

## **COMPLAINTS POLICY & PROCEDURE REGARDING THE ADMINISTRATION OF CIVIL AND CRIMINAL LEGAL AID**

### **Customer Service**

The Legal Services Commission is committed to providing an efficient and effective service to all our customers. In our dealings with customers, all staff members will be helpful, courteous and respectful, treating people impartially and with even-handedness. Our aim is to give the best service possible.

All complaints will be regarded as serious. However experience shows that some complaints can be successfully resolved through an immediate response. Normally the earlier the intervention after a complaint is received and the more sincere, timely and complete the response, the higher the chance of a successful outcome.

### **Matters falling outside this policy**

#### **Refusal of a civil legal aid certificate**

If you have been refused a Legal Aid Certificate for Civil Legal Aid or you think a Certificate has been given to someone not entitled to it, we have different procedures for dealing with these two issues. Please either telephone or see our website for details.

#### **Dissatisfaction with a solicitor or barrister**

If you are having concerns about the service being provided by your solicitor then you should write to your solicitor. However, if you are not happy with the firm's response, you can write to the following: The Law Society of Northern Ireland, 40 Linenhall Street, Belfast, BT2 8BA

If your complaint is about your barrister, you should write to the Bar Council, Royal Courts of Justice, PO Box 414, Chichester Street, Belfast, BT1 3JP.

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### **When things go wrong**

Every week the Legal Services Commission deals with large numbers of new applications, bills and letters. If you think our standards of service fall below what you should reasonably expect, we want you to tell us so that we can do something about it and prevent similar problems occurring in the future.

### **Complaints – our approach**

If you make a complaint about our service, we will:

- Investigate the matter fairly, thoroughly and promptly
- Give a full explanation
- Accept responsibility and offer an apology, if we are at fault
- Try to put things right, and to resolve, as far as we can, your complaint
- Use the lessons we learn from your complaint to improve our service

We will treat you with courtesy, and any comment or complaint you make will not adversely affect the service we provide or the way we deal with your application for Legal Aid.

We will acknowledge all complaints within 5 working days of receiving them and give you a substantive response within either 10 or 20 working days, (see below). If, exceptionally, our investigation takes longer than this, we will write to you explaining why this is the case and when you can expect to receive a response.

### **Informal resolution**

In the first instance, you should tell the person you are dealing with that you are dissatisfied and make clear the nature of the problem. You may make this contact either by telephone or in writing. If this person cannot resolve the issue for you, ask for the name of the Team Leader responsible for the section and make contact with him/her, either by telephone or in writing. The Team Leader will try to resolve matters. Where the problem requires further investigation, he or she will be responsible for doing so and will let you know the outcome. This will be done within 5 working days if it cannot be done on the spot.

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If the matter cannot be resolved in this way, you should use the formal complaints procedure. It would be helpful if you could inform the person you are dealing with that you are not satisfied and now wish to make a formal complaint

### **How to make a formal complaint**

You should complain in writing - by letter, fax or email. When you write, please mark the correspondence "Complaint". We will normally reply in writing to complaints received by these methods. We cannot, for confidentiality reasons, reply to enquiries or complaints by fax or email, unless we have your agreement to do so.

If for some reason you are unable to write to us, you may telephone or call in person. In these circumstances a member of staff will make a record of your complaint and agree the record with you.

In all cases, please help us to give you a prompt and accurate reply by including the following information:

- Your name and address
- Your Legal Aid personal identifier, if you have applied for Legal Aid
- The reference number of any application you are referring to, if you know it
- Where appropriate the remedy/redress you are seeking

If you telephone we may have to ask you some additional questions to make sure who you are. This is to protect your confidentiality and to make sure that we do not give personal information to anyone who is not entitled to it.

If you intend to call into the office to make a complaint, it is helpful if you phone first to make an appointment. This allows us to make sure that the right person is available to discuss your problem and to have to hand any relevant files and correspondence.

You may wish to authorise another person to deal with the complaint. This is acceptable as long as you authorise in writing a named person to take the complaint forward. It will be helpful to us if you tell us what would be in your view a satisfactory resolution of your complaint.

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### **What happens next?**

- STAGE 1** If it has not been possible to reach an informal resolution and you remain dissatisfied, you should make your complaint in writing to the Director of the relevant section. The Director will investigate your complaint and let you know the outcome within 10 working days of receipt of your correspondence.
- STAGE 2** If you are unhappy with the outcome or the way in which the Director dealt with your complaint, you should write to the Chief Executive. The Chief Executive will make arrangements for a senior person not previously involved in the handling of your complaint or a nominated external investigator, if he feels it is appropriate, to investigate all aspects of your complaint, including the way it has been dealt with, and will reply to you within 20 working days of receipt of your correspondence, detailing any actions which are to be taken.
- STAGE 3** If you are still dissatisfied with the outcome or the way in which the Chief Executive dealt with your complaint you can request the Commission Chairperson to review your complaint, including the way it has been dealt with. In this case you should refer the complaint to the Secretary to the Commission at the address below. The Chairperson will review the case himself, defer to other Commissioners to review, or involve an external investigator. This will be done within 20 working days.
- STAGE 4** If you are not satisfied with the response you receive from the Board, you may be able to complain to the NI Ombudsman. The role of the Ombudsman is to investigate complaints by members of the public about the way they have been treated by Government departments or other public sector bodies such as the Legal Services Commission.

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Any complaint referred to the Ombudsman must be referred by a Member of the Assembly (MLA). Note that the Ombudsman would normally expect you to have exhausted the complaints procedure provided by the Legal Services Commission before your complaint is referred to his office. Contact details for the NI Ombudsman are:

The Ombudsman's Office  
Progressive House  
33 Wellington Place  
Belfast  
O880 34 34 24 (freephone number)  
[Ombudsman@ni-ombudsman.org.uk](mailto:Ombudsman@ni-ombudsman.org.uk)

If for any reason it is not possible to adhere to the above time limits you will be informed and be given an explanation for the delay.

### **When things go right**

If you are pleased with the service you have received from the Legal Services Commission then we would like to know. It helps us to build upon our successes and provide positive feedback to staff. All suggestions and comments will be welcomed and carefully considered.

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### **Contact details**

The Secretary to the Board  
The Legal Services Commission  
2<sup>nd</sup> Floor Waterfront Plaza  
8 Laganbank Road  
Mays Meadow  
Belfast  
BT1 3BN

Telephone: 028 9040 8888

Fax: 028 9040 8895

Email: [accesstojustice@nilsc.org.uk](mailto:accesstojustice@nilsc.org.uk)

Further information: [www.nilsc.org.uk](http://www.nilsc.org.uk)

This policy is available in an accessible format if required i.e. Braille, large print, audio cassette or in a minority ethnic language.

