

INFORMATION LEAFLET: CUSTOMER CARE AND COMPLAINTS PROCEDURE

Our Mission is to facilitate the effective resolution of civil disputes through the delivery of efficient and accessible legal aid, advice and mediation services and to effectively manage and administer the State's criminal legal aid schemes.

Customer Service

Our vision is: To facilitate access to justice through providing for resolution of civil disputes in the most appropriate manner while keeping in mind the dignity of the person, the nature of the dispute and the impact of the dispute on the parties immediately involved and wider society and further to manage the provision of criminal legal aid in an efficient, effective and accountable manner. We are committed to the provision of a quality service in line with our Customer Charter. This charter is available on our website – www.legalaidboard.ie – or you can ask for a copy from our head office or any law centre.

What can I do if I am not satisfied with the service provided by the Board?

1. Dissatisfaction with an administrative decision.

You may not be satisfied with the decision on your application for legal services?

It is possible that you will not be granted legal aid and/or advice:

- ❖ because your disposable income or capital assets is above the limit set down by law;
- ❖ because the law relating to civil legal aid sets down a number of categories of case that we cannot deal with and your case falls within one of these categories;
- ❖ because your case does not satisfy our merits test. We will consider the merits of your case before we can grant legal aid. This test will be explained by your solicitor before they apply for legal aid on your behalf.

The merits criteria and financial means test are further explained on our website and are available from any law centre and/or our head office. Our staff will be happy to discuss these with you at the time of your application. However, if you are dissatisfied with the decision on your application for legal services you may seek the following:-

- ◆ A **review** of the Decision: If you feel some information that you had was not considered by the original decision maker then you can request a review of the decision, within a period of one month, and ask that that this further information be considered. You must submit further information when asking for a review.
- ◆ An **appeal** to the Appeals Committee of the Board: You can appeal a decision to the Appeals Committee within one month of the date you are told about the decision. You do not need to first seek a review in order to appeal.

You will be informed in writing of the outcome of your review/appeal.

2. Dissatisfaction with the service provided.

You may not be satisfied with the service provided to you by the Board.

Complaints Procedures

How can I go about making a complaint about the service that I am getting?

You have a right to complain if the service you receive from us does not meet the standards set out in the Customer Service Standards in our Customer Charter. If we get something wrong, we will apologise and, where possible, we will try to put things right. We also aim to learn from our mistakes and use the information we gain to improve our service.

If you believe the service you are receiving does not meet our Customer Charter/ Customer Service Standards, you have the right to complain. We believe it is best to deal with problems as soon as possible and in the easiest and most direct way. If you have a complaint in relation to Law Centre or member of staff, please raise it with the person you are dealing with. He or she will try to resolve it for you there and then. However, they may need time to deal with it. Alternatively, you can make a complaint by completing a complaint form and returning it to Civil Operations, Legal Aid Board, 48-49 North Brunswick Street, George's Lane, Smithfield, Dublin, D07 PEOC or by email to complaints@legalaidboard.ie. The Complaints Officer will

acknowledge receipt of your complaint form and decide the appropriate person to deal with your complaint. You will be notified who is handling your complaint.

If you have a complaint in relation to a private practitioner on our panel, you can make the complaint in writing to Legal Services, Legal Aid Board, Quay Street, Cahirciveen, Co. Kerry, V23 RD36 or by email at ppcomplaints@legalaidboard.ie

The person who will investigate your complaint depends on who the complaint relates to:

- ❖ If the complaint is in relation to a law centre staff member (but not the Managing Solicitor of the law centre) – the Managing Solicitor of that law centre will investigate.
- ❖ If the complaint is in relation the Managing Solicitor – the Regional Manager who has responsibility for the law centre will investigate.
- ❖ If the complaint is in relation to a private solicitor providing services on our behalf or to a barrister that has been retained on your behalf then the matter will be investigated by the Legal Services Unit, Cahirciveen, Co. Kerry.

The person who investigates the complaint will communicate his/her decision to you.

What should you include in your complaint?

- ❖ Remember to state your name, address, telephone number (and email, if applicable);
- ❖ Briefly describe what your complaint is about stating relevant dates and times, if applicable;
- ❖ List your specific concerns starting with the most important concern.
- ❖ Be clear about what you are hoping to achieve (for example an apology, explanation etc.);
- ❖ State your preferred method of communication.

Is there a time limit for making a complaint?

For complaints to be considered by the Board, under its Complaints Procedure, the complaint must be made within a reasonable period of time. Complaints will not be considered by the Board unless the Board is satisfied that the complaint is made within a period of one year from the date of event complained of or within a period of one year from the date that your file is

closed, whichever is the later. In the event that you did not become aware of the event/action, that forms the subject matter of your complaint, at the time it occurred then the period shall be one year from the date that you became aware, or ought reasonably to have become aware, of the matter complained of.

Dealing with your complaint

Our procedures for dealing with your complaint:

We will formally acknowledge your complaint within 5 working days and let you know how we intend to deal with it.

We will ask you to tell us how you would like us to communicate with you and establish whether you have any particular requirements for example, if you have language difficulties. The standard operating procedure in matters of this nature is that all communication should be in writing (letter or email), so as to ensure there is a clear record of the communication. We will deal with your complaint in an open and honest way.

Investigation

A Complaints Officer will acknowledge receipt of your complaint, we will ask you to complete a complaint form to aid us to understand your complaint. We will then tell you who has been asked to investigate your complaint.

We will set out for you our understanding of your complaint and ask you to confirm that we have got it right. We will also ask you to tell us what outcome you are hoping for.

The person looking at your complaint will need to see the files we hold relevant to your complaint. If you don't want this to happen it is important that you tell us.

If there is a simple solution to your problem, we may ask you if you are happy to accept this.

We aim to resolve concerns as quickly as possible and expect to deal with the vast majority within 30 working days.

If your complaint is more complex we will

- ◆ Let you know within this time why we think it may take longer to investigate
- ◆ Tell you how long we expect it to take

- ◆ Give you regular updates every 20 days on any progress made

The person who is investigating your concerns will aim first to establish the facts. The extent of this investigation will depend on how complex and how serious the issues you have raised are. In complex cases, we will draw up an investigation plan

When investigating your complaint, we will look at relevant evidence. This could include files, notes of conversations, letters, emails or whatever may be relevant to your complaint. If necessary, we will talk to the staff or others involved and look at our policies and any guidance.

All participants in the complaints process will be treated fairly.

IMPORTANT: Our procedure for the investigation of complaints incorporates fair procedures for all involved. In order for a full investigation into your complaint to take place, you should be aware that details of your complaint will be made available to the solicitor/barrister/staff member about whom the complaint relates, for their comments on the matter. Similarly, you will be provided with a copy of the comments/observations made by the solicitor/barrister/staff member and you can make observations of your own. The decision maker will make a decision when he/she feels he/she is in receipt of all relevant information and you and the solicitor/barrister/staff member will be notified of that decision.

Making a complaint will not negatively impact on the legal aid service that you are receiving.

Outcomes of Complaints

Apology: If a complaint is found to have merit then we will apologise, and where possible, we will try and put things right. We will also aim to learn from our mistakes and use the information we gain to improve our service.

Remedy: Where the person investigating your complaint, or the Review Officer on review, recommends that we offer to take corrective steps to address any matter, then decisions regarding the nature and extent of any proposed remedial action will be made by either the person investigating the complaint or the Review Officer, as appropriate.

Internal Review of your complaint

If you are not satisfied with how your complaint was handled you are entitled to ask that the handling of the complaint be reviewed. You will have a period of 14 days, from the date of notification of the decision to you, to seek a

review of the handling of your complaint. It will be then be reviewed by the appropriate Review Officer of the Legal Aid Board.

The Review Officer will decide whether the review simply requires an examination of the procedure adopted by the Decision Maker in dealing with your complaint or whether it requires a fresh examination of the entire complaint. The Review Officer shall, where the complaint relates to a law centre staff member (other than the Managing Solicitor), be the Regional Manager who has responsibility for that particular law centre. Where the complaint relates to a Managing Solicitor, the Review Officer shall be the Director of Internal Service Delivery (Civil). Where the complaint relates to a private solicitor providing services on behalf of the Board or to a barrister retained on your behalf then the Review Officer shall be the Director of Decision-Making and External Services (Civil). A Review Officer cannot deal with any new complaint issues at this stage. The Review Officer can determine the appropriateness of the decision made in the original complaint investigation report and decide whether to:

- ◆ Uphold it in full;
- ◆ Uphold it in part;
- ◆ Not uphold it;
- ◆ Vary it;
- ◆ Make a new recommendation.

On completion of the review, the Review Officer will notify you of his/her decision.

If you are not satisfied with the outcome of your complaint on review, then you may in certain circumstances be entitled to seek an external review of how we dealt with your complaint by the Ombudsman.

Review of Complaints Process

The handling of complaints, in accordance with the Board's procedures, is subject to oversight by the Board's Customer Liaison Officer. The Customer Liaison Officer will conduct regular audits to ensure that complaints are being handled in accordance with this procedure and in a fair and transparent manner. In exceptional cases, where he/she finds that the complaint was not properly investigated, he/she may direct that the complaint be re-investigated.

External Review

Are there any other remedies available to me?

The Office of the Ombudsman is entitled in certain circumstances to investigate any action taken by us in the performance of our administrative functions. The Office of the Ombudsman is not, however, entitled to investigate the provision of legal services by law centre solicitors or by private solicitors who are providing services on our behalf. If you have a complaint about the legal services you are receiving from your solicitor, the Office of the Ombudsman has no role.

Contact details for the Office of the Ombudsman are as follows:

Office of the Ombudsman,
6 Earlsfort Terrace,
Dublin, 2
D02 W773
Call: 01 639 5600

'Make A Complaint' at www.ombudsman.ie

If you are a child or young person under 18, or an adult who knows a child you feel has been unfairly treated, or you are not satisfied with our decision on your complaint, it is open for you to contact the Ombudsman for Children's Office. By law the Ombudsman for Children's Office can investigate complaints about any of our administrative actions or procedures as well as delays or inaction in dealing with complaints. The Ombudsman for Children provides an impartial, independent and free complaints handling service.

Contact details for the Ombudsman for Children's Office are as follows:

Ombudsman for Children's Office,
52-56 Great Strand Street,
Dublin,
D01 F5P8
Free Phone: 1800 20 20 40
E-mail: ococomplaint@oco.ie
Website: www.oco.ie

It is important to note that the remit of the Ombudsman and the Ombudsman for Children only relates to a complaint relating to an action or decision of the Board taken after **1st May 2013**. They have no remit in relation to any action or decision of the Board taken prior to that date.

Neither the Ombudsman nor the Ombudsman for Children will investigate any complaints made to their office unless you have fully utilised the Board's internal complaints process and /or avenues of appeal prior to complaining to their offices.

Please note that pursuing a complaint through the Legal Aid Board's internal complaints process does not in any way restrict a person's statutory rights and, in particular, the right to make a complaint to the Legal Services Regulatory Authority as provided in the Legal Services Regulation Act 2015.

Complaints to the Legal Services Regulatory Authority can be directed to:
The Complaints and Resolution Section,
Legal Services Regulatory Authority,
P.O Box 12906,
Dublin 7.
(Tel: 018592911) or email complaints@lsra.ie.

3. Request for change of solicitor/barrister.

What can I do if I want a change of solicitor / barrister?

You can request a change of solicitor by writing to us. The person you must write to depends on who your solicitor is:

- ❖ If your solicitor is a law centre solicitor (but not the Managing Solicitor of the law centre) – write to the Managing Solicitor.
- ❖ If your solicitor is the Managing Solicitor – complete the complaint form and return the form to Civil Operations, Legal Aid Board, 48-49 North Brunswick Street, George's Lane, Smithfield, Dublin, D07 PE0C or by email Complaints@legalaidboard.ie
- ❖ If your solicitor is a private solicitor providing legal services on our behalf - write to Legal Services, Legal Aid Board, Quay Street, Cahirciveen, Co. Kerry, V23 RD36 or by email atppcomplaints@legalaidboard.ie.

We will consider your request and investigate the matter. We may agree to your request for a change of solicitor if resources allow, provided we find your request to be reasonable. The details regarding your request will be made available to the person to whom it relates for their comments on the matter. If the change of solicitor / barrister results in us having to spend any extra money in providing you with legal services, we can charge you for this. We

will decide on this when we decide whether or not to grant you a change of solicitor.

If we do not grant your request for a change of solicitor or barrister, then you may seek a review/appeal in relation to that decision in accordance with the procedure set out at 1 above where a person is not satisfied with an administrative decision of the Board. We will inform you of the result of any review/appeal in writing.

Family Mediation

What can I do if I wish to make a complaint about my Mediator or the service provided by the mediation office?

If you wish to make a complaint about the service provided by your mediator or the mediation office, you should carry out the following steps:

1. First make the complaint to the Mediator. He/she will aim to resolve the matter as quickly as possible and, if necessary, meet with you to discuss your concerns.
2. If you are still dissatisfied, you should put the complaint in writing to the Director of Family Mediation, 48/49 North Brunswick Street, George's Lane, Smithfield, Dublin, D07PE0C or by email at (complaints@legalaidboard.ie) A copy of this letter will be given to the person about whom the complaint is being made for their observations.

If the problem remains unresolved, or your complaint relates to a Regional Manager of Family Mediation or the Director of Family Mediation, you should send the complaint directly to the Customer Liaison Officer, Legal Aid Board, 48-49 North Brunswick Street, George's Lane, Smithfield, Dublin D07 PE0C (Email: customerliaisonofficer@legalaidboard.ie)

Criminal Legal Aid

What if I have a complaint about the service provided to me by a solicitor or barrister under one of the Board's Criminal Legal Aid Schemes?

The Legal Aid Board has administrative responsibility for the following schemes:

- ◆ Garda Station Legal Advice Revised Scheme
- ◆ Legal Aid – Custody Issues Scheme
- ◆ Criminal Assets Bureau Ad-hoc Legal Aid Scheme.

However, the Legal Aid Board does not have any direct involvement in the assigning of legal representation in criminal matters and has no jurisdiction to deal with complaints against solicitors or barristers. If you wish to make a complaint in relation to the service provided to you by a solicitor then you should write to the Complaints and Resolution Section, Legal Services Regulatory Authority, P.O. Box 12906, Dublin 7 (Tel: 018592911) or email complaints@lsra.ie. Similarly, if you wish to make a complaint in relation to the service provided to you by a barrister then you should write to the Complaints and Resolution Section, Legal Services Regulatory Authority, P.O. Box 12906, Dublin 7 (Tel: 018592911) or email complaints@lsra.ie.

Contact Details.

Contact details for the Board's Complaints Officer:

Legal Aid Board,
48/49 North Brunswick Street,
George's Lane,
Smithfield,
Dublin,
D07PE0C
Tel: (01) 6469600
Email: complaints@legalaidboard.ie
Email: ppcomplaints@legalaidboard.ie
Website: www.legalaidboard.ie

Contact Details for the Board's Head Office

Legal Aid Board,
Quay Street,
Cahirciveen,
Co. Kerry,
V23 RD36
Tel: (066) 947 1000
LoCall: 0818 615 2000**Email:** info@legalaidboard.ie
Website: www.legalaidboard.ie