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Complaints and comments about the Scottish Legal Aid Board



We want to hear your views about our service.

We'd like you to tell us:

- when we've done something well
- about anything you think we could do better, and
- when things have gone wrong.

It is important to us to keep improving the legal aid system, and your comments and experiences can help us do this.

Contact us

Legal Aid Helpline on **0845 122 8686** (open seven days a week from 7am to 11pm)

Website **www.slab.org.uk**.

Our website also contains details of our service standards.

Our general telephone number is **0131 226 7061**. Calls by BT Text Direct are welcome.

Our address is 44 Drumsheugh Gardens, Edinburgh EH3 7SW.

Our email address is **general@slab.org.uk**.

We do **not** provide legal aid directly; this is done by solicitors. We manage the legal aid system.

Other useful contacts

To find your local Citizens Advice Bureau, please look in Yellow Pages or go to the Citizens Advice Scotland web site, at www.cas.org.uk.

Our leaflets

- A guide to civil legal aid
- Civil legal aid – information for applicants
- Civil legal aid – what you may have to pay
- Guidance for opponents in civil legal aid cases
- Legal aid for children
- A guide to criminal legal aid
- Complaints and comments about the Scottish Legal Aid Board
- Access to information.

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1 What you can complain to us about

Our complaints procedure is for complaints about how we do our work. It covers, for example:

- complaints about our staff – perhaps you feel that someone you saw in our office, spoke to on the phone or who wrote to you was unhelpful or rude
- complaints about the service that we provide – perhaps you feel we were slow or inefficient, or we gave you wrong or unclear information.

It does not cover:

- asking us to reconsider decisions about applications for legal aid (for this, see section 9)
- complaints about solicitors, advocates or the courts (for this, see section 10).

2 What you can expect from us

We want to give you the best service we can by:

- always treating you with courtesy and respect
- respecting your right, and that of others, to confidentiality
- helping you if you have any special needs
- working hard to meet our published service standards and performance indicators.

You can find service standards on our website or ask us for a copy – see our contact details on the inside front cover of this leaflet. These standards set out what you can expect from us, including how long it takes us to deal with a case, at various stages.

We aim to get things right all the time – but occasionally, we do make a mistake or take too long. If there's a problem, the sooner you let us know, the sooner we can do something about it.

3 How we handle complaints

If you complain about the service we provide –

- we'll look into the complaint honestly, thoroughly and fairly, and as quickly as possible
- we'll treat it seriously
- we'll be polite and helpful
- we won't deal with your application for legal aid any differently, simply because you have made a complaint
- we won't discriminate against you for any reason (such as your colour, race, nationality, religion, age, sex, sexuality, disability or marital status).

4 How long it takes to deal with complaints

We try to deal with complaints as soon as possible. If we can't deal with your complaint immediately –

- we'll tell you, within seven calendar days, that we've received it, and which area of the Board is dealing with it
- we'll write to you with a full response within 28 calendar days
- if it is going to take us more than 28 calendar days to look into your complaint, we'll write to you explaining why, and when you can expect us to send you a full response.

If you ask us to review the complaint, the same times apply.

5 Putting things right

When something goes wrong, we try to sort it out quickly and fairly. If we are at fault, we will –

- accept responsibility and say sorry
- explain what went wrong, and why
- try to put it right as soon as possible
- use the lessons we learn from your complaint to improve our service.

6 Who you can complain to

If you want to complain about the service we provide, follow these steps:

1. Talk first to the manager of the department you have been dealing with – they will usually be in the best position to sort out the problem on the spot. If they can't sort it out immediately, the manager will look into it further and let you know the outcome within 28 calendar days.

To find out the name of the manager, you can check on our website or ask our switchboard. Or, if you are writing to us, just address the letter to the manager of the department concerned.

2. If you're unhappy with the outcome of this, or the way our staff handled the complaint, or if for any reason you don't want to talk to the manager, you can complain to the director of the department concerned.
 - For a complaint about an application for legal aid, money you have been asked to pay us, or money we owe you, contact Tom Murray, Director of Legal Services and Applications.
 - If you don't know which director to contact, please contact the Chief Executive's Office, and they will direct you to the right person.

You can just ask us to reconsider your original complaint, or you can give us more information that you think we ought to know. The director will look into your complaint and let you know the outcome within 28 calendar days.

3. If you're still dissatisfied, you can ask our Chief Executive, Lindsay Montgomery, to review your complaint. It is best if you do this in writing. However, if you do it in another way, the Chief Executive will still consider it. Again, the Chief Executive will let you know the outcome within 28 calendar days of your request for a review.

If you've gone through all of those steps, but you're still not satisfied with the way we have dealt with your complaint, you can contact the Scottish Public Services Ombudsman.

7 How to complain

You can complain:

- in writing, or by telephone, fax or e-mail, or in person
- using BT Text Direct, if you have difficulty with hearing or speaking
- using the complaints form. You can find this on our website at www.slabb.org.uk or ask us to send you a copy.

Our address, phone number, website and email address are on the inside front cover of this leaflet.

When you make your complaint, you can help us reply to you quickly and accurately if you give us:

- your name and address
- your legal aid reference number or numbers, if you have applied for legal aid
- if you are the opponent of an applicant, the applicant's full name and their legal aid reference number if you know it
- the name of any member of our staff you have contacted about the matter, and any reference numbers we have put on correspondence
- all the relevant information about your problem, and how you think we should be dealing with it.

Write "complaint" at the top of your letter.

If you prefer, we have a form you can use, which shows what information we need from you. If you would like a copy, please phone or write to us, or you can download it from our website.

If you telephone, email or fax us, or visit our office, we may have to ask you some extra questions to make sure who you are. This is to protect your confidentiality and to make sure that we do not give personal information to anyone who doesn't have the right to it.

If you want to call into our office to complain, it helps if you phone first to make an appointment. That way, we can arrange for you to see the right person and make sure they have the right files and letters. If we can't deal with your problem right away, you can choose whether we phone or write to you with an answer.

If you write, fax or e-mail us we will normally reply in writing.

8 If you think no-one in the Board has given you a satisfactory reply

If you are not satisfied with the Chief Executive's response, you may be able to complain to the Scottish Public Services Ombudsman (contact details below).

The Ombudsman can consider complaints about failures by public bodies:

- in how they manage their service
- to provide a service
- in the service they provide.

The Ombudsman can look into a complaint only if you claim to have suffered injustice or hardship because of these failures.

You must send the Ombudsman your complaint within 12 months of first finding out about the matter you are complaining about. However, in some exceptional circumstances the Ombudsman may be willing to consider your complaint even if you make it outwith those 12 months.

The Ombudsman will normally only deal with a complaint if you have followed the whole of the complaints procedure explained in this leaflet and, having contacted the Chief Executive, you are not happy with the response.

The Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh, EH3 7NS, telephone 0800 377 7330, fax 0800 377 7331, text 0790 049 4372, email ask@spsso.org.uk, web site www.spsso.org.uk.

9 You shouldn't use our complaints procedure to ask us to reconsider a decision

Our complaints procedure is for complaints about how we do our work. It does not cover, for example:

- asking us to reconsider decisions about applications for legal aid, or
- complaints about solicitors, advocates or the courts.

These are dealt with in other ways.

If we have refused your application for legal aid

If we refuse your application for legal aid, you can ask us to review the decision. We will do this and tell you the outcome. Your solicitor will explain the process to you. You can also ask our Applications Department to give you advice about asking for a review.

We have leaflets that explain what we have to consider when we are deciding whether to grant legal aid. If you don't have copies of these, please ask your solicitor for them or contact us.

You may think, after we have reviewed an application for legal aid, that our decision was illegal or unreasonable, or that we did not use the proper procedure. If so, you may be able to challenge the decision in court. This is called a "judicial review". If the court thinks we have acted unreasonably or illegally, it may ask us to look again at our decision. You would probably need legal advice on how to do that. Your solicitor can tell you more about it.

Because judicial review is available, the Scottish Public Services Ombudsman would only deal with a complaint about legal aid decisions in the most exceptional circumstances.

If you are “making representations” about someone else receiving civil legal aid

If we are considering granting, or have granted, legal aid to your opponent in a civil case and you believe they should not get legal aid, you can write to us with your reasons and stating your concerns or other relevant information. This is called “making representations”. For example, you should let us know if you believe:

- the applicant is not eligible financially for legal aid, or
- there is no legal basis for the case, or
- it is unreasonable to use public funds for the case.

You can do this at any time after they have applied for legal aid or while we are still giving them legal aid. Even if you have already made representations, we will consider anything new you tell us.

We have a leaflet, *Guidance for opponents in civil legal aid cases*, that explains what you need to tell us. Please read this before you make representations about an application or grant of legal aid. You should have been given a copy of the leaflet when we received the application for legal aid, but if you don't have one, please ask us for one.

10 Other organisations that deal with complaints about the legal profession and courts

If your complaint is about your solicitor

You should first speak to him or her. If you are still not satisfied, you should speak to the person in the firm who deals with complaints, and they will try to resolve the problem. If your complaint is to do with legal aid, we would like you to send us a copy of any correspondence or notes about the matter. If you remain unhappy about the situation, you can contact the Scottish Legal Complaints Commission (see later).

If your complaint is about your advocate

You should first speak to him or her. If you remain unhappy about the situation, you can contact the Scottish Legal Complaints Commission (see later). If your complaint is to do with legal aid, we would like you to send us a copy of any correspondence or notes about the matter.

The Scottish Legal Complaints Commission

This Commission is independent of the legal profession and handles complaints about the service provided by legal practitioners. It does not cost you anything to make a complaint to the Commission. The Commission can also look at the way professional bodies (such as the Law Society of Scotland or the Faculty of Advocates) handle any complaints about misconduct and professional discipline, and can enforce its recommendations. Contact the Scottish Legal Complaints Commission, The Stamp Office, 10–14 Waterloo Place, Edinburgh, EH1 3EG, telephone 0131 528 5111, or email enquiries@scottishlegalcomplaints.org.uk. Or see their website www.scottishlegalcomplaints.org.uk.

If your complaint is about the courts

To complain about the court, or court staff, that dealt with your case, contact the Scottish Court Service, Hayweight House, 23 Lauriston Street, Edinburgh, EH3 9DQ, telephone 0131 229 9200. Or find out more about their complaints procedure on their website at www.scotcourts.gov.uk.

If your complaint is about a judge or sheriff

To complain about the conduct of a judge or sheriff, write to the Scottish Government, Constitutional Law and Courts Directorate, Legal System Division, Courts and Administrative Justice Team, 2W St. Andrews House, Regent Road, Edinburgh, EH1 3DG.

If your complaint is about a prosecution

If your complaint is about the way a criminal case has been prosecuted, you should contact the Crown Office and Procurator Fiscal Service, 25 Chambers Street, Edinburgh, EH1 1LA, telephone 0131 226 2626, email ps/COPFS@scotland.gsi.gov.uk. You can find out more about them on their website at www.procuratorfiscal.gov.uk.

11 Other comments

Although this leaflet tells you how to complain if you are not satisfied with our service, we welcome your suggestions and comments on anything to do with the service we provide and how the legal aid system works. We would also welcome comments on our complaints procedure, and how well we dealt with your complaint.

Please tell us what you think by contacting us at the address on the inside front cover or e-mailing us at general@slab.org.uk.

12 Information about legal aid

We produce a series of leaflets about legal aid, explaining how we decide whether to grant civil or criminal legal aid, and what may happen if you get legal aid. These leaflets are listed on the inside front cover of this leaflet. You can also find information on our website at www.slab.org.uk.

13 How we use information

By applying for legal aid, you permit us to discuss the information within the Board and, where necessary, with other people outwith the Board. For example, we may check your earnings with your employer, or the benefits you are claiming with the Department for Work and Pensions.

Solicitors representing the Law Society of Scotland may also see information in your application as part of the Society's random quality assurance checks.

By law, we have to be very careful about how we use information that people give us. We will normally only pass on information to do with an application for legal aid, if the person who gave us the information has given their permission, or if the law says we must. However, if you ask someone like your MSP to contact us about your case, we will assume that, by doing so, you permit us to discuss it with them.

We also have duties to keep certain information confidential, and to supply other information, under the Data Protection and Freedom of Information Acts. For example, we can't give you personal information about another person. But you have the right to ask us about information we hold on you, and some other information that we record about legal aid and how we work.

We sometimes use the information to check your identity, if you phone us. We also collect certain details to make sure that our ways of working do not discriminate unlawfully, and do allow equal opportunities and access for all.

If you would like to know more about how we use information we are given, please read our leaflet *Access to information*, which explains how:

- you can find out what information we hold about you
- we will treat any information we hold about you
- you can get access to other records and official information we keep.



تستطيع الحصول على هذه النشرة " هل أنا مؤهل مالياً للمساعدة و المشورة او الاعانة القانونية المدنية؟ " باللغة العربية بالاتصال بالمجلس الاسكتلندي للاعانة القانونية على العنوان التالي:

আপনি " আমি কি আর্থিক দিক থেকে পরামর্শ এবং সহায়তা অথবা দেওয়ানি মামলার ক্ষেত্রে আইনি সাহায্য পেতে পারি?" প্রচারপত্রটি বাংলা ভাষায় স্কটিশ লিগ্যাল এইড বোর্ডের সঙ্গে নীচের ত্রিকানায় যোগাযোগ করে পেতে পারেন।

您想要索取这份 "我是否在财政上,有资格得到民事法律顾问的协助和忠告?" 的中文版手册,请联系苏格兰法律顾问协助委员会,地址如下。

Is urrainn sibh am bileag seo "A bheil mi araidh a-rèir ionmhas, airson coimhairle agus cuideachdadh neo cobhair laghail catharra?" fhaighinn ann an Gàidhlig le bhith a' cur fios dhan Bòrd cobhair laghail na h-Alba aig an seòladh gu h-ìosal.

"क्या मैं आर्थिक रूप से सलाह एवं सहयोग या अद्वैतिक कानूनी सहायता के योग्य हूँ?" यह पत्रक आपको हिन्दी में स्कॉटिश कानूनी सलाह परिषद (Scottish Legal Aid Board) से नीचे दिए गए पते पर संपर्क करने पर मिल सकता है।

ਤਸੀ ਇਹ ਲੀਡਲੈਟ ਪੰਜਾਬੀ ਵਿਚ, " ਕੀ ਮੈਂ ਮਾਇਕ ਪੱਖੋਂ ਸਲਾਹ ਅਤੇ ਸਹਾਇਤਾ ਲਈ ਸਿਵਲ ਲੀਗਲ ਏਡ ਲਈ ਯੋਗ ਹਾਂ " ਸਕੌਟਿਸ਼ ਲੀਗਲ ਏਡ ਬੋਰਡ ਨਾਲ ਹੇਠ ਦਿਤੇ ਪਤੇ ਤੇ ਸੰਪਰਕ ਕਰਕੇ ਲੈ ਸਕਦੇ ਹੋ।

"Mali imkanlarım gözönüne alındığında, danışma ve yardım hizmeti veya medeni hukuk yardımı almaya hakkım var mıdır?" adlı bu broşürün Türkçe versiyonunu edinmek için İskoç Hukuki Yardım Kurulu'nun (Scottish Legal Aid Board) aşağıdaki adresine başvurunuz.

آپ یہ ایف ایف ایف (اے ایف ایف ایف) "کیا میں مشورے اور مدد کے لیے مالی امداد یا سول لیگل ایڈ (سول کیس کے لیے قانونی امداد) حاصل کرنے کا حقدار ہوں" سکاٹش لیگل ایڈ بورد کے درج ذیل ایڈریس پر رابطہ کر کے اردو میں حاصل کر سکتے ہیں۔

To get this leaflet in some other languages, Braille or large print or on CD, please contact us as shown on the inside front cover.



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