

COMPLAINTS POLICY

This policy sets out how the Unit will respond to complaints made against it or its volunteers, staff and trustees.

Scope

1. The Unit will only consider complaints about:
 - a. The conduct of a case by a Member;
 - b. The behaviour of a Member **falling** short of the professional standards expected of them.

The relevant person

2. A complaint shall be conducted by the "Relevant Person". When a complaint relates to a FRU case, the Relevant Person will normally be the Principal Legal Officer responsible for the area of law the case involves. In all other circumstances, the relevant person will normally be the Chief Executive.
3. If the person who would ordinarily be the Relevant Person either:
 - a. has a personal relationship with the person against whom the complaint has been made; or
 - b. their involvement in the subject matter of the complaint could make it difficult for them to remain objective; or,
 - c. would be unsuitable to investigate a complaint for any other reason,

another person at the appropriate level will be appointed to act as the relevant person.

Formal and informal complaints

4. In the first instance, attempts will be made to resolve the issues raised informally
5. If the complaint cannot be resolved informally, a formal complaint should be made in writing to the Chief Executive who will decide who the relevant person is and direct them to instigate the formal procedure set out below. After a formal complaint has been made, the complaint may still be resolved informally if all parties agree.

Deciding a formal complaint

6. Where a formal complaint is made, the Relevant Person shall investigate the complaint and provide a response in writing to the complainant. The person complained about should be informed of the complaint and the allegations about them. The Relevant Person shall aim to produce the response within 6 weeks of the date the Unit receives the complaint, or as soon after this date as is practicable. Before a final decision is reached, the Relevant Person should discuss the decision with his or her line manager.
7. The response of the Relevant Person will be final. Neither the Complainant nor the Member will have any right of appeal.

Complaints overlapping with disciplinary policies

8. If the Relevant Person determines that following their investigation of the complaint, it is appropriate to launch disciplinary proceedings against the Member, they shall inform the appropriate person as defined in the disciplinary policy which applies to the Member as well as the Complainant that disciplinary action is being considered. The person complained about (PCA) shall be informed in writing as per paragraph 10 of the Disciplinary Policy.
9. The Complainant shall have no automatic right under this policy to take any part in any disciplinary proceedings arising out of their complaint but they may be informed of the outcome of any disciplinary action if appropriate.
10. In the course of an investigation, the RP may consider whether a disciplinary offence has been committed and may impose any of the sanctions listed in para 14 of the Disciplinary Policy. The RP should discuss the disciplinary sanction contemplated with his or her line manager.

Informing the Legal Ombudsman

11. Where the complaint relates to the standard of service provided by FRU, the Relevant Person will, if appropriate, inform the Complainant of the Legal Ombudsman's service. In particular, the Relevant Person will:
 - a. ascertain if the representative on the case was, at the relevant time, an "authorised person" for the purposes of section 18 of the Legal Services Act 2007;
 - b. determine which would be the most appropriate complaints procedure made in accordance with regulatory arrangements made in accordance with section 112 of the Legal Services Act 2007; and
 - c. if such an alternative complaints procedure exists,
 - i. redirect the complainant to that complaints procedure,
 - ii. take no further action on the complaint, and
 - iii. explain to the complainant why this is necessary.

Adopted 2013