlaw.com or by telephone on 020 3907 4017. Your right to complain might relate to the way in which your matter is being handled or the fees we are charging you.

For further information, or if you want to make a formal complaint, you can read our full complaints procedure in this document. In our procedure, we explain how we will handle a formal complaint. We also explain the role of the Legal Ombudsman and the Solicitors Regulation Authority and provide useful contact details so that you can be properly aware of your rights and the options available to you.

Our Complaints Handling Procedure

We are authorised and regulated by the Solicitors Regulation Authority (SRA). We are committed to high quality legal advice and client care and aim to offer all our clients an efficient and effective service. However, if our clients would like to discuss how the service to them could be improved, the level of our fees and charges, or if there should be any aspect of our service with which they are not satisfied, we ask them please to contact the person in our firm responsible for complaints handling: Gray Smith, our Head of Compliance, either by e-mail to gray.smith@smithhamiltonlaw.com or by telephone on 020 3907 4017. If your complaint is in relation to the conduct of our Complaints Handling Representative, we will make alternative arrangements for the investigation and handling of your complaint.

We are committed to high quality legal advice and client care and are keen to resolve any concerns as soon as possible and in order to do this, will follow our complaints handling procedure.

We will endeavour to handle your complaint promptly, fairly and free of charge.

Our complaints procedure is as follows:

Step One:

If they have not already done so, we ask our clients please to let us know the full nature of the problem.

Step Two:

Our Complaints Handling Representative will write to the client acknowledging their complaint within five working days. In our acknowledgment, we shall confirm what happens next.

Step Three:

Our complaints Handling Representative shall then investigate the matter by reviewing the client and matter file and speaking to the member of staff concerned within ten working days of acknowledging receipt of the complaint. If, for some reason, the matter cannot be investigated in this timeframe, then we will write to the client notifying them of this, explaining the reason why, and giving a revised timescale.

Once the investigation has been completed, our Complaints Handling Representative shall invite the client to a meeting to discuss the issue(s) they have raised and hopefully resolve the complaint. This could be a meeting, video conference call or telephone call. The client's preference for the format of the meeting will be taken into account in deciding how the matter may best be dealt with. This process of engagement will take place within ten working days of us concluding our investigation of the matter. Following the meeting or call, our Complaints Handling Representative shall write to the client within five working days of the meeting to confirm the discussion and the solution agreed upon.

Alternatively, if the client does not want to (or is unable to) attend such a meeting or engage in a discussion (or the meeting or call is not necessary), we will be happy to send the client a detailed, written response, including the proposed solution, within fifteen working days of our concluding the investigation of the matter.

Step Four:

If the client is satisfied with our response following the above steps, we will regard the complaint as resolved. However, if the client is not satisfied, they will be invited to contact our Complaints Handling Representative again and they will arrange for another Director who is unconnected with the matter to review the decision. That director will then write to the client within ten working days of receiving the request with confirmation of the firm's final position in relation to the complaint, outlining the reasons and any final redress that is offered.

Step Five: Other options

Clients must always direct their complaint to us in the first instance. In most cases they will not be able to take their complaint further without allowing us the opportunity to put things right.

Legal Ombudsman

We are permitted a period of eight weeks to consider a complaint. If for any reason we are unable to resolve the problem between us within that timeframe, then our clients may ask the Legal Ombudsman to consider the complaint.

Clients are free to refer any complaint about our work, fees or level of service but there are some conditions and time limits. Please be aware that any complaint to the Legal Ombudsman must usually be made within six months of the client having received a final written response from us about their complaint. Complaints to the Legal Ombudsman must usually be made within one year after the act or omission occurred about which the client is complaining, or within one year from the date when the client should have known about or become aware that there were grounds for complaint.

For further information, please contact the Legal Ombudsman on 0300 555 0333 or visit www.legalombudsman.org.uk. The Legal Ombudsman may be contacted at PO Box 6167, Slough, SL1 0EH

Solicitors Regulation Authority

If someone thinks a solicitor might be dishonest or has concerns about their ethics or integrity, they have the right to notify our regulator, the Solicitors Regulation Authority (SRA). There are no time limits for making a report but there are limits on what the SRA will consider. Please note that the SRA is not able to deal with allegations of poor service (complaints of this nature should instead be referred to the Legal Ombudsman). For further information about the SRA's role, please contact the SRA or visit:

<https://www.sra.org.uk/consumers/problems/report-solicitor.page#report>.

Information Commissioners' Office

To the extent that your complaint relates to a breach of our data protection obligations affecting Personal Data, or it is evident that you are exercising your Rights as a Data Subject under data and information rights legislation (including, but not limited to the UK GDPR and Data Protection Act 2018), there may be aspects of the complaint that we may have to deal with and/or respond to differently in light of our obligations as a Data Controller. It may be that aspects of your complaint will need to be passed to our Data Protection Officer to assess and respond to in accordance with our [Privacy Policy](#). Our standard complaint handling timescales noted above may also not be appropriate in those circumstances and we will advise you if we have to extend the timeframe for responding.

In the event of an allegation of a breach of our data protection obligations affecting Personal Data and/or any concern that our firm has not handled your personal information properly, we will consider whether a report needs to be made to the Information Commissioner's Office (ICO). Not all breaches are reportable and we will advise you of the results of our assessment.

Should it be clear that you are exercising your rights under data and information rights legislation, we will handle that aspect of your complaint in accordance with our regulatory obligations. For instance, we will aim to provide a full response to a Personal Data request within one month but if we cannot respond within that timescale, we will let you know when we will be able to respond. You can find guidance on our obligations under data and information rights legislation on the ICO's website (www.ico.org.uk) as well as information on their regulatory powers and the action they can take. You also have the right to lodge a complaint with the ICO provided that you have first allowed us the opportunity to attempt to resolve it ourselves. For further information or to contact the ICO please visit www.ico.org.uk/concerns or call 0303 123 1113.

Your rights to refer the complaint to the Legal Ombudsman and SRA (as set out above) may still be available to you in addition to your Personal Data rights.

Resolution

If the complaint relates to the conduct of a Resolution Member or Resolution Mediator, and suggests that they have worked outside the Resolution Code of Practice, or the Family Mediation Council Code of Practice, then a complaint may be referred directly to Resolution. Resolution will only consider the complaint after our own internal complaints procedure has been exhausted (and permitting us a period of eight weeks to attempt to resolve the complaint ourselves). For information. Please see: <https://resolution.org.uk/contact-us/complaints/make-a-complaint-about-a-member/> and <https://resolution.org.uk/contact-us/complaints/make-a-complaint-about-a-mediator/>.

If Resolution's complaints process has been exhausted and the complainant is still not satisfied with the response, where the complaint relates to a mediator, they can appeal directly to the Family Mediation Council. Please see: <https://www.familymediationcouncil.org.uk/complaints-about-mediators/>.

Further Information

For further information about our complaints handling procedures, please contact Gray Smith, our Head of Compliance, either by e-mail to gray.smith@smithhamiltonlaw.com or by telephone on 020 3907 4017.