

# SMYTH BARKHAM LLP

## COMPLAINTS PROCEDURE

Smyth Barkham LLP is committed to providing a high quality legal service to all our clients. We aim to deal with complaints made by clients in a timely, courteous and efficient way. Any complaints made to any member of the firm should be handled in the following way:

1. The complaint should be reported or made direct to Caroline Barkham or Paul Edwards.
2. Ideally, the complaint should be in writing and addressed to the firm at 1 Mitre Court Buildings, Inner Temple, London EC4Y 7BS, or by email to a member of the firm. In the event that the complaint is not addressed to either Caroline Barkham or Paul Edwards, it will be drawn to their attention immediately without delay.
3. We will acknowledge your complaint immediately, either by return of email or letter as appropriate. This acknowledgement will simply confirm the receipt by the firm of the complaint and advise you that a fuller response will follow within a period of 10 working days (unless there are exceptional circumstances preventing this, which will be advised to you at that time).
4. Either Caroline Barkham or Paul Edwards (the “Appropriate Partner”) will then investigate the complaint thoroughly with the fee earner or fee earners concerned.
5. The Appropriate Partner will then address the facts of the complaint in a formal letter of response, which will be sent to you within 10 working days of the complaint being received. In the event that this is not possible due to any unforeseen circumstances, you will be notified of this and given the reason why.
6. In the event that the Appropriate Partner feels it helpful, they may decide to deal with the complaint by way of telephone call directly to you in an attempt to resolve matters amicably and expediently. In the event of any telephone call being made, a written note of the call and the conclusion reached in that call will be sent to you as a record. This written notification will be made within two days of the call.
7. In appropriate circumstances, you may be invited to the office for a meeting with the relevant partner and/or any fee earner as you may request. In the event that a resolution is reached at the meeting, a formal letter confirming such will be sent to you asking for your acknowledgement that you are satisfied.
8. In the event that you are not satisfied either with the meeting, the phone call or the written response, then you would be invited to set out the reasons for your continuing complaint to the Appropriate Partner. It is hoped that you will be able to notify us of your continuing complaint in a timely manner. Any further letter received from you with the continuing complaint should be dealt with by the Appropriate Partner within a further deadline of 10 working days, again unless there are exceptional circumstances preventing this. We may ask you to consider involving an independent third party mediator if we consider it appropriate.

9. At the conclusion of a complaint, a letter will be sent by the Appropriate Partner to you asking for your confirmation that the matter has now been resolved. This letter will include a reminder that you may have the right to complain to the Legal Ombudsman usually within a period of six months from the date of this final letter or within six years of the act or omission about which you are complaining occurring (or if outside this period within three years of when you should reasonably have been aware of it) and setting out the details where you can contact the Legal Ombudsman, namely:

PO Box 6806  
Wolverhampton  
WV1 9WJ

[www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

Tel: 0300 555 0333 or 0121 245 3050

Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

There are time limits within which complaints must be made to the Legal Ombudsman, as indicated below.

- Generally speaking, your complaint should be made to the Ombudsman within six months of receiving a final response from us to your complaint and
- No more than six years from the date of act/omission; or
- No more than three years from when you should reasonably have known there was cause for complaint

You also need to be aware that the Ombudsman only deals with complaints from the following:

- (a) an enterprise which, at the time that the complaint is made, is a micro-enterprise within the meaning of arts 1, 2(1) and (3) of the Annex to Commission Recommendation 2003/361/EC, as that Recommendation had effect at the date it was adopted;
- (b) a charity with an annual income net of tax of less than £1 million at the time at which the complainant refers the complaint to the respondent;
- (c) a club, association or organization, the affairs of which are managed by its members or a committee or committees of its members, with an annual income net of tax of less than £1 million at the time at which the complainant refers the complaint to the respondent;
- (d) a trustee of a trust with an asset value of less than £1 million at the time at which the complainant refers the complaint to the respondent.
- (e) a personal representative of an estate of a person; or
- (f) a beneficiary of an estate of a person

11. No charge will be made to you for the cost incurred in dealing with the complaint.

12. Where appropriate, the firm's insurers will be notified.

**SMYTH BARKHAM LLP**

August 2021