

POLICY ON EXPECTATIONS OF A COMPLAINANT

Costs Lawyer Standards Board

Effective date: 25 April 2017

Introduction

This policy has been written to provide clarity on what is expected of a complainant in terms of evidence and co-operation when making a complaint to the Costs Lawyer Standards Board (“CLSB”) about a Costs Lawyer, CLSB or a CLSB employee.

This policy should be read in conjunction with the CLSB Disciplinary Rules & Procedure (applicable to Costs Lawyers) and the CLSB policy on Internal Complaint Handling which set out process and defined timelines. These documents can be located on the CLSB website at www.clsb.info

1. What the CLSB cannot do

The CLSB cannot make a case for a complainant as to do so would prejudice impartiality, this policy therefore seeks to assist a complainant in understanding how they must present their complaint.

2. What is expected of a complainant?

The CLSB is committed to providing a fair, efficient and effective service. To do so, a complainant must:

- use all reasonable endeavours to assist the CLSB; and
- behave in a reasonable manner when communicating with the CLSB, its employees and agents e.g. independent investigator, and not to act in a way that will impede the handling of the complaint or the CLSB service to others.

On making a complaint, the complainant **agrees to**:

- 2.1 Make out their complaint in full in a single document which sets out the nature of the allegation(s) clearly and concisely attaching only relevant, cross referenced, documentary evidence which supports the allegation(s) being made.
- 2.2 Bring to the attention of the CLSB any particular communication needs e.g. disability, condition or illness.
- 2.3 Respect and adhere to prevailing and applicable CLSB policy and rules.
- 2.4 Be wholly truthful in written and verbal representations made to the CLSB.
- 2.5 Co-operate fully with the CLSB, responding to CLSB communication in a reasonable and concise manner providing only relevant information/documentation.
- 2.6 Behave reasonably at all times (examples of unreasonable behaviour includes verbal or written actions considered by the CLSB to be aggressive, bullying, offensive, harassing, unreasonable and unreasonably persistent).

On making a complaint, the complainant **agrees not to:**

- 2.7 Be evasive in answering questions put to them.
- 2.8 Misrepresent, interfere with or alter evidence.
- 2.9 Change the basis of the complaint(s) once the CLSB has commenced its defined process.

3. Consequences of failure to comply with complainant expectations

In the event a complainant does not comply with 2.6 above, the CLSB reserves the right to take appropriate action having regard to all the circumstances, which may include one or more of the following:

- Not reply to emails, letters or phone calls.
- Terminate a phone call.
- Refuse a complaint.
- Close a complaint.
- Report the matter to the Police in the event the actions of the complainant are considered by the CLSB to be criminal.
- Take legal action e.g. injunction to restrain unreasonable behavior.
- Report the behaviour of a complainant who is regulated under the Legal Services Act 2007 to their regulator.

In the event a complainant does not comply with 2.1, 2.3, 2.4, 2.5, 2.7, 2.8 and 2.9 the CLSB reserves the right to take appropriate action having regard to all the circumstances, which may include one or more of the following:

- Refuse a complaint.
- Close a complaint.
- Report the matter to the Police in the event the actions of the complainant are considered by the CLSB to be criminal.
- Report the behaviour of a complainant who is regulated under the Legal Services Act 2007 to their regulator.

END