

POLICY ON EXPECTATIONS OF A COMPLAINANT

Costs Lawyer Standards Board

Effective date: 24 October 2017

Introduction

This policy has been written to provide clarity on what a complainant can expect from the CLSB and what the CLSB expects 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, the CLSB or a CLSB employee.

This policy should be read in conjunction with the following, which can be located on the CLSB website at www.clsb.info which set out process and defined timelines:

Complaint against a Costs Lawyer: Disciplinary Rules & Procedure
Complaint against the CLSB: CLSB policy on Internal Complaint Handling
Complaint against a CLSB employee: CLSB policy on Internal Complaint Handling

1. A complainant

1.1 A complaint that one or more of the principles in the Costs Lawyer Code of Conduct has been breached may be made by, for example, a member of the public, another regulated legal professional, a business or a member of the judiciary.

2. What the CLSB will not do

The CLSB will not:

- 2.1 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.
- 2.2 Influence, interfere with, delay or prejudice current legal proceedings either directly or indirectly. Where a professional conduct complaint has been brought to the attention of the CLSB by an opposing party during the course of legal proceedings, the correct recourse will be to the Court in those proceedings, not to the CLSB. Nothing in this policy will stop the complaint being referred to the CLSB once those legal proceedings have been fully completed.

3. What to expect

3.1 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.

- 3.2 On making a complaint, the complainant **agrees to**:
- (i) 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.
 - (ii) Bring to the attention of the CLSB any particular communication needs e.g. disability, condition or illness.
 - (iii) Respect and adhere to prevailing and applicable CLSB policy and rules.
 - (iv) Be wholly truthful in written and verbal representations made to the CLSB.
 - (v) Co-operate fully with the CLSB, responding to CLSB communication in a reasonable and concise manner providing only relevant information/documentation.
 - (vi) 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).

- 3.3 On making a complaint, the complainant **agrees not to**:
- (i) Be evasive in answering questions put to them.
 - (ii) Misrepresent, interfere with or alter evidence.
 - (iii) Change the basis of the complaint(s) once the CLSB has commenced its defined process.

4. Consequences of failure to comply with complainant expectations

4.1 In the event a complainant does not comply with 3.2 (vi) 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:

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

4.2 In the event a complainant does not comply with 3.2 (i), (iii), (iv), (v) and 3.3 (i), (ii), (iii) 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:

- (i) Refuse a complaint.
- (ii) Close a complaint.
- (iii) Report the matter to the Police in the event the actions of the complainant are considered by the CLSB to be criminal.

- (iv) Report the behaviour of a complainant who is regulated under the Legal Services Act 2007 to their regulator.

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