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COMPLAINTS PROCEDURE

1. Introduction

There are times when a client may want to express dissatisfaction with the service offered, and will want to register this in some way. This procedure is to assist clients in making the complaint and to ensure that each complaint is dealt with in a systematic and serious way. Although we hope clients will not find cause for complaint, we do accept complaints in a positive way as they can alert us to any problems and provide us with the opportunity to improve our services.

The complaints procedure is designed to address the needs of the complainant and not the Law Centre, and it is intended to be simple to understand, quick to respond and fair and effective in practice. In many instances a complaint can be dealt with effectively by front-line staff. Complainants are often seeking an explanation as to why the problem has occurred, an apology and reassurance that we are dealing with the problem. The procedure therefore provides that the first stage of a complaint is to raise the matter with the caseworker or another caseworker.

2. The Definition of a Complaint

We define a complaint as “any expression of client dissatisfaction, however it is expressed”. This means that a complaint need not include the words “complain” or “complaint”, and the initial expression of dissatisfaction might be made in writing, over the telephone, or in person. All staff need to be aware of this definition and the procedure below, and are responsible for ensuring that all complaints are recognised and dealt with in accordance with the procedure

3. The Procedure

- (1) The Law Centre is required to hold a stock of complaint forms and copies of this procedure that must be on display in the Centre. The client case letter given to all clients at the start of a case also includes details of how to complain and who to complain to. A complainant who cannot immediately be satisfied (see Stage 1 below) will be requested to complete a form and send it to the Chair of the Trustees c/o the Law Centre, marked Private and Confidential. Any such letter received will be passed to the Senior Solicitor/Director, who will carry out an initial investigation
- (2) The complaint form must state that:
 - (a) The client is giving his/her consent for details of his/her case to be disclosed to the Board of Trustees who are not bound by the rules of confidentiality of the Law Society.

- (b) If negligence and/or lack of competence are alleged, the complainant is advised to seek independent advice from a solicitor in private practice.

4. Making a complaint

- (1) Complaints may sometimes be founded on dissatisfaction with the treatment received by the client e.g. rudeness or an unhelpful attitude perceived by the client, or there may be an allegation of wrong advice having been given. There are four stages to the complaints procedure.

(2) Stage 1

When a complaint is first made, the complainant should be invited to discuss the complaint with the case worker/s involved, or if the complainant prefers, with another member of staff, who will endeavour to resolve the matter to the complainant's satisfaction.

(3) Stage 2

- (a) If the complainant is not satisfied s/he should be asked to put the complaint in writing using the complaints form. At this stage the client must be made aware that:
 - i) it will be necessary to disclose details of the case if the complaint is to be investigated further
 - ii) S/he should seek independent legal advice if s/he is alleging negligence or incompetence
 - iii) The length of time between the incident complained of and the complaint being made will be taken into account.
- (b) The Senior Solicitor will investigate the complaint and respond in writing as soon as practicable. If the complainant remains dissatisfied, the complaint will be dealt with as follows:

(4) Stage 3

- a) The written complaint must be sent to the Chair of the Trustees who will acknowledge receipt within 7 days, explain the procedure to be followed and advise the complainant to seek independent advice where 2 b) above applies.
- b) The complaint will be passed to the Complaints Sub Committee, which shall be composed of three members of the Board of Trustees.
- c) The sub-committee will investigate the complaint to establish the facts. This may mean checking case records, speaking to staff members etc. Copies of the complaint must be sent to the staff of the Centre.
- d) The complainant may be offered an interview by the subcommittee.
- e) The staff group shall be entitled to make representation to the sub-committee.
- f) If the complaint is justified, the sub-committee will recommend remedial action. They will notify the complainant and the member/s of staff concerned of their findings and their decision regarding remedial action. The target time for responding in full to complaints is 20 working days. If the matter is particularly complex and further time is required to respond in full, a letter should be sent to the complainant explaining the reasons why and including details of when a response is expected to be sent.
- g) The sub-committee will keep a record that it has met and sufficient details of the

investigation to explain the decision reached.

- h) The sub-committee will report to the Trustees solely that a complaint was received and that it was or was not resolved.

(5) Stage 4

- (a) If, at this stage, the complainant is still dissatisfied the matter will be referred to the next full Trustees meeting, or if the matter is urgent a special Board meeting shall be convened. If the staff group are dissatisfied, the grievance procedure shall be put into motion. The full Board of Trustees will carry out a further investigation following the procedure described in stage 2 and the same timescales for responses will apply.
- (b) The Trustees will endeavour to bring the matter to a conclusion and the Chair will notify the complainant and the staff of their decision.
- (c) If the complainant is not satisfied with the decision, they will be informed that they can refer the complaint on to the Legal Ombudsman, and will be given contact details.

5. Irresolvable Complaints

There remains a small number of complainants who will pursue their complaint endlessly. These will be dealt with as follows:

- (1) Upon the Chair's conclusion that the complaint is of an irresolvable and/or obsessional nature, s/he will approve the termination of all communication with the complainant.
- (2) The Chair will inform the complainant that no reply will be made to any further communication, whether addressed to the Chair or any other member of the Board of Trustees.

6. Recording Complaints

Where a client communicates that s/he is making a complaint, a case note will be kept in the client's file and a record will also be held in a central Complaints register.

7. Complaints Register

The complaints register will be reviewed annually at a full staff meeting and any complaints recorded will be analysed to see if there are any trends. If any trends are apparent, the meeting will decide what action to take, including referral to the Board of Trustees if appropriate.

COMPLAINT FORM



Are you dissatisfied with the way you were treated at the Law Centre, or with the way your case was handled?

We try very hard to provide a first class service, but we are not perfect and we all make mistakes sometimes. We would like to know if we have gone wrong, and so have set up a complaints procedure for clients to use.

There are four stages to the procedure. If you do have a complaint of any kind, please raise this first with the worker dealing with your case, or if you prefer, with another member of staff. If you are not satisfied with the response you get, or the problem cannot be sorted out there and then, please complete the attached form and return it to the Law Centre addressed to the Chair of the Board of Trustees and marked "Private and Confidential". Any such letter will be passed to the Senior Solicitor/Director, who will carry out an initial investigation and respond as soon as practicable.

If you remain dissatisfied your complaint will be passed to the Chair of the Board of Trustees, who will refer the complaint to a Complaints sub-committee.

If the complaint cannot be sorted out at that stage it will be referred to the Board of Trustees. If you wish to complain, it is important that you do so straight away. The length of time between the incident and the complaint being made may be taken into account.

If you still feel the complaint has not been dealt with to your satisfaction, you can refer the complaint to the Legal Ombudsman, PO Box 6806, Wolverhampton WV1 9WJ Tel 0300 555 0333 (calls charged at local rate and will be recorded), or e-mail

enquiries@legalombudsman.org.uk. If you are a client of the immigration and asylum team, you can also make a complaint to the Office of the Immigration Services Commissioner, 5th Floor, Counting House, 53 Tooley Street, London SE1 2QN. Tel 020 7211 1500. Further information and a complaint form is available at <http://oisc.homeoffice.gov.uk/>. You can complain to the Commissioner if you are not happy with the outcome of your complaint to the Law Centre, or if you prefer to contact him/her directly rather than complain to the Law Centre or to the adviser who dealt with your case.

A copy of the full complaints procedure is available from the Law Centre on request.

IMPORTANT NOTE

If you are alleging negligence and/or lack of competence in the way your case was handled, you are strongly advised to take independent advice, e.g. from Advocacy Trust Gloucestershire, or from a solicitor in private practice.

Advocacy Trust Gloucestershire (ATGlos), Ambrose Rendell Suite, The Manor, Uppermills Trading Estate, Bristol Road, Stonehouse, Glos, GL10 2BJ.

Tel: 08450 511 203 Fax: 01453 794013

E-mail: info@carglos.co.uk

Open Monday-Friday 0900 to 1700

COMPLAINT FORM



NAME (IN BLOCK CAPITALS PLEASE)

DETAILS OF COMPLAINT, INCLUDING NAME OF CASEWORKER (please continue on a separate sheet if necessary)

The workers at the Law Centre are bound by the Law Society's rules on confidentiality. I understand that in order for my complaint to be investigated, details of my case will have to be given to members of the Law Centre's Board of Trustees who are not bound by those rules. I consent to those details being given. (N.B. We are obliged to ask for this consent; however, in practice we are confident that all members of the Board regard details of individual clients and their cases as completely confidential)

Signed

Date

Address

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Tel:

e-mail