

KJ SMITH SOLICITORS

COMPLAINTS POLICY

At KJ Smith Solicitors, we are committed to providing high quality legal services and client care, and we regularly review our working practices to ensure we are compliant with all the relevant rules, regulations and standards.

If you are not happy with any aspect of our service, we encourage you to make contact with us. If you wish to complain about an invoice, please see the “Complaining about our fees” section below.

COMPLAINING TO K J SMITH SOLICITORS ABOUT SERVICE

If you wish to raise a complaint with us, please follow the steps detailed below. If your complaint is solely about the reasonableness of our fees, please see “Complaining about our fees” below to avoid placing yourself in a position of disadvantage.

- 1) For complaints relating to our service, please contact us - in writing or by email - with your concerns. You should address your concerns to the Fee Earner with conduct of your matter in the first instance. If you are worried about raising your complaint with the Fee Earner, please forward your concerns to our Complaints Manager: complaints@kjsmith.co.uk
- 2) We will acknowledge your complaint, normally within 2 business days of receiving it, and let you have a copy of this Complaints Procedure, if you have not already received one.
- 3) We will then investigate your complaint and let you have our findings. We will respond as swiftly as possible and in any event within 8 weeks.
- 4) We will be transparent with our findings and we will let you have a written response. If you are not satisfied with our response, you may refer your complaint to the Legal Ombudsman (see “Complaining to the Legal Ombudsman” below)

Alternative complaints bodies (such as Ombudsman Services, ProMediate and Small Claims Mediation) exist which are competent to deal with complaints about legal services however we do not agree the use of these alternatives.

- 5) If we are unable to resolve your complaint, and it relates to a contract we entered into online or by other electronic means, you may be able to submit your complaint to a certified alternative dispute resolution (ADR) provider in the UK via the EU ‘ODR platform’. The ODR platform is an interactive website offering a single point of entry for disputes between consumers and traders relating to online contracts. The ODR platform is available to consumer clients only, ie where you have instructed us for purposes outside your trade, business, craft or profession. The website address for the ODR platform is: <https://ec.europa.eu/consumers/odr/main/index.cfm?event=main.home2.show&lng=EN>.

COMPLAINING TO THE LEGAL OMBUDSMAN

If you have access to the internet, the Legal Ombudsman has a very useful factsheet on how it deals with complaints: <https://www.legalombudsman.org.uk/wp-content/uploads/2017/11/Unhappy-with-our-service-factsheet.pdf>

Please be aware that any complaint to the Legal Ombudsman should be made within six months of our written response to your complaint. You can contact the Legal Ombudsman on 0300 555 0333 or see their website for more guidance: <http://www.legalombudsman.org.uk/>

Alternatively, you may write to them at The Legal Ombudsman, PO Box 6806, Wolverhampton, WV1 9WJ.

The Legal Ombudsman will not charge for looking into your complaint however it will not look into complaints where you have already accepted a remedy from us or where there is a pending assessment of our legal fees if your complaint is about the reasonableness of our fees.

Please note that if your complaint is regarding fees, we may still take litigation to recover outstanding fees. To prevent litigation, you should settle the outstanding fees and the Legal Ombudsman would still be able to consider and investigate your complaint.

COMPLAINING ABOUT OUR FEES

Please note that all invoices sent are intended to be final in relation to the period of time and work undertaken as described therein. If you wish to dispute an invoice sent to you, it is important that you do so in a timely fashion. Invoices are payable immediately and enforceable after 30 days. We reserve the right to take enforcement action and/or apply interest on invoices that are not discharged after 30 days.

If you have any queries regarding items charged for on your invoices, please raise these with the Fee Earner with usual conduct of your matter. If ultimately you are unhappy with the level of legal fees, you should consider the Invoice Notice annexed to the invoice and the steps available to you. In order to avoid you incurring additional fees that might be beyond your capacity or willingness to pay, we reserve the right to suspend provision of legal services whilst enquiries are made into the level of your fees.

If your invoice relates to contentious work (ie: family matters), you may be entitled to have our charges reviewed by the Court by way of “detailed assessment”. There are deadlines applicable to assessment – you should apply to the Court for assessment within 1 month of the date of the invoice. If you apply after 1 month but within 12 months, the Court may order a detailed assessment but in doing so may also order that a sum of money is paid into Court to cover all or part of the invoice. There is detailed information at: <https://www.gov.uk/challenge-solicitors-bill>

In some circumstances, the Court may determine that there should be no assessment. This may arise if you have paid the fees more than 12 months before you make an application for assessment, for example. You should also seek your own independent advice from a Legal Costs specialist as to the implications of failing to reduce the legal fees charged by a sufficient amount as there may still be Cost Order implications even if you are successful in having some of our charges assessed down.