



**Alexander
Harris**

solicitors

FIRST CLASS

Mr & Mrs I Williamson

Code A

Our ref: CLA/LE/31243/1/9516

Your ref:

Please ask for:

Direct dial:

CLAIRE AMOS

Code A

18 February 2003

Dear Mr & Mrs Williamson

The Gosport War Memorial Hospital

I write to thank you for attending the recent public meeting held on 5th February 2003 and for instructing Alexander Harris Solicitors to act on your behalf in respect of the investigations into the Gosport War Memorial Hospital. I enclose for your information our client brochure.

In accordance with Law Society guidelines there are a number of issues I need to explain to you formally.

Much of the preliminary work will be carried out by Claire Amos and Tricia Roe, Trainee Solicitors and Sara-Jane Mackinnon, a Paralegal. I will however provide them with full supervision. I am the Managing Partner of Alexander Harris.

We aim to offer all of our clients an efficient and effective service and I am confident that we will do so in this matter. However, should there be any aspect of our service with which you are unhappy, and which we cannot resolve between ourselves, you may raise the matter with Karen Pearman our Quality Control Manager.

In the event that your complaint cannot be resolved by Karen Pearman, then you may complain to the Office for the Supervision of Solicitors. I have enclosed copies of the following leaflets

- Resolution forms
- Can we help? (The Office for the Supervision of Solicitors)

Alexander Harris, Ashley House, Ashley Road, Altrincham, Cheshire, WA14 2DW Telephone: +44(0)161 925 5555 Facsimile: +44(0)161 925 5500
DX 19866 Altrincham 1. E-mail: info@alexanderharris.co.uk Web Site: www.alexanderharris.co.uk

Also at: 1 Dyers Buildings, London EC1N 2JT United Kingdom Telephone: +44(0)20 7430 5555 Facsimile: +44(0)20 7430 5500 DX 460 London Chancery Lane.
Cheriton House, 51 Station Road, Solihull, West Midlands B91 3RT Telephone: +44(0)121 711 5111 Facsimile: +44(0)121 711 5100 DX 720080 Solihull.

Partners: David N Harris LL.B., Ann Alexander LL.B (Hons) M.B.A (Managing Partner), Lesley Herbertson M.A (Cantab), Nicola Castle LL.B (Hons) LLM, Richard Follis LL.B (Hons), Jenny Kennedy, Lindsay Wise B.A (Hons), Grainne Barton LL.B (Hons), Richard Barr, Christian Beadell LL.B (Hons), Auriana Griffiths LL.B (Hons), Warren Collins LL.B (Hons)
Consultants: Rosie Houghton LL.B (Hons), Prof. Daniel S Simons B.A (Hons) J.D (Member of the Florida Bar)
Associates: Yee Fón Sit LL.B (Hons), Douglas I. Silas LL.B (Hons), Susannah Read LL.B (Hons), Tim Annett LL.B (Hons), Kim Barrett B.A (Hons) LLM, Jonathan Betts LL.B (Hons), Jo Masters LL.B (Hons), Chris Binns LL.B (Hons), *Sue Taylor, *Debbie Murphy RGN, RM, Dip N, *Kirsty R Richards, *Kirsten Limb B.Sc (Hons). *(not a practising solicitor)

Alexander Harris is a franchised firm and a member of the Community Legal Service
Regulated by The Law Society

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Please also find enclosed a consent form which I would very much appreciate you completing and returning in the stamped addressed envelope provided. This will ensure that all details held on our files are correct and will help us to assist you at all times.

Our Charges

Whilst we conduct our preliminary investigations into the issues concerning your relative's death, we will not charge for this work. The issue regarding costs will be reviewed in consultation with you once we decide on the next stages in this matter.

May I also take this opportunity to inform you that our Director of Marketing and Business Development, Emma Smith deals directly with all our press and media. If you are contacted by the press, please feel free to direct all calls to her on: Code A

Details regarding our next course of action will follow in due course.

Best Regards

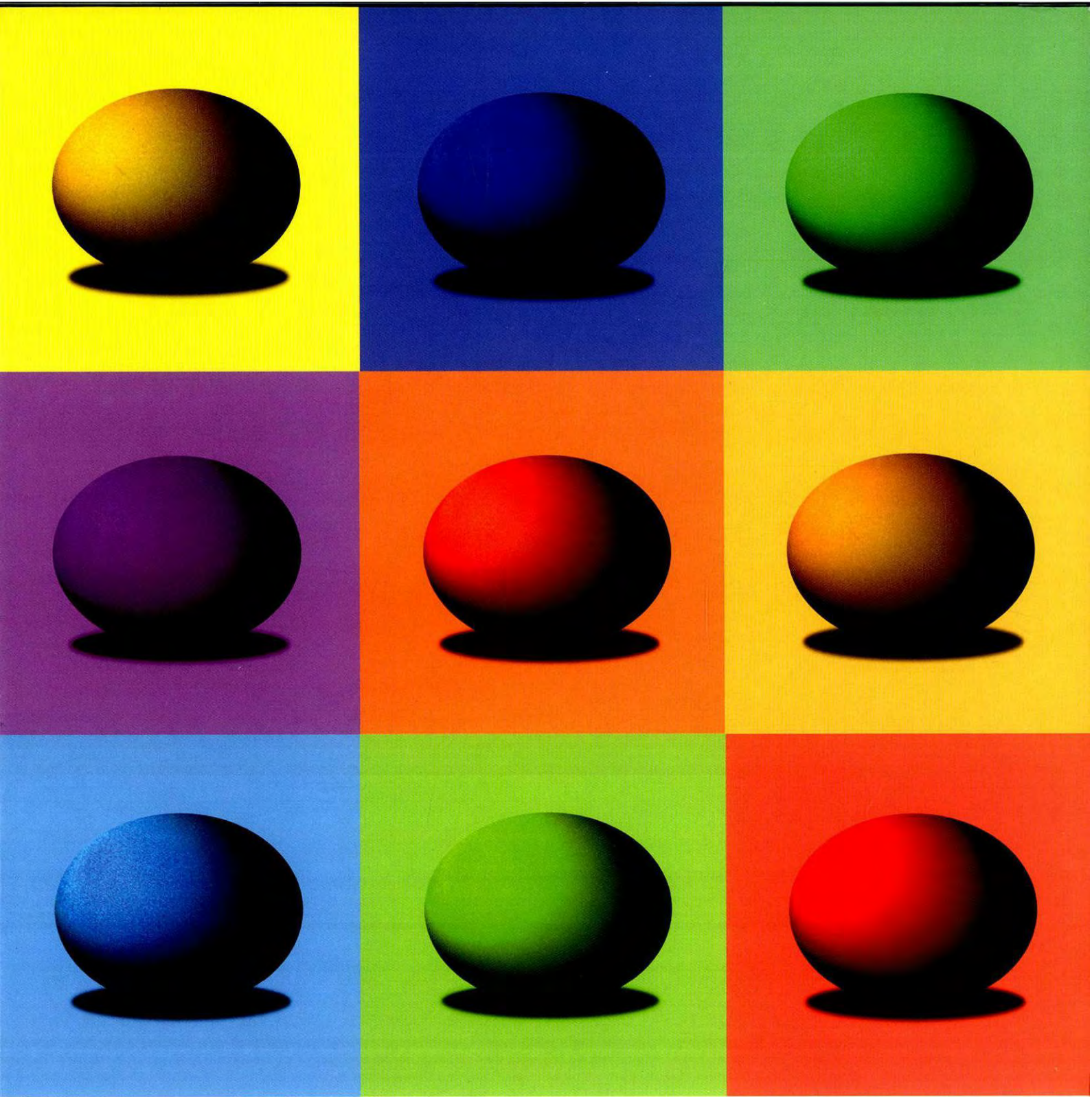
Yours sincerely

Code A

ANN ALEXANDER
ALEXANDER HARRIS

Code A

Code A



handling *with care...*

Introduction

Alexander Harris specialise exclusively in health related litigation. With over 100 staff and offices in Altrincham, Cheshire and Central London, we have built our reputation by combining compassion and understanding with the determination to succeed. Our ethos is to treat cases as causes, to act for clients with vigour and commitment as well as competence. Since our formation in 1989, we have recovered over £50million in compensation for our clients. This has ensured an improved quality of life and complete financial security for both them and their families.

Our lawyers are amongst the best in the country in their chosen fields. Many are members of the Law Society's specialist panels in Clinical Negligence, Personal Injury and Mental Health. The firm was one of the first in the country to achieve a Legal Aid Franchise - the hallmark of quality for any firm undertaking legal aid work, and is one of only eighteen firms nationwide to have been appointed to the Legal Aid Board's Multi Party Action Panel. A specialist management team supports the legal staff to ensure continuing development for the benefit of the firm and clients alike.

Bringing any claim where you or a loved one has been injured through no fault of your own can be very traumatic. Often our clients feel that they have been let down by professionals and can be angry and not know where to turn. We pride ourselves on being able to offer the necessary help, support and advice to enable the process to be dealt with smoothly and effectively.

...produces

Clinical and Dental Negligence

Being under the care of a doctor is one of the rare occasions where an individual unconditionally places their entire welfare in the hands of another. What then happens if something goes wrong? Our department is dedicated to helping victims of medical and dental accidents, who through no fault of their own, have suffered physical and mental injury at the hands of those whom we think of as the most trusted profession. Recovering sums of money can never properly compensate for the grave harm suffered, but by bringing these cases to light we are able to heighten patient awareness and ensure continuing improvements in medical standards and treatment.

As committed specialists in this area, we have built up a team of caring solicitors and nurses. Their unparalleled expertise ensures the complexities of medical situations from the outset will be understood and pursued with vigour, empathy, speed and efficiency.

Personal Injury

Compensation is payable for all kinds of injuries. Whether you have been involved in an accident on the road, at work or in the home; whether you have suffered an industrial disease or you have been the victim of a crime; whether your injuries are relatively minor or very severe; whatever your injury, if it was not your fault, Alexander Harris' specialist personal injury team will obtain the best results for you. Many lawyers undertake personal injury work but it is vital that you obtain specialist advice. Often serious injury cases such as those involving head and spinal injuries can have hidden complications and there may be long term or permanent damage. These types of injury can have a serious impact not only for the injured person but also for their family. In such cases specialist advice and understanding is paramount to achieving a successful result.



results!

Multi Party and Pharmaceutical Product Liability

Major law firms like Alexander Harris often take the lead in cases involving groups of clients. We handle cases where individuals have been injured and wish to pursue claims against large organisations such as government departments or international companies. The team are well known as leading specialists in this area, with a distinguished reputation for piloting complex cases through to a successful conclusion.

Alexander Harris' recent casework is a chronicle of tragedy from the use of the hallucinatory drug LSD to treat depression, Silicone breast implants and more recently the Measles, Mumps, Rubella Vaccine. We have championed the cause of women whose unborn children were damaged by contamination of food by listeriosis and ensured the successful award of £2 million in damages to patients given the wrong doses of radiotherapy at a Staffordshire Hospital.

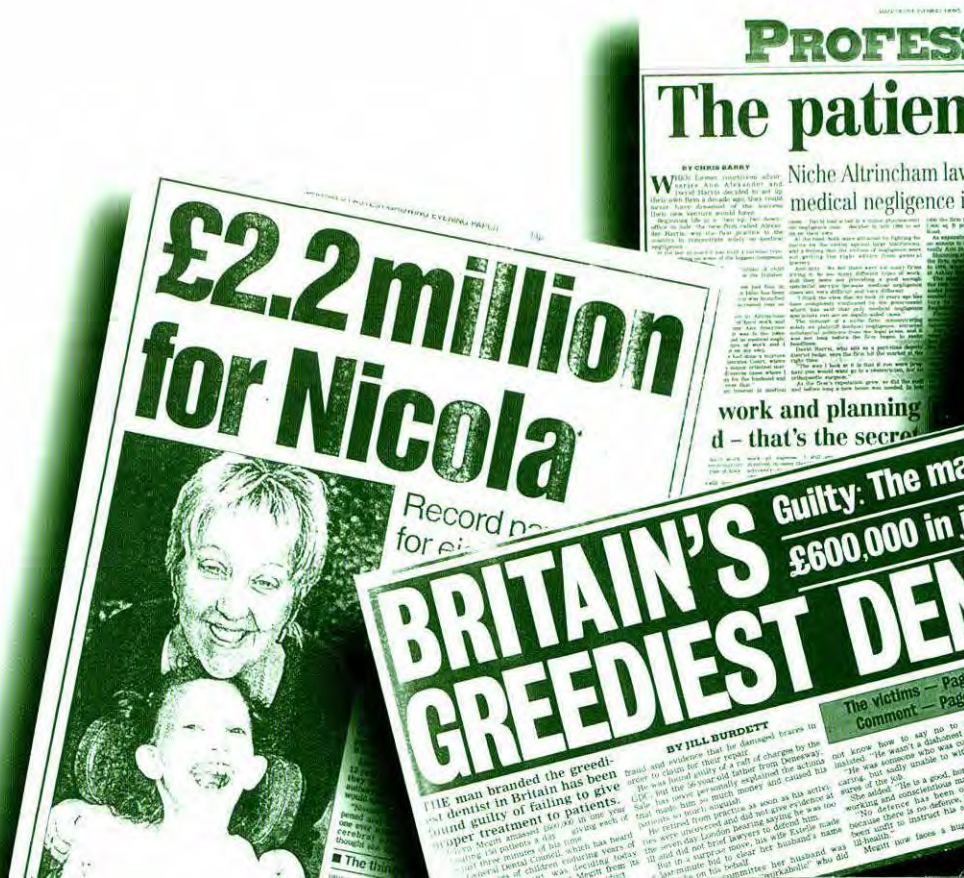
Lawyers led by Alexander Harris pursued a long campaign against Glaxo, the manufacturer of Myodil. This resulted in damages of £7million and led to a greater awareness of the symptoms and debilitating effect of back pain.

Foreign Claims

Handling foreign claims is a particular speciality at Alexander Harris and is an area of work in which few English lawyers specialise. Every year a significant number of holidaymakers and business travellers suffer serious injury whilst abroad. It is not always easy to know what to do or who to turn to. All countries have different legal systems; in the USA, the legal systems even vary from State to State. Alexander Harris provides expert legal advice in respect of claims throughout the world and in particular in the USA and Canada.

Mental Health

The Mental Health and Community Care team at Alexander Harris represent the mentally ill and physically handicapped. They handle matters on behalf of those disadvantaged by mental illness at tribunals and in the civil courts. The team are committed to the rights of those detained under the Mental Health Act and always respond quickly to the needs of clients - visiting them in hospital or at home. They are able to offer advice on every aspect of mental health and all advice given is completely confidential and independent from the hospital.



Funding - which option

The funding of personal injury and clinical negligence claims is going through tremendous change. At Alexander Harris, we are dedicated to recommending and implementing whichever funding arrangements offer our clients the highest degree of financial security.

We can offer Legal Aid, Legal Expenses Insurance, After the Event Insurance and Conditional Fee Agreements. We are continuously researching this area and training our staff to ensure that we are best placed to advise our clients of all the options.

Added Value

To enable us to respond fully to our clients needs we also cover a variety of other health related areas and have set up four additional dedicated Units.

Through our **Education** Unit we are able to pursue Local Education Authorities with regard to the appropriate provision of education to those with special needs. We are able to assist where there has been a refusal to carry out provisions in a Statement and any failure by a Local Education Authority to appropriately educate a child.

Human Rights affects each and every area of our work. For example the convention includes rights to protect life. Rights to proper treatment and duties to safeguard the quality of a person's life. Through our knowledge of the Human Rights Act we are able to protect the rights of individuals and compel others to respect their entitlements.

Our **Disability Discrimination** Unit advises disabled people, who without justification, are treated less favourably than others.

In addition Alexander Harris have specialist expertise in the use of **Judicial Review** to question decisions made by a variety of Authorities and work to get these overturned.



Taking the NHS to court

Who made most one year TIST



SICK HAND THAT ROCKED THE CRADLE

KILLER nurse Beverley Allitt was suffering from a rare disease that led her to attack

ALLITT: Desperate for attention, she repeatedly complained of suffering injury — but hospital authorities failed to investigate



results!

'Because of Alexander Harris we can put the last ten years behind us and start to enjoy ourselves again. Alexander Harris has restored my faith in the legal profession.'

Mrs A, London

'The team did their utmost to take away any worries or pressures of bringing a case, they were always reassuring and proved to be the best friends we could have. Without them I feel that we would not have been so successful.'

Mrs P, Stafford

'This was the best telephone call I could ever have made. Alexander Harris has always been available to give us the best advice and also to keep our spirits up when things got tough.'

Mrs E, London

'Thank you for the many hours of hard work you have put in and for the sympathetic and caring manner in which I have been treated. You are a credit to your profession.'

Mr M, Hertfordshire

Contacting Us

Many people do not know whether they are able to make a claim and contacting a solicitor for the first time is not always easy. We pride ourselves on our ability to make this experience as welcoming as possible and to be effective in our work for all our clients.

If you have an enquiry, you can contact us on our freephone and you will be put through to a member of our medico-legal team, which is made up of qualified nurses and midwives. These initial discussions are free and in addition we also

offer up to one hours interview time for free. You can also contact us through our website which provides an easy route for anyone with an enquiry.

In addition we are able to communicate in over 100 languages through a network of professional, confidential and experienced interpreters. If English is not your preferred language, all you need to do is contact us on our freephone number and let us know what language you would prefer to communicate in.

Freephone 08080 774477

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Welcome

to the Christmas
2002 edition of the Reporter.



It has certainly been a remarkable and extremely interesting year for all at Alexander Harris. We started the year with two offices and during 2002 we opened a third in the West Midlands to better meet the needs of our clients and

referrers in that area which has to date proved to be a tremendous success. We have also witnessed a significant growth in all work areas as well as in staff numbers which are now at 160! We have also achieved over £25million in compensation for our clients.

We are optimistic about the future and are looking forward to continuing to provide ever improving services for our clients and continued managed growth into 2003. I remain continually impressed by the commitment and hard work of all the staff at Alexander Harris and I am looking forward to another interesting year!

To keep up with our news please do not forget to visit our website at www.alexanderharris.co.uk

As in past years, we will not be sending Christmas cards but will instead be making a donation to charity. Therefore, on behalf of all at Alexander Harris, may I take this opportunity to wish you all the best for a Happy Christmas and Wonderful New Year.

Ann Alexander

Ann Alexander
(Managing Partner)

Gosport War Memorial Hospital

Following the announcement of investigations into deaths at Gosport War Memorial Hospital, Alexander Harris have been instructed by a number of families to look into the circumstances surrounding their relatives deaths.

These patients had all died in Gosport War Memorial Hospital in Hampshire between 1990 and 2000. Despite numerous complaints made to a number of bodies and agencies by the relatives very little investigative action had been taken.

There are serious questions to be answered surrounding the use of diamorphine and sedatives on patients at the hospital. Many of the families' relatives died unexpectedly whilst

undergoing rehabilitation and/or treatment.

Currently Professor Baker, who undertook a statistical audit into Harold Shipman's patient deaths, has been appointed by the Chief Medical Officer, Liam Donaldson to look into the Gosport War Memorial Hospital. The report is due to be released next year.

The GMC are also preparing cases for a possible Preliminary Proceedings Committee hearing.

Following a meeting between Ann Alexander and Detective Chief Superintendent Steve Watts and Detective Inspector Nigel Niven, the police have assured relatives that they will see every family who wishes to meet with them.

Alexander Harris are currently representing the families of 30 deceased.

www.alexanderharris.co.uk

www.alexanderharris.co.uk was recently short-listed for 'Best E-Business Website' in the prestigious Big Chips Awards. Nominated alongside big contenders such as Manchester Online, Alexander Harris narrowly missed out to Dabs.com, a well-known technology software company.

Being nominated for such a prestigious award was an enormous compliment and was testimony to all the hard work which Alexander Harris, MC2 and Newmind had put into the site. It has been a good year with our website becoming far more interactive and receiving over 100,000 visitors. We are however not complacent – we know that our visitors come back because we are constantly improving and updating the site and we promise to continue to develop this area.

Earlier this year, www.alexanderharris.co.uk was nominated in the top five for Solicitors' websites by Intendance Limited and gained the highest score in the design and usability categories.

The latest addition to our site is a downloadable version of The Reporter which can be viewed via the 'News' section of the website.

Please visit us on line and let us have your thoughts and comments as to ways we can continue to further improve our website.





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2002
CASES

Another year... another benchmark

Settling more cases for more
compensation nationwide

During 2002 we have successfully settled in excess of £25million in compensation for our clients. Our cases span a wide spectrum from accidents at work through to brain injury at birth - below are some examples of the types of cases we have successfully settled this year....

Hip Operation

70 year old Jack from Lancashire underwent a total left hip replacement which he was hoping would enable him to once again become much more mobile. During the operation the surgeon encountered difficulties and on removing the new prosthesis, which had by this time become set in cement, it caused the femur to fracture into three major fragments. Jack remained in hospital for two weeks as he was unable to move and in considerable pain. At this time Jack underwent a further operation to replace his left hip. Unfortunately this second operation was also carried out in a sub-standard manner because the femur was not prepared appropriately. This meant that the prosthesis was likely to work loose as it was unsupported by the surrounding joint. Alexander Harris successfully settled Jack's claim as it was alleged that due to this sequence of events he suffered significant mobility problems, which had the first operation been carried out successfully he would have recovered from within 6-12 months. Jack required assistance with household tasks and with transportation.

Boy blinded during play fight

During a paper clip fight, Joe aged 14 suffered a penetrating eye injury. He went to A&E immediately but was not seen by a doctor and was sent home with advice to see his GP the following day. The GP sent him straight to the eye hospital by which time he had developed a severe infection, which required an operation and steroid treatment. Sadly this was all too late and Joe became blind in that eye. The defendants argued that he would not have recovered perfect vision in any event and we determined that the best outcome would have been 80% of normal vision. Alexander Harris successfully settled Joe's claim for £35,000.

Road Accident

Luke was 7 years old when he was involved in a serious road traffic accident in the Midlands. Under his mother's watchful eyes he was attempting to cross a busy main road to get back to his house. Luke walked out into the path of a car which struck him. Following our investigation it transpired that the car was travelling at between 38 and 44mph rather than the 30mph that the driver had originally stated. Luke suffered a severe head injury and even though he contributed to the accident greatly by stepping out in front of the vehicle Alexander Harris were able to successfully settle his claim for £150,000. On a full liability basis this case was valued in excess of £1 million.

Shipman

UPDATE

Supermarket Slip

Staff had overfilled the mushroom display at Maureen's local supermarket causing a number of mushrooms to spill onto the floor. Rather than clear them away they were left and whilst shopping Maureen slipped on the mushrooms which resulted in her suffering a severe laceration to her left leg. Despite the unusual nature of Maureen's accident, her claim was successfully settled.

Birth injury

Emily from the East Midlands is now 10 and suffers from cerebral palsy due to a delay in her delivery. She is entirely dependent upon carers for all her needs and will never be able to manage her own affairs. The birth injury team at Alexander Harris settled Emily's case for £3.325million.

Accident at Work

Londoner Tom lost part of the fingers on his dominant hand as a result of a woodcutting accident at work. Previous solicitors did not think that Tom had a case and would not take it on. Whilst Tom was partially to blame for the accident, Alexander Harris were able to settle his claim successfully for £70,000.

Head injury

A forklift truck ran into Sheila and knocked her to the ground. Sheila suffered a head injury and as a result has continuing cognitive problems. The specialist head injury team at Alexander Harris settled Sheila's claim for £255,000.

Injured in operating theatre

Shortly after his birth Andrew was diagnosed as having heart problems and underwent surgery as a result. During surgery a hot air hose became detached from the hot air mattress provided to keep him warm and it caused burn injuries to Andrew's lower limbs. Following the operation he developed blistering and discolouration of the skin on both legs. The condition of his legs continued to deteriorate and one month on he underwent a right above knee amputation and a left partial mid-foot amputation. Andrew can only walk about 100 yards and uses a wheelchair for the most part. Andrew will always be significantly disadvantaged because of his double amputation. Energy requirements for an above knee amputation are high and he will never be able to walk for long distances. Andrew will probably become reliant totally on a wheelchair and will require further operations in the future. Alexander Harris settled Andrew's claim for £525,000 which included monies for the ongoing care he requires, ground floor accommodation, physiotherapy, transport and equipment.

Following the publication of Dame Janet Smith's report into how many patients she believed Shipman had murdered, Phase Two of the Shipman Inquiry has now commenced.

Phase Two which started in May 2002 is looking into the systems which enabled Shipman to quite literally get away with murder over such a long period of time. Stage 2 of Phase 2 started in October and is considering the issues surrounding death and cremation certification.

Dame Janet Smith has announced that she intends to prepare her second report, on all issues arising from Stage 1 of Phase 2 which covered the police investigation of March 1998 and Stage 2 by early spring/late summer 2003.

Proceedings so far

Caroline Swift QC, Leading Counsel to the Inquiry, opened Stage 2 by stating that the existing systems for death and cremation certification are intended to protect the public against the concealment of homicide. Yet, those very systems permitted 215 killings, over 22 years, to continue undetected.

Miss Swift took two cases to illustrate how Shipman was able to conceal the fact that he had killed by exploiting the existing systems in order to escape detection. The Coroner's office, police, certifying doctor, Registrar, secondary doctor, medical referee and funeral director were all bodies which played a part in the events following the unlawful killing of the two ladies mentioned above, yet, it took suspicions raised over a forged will, not the death itself, to kick-start the investigation which led to Shipman's eventual arrest.

Richard Lissack QC, Leading Counsel to the Tameside Families Support Group whom we represent, opened on behalf of many of the relatives by stating that "it is a sobering thought that the systems in place at the time that Harold Shipman murdered remain in place today effectively unchanged."

Mr Lissack queried how Shipman was able to certify the cause of death as "old age" in numerous cases, without being questioned further. He also queried how Shipman was able to complete the Form B cremation certificate with answers now known to be so obviously false, again without question or scrutiny. Mr Lissack went on to the issue of the Form C secondary doctor and raised questions regarding its purpose. He also outlined general issues regarding the need for a complete overhaul of the role of the Registrar and Coroner.

Mr Lissack concluded by asking the Government to take full advantage of the future recommendations of Dame Janet Smith, to ensure that reforms are put in place, for the sake of our clients and the general public.

Relatives views

Several relatives were invited by the Inquiry to expand on suggestions for change which they had touched on in previous witness statements. The overall feeling which came out from 2 days of evidence from relatives was that there should be a much more open outlook by all concerned when somebody dies. The secrecy behind the cremation forms, for example, should not exist. They would welcome a system in which relatives are asked for further information following a death in order to prevent a doctor lying to all the relevant bodies and consequently not raising any suspicion.

Out of the 12 relatives who gave evidence at the outset of this stage, all of them, either implicitly or expressly, confirmed that they would find it helpful if there was a single point of contact as a "one-stop shop" for the handling of all aspects of families' requirements following bereavement.

Shipman story continues.....

Medical Referees

The Inquiry also heard evidence from 2 Medical Referees from areas outside Dukinfield. It emerged from the course of these hearings, that Medical Referees receive no training at all in relation to the role. It also emerged that guidance received from the Home Office in 1988, reported that it was acceptable to have conflicting times on these forms, on the basis that they were confusing and relatives often gave differing timings to those of the GP.

With regards "Old Age" being stated as a cause of death, it was noted that the whole system is based on trust.

Both witnesses expressed the view that there should be no procedural differences between cremations and burials. Medical records should be made available and relatives should be spoken to. It was also suggested that one 'Medical Examiner' could play an investigative role, and fulfil the role of both the Form C doctor and the Medical Referee.

The Inquiry also heard from the previous Medical Referee at Dukinfield Crematorium who had authorised 111 cremations of Shipman's victims and accepted that the present system of cremation certification had failed. They explained that the purpose of the role as Medical Referee was to ensure that everything was in order and that there was no reason why the body should not be cremated.

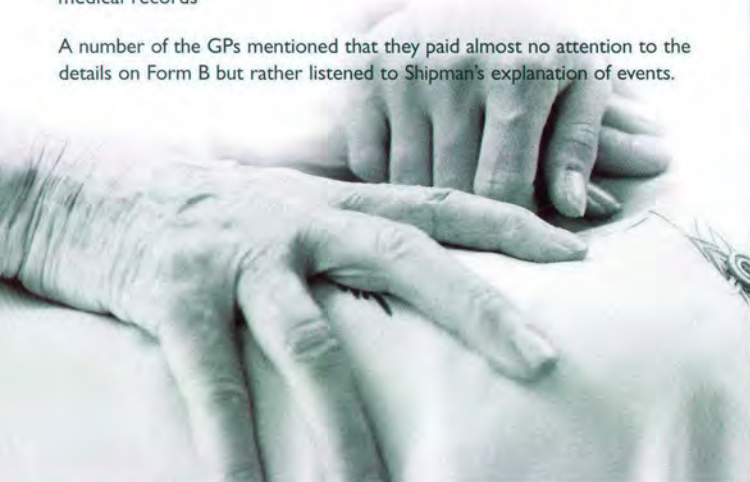
Dame Janet suggested that there were many unanswered questions when looking through the forms which had been authorised by the former Dukinfield Medical Referee. The Medical Referee presumed that such questions would have been raised by the Form C doctor, to which Shipman should have provided a satisfactory explanation.

Form C Doctors

The Inquiry heard several days of evidence from doctors who had signed Form C's, where Shipman had signed the Form B, over a number of years.

It became evident that GPs do not receive any formal training in the completion of Forms B and C. The following points were made by the GPs asked to give evidence:- 'Form C is a rubber-stamping exercise and of no value in verifying the cause of death' 'natural causes should not be used as a cause of death' 'the Form C procedure should be changed- it should be investigative and should certainly involve the viewing of medical records'

A number of the GPs mentioned that they paid almost no attention to the details on Form B but rather listened to Shipman's explanation of events.



Further Evidence

The Registrars have recently given evidence, and the Coronial system is now under scrutiny.

UPDATE

Dame Janet Smith's findings from Phase 1 - started 20 June 2001 and ended 10 December 2001.

215 Unlawful killing verdicts

45 - real cause to suspect unlawful killing

38 - insufficient evidence to say either way

210 - natural causes - from March 1975 to June 1998

UPDATE

PHASE 2 OF THE INQUIRY (ongoing at present)

Stage 1: The Police Investigation of March 1998

- How did an experienced DI conclude that Britain's biggest ever serial killer was actually just a nice, caring GP?

Stage 2: Death & Cremation Certification

- How did no-one notice?
- What changes can be made to post-death procedures to ensure that this can never happen again?

Stage 3: Controlled Drugs

- How did he get his hands on enough morphine to systematically kill?

Stage 4: Monitoring and Disciplinary Systems & Complaints

- Why did it take so long for anyone to "blow the whistle" when suspicions had been raised?
- Why is it assumed that medical practitioners would never harm their patients?
- How was Shipman allowed by the GMC to set up as a single practitioner following his convictions for possession of drugs?



**Alexander
Harris**
solicitors

IF YOU WOULD LIKE TO RECEIVE A REGULAR COPY OF THE REPORTER PLEASE CONTACT US.

Offices in: **North West, Midlands and London**

FREEPHONE 08080 774477 e-mail: info@alexanderharris.co.uk web site: www.alexanderharris.co.uk

Community
Legal Service



RECORD DAMAGES

In the past 12 months Alexander Harris have recovered record damages in excess of £25 million for their clients.

RESOLUTION FORM

NOTES FOR THE SOLICITOR

What you should do on receipt of this form

- ♦ Acknowledge receipt immediately.
- ♦ Tell your client how the complaint will be dealt with and by whom, and what the timescale is likely to be.
- ♦ Keep your client informed of progress.
- ♦ The form requires a response within 14 days but if you find that this is not possible, write to your client saying why and indicating when they might expect a response.
- ♦ Make sure you comply with that deadline.
- ♦ Note the client's expectations and consider whether they are reasonable. It is important to deal with the complaint as objectively as possible.
- ♦ If the client has asked for a meeting, respect that preference and try to arrange one.
- ♦ It is recommended that you open a complaint file and keep a record of every step taken towards resolution of the complaint.
- ♦ Keep in mind that a quick solution to a complaint is inevitably the most satisfactory and cost effective solution for you.

This complaint should be dealt with between you and your client under Rule 15

- ♦ It is not, at this stage, registered at the Office for the Supervision of Solicitors and it is hoped that you and your client will be able to resolve matters and avoid that happening.

What will happen if you do not reply promptly or fail to resolve the complaint?

Your client may lodge a formal complaint with the Office if:-

- ♦ You have not attempted to deal with the matter within 28 days without acknowledgement or explanation, or
- ♦ You fail to resolve the complaint directly with your client.

The Office recognises that not all complaints can be resolved satisfactorily between solicitor and client. If the matter is referred to us, however, we expect to find that you have made reasonable efforts to find a solution.

1. Resolving a complaint

- ♦ Explain what is happening to the client at every stage.
- ♦ Give reasons for any delay.
- ♦ Apologise if you have caused a problem.
- ♦ Agree what action you will take with your client and carry it out.
- ♦ If appropriate, make a reduction in any bill delivered or a concession on any future bill.
- ♦ Offer compensation if appropriate.

2. If you are not at fault

- ♦ Give a full explanation of the matter.
- ♦ Address each issue that has been raised.
- ♦ Keep your explanations objective and don't make the client feel that they shouldn't have raised their complaint. Clients may simply have misunderstood something or been confused. **That, in itself, it is a communications issue that you need to address and to which this complaint has alerted you.**
- ♦ Respond in writing, even after a meeting.

Advantages for you in Rule 15

- ♦ Resolving complaints benefits everyone.
- ♦ You are likely to preserve good will, and have a satisfied client again.
- ♦ It is the cheapest and quickest way to solve problems.
- ♦ It reduces the likelihood of a referral to the Office for the Supervision of Solicitors.
- ♦ Learning from complaints will help to improve your business.

How the Office can help you at this stage:-

- ♦ **If you would like the opportunity to discuss the complaint prior to replying to your client, phone LAWYER LINE on 0870 606 2588, between 9.30 to 12.30 and 2.30 to 4.30 Monday to Friday.**
- ♦ **For assistance with Rule 15 compliance contact the Compliance Officer on 01926 822155.**

RESOLUTION FORM

Before completing this form, please read "Notes for the Client" on the reverse of the blue/green copy.

*Pink Copy - please send to solicitor.
Blue Copy - please keep for your records.
Green Copy - spare copy.*

PLEASE WRITE FIRMLY WITH A BALLPOINT PEN

A	To the complaints handling partner	
Please use name if known _____		Your Name _____
Name of Firm _____		Address _____
Address _____		_____
_____		_____
_____ Postcode _____		_____ Postcode _____
Solicitors Ref. _____		Telephone number (work) _____
		(home) _____

B	I wish to make a complaint about the service I have received from your firm
The person dealing with my case is/was:- _____	
I am complaining that:- <div style="border: 1px solid black; height: 250px; margin-top: 5px;"></div>	

C	Please tick as appropriate:- <input type="checkbox"/> I am happy for you to deal with my complaint in writing. <input type="checkbox"/> I would prefer you to arrange a meeting to discuss my complaint.
What I would like you to do to resolve my complaint - _____ _____ _____ _____	
Signed _____ Date _____	

TO THE SOLICITOR

- 1 This form has been designed by the Office for the Supervision of Solicitors to help you to deal with a complaint under Rule 15.
- 2 Please reply to your client within 14 days of receiving the form.
- 3 Please read the notes on the back of this form before answering the complaint.
- 4 There is no need for you to correspond with the Office for the Supervision of Solicitors.

NOTES FOR THE CLIENT

(Please read these notes before completing the form)

When should you use this form?

- ♦ If you have a complaint about the way your solicitor is dealing with your case, you must first try to resolve the problem with the firm.
- ♦ Solicitors must have a procedure for dealing with complaints.
- ♦ This procedure is free of charge.
- ♦ This form is to help you put your complaint to your solicitor directly.
- ♦ It's a good idea to complain in writing, so that you and your solicitor both then have a record of your concerns.
- ♦ If you have a complaint about the amount of your solicitor's bill please speak to our Helpline as very short time limits apply for challenging your bill.

SECTION A: Where to send this form

- ♦ When you first went to the solicitor they should have told you who to contact if you have a complaint. Please address this form to that person.
- ♦ If you have not been given a name, send the form to the Complaints Handling Partner.
- ♦ Mark the envelope "Private and Confidential".

SECTION B: How to set out your complaint

- ♦ Set out the details of your complaint in Section B.
- ♦ Make your complaint short and to the point.
- ♦ Give examples of the problem.
- ♦ Give dates where possible.
- ♦ If you have more than one complaint, list them and give them numbers so that it is easy for the solicitor to reply.

SECTION C: How your complaint is dealt with

Tick the box in Section C so the solicitor will know if you are happy to receive a written reply or if you would prefer a meeting. If the solicitor suggests a meeting, we would encourage you to take up the offer.

How long should you wait for a reply?

You should normally get a reply within 14 days, but please be patient, especially if your case is complicated.

If you do not hear from the solicitor after 14 days send a brief reminder letter - and keep a copy for yourself.

What should you do if you cannot resolve the complaint?

If you

- a) do not receive a detailed response from your solicitor after a reasonable time (say 28 days) **or**
- b) find that you cannot resolve the problems directly with your solicitor

you might want to make a complaint to the Office for the Supervision of Solicitors.

Please make sure that you contact us within **six months** after trying to sort things out with your solicitor. If not, we may decide not to investigate your complaint.

How to make your complaint to the Office for the Supervision of Solicitors

To make a complaint to the Office for the Supervision of Solicitors you will need a Complaint Form. You can get a Complaint Form by writing to:-

The Office for the Supervision of Solicitors
Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire
CV32 5AE

Or you can telephone our Helpline

The Helpline is open Monday - Friday

9.00 - 5.00

0845 608 6565

(Calls are charged at a local rate)

For Minicom facility phone

0845 601 1682

When making your complaint to us please include the green copy of this form. (Please keep the blue copy for your records.)

RESOLUTION FORM

Before completing this form, please read "Notes for the Client" on the reverse of the blue/green copy.

*Pink Copy - please send to solicitor.
Blue Copy - please keep for your records.
Green Copy - spare copy.*

PLEASE WRITE FIRMLY WITH A BALLPOINT PEN

A To the complaints handling partner

Please use name if known _____ Name of Firm _____ Address _____ _____ Postcode _____ Solicitors Ref. _____	Your Name _____ Address _____ _____ Postcode _____ Telephone number (work) _____ (home) _____
--	---

B I wish to make a complaint about the service I have received from your firm

The person dealing with my case is/was:- _____
I am complaining that:- _____

C Please tick as appropriate:-

I am happy for you to deal with my complaint in writing.
 I would prefer you to arrange a meeting to discuss my complaint.

What I would like you to do to resolve my complaint - _____

Signed _____ Date _____

TO THE SOLICITOR

- 1 This form has been designed by the Office for the Supervision of Solicitors to help you to deal with a complaint under Rule 15.
- 2 Please reply to your client within 14 days of receiving the form.
- 3 Please read the notes on the back of this form before answering the complaint.
- 4 There is no need for you to correspond with the Office for the Supervision of Solicitors.

NOTES FOR THE CLIENT

(Please read these notes before completing the form)

When should you use this form?

- ♦ If you have a complaint about the way your solicitor is dealing with your case, you must first try to resolve the problem with the firm.
- ♦ Solicitors must have a procedure for dealing with complaints.
- ♦ This procedure is free of charge.
- ♦ This form is to help you put your complaint to your solicitor directly.
- ♦ It's a good idea to complain in writing, so that you and your solicitor both then have a record of your concerns.
- ♦ If you have a complaint about the amount of your solicitor's bill please speak to our Helpline as very short time limits apply for challenging your bill.

SECTION A: Where to send this form

- ♦ When you first went to the solicitor they should have told you who to contact if you have a complaint. Please address this form to that person.
- ♦ If you have not been given a name, send the form to the Complaints Handling Partner.
- ♦ Mark the envelope "Private and Confidential".

SECTION B: How to set out your complaint

- ♦ Set out the details of your complaint in Section B.
- ♦ Make your complaint short and to the point.
- ♦ Give examples of the problem.
- ♦ Give dates where possible.
- ♦ If you have more than one complaint, list them and give them numbers so that it is easy for the solicitor to reply.

SECTION C: How your complaint is dealt with

Tick the box in Section C so the solicitor will know if you are happy to receive a written reply or if you would prefer a meeting. If the solicitor suggests a meeting, we would encourage you to take up the offer.

How long should you wait for a reply?

You should normally get a reply within 14 days, but please be patient, especially if your case is complicated.

If you do not hear from the solicitor after 14 days send a brief reminder letter - and keep a copy for yourself.

What should you do if you cannot resolve the complaint?

If you

- a) do not receive a detailed response from your solicitor after a reasonable time (say 28 days) **or**
- b) find that you cannot resolve the problems directly with your solicitor

you might want to make a complaint to the Office for the Supervision of Solicitors.

Please make sure that you contact us within **six months** after trying to sort things out with your solicitor. If not, we may decide not to investigate your complaint.

How to make your complaint to the Office for the Supervision of Solicitors

To make a complaint to the Office for the Supervision of Solicitors you will need a Complaint Form. You can get a Complaint Form by writing to:-

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Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire
CV32 5AE

Or you can telephone our Helpline

The Helpline is open Monday - Friday
9.00 - 5.00
0845 608 6565
(Calls are charged at a local rate)
For Minicom facility phone
0845 601 1682

When making your complaint to us please include the green copy of this form. (Please keep the blue copy for your records.)

How to use the Resolution Form 12/07/01

Office for the Supervision of Solicitors

How to use the resolution form

What you write on the pink part will come out automatically on the blue and green part.

Box A

- 1 Write in the name of your solicitor and the firm (this will be on their letters).
- 2 Write in your own name and address on the right hand side.

Box B

- 1 List the areas where you feel your solicitors' service has not been good enough.
- 2 You may find it helpful to number the points.

Box C

If you have an idea of what you want the solicitor to do eg: send papers, take some action, tell you what is going on put this in Box C.

When the form is completed

Send the **pink** part to your solicitor

Keep the **blue** part for your records

Keep the **green** copy as a spare

Give your solicitor **at least 14 days** to reply

If you do not get a reply from your solicitor after this time OR you get a reply which you are not happy with:

RING THE OSS HELPLINE on 0845 608 6565

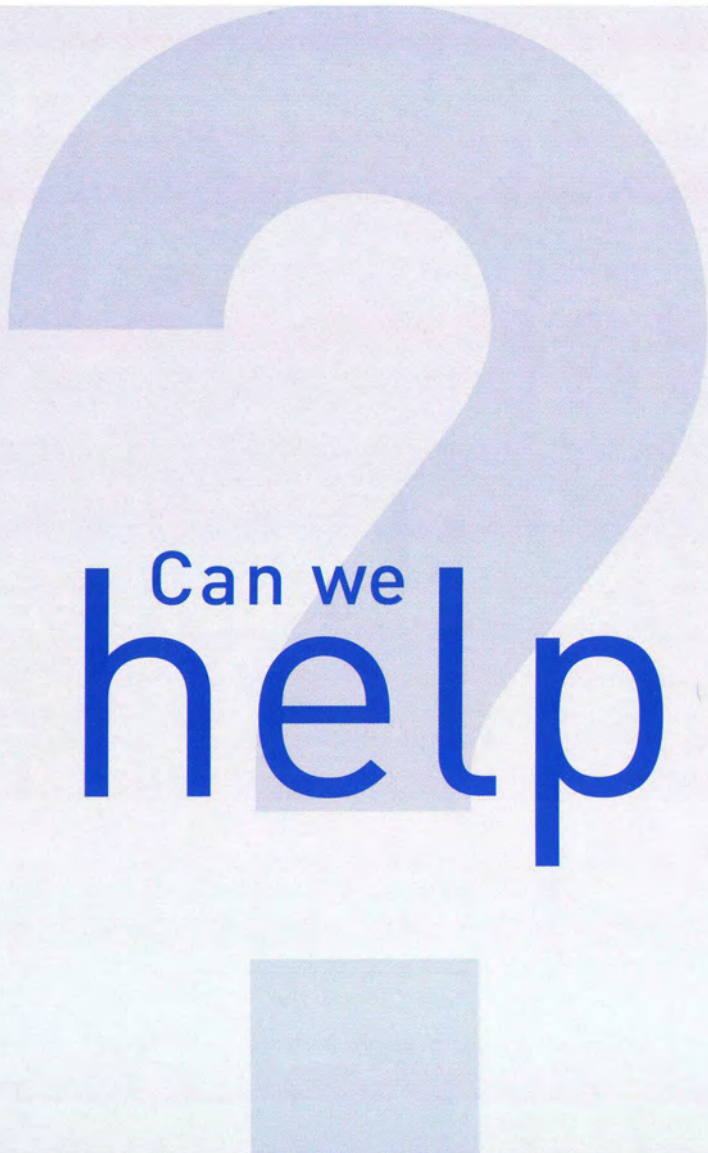
Please make sure that you contact our Office within **six months** of trying to sort things out with your solicitor if you want to make a complaint.



The Law Society

OFFICE FOR THE SUPERVISION OF SOLICITORS

Office for the Supervision of Solicitors, Victoria Court,
8 Dormer Place, Leamington Spa, Warwickshire CV32 5AE
Phone: 01926 820082 Fax: 01926 431435
www.lawsociety.org.uk



Can we
help

OFFICE FOR THE SUPERVISION OF SOLICITORS



The Law Society

OFFICE FOR THE SUPERVISION OF SOLICITORS



Office for the Supervision of Solicitors

We were set up by the Law Society of England and Wales to deal with complaints about solicitors and to regulate their work. The Law Society funds our work, but it cannot get involved in individual cases.

Some members of the public, appointed by the Master of the Rolls, are involved in our decision and policy making. The Legal Services Ombudsman monitors the way we work.

We are here to help people who have problems with a solicitor. We do this by:

- monitoring how solicitors deal with complaints about their work; and
- investigating complaints about the quality of solicitors' service and the standard of their professional conduct (behaviour).

Where possible we try to conciliate complaints, in other words help both sides reach agreement. If this is not possible, we can take action such as reducing bills, awarding compensation or disciplining solicitors.

We have standards and targets for our work.

- If you make a complaint of poor service or professional misconduct (poor behaviour) to us, we will aim to deal with 50% of our investigations within three months, 80% within six months, 90% within 12 months and the other 10% within 18 months.
- If you apply for a grant from the Compensation Fund, we will aim to complete 50% of applications within six months, 60% within 12 months, 80% within 18 months and 98% within 24 months.
- If you challenge your bill using the remuneration certificate procedure we will aim to complete 85% of remuneration certificate applications within three months, 95% within six months and the other 5% within 12 months.

- You can get this leaflet in large print if you ask us.
- If English is not your first language, please contact our helpline. They will send you a translated copy of this booklet.
- If you have difficulty in writing English, please contact our helpline and they will help you make your complaint.
- If you need our information leaflets or letters in Braille, please tell us.
- We can use the Typetalk telephone service, so if you have hearing or speech problems we can talk to you using this service.
- If you would like this booklet on audio tape, please contact our helpline.
- Our minicom numbers are 0870 600 1565 and 0845 601 1682.

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Can we help?

If you've already tried to sort out your problem with your solicitor and are still not happy, we may be able to help you. How much we can do will depend on the type of complaint that you're making.

Poor service

We can investigate complaints about the quality of the service you have had from your solicitor. Poor or inadequate service covers such problems as your solicitor having:

- not done what you've instructed them to do;
- involved you in unreasonable delays;
- given you inaccurate or incomplete information;
- failed to reply to your phone calls and letters;
- not given you enough information about costs before beginning your case or presenting the final bill; or
- failed to keep you informed about what's going on.

Negligence

Negligence has a special meaning in law. Basically, the law says that negligence happens where there has been a breach (breakdown) of a duty of care owed to you. In other words, your solicitor has not acted with your best interests at heart. If your solicitor has been negligent, you may be able to sue them if that negligence has meant that you:

- lost money; or
- spent money trying to put the matter right.

Similar circumstances may involve both negligence and poor service, and sometimes we can deal with the complaint within our powers. (Please see page 8 which explains what we can and can't do.) However, we can't actually decide that a solicitor has been negligent.

Instead, complaints about negligence are dealt with by the courts or by a solicitor's insurers. Solicitors get their insurance on the open market. You will need to ask the actual firm who their insurers are.

We may decide that it would be helpful if we referred you to a member of our negligence panel scheme. Your first hour is free and the panel member will spend up to that hour telling you whether they think your solicitor was negligent. If they think your solicitor was negligent, they will tell you what you should do next. We cannot refer you to a panel member if you have already asked for independent legal advice.

If you think your solicitor has been negligent you should get independent legal advice, as there are time limits for making a claim.

Professional misconduct

There are rules which govern how solicitors should practise and conduct themselves. Broadly speaking, these rules concern the standard of behaviour of solicitors. If your complaint is about a solicitor's misconduct, we can investigate it. Even if we prove that there was misconduct we can't award you compensation, but we can discipline the solicitor involved.

Professional misconduct includes such problems as a solicitor having:

- not kept your business confidential;
- failed to pay money over to you or not prepared accounts which show what is owed to you;
- acted for you and someone else on related matters (this is called a conflict of interest);
- not handed over your papers, files and so on (please note that your solicitor is entitled to keep any of your papers until you've paid the bill and only a court can overrule this); or
- stolen your money, or used it without your permission.

Solicitors' bills

If you think your solicitor's bill is too high and have not been able to reach an agreement about it, you can ask him or her to apply to us for a remuneration certificate.

A remuneration certificate is a method of having the bill checked, and involves a review by the remuneration certificate department. This service is free and allows us to check your bill to see if it is fair and reasonable.

You should bear in mind that:

- there are strict time limits for applying for a certificate (please see pages 17 and 18 for more information);
- you can only use the scheme for work which has not involved any court proceedings; and
- if the bill is not paid, you'll have to pay half of it plus all of the VAT and any expenses that the solicitor has paid for you (for example, stamp duty). The solicitor is entitled to charge you interest on the money that you owe.

Theft and dishonesty

If you've suffered a loss or hardship as a result of your solicitor's dishonesty, you can apply for a grant from the Compensation Fund. We run this on behalf of the Law Society.

This fund can replace money which a solicitor has stolen or which he or she has failed to pay over to you. However, the fund will only normally compensate (pay) you if you have no other way of getting your money back. For example, if your solicitor's firm has closed down.

Complaints about someone else's solicitor

If your complaint is about someone else's solicitor, we can only help if it involves professional misconduct. We can't investigate your complaint about the poor service given by someone else's solicitor.

If you complain about the way someone else's solicitor has behaved, we can only help you if the solicitor has breached (broken) the rules of professional conduct which all solicitors must follow. Often, a solicitor will just be doing what's best for their client and not what's best for any other people who may be involved.

If you complain about the conduct of someone else's solicitor, we can't pay you any compensation even if we prove your complaint.

Unfortunately, we can't help with many of the complaints we receive about other people's solicitors. Before you write to us, you should discuss your concerns either with your own solicitor or our helpline.

If your complaint is about the way a solicitor has dealt with the estate of someone who has died, we can investigate it if you fall into both the following categories:

- the solicitor is an executor (named in the will to deal with the dead person's affairs); and
- you've been left a share of the estate, not a fixed sum (for example, £1,000) or a particular gift (for example, a gold watch). In law, this means you are a 'residuary beneficiary'.

You can contact our helpline for an information sheet which explains this in more detail.

Problems we can't help you with

We don't have the power to do the following.

- Investigate your complaint if it concerns a solicitor who practises in Northern Ireland or Scotland. (Please see pages 23 & 24 for details of who you can contact.)
- Deal with complaints about barristers, licensed conveyancers or legal executives (unless they are employed within a solicitors' firm to provide legal services). You should contact the General Council of the Bar, the Council for Licensed Conveyancers or the Institute of Legal Executives. (Please see page 23 for the address.)

- Give you legal advice or a 'second opinion' on legal advice that you've received.
- Tell your solicitor how they should handle your case.
- Decide that your solicitor has been negligent.
- Look into the outcome of court cases. You should talk to a solicitor or contact a Citizens' Advice Bureau for advice on how you can appeal against the decision of a court.
- Review a decision taken by the Legal Services Commission. You should ask the commission or a solicitor about how you can appeal. (The Legal Services Commission is a new organisation responsible for managing Community Legal Services. It used to be called the Legal Aid Board.)
- Examine your solicitor's bill if it has involved court proceedings. You can use a procedure known as 'assessment' for this. (Please see page 18 for more information.)

Helpline

If you're still not sure what to do after reading this booklet, you can call our helpline on **0845 608 6565**. (Calls are charged at local rates.) It's open from 9am to 5pm, Monday to Friday. The lines can get very busy so we run a queuing system. (For our minicom service, phone **0845 601 1682**.) Our helpline can:

- give you practical advice to solve your problem;
- tell you who to contact if we can't help; and
- give you advice on how you can make a complaint to us.

Our helpline cannot answer legal queries or provide legal advice. However, the Law Society's Records and Information Services Department can give you details of solicitors or other organisations to contact for legal advice. Their phone number is 0870 606 6575.

Our helpline service also has recorded messages which give you advice on common types of problems.

We may record your call to train our new staff.

How to complain

In this section, we will look at how you should complain if you have suffered from your solicitor's poor service or misconduct (behaviour). We deal with other types of complaint elsewhere in this booklet.

Where should you start?

If your problem is about the service you've received from your solicitor, you must first discuss it with either your solicitor or the partner in their firm who deals with complaints. All firms of solicitors must have their own procedures for handling complaints.

If your solicitor practises by himself or herself, he or she may have an arrangement with another local firm or with the local Law Society.

If your complaint is about a solicitor's conduct (for example, they may have acted for you and someone else where there has been a conflict of interest), you should complain directly to us. (Please see below for more information.)

How to complain to your solicitor

It is best to complain in writing because your solicitor will then have a record of the details. You should keep a copy of your letter.

If you don't want to write a letter to your solicitor, you can fill in our resolution form. This form helps you to put your complaint in writing to the firm. You can get this form from:

- our website;
- your solicitor; or
- a Citizens' Advice Bureau.

Or, you can phone our helpline on 0845 608 6565 (our minicom service is on 0845 601 1682).

Please note that you should not use our resolution form if:

- your complaint is about your solicitor's bill, given that there are strict time limits (please see 'How to get your bill checked' on page 16); or
- you're complaining about someone else's solicitor.

If you'd rather phone or make an appointment to visit the solicitor's firm, you should do the following.

- Make sure you speak to the person at the firm who deals with complaints.
- Tell them what your complaint is about.
- Say what you want them to do about it.
- Take notes of your conversation.
- Ask the solicitor to confirm in writing:
 - the name of the person at the firm who will be dealing with your complaint;
 - the action they will be taking; and
 - the date by which they will do this.

When should you refer your complaint to us?

You should get in touch with us in the following circumstances.

- You haven't received a detailed reply to your initial complaint from your solicitor within a reasonable time, say 28 days.
- You haven't been able to sort out your complaint with your solicitor.
- Your complaint is about a solicitor's conduct.

It is important that you contact us within **six months** of the matter you are complaining about. If you leave it any longer, we may decide not to investigate your complaint.

How to complain to us

If you want to make a formal complaint to us, you can write to us or fill in our complaint form. You can get one of these forms by phoning our helpline on **0845 608 6565** (our minicom service is on **0845 601 1682**). If you have any difficulty filling in the form, please contact our helpline and we will try to help you.

If you are making a complaint on behalf of a friend or relative, please make sure you include a letter from them authorising you to deal with this on their behalf.

How will we deal with your complaint?

- When we receive your complaint, we'll check that the solicitor involved knows that you have made a complaint. We'll also look at the attempts the solicitor has made to resolve your concerns so far.
- We may copy your complaint to the solicitor for his or her comments. If you don't want us to do this, please let us know when you make the complaint.
- If we can't help you and the solicitor to sort out the problem, we will investigate your complaint further. Both you and the solicitor can give us your comments.
- Sometimes, we might decide not to take any further action. If this is the case, we will write to you explaining the reasons for our decision. If you are not happy, you can refer your complaint to the Legal Services Ombudsman (the address in on page 22).
- In other cases, we will investigate your complaint and prepare a formal report which both you and the solicitor will have the chance to comment on. A member of our adjudication team will then make their decision. This decision is based on written evidence, so there isn't usually a hearing.
- Both you and the solicitor can ask for this decision to be reviewed. Members of our external adjudication panel will

review the decision. If you are still not happy with the outcome, you can refer your case to the Legal Services Ombudsman.

We'll give you more information while we are investigating your complaint.

Local conciliation officers

Local conciliation officers (LCOs) are either solicitors or retired solicitors, and they have been trained by us to handle complaints.

We could decide that your complaint should be referred to an LCO. For example, it may be that:

- personally contacting an LCO may result in your complaint being sorted out early;
- the complaint appears to be very detailed or complicated, so much so that it would be difficult to reach an early resolution without face-to-face discussion with an LCO;
- the reasons why we're not able to deal with your complaint need to be personally explained to you; or
- you find it difficult to put your complaint in writing and would prefer to discuss it face to face.

How long will it take?

We aim to deal with 50% of our investigations into poor service and professional misconduct within three months, 80% within six months, 90% within 12 months and the other 10% within 18 months.

What action can we take?

Poor service

If we find that the service you've received from your solicitor was not good enough, we can:

- reduce your solicitor's bill;
- order your solicitor to pay you compensation of up to £5,000; or
- tell your solicitor to correct a mistake and pay any costs involved.

We don't often have to take these steps as we usually manage to bring you and your solicitor to an agreement about the complaint.

Professional misconduct

In cases of misconduct, we can't pay you any compensation. However, we can take disciplinary action against the solicitor. We can:

- 'express regret', but take no further action;
- 'express disapproval' of the solicitor's conduct;
- reprimand the solicitor; or
- severely reprimand the solicitor.

These sanctions are kept on the solicitor's record.

We can also put a condition on a solicitor's practising certificate. This means they can still practise law but it stops them from dealing with certain types of work, or limits the way they work.

We refer the **most serious or persistent cases** of solicitors' misconduct, like:

- suspected dishonesty;
- a criminal conviction; or
- mishandling clients' money;

to the Solicitors' Disciplinary Tribunal. This tribunal is independent from us. They hold public hearings and solicitors can be:

- reprimanded;
- fined;

- suspended from practice for a fixed term or an indefinite period; or
- struck off the roll, which means they can't carry on practising as a solicitor. (The roll is a list of solicitors qualified to practise in England and Wales.)

Other action

If we discover that clients' money is at risk or we think dishonesty is involved, we can close down a law firm. This is called an '**intervention**'.

The Law Society will appoint another local firm to deal with urgent matters and to distribute the clients' files to their new solicitors.

If you've suffered financial loss or hardship as a result of your solicitor's dishonesty and you have successfully applied to the **Compensation Fund** for a grant, we can:

- replace money which a solicitor has stolen or which they did not pay over to you; or
- pay any legal costs that you had to pay when you applied for a grant.

Please see page 19 for how and when to apply to the Compensation Fund.

How to follow up a negligence claim

Negligence has a special meaning in law, as we explained on page 5. You should get independent legal advice before you follow up a claim for negligence.

If you are told that you may have a claim, you should contact your solicitor and tell them that you plan to make a claim against them. They will then tell their insurers.

The insurers will carry out an investigation and then decide whether it's appropriate to settle your claim. If they decide to do this, they'll also decide the amount you're to be

awarded. If they decide not to settle, you will probably have to go to court in order to follow up your claim. You may have to pay the court costs.

How to get your bill checked

There are two ways you may be able to have your bill checked to see if it is fair and reasonable.

- The **remuneration certificate** procedure is a free service that we provide. This scheme is only available to you if your solicitor's bill is for work which hasn't involved court proceedings.
- **Assessment** is the way of having your bill assessed by the courts. (In other words, the court will check that your bill is fair.) Although assessment is the only method for checking bills which involves court proceedings, you can also use it for all other types of work. You may have to pay the court costs.

Remuneration certificates

If you think your solicitor's bill is too high, you should contact them as soon as possible. It's important to note that strict time limits apply for challenging your solicitor's bill.

If you can't come to an agreement about the fee, write to your solicitor asking them to apply to us for a remuneration certificate. Again, please bear in mind that strict time limits apply.

Your solicitor will have to fill in an application form and send it to you for your comments. Once the solicitor receives your comments, they will send the application form, your comments and the original file of papers to our remuneration certificate department. Please remember that you must ask your solicitor to apply for a certificate, because you cannot apply yourself.

We aim to complete 85% of remuneration certificate applications within three months, 95% within 6 months and the remaining 5% within 12 months.

Are you entitled to ask for a remuneration certificate?

You must meet certain conditions before you can ask your solicitor to apply for a certificate. These conditions are listed here.

- Your solicitor must receive your request to apply for a certificate within one month of the date that they told you of your right to ask for one. This information might simply be included somewhere on your bill (sometimes on the back of it) or in the covering letter sent with your bill.
- You've not paid the bill. The solicitor is entitled to ask you to pay part of the bill (see the following section on 'Should you pay the bill if you're complaining about your solicitor's charges?'). You must make this part-payment within one month of the date you received the bill.
- If your solicitor takes their costs from money being held for you (for example, if you are selling a house) and does **not** tell you of your right to ask for a certificate, you must query the bill in **writing** within three months of the date you received the bill.
- If your solicitor takes their costs from money being held for you and tells you of your right to ask for a certificate, you must ask for it within one month of the date that you received the bill.

If you'd like more information about this, you can call our helpline on 0845 608 6565.

Should you pay the bill if you're complaining about your solicitor's charges?

If you haven't paid your bill, your solicitor is entitled to ask you to pay:

- half of the professional charges;
- all of the VAT; and
- any money that they have paid on your behalf.

Your solicitor is also entitled to charge you interest on the amount you owe from one month after the bill was sent.

In exceptional circumstances you can apply to this office for a 'waiver' which means that you may not have to pay anything at this stage.

You can avoid paying interest if you pay the bill in full and, at the same time, write to your solicitor saying that you are only paying the bill on the strict condition that they get a remuneration certificate. You should keep a copy of your letter for future reference. If the solicitor does not agree to this condition, they must return the money to you.

If you pay your bill in full without asking your solicitor to apply for a remuneration certificate, you lose the right to challenge the bill in this way.

How will we deal with the application?

The solicitor will send the filled-in application form to us. If we can't sort the case out at this stage by conciliation, we'll examine the file in more detail and prepare a report.

One of our staff will then review this report and will send both you and the solicitor a **provisional assessment**. This assessment will show what fee we think is fair.

If you and your solicitor agree with our assessment, we'll issue the remuneration certificate for the amount that you'll have to pay. If either you or your solicitor don't agree with our assessment you or they can ask for the assessment to be reviewed. There are time limits which will be explained to you. You can also use the assessment process (see the next section) at a later stage.

Assessment (by the court)

Either you or your solicitor can apply for the bill to be assessed. This is a legal term that means the court will review your bill. Assessment is a complicated process and you should talk to a solicitor before going ahead.

Unfortunately, as with all court proceedings, assessment is likely to involve you paying court costs. Even if your bill is reduced, you may have to pay your own costs and your solicitor's

costs. This will be decided by the courts.

As with remuneration certificates, there are strict time limits for assessment. For example, if you:

- apply to the court within one month of having received your bill, the court will always allow assessment to go ahead;
- apply between one month and 12 months of getting the bill and you have not paid it yet, the court **may** order assessment, but it doesn't have to; or
- have paid your bill and it is more than 12 months since you received it, you can no longer challenge the bill.

If you want to find out more about assessment, you can phone the Supreme Court Costs' Office on 020 7947 6000 and ask for a copy of their information sheet.

How and when to apply to the Compensation Fund

If you think you're entitled to compensation because of your solicitor's dishonesty, you should apply for a grant from the Compensation Fund. We run this for the Law Society. If you'd like an information booklet and an application form, you can call the Compensation Fund on 01926 820082.

We will pass your application to a caseworker, who will carry out a thorough investigation.

Either our adjudication team or members of our external adjudication panel will decide whether you are entitled to a grant.

If your application is successful, you will usually be able to ask us to refund to you any legal costs that you've been charged in applying to the fund.

We will aim to complete 50% of Compensation Fund applications within six months, 60% within 12 months, 80% within 18 months and 98% within 24 months.

Complaining about our service

If you're not satisfied with the way we are dealing with your case, let us know. You should start by contacting your caseworker or their team leader. (If you complain to the team leader, please have your reference number to hand.)

If you've done this and you're still not happy, you can refer your complaint to your caseworker's line manager. And, if necessary, to our Quality Manager after that.

We describe our internal complaints procedure in a leaflet, which you can ask us for.

Referring your complaint to the Legal Services Ombudsman

We will tell you in writing when we've closed your file. If you're not happy with the way we've handled your complaint or with the decision we've taken, you can refer the matter to the Legal Services Ombudsman.

The Legal Services Ombudsman for England and Wales is Ann Abraham. She was appointed by the Lord Chancellor under the Courts and Legal Services Act 1990, and this Act also sets out her powers.

The Legal Services Ombudsman oversees the way we handle complaints about solicitors.

Once we've told you of our final decision in writing, you normally have three months to refer the case to the Legal Services Ombudsman.

If you miss this three-month deadline, the Ombudsman will not normally consider your case. However, she might extend the deadline if there are 'special reasons' for doing so. 'Special reasons' are circumstances beyond your control that prevented you from referring your case to the Ombudsman in time. For example, you or a member of your close family might have been seriously ill. You should contact the Ombudsman's office in writing if you think this situation may apply to you.

Please note that the Ombudsman can't look into complaints which have involved the following.

- Compensation Fund applications.
- Remuneration certificate applications.
- The closing down of a solicitor's practice by us (an intervention).
- Deposit interest certificates. (If a solicitor holds money for you, you may be entitled to interest on that money. If the solicitor does not deposit your money in an account which earns interest or does not account to you for the interest it earns, you can ask us to issue a certificate which will show how much interest the solicitor should pay you.)

If the Ombudsman finds that your complaint has not been properly handled, she can recommend that we reconsider your complaint. She also has the power to recommend or (in some cases) order that either we or the solicitor involved pay compensation to you for the loss, distress or inconvenience that you have suffered.

There is no limit to the amount of compensation that the Ombudsman can recommend or order.

We will always follow the Ombudsman's recommendation or order.

Please note, if we reconsider your complaint we may reach a different decision to our original one.

The Ombudsman's contact details are:

Legal Services Ombudsman

3rd Floor Sunlight House
Quay Street
Manchester M3 3JZ

Phone: 0161 839 7262

Fax: 0161 832 5446

Lo-call number: 0845 601 0794

Website: www.olso.org

E-mail: lso@olso.gsi.gov.uk

Useful contacts**Office for the Supervision of Solicitors**

Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire CV32 5AE

Phone: 01926 820082
Minicom service (switchboard): 0870 600 1565
Fax: 01926 431435
Helpline: 0845 608 6565
Minicom service (helpline): 0845 601 1682
Website: www.oss.lawsociety.org.uk
E-mail: enquiries@lawsociety.org.uk

The Compensation Fund

Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire CV32 5AE

Phone: 01926 820082
Fax: 01926 431435

Legal Services Ombudsman

3rd Floor Sunlight House
Quay Street
Manchester M3 3JZ

Phone: 0161 839 7262
Fax: 0161 832 5446
Lo-call number: 0845 601 0794
Website: www.olso.org
E-mail: lso@olso.gsi.gov.uk

The Complaints Commissioner

General Council of the Bar
Northumberland House
305 to 306 High Holborn
London WC1V 7JZ

Phone: 020 7440 4000

Fax: 020 7440 4001

Website: www.barcouncil.org.uk

Council for Licensed Conveyancers

16 Glebe Road
Chelmsford
Essex CM1 1QG

Phone: 01245 349599

Fax: 01245 341300

Institute of Legal Executives

Kempston Manor
Kempston
Bedford MK42 7AB

Phone: 01234 841000

Fax: 01234 840373

Website: www.ilex.org.uk

Law Society of England & Wales

113 Chancery Lane
London WC2A 1PL

Phone: 0870 606 2500

Website: www.lawsociety.org.uk

Law Society of Northern Ireland

Law Society House
90 to 106 Victoria Street
Belfast BT1 3JZ

Phone: 028 90231 614

Useful contacts continued**Law Society of Scotland**

Client Relations and Complaints Office
26 Drumsheugh Gardens
Edinburgh EH3 7YR

Phone: 0131 226 7411

Fax: 0131 225 2934

Website: www.lawscot.org.uk

Legal Services Commission

85 Gray's Inn Road
London WC1X 8AA

Phone: 020 7759 0000

Website: www.legalservices.gov.uk

National Association of Citizens' Advice Bureaus

Myddleton House
115 to 123 Pentonville Road
London N1 9LZ

Phone: 020 7833 2181

Website: www.nacab.org.uk

Website: www.adviceguide.org.uk [advice and information]

Solicitors' Disciplinary Tribunal

3rd Floor
Gate House
1 Farringdon Street
London EC4M 7NS

Phone: 020 7329 4808

Fax: 020 7329 4833

Supreme Court Costs' Office

Cliffords Inn
Fetter Lane
London EC4A 1DQ

Phone: 020 7947 6000

Data protection notice

We will use the information you give us to investigate your complaint. We will not use that information for any unconnected purpose without your consent. We will have to reveal your information to the firm or solicitor you have complained about. We may also have to reveal that information to our agents (people acting on our behalf) and to others involved in:

- the complaints process;
- regulating the legal and other professions; or
- law enforcement generally.

Where necessary, we may have to send your information abroad.

We may also reveal certain information, on a confidential basis, to the research organisations we use to measure our customer-satisfaction levels. If you do not want us to do this in your case, please tell our data controller. The address is below.

To help us maintain a record of solicitors' professional details, we will have to keep your complaint information after we have dealt with the complaint itself.

If any of the information you have given us is sensitive or personal under the Data Protection Act 1998 (for example, information about your health), you agree to us holding that information if you go ahead with your complaint.

You can apply to us for a copy of your information (for which we may charge a fee), and to have any mistakes corrected. You should contact our data controller, Ian Salisbury, at:

Office for the Supervision of Solicitors

Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire CV32 5AE

Phone: 01926 822194 (This number is for queries relating to data protection issues only.)

Notes

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Office for the Supervision of Solicitors
Victoria Court, 8 Dormer Place, Leamington Spa, Warwickshire CV32 5AE

DX 292320 Leamington Spa 4

Phone: 01926 820082

Helpline number: 0845 608 6565

Fax: 01926 431435