Kitson Boyce

COMPLAINTS HANDLING POLICY & PROCEDURE

Our Complaints Policy

At Kitson Boyce LLP, we are committed to providing a high-quality legal service to all our clients. However, if something goes wrong, we need you to tell us about it. This helps us to improve our standards.

If you have a complaint, please contact us with the details in writing (by letter or email). Whilst the Client Care team are happy to discuss the complaint initially via telephone, it is helpful for us to have the complaint in writing to ensure that nothing is missed or misunderstood.

What Will Happen Next?

1. The Client Care Team (headed by Charlie Siegle, our Client Care Partner), will send you a letter (or email) acknowledging the complaint within three working days of receiving it, enclosing a copy of this procedure.

2. The Client Care Team will then investigate your complaint. The team will review your file and, if necessary, speak to the member of staff who acted for you.

3. You will then be sent a detailed written reply to your complaint within 8 weeks of sending you the acknowledgement letter (or email).

4. If we are unable to conclude our investigation within 8 weeks, we will contact you to explain why and give you a revised date by which we hope to provide our substantive response.

5. If evidence of poor service is found, an appropriate remedy will be offered. If we find there has been no poor service, we will fully explain why we have come to that conclusion.

The Legal Ombudsman

If you 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 if you are an individual or, when you referred the complaint to us, you were:

a. A business or enterprise that was a micro-enterprise (European Union definition);

b. A charity that had an annual income net of tax of less than £1 million;

c. A club/association/organisation, the affairs of which are managed by its members/a committee/a committee of its members, that had an annual income net of tax of less than £1 million;

d. A trustee of a trust that had an asset value of less than £1 million; or

e. A personal representative or beneficiary of the estate of a person who, before they died, had not referred the 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.

Before accepting a complaint for investigation, the Legal Ombudsman will check:

- That you have tried to resolve the complaint with us in the first instance, and
- That 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.

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

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.

It should be noted 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.

It is also 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:

g) 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.

h) 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

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.

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 relates to an insurance policy

If your unresolved complaint relates to an insurance policy covering your case, you may contact the Financial Ombudsman Service:

- Phone: 0800 023 4567
- Online complaint forms available via their website.
- Email: complaint.info@financial-ombudsman.org.uk
- Post: Financial Ombudsman Service, Exchange Tower, Harbour Exchange, London, E14 9SR.

What to do if your complaint remains unresolved

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.