

## **MARTIN TOLHURST WRITTEN COMPLAINTS PROCEDURE - PROFESSIONAL MISCONDUCT**

1. In the event that you believe your concern relates to professional misconduct (as opposed to the level of service that you have received), then please contact us. A vast majority of complaints that solicitors' firms deal with are about service rather than professional misconduct. Examples of professional misconduct include breaches of confidentiality, failing to account to clients for funds or deliberate lying.
2. Martin Tolhurst and its staff are governed by the SRA codes of conduct for both firms and individuals. Any complaints about any member of our staff that allege professional misconduct will be investigated.
3. Martin Tolhurst has in place a Compliance Officer for Legal Practice (COLP). Any complaint about potential professional misconduct will be investigated by the COLP. If the COLP is unavailable or if the complaint is about the COLP, then it will be dealt with by the Deputy COLP.
4. Upon receipt of the complaint and the file, the COLP will write to you confirming that the complaint has been received and is being investigated. The COLP will provide you with confirmation that the complaint is being dealt with and the timescale for dealing with your complaint. Usually, the investigation and written response to you will be provided within 14 days. If additional time is required, you will be advised.
5. The COLP will provide to you a written report dealing with the nature of your complaint, their investigation and findings on the complaint and whether any redress is required or not. They will confirm their reasons for any such proposals. If appropriate, the COLP will report the matter to our regulator, the Solicitors Regulation Authority.
6. Hopefully, the complaint will be resolved fully at this stage. The COLP takes complaints about professional misconduct extremely seriously and wishes to ensure a quick, efficient and professional resolution to any such complaint.
7. If you remain dissatisfied, either because you feel that your original complaint has not been resolved or how the complaint has been dealt with by the COLP, then it will be confirmed to you that the matter should be raised with the Complaints Partner of the Firm. The details of the Complaints Partner will be given to you.
8. The Complaints Partner will then fully review the initial complaint, the investigation of the complaint by the COLP and the action that has been taken. The Complaints Partner will acknowledge to you in writing that they are dealing with the complaint and their likely timescale for dealing with the matter. Usually, the Complaints Partner will deal with such a review within 14 days. The Complaints Partner will consider whether any action is required and advise you quickly of any action that is proposed by the firm following their further investigation of the matter. The Complaints Partner may seek to contact you to discuss or negotiate any further action with you if appropriate. The Complaints Partner may seek to report the matter to the Solicitors Regulation Authority.
9. If you remain dissatisfied after the Complaints Partner has investigated the matter, then the firm's complaints procedure about allegations of professional misconduct will have been exhausted.
10. If you remain dissatisfied at this stage, then you can raise the matter with the Solicitors Regulation Authority by way of a complaint. You should write to them at "how to report a solicitor or a firm to the SRA" is detailed on the SRA website and the necessary link is: <https://www.sra.org.uk/consumers/problems/report-solicitor>

You will need to complete their report form setting out your concerns, identifying the individuals and attaching evidence that you have in support. Guidance can be provided by the SRA Contact Centre who are available on 0370 606 2555 or at The Cube, 199 Wharfedale Street, Birmingham B1 1RN or [contactcentre@sra.org.uk](mailto:contactcentre@sra.org.uk).

Our COLP is Richard Carter who can be contacted at [rcarter@martintolhurst.co.uk](mailto:rcarter@martintolhurst.co.uk) or on 01233 505558  
Our Complaints Partner is Jane Williams who can be contacted at [jwilliams@martintolhurst.co.uk](mailto:jwilliams@martintolhurst.co.uk) or on 01474 706168.