

BAKER & PARTNERS – COMPLAINTS PROCEDURE

If you wish to make a complaint

1. Our aim is to give you a good service at all times. However, if you have a complaint about some aspect of the service that you receive you should let us know as soon as possible. Baker & Partners is fully committed to ensuring that all users of our complaints procedures are treated fairly, with respect and without discrimination based on race, gender, sexual orientation, disability, age, religion or belief.

Introduction

2. The Law Society of Jersey usually requests lawyers to investigate any complaints before they do. This is because many complaints can be dealt with successfully by good communication between lawyer and client at the outset of a problem.

Time Limit for making complaints

3. It is important that you let us have your complaint as soon as possible after the date of the event you want to complain about. This is so that we can investigate your complaint promptly and in the interests of fairness to all those concerned. To investigate your complaint **you must fill in the Complaint Form which will be supplied to you upon request or which you can access on our website**. If you have difficulty or require assistance in completing this form then you should inform us of this. If we do not receive your complaint within 6 months of the matter you want to complain about, we may decide that we can no longer deal with it. In deciding whether to deal with a complaint which is more than 6 months old, we will bear in mind:-
 - i. The seriousness of the complaint
 - ii. Any exceptional circumstances which justify investigation of it in the light of the fact that it is more than 6 months old.

Types of complaint that we can investigate

4. Professional misconduct is when a Jersey Advocate or Solicitor has broken the rules set out in the Law Society of Jersey Code of Conduct. The Code of conduct specifies the standards of conduct on the part of Jersey Advocates and Solicitors which are appropriate. It is published by the Law Society of Jersey at <http://www.jerseylawsociety.je/index.html>
5. Breach of the Code of Conduct is a disciplinary offence and complaints are referred to the President of the Law Society to investigate whether a disciplinary offence capable of punishment has been committed. If the President of the Law Society is satisfied that there are sufficient

grounds for considering the complaint he will refer the papers to a Law Society Disciplinary Committee.

6. Inadequate professional service is when a Jersey Advocate or Solicitor's services have fallen significantly below the standard you are entitled to expect. We will always investigate complaints about the service provided to you by one of our lawyers.
7. Sometimes a complaint covers both professional misconduct and inadequate professional service, but, provided you tell us what your complaint is about, you will not need to specify which of these two types your complaint is. We will then decide whether we can investigate all aspects of your complaint.

Types of complaint we cannot investigate

8. There are certain types of complaint which we cannot investigate, and there are others where our powers of investigation are limited.
9. For example, we may not be able to investigate your complaint as you might wish if it is a matter to be decided by the Royal Court. Professional negligence complaints, for example, are often complex and can not be easily determined without detailed evidence being given. For example facts may be disputed between client and lawyer, or expert evidence is required.

Making your complaint

10. Please note the following when making your complaint:
 1. Complaints should initially be made to the Partner identified in our terms of engagement for dealing with complaints and in any other case to the Senior or Managing Partner of the Law Firm
 2. The complaint should be made in writing and the required form completed.
11. We can only investigate complaints formally **once you have completed the Complaints Form**. The preferred choice is to receive the complaint in writing so as to maintain an audit trail. If you wish to pursue your complaint please address your letter STRICTLY PRIVATE & CONFIDENTIAL to The Senior Partner or, if your complaint concerns the senior partner, The Practice Director, Baker & Partners, Midland Chambers, 2- 10 Library Place, St Helier, Jersey, JE1 2BP. Your envelope should be marked "Complaint" and include a copy of the completed Complaints Form.
12. We will acknowledge receipt of your complaint within **two** working days of receipt.

13. When using the Complaints Form please ensure that you use the space provided to explain as clearly and precisely as you can the nature of your complaint. This should be returned to us within 7 days of the date which it was sent to you.
14. By making a written complaint to Baker & Partners you are agreeing to the investigation of your complaint in accordance with the procedures and terms set out below.

Investigation Procedure

15. Once your complaint is received, an Investigator (who will not be the person you are complaining about) will be appointed by Baker & Partners and will write to you within 5 working days after receipt of your Complaint Form to let you know that he or she has been appointed.
16. The Investigator will carry out an investigation of your complaint and will report on your complaint within 30 working days of Baker & Partners having received your Complaint Form. If the investigation is delayed, the Investigator will set a new date for completion of the investigation and will inform you of that date. In these circumstances you should receive a considered response within a maximum of 40 working days from receipt of your Complaint Form.
17. The Investigator will set out:
 - i. The nature and scope of the investigation
 - ii. The conclusion that the Investigator had reached on each matter of complaint and the reason for that conclusion; and
 - iii. If your complaint has been found to be justified, proposals for resolving it.
18. During the Course of the investigation, the Investigator may need to disclose the fact of your complaint, and the details of it to:
 - i. The person or persons about whom you have complained;
 - ii. Those whom he feels can assist him in any investigation of the relevant facts to your complaint;
 - iii. The insurers of Baker & Partners; and
 - iv. The Law Society

The Investigator will not however disclose the fact of your complaint or details of it to anyone outside the law firm unless he decides that it is necessary to do so in the interests of a full and fair investigation or if he otherwise feels obliged to do so.

19. The Investigator does not have the power to hear oral evidence either in support of your complaint or in response to such a request. Any request he may make for information and any response to such request will be made in writing and a record retained.

20. The Investigator's report will be sent to you, and to the partner in charge of the complaint, and to the person you complained about.
21. All persons to whom your complaint is disclosed pursuant to the above will be required to keep the fact of your complaint and the details of it, and all conversations and documents relating to it, confidential.

Complaints to the Law Society of Jersey

22. If you are unhappy with the outcome of our investigation you may take your complaint to the Law Society of Jersey. As stated above the Law Society does not usually consider your complaint until it has first been investigated by the law firm in question.
23. If the Law Society feels that your complaint is very serious, it can refer the complaint to the Attorney General.
24. Complaints to the Law Society should be written to the Secretary of the Jersey Law Society at the following address:

Jersey Law Society
P.O. Box 493
St Helier
Jersey
JE4 5SZ

Tel: +44 (0)1534 613920

Website: <http://www.jerseylawsociety.je>