

Brief guide to complaining about legal services

This guide explains how to complain if you are unhappy with the service you have received from your solicitor.

If you have any further questions, please visit our website where you will find more advice and a range of specialised self-help guides, or call our helpline.

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The **charity** for patient safety and justice


AvMA is the charity for patient safety and justice. We provide specialist advice and support to people when things go wrong in healthcare and campaign to improve patient safety and justice.


For advice and information visit **www.avma.org.uk**

Or call our helpline
*10am-3.30pm Monday-Friday
(03 calls cost no more than calls to geographic numbers (01 or 02) and must be included in inclusive minutes or there can be a cost per minute)*

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Registered charity in England & Wales
(299123) and Scotland (SCO39683)

How to make a complaint about your solicitor or other legal professional

If you are concerned about the service you are receiving from your solicitor or other legal advisor including the way in which they are conducting your case, there are a number of options open to you for resolving those concerns depending on the nature and seriousness of the matters that are worrying you. These include:

- Speaking to your solicitor about your concerns
- Complaining to the complaints manager at the firm
- Complaining to the Legal Ombudsman
- Reporting your concerns to the Solicitors Regulation Authority (SRA)
- Pursuing a legal claim for professional negligence
- Reporting your concerns to AvMA if your complaint concerns a member of the AvMA Specialist Clinical Negligence Panel

Speak to your solicitor

For concerns which are of a less serious nature, for example, failing to respond to telephone calls or not responding to correspondence within a reasonable time, you should contact your solicitor and explain your concerns and if appropriate, what you would like to see happen. Your solicitor may not be aware that you have been experiencing a problem and it may therefore be relatively simple to address your concerns.

Complain to the firm's complaints manager

If you have not been able to resolve your concerns with your solicitor or feel unable to deal directly with your solicitor perhaps because your complaint is of a serious nature, you should contact the person responsible for managing complaints at the firm. All legal firms will have a complaints procedure and someone who is responsible for managing complaints. You may find the paragraph entitled *"Do you consider complaints about professional negligence?"* on the Legal Ombudsman's website helpful:

www.legalombudsman.org.uk/information-centre/faqs

Complain to the Legal Ombudsman (England and Wales)

If you have been unable to resolve your complaint with your solicitor or the firm, you can take your complaint to the Legal Ombudsman. The Legal Ombudsman can deal with a wide range of complaints involving failures in the legal service you have received and involving all types of legal advisors which will include solicitors, legal executives and barristers.

The Legal Ombudsman will only be able to help if you can show that you have taken reasonable steps to try and resolve your complaint directly with the firm and have given the firm time to respond. If you make your complaint to the legal Ombudsman on or before 31st March 2023, the time limit for complaining to the Ombudsman is six years from the date of the act or omission or within six months of the firm's final response.

From 1st April 2023, the time limit for complaining to the Ombudsman is one year from the date of the act or omission being complained about, or one year from the date when the complainant should have realised that there was cause for complaint. The Ombudsman retains the ability to exercise discretion to reasonably extend the one-year time limit when considered fair. This is the Ombudsman's discretion, there is no guarantee that the time will be extended we encourage you to make your complaint as soon as possible - you should not delay unnecessarily.

If you are unsure about whether you are within the time limit, contact the Legal Ombudsman's office for advice. Details of the role of the Legal Ombudsman and how they can help can be found at:

www.legalombudsman.org.uk

Report a solicitor to the Solicitors Regulation Authority (SRA)

The Solicitors Regulation Authority (SRA) is the organisation responsible for the regulation of solicitors and legal firms in England and Wales. As the professional regulator, the SRA can only investigate cases where a solicitor or legal firm is in breach of the Principles and Code of Conduct, and the rules setting out the expected professional standards. If a solicitor or their legal firm is found to be in breach of the standards, the SRA has a number of sanctions it can impose from issuing guidance to withdrawing the firm's ability to provide legal services. They cannot award compensation. The SRA may refer you back to the Legal Ombudsman if your complaint is considered to be about matters that do not fall within the SRA's remit such as complaints about the quality of service. In the most serious cases involving allegations of professional misconduct, the SRA may decide to prosecute the case by referring it to the Solicitors Disciplinary Tribunal (see below). Details of the SRA and how it operates can be found at:

www.sra.org.uk/consumers/problems/report-solicitor.page

Complain about a Legal Executive

For complaints about professional misconduct relating to legal executives who are members of the Chartered Institute of Legal Executives, you should contact CILEx Regulation. This is the body that regulates legal executives which includes Chartered Legal Executives (Fellows of the Chartered Institute of Legal Executives FCILEx), CILEx practitioners, and other members of CILEx such as students and affiliate members:

www.cilexregulation.org.uk/consumers/complaints

Pursing a claim for professional negligence

If you believe that your legal advisors may have been negligent in the conduct of your clinical negligence case and that this has caused you to suffer financial loss, you could consider a claim for professional negligence against your solicitors. These cases can be very complex and so it is important to seek the advice of a solicitor who specialises both in claims of clinical negligence but also specialises in claims of professional negligence against solicitors. There is a six year time limit for bringing a claim for professional negligence against your lawyer but you should not delay in seeking advice.

Contact AvMA for advice

If you are unsure about whether you have grounds for complaint or are uncertain about what to do, you can contact Action against Medical Accidents (AvMA) for advice. For example, if your complaint is of a serious nature, you will need to consider whether you might need to change solicitors and what that might mean. Please note that AvMA can only advise in relation to clinical negligence matters.

If your complaint concerns a member of AvMA's Specialist Clinical Negligence panel, it would be helpful to receive details including the outcome of your complaint to the firm, professional regulator and/or Legal Ombudsman. To maintain the high standards of the AvMA panel, AvMA will want to consider whether the nature of the complaint would warrant action under AvMA's disciplinary procedures for AvMA panel members (see below).

In addition to concerns and complaints, we would also welcome other types of feedback about AvMA panel solicitors. This might include what you found helpful about the service you received or what you believe could be improved.

AvMA disciplinary procedure for members of the AvMA Panel

AvMA has a disciplinary procedure for investigating serious allegations which may lead to AvMA panel membership being withdrawn. Details of these procedures can be found on page 19 and 25 of the AvMA Panel Booklet:

www.avma.org.uk/panel

As AvMA is only empowered to take action with respect to a lawyer's membership of the AvMA panel, the only sanctions available to AvMA include removal or suspension from the AvMA panel or imposing conditions on their AvMA panel membership. Therefore, if you are seeking other forms of redress or your complaint concerns professional misconduct, AvMA may recommend that you pursue your complaint to the Legal Ombudsman and/or Solicitors Regulation Authority. These bodies have broader powers and are able to seek redress on your behalf such as securing return of your documents, making the lawyer take corrective action, reducing your legal fees or in some instances awarding small sums in compensation. AvMA will usually request that you report back to us about the findings of any investigation undertaken by the SRA or Legal Ombudsman so that this can be considered as part of AvMA's own disciplinary procedures for AvMA panel members.

Other useful links

England and Wales

Bar Standards Board

For complaints of professional misconduct by a barrister in England and Wales:

www.barstandardsboard.org.uk/for-the-public/reporting-concerns.html

Scotland

The Law Society of Scotland

For details of how to complain about a solicitor in Scotland:

www.lawscot.org.uk/for-the-public/client-protection/complaints-against-solicitors

Scottish Legal Complaints Commission (SLCC)

Acts as a gateway for all complaints about legal services and legal professionals in Scotland. There is a one year time limit for making a complaint but seek advice from the SLCC if you are concerned that you may be outside this time limit. If your complaint concerns matters of professional misconduct, the SLCC will refer your complaint to the appropriate professional regulator for action under their disciplinary procedures e.g. the Law Society of Scotland and the Faculty of Advocates:

www.scottishlegalcomplaints.com

Ireland

Law Society of Ireland

For information on complaining about a solicitor in Ireland:

www.lawsociety.ie/public/complaints-against-solicitors

www.lsr.ie

The Bar Council of Ireland

For information on complaining about a barrister in Ireland:

www.lawlibrary.ie/making-a-complaint.aspx

www.lsr.ie

Northern Ireland

The Law Society of Northern Ireland

For details on complaining about a solicitor in Northern Ireland:

www.lawsoc-ni.org/making-a-complaint

The Bar of Northern Ireland

For details on complaining about a barrister in Northern Ireland:

www.barofni.com/page/making-a-complaint

Be part of the movement for better patient safety and justice

Become a Friend of AvMA today



You can help make healthcare safer and fairer for all

AvMA wants to build on the support we enjoy from people all round the country who share our passion for making healthcare safer and fairer for those who do suffer harm.

By signing up to be a Friend of AvMA you will belong to a growing movement for change. Join injured patients and their families, healthcare professionals, lawyers and many more who share our goals.

Becoming a Friend of AvMA costs from as little as £5 a month.

£5/month could provide vital advice to patients and families via our helpline

£10/month could help train a volunteer helpline advisor

£50/month could help support a family through an inquest hearing

Benefits of membership

- Regular newsletter keeping you up-to-date with our work
- Invitations to special events
- Share your thoughts on our work and policy issues

Your help could make a real difference to patient safety in the UK

Please sign up today at www.avma.org.uk/friends



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