



COMPLAINTS AND
DISCIPLINARY PROCEDURES

ILEX Professional Standards Ltd (IPS)

IPS is the regulatory body for all members of the Institute of Legal Executives (ILEX).

Most members of ILEX work in legal practices or legal departments under the supervision of authorised persons. Some members are self-employed. Authorised persons include solicitors, licensed conveyancers and barristers.

Legal Executives

Legal Executives are qualified lawyers usually specialising in a particular area of law. Strictly speaking, a Legal Executive means a Fellow of the Institute. Other members of ILEX, who have not qualified as Fellows, cannot use the term Legal Executive. Sometimes the term Legal Executive is misused by people who are not members of ILEX.

Code of Conduct

ILEX members are governed by a Code of Conduct. The Code sets out 9 principles that members must observe. Members must ensure public confidence in them and the legal profession. They must avoid engaging in action unbecoming to ILEX or likely to bring disrepute on them or ILEX.

Making a Complaint

All legal practices should have procedures for dealing with complaints. These procedures must be used before a complaint is made to any other body.

Clients should receive a client care letter which explains who they can contact in the firm if they

have a complaint. The letter should also tell them about the role of the Legal Ombudsman (LeO).

If a practice does not deal with a complaint or its response is unsatisfactory a complaint about poor service must be referred to LeO. LeO is an independent body. The contact details for LeO appear at the end of this leaflet.

A complaint can be referred to IPS if it is about the conduct of an individual ILEX member, rather than the service provided by a firm.

Disciplinary Powers – What IPS can do

IPS can take disciplinary action against members who breach the Code of Conduct or its rules. The disciplinary action it takes is set out in the section 'IPS complaints procedure'.

What IPS cannot do

IPS cannot take action

- against someone who is not a member
- to deal with poor service
- to stop a person working in the law or being employed in the legal profession.

How long will it take to deal with a complaint?

IPS aims to follow the time scales below

- The complainant and member will be given 14 days to respond to requests for information.
- The Professional Conduct Panel will aim to decide on a case within 6 months of the complaint.
- The Disciplinary Tribunal will aim to hear cases within 6 months of a referral to it.

IPS complaints procedure

IPS will follow the procedure outlined below.

1. A complaint should be made in writing wherever possible. IPS will contact the complainant to agree heads of complaint and obtain supporting evidence. Other enquiries may be made to obtain evidence.
2. A copy of the complaint is then sent to the member. They are asked to respond to the complaint and provide evidence in support of their response. Copies of responses are provided to complainants for their comment.
3. When an investigation is complete a summary of the issues is prepared and the matter is put to the Professional Conduct Panel for consideration.
4. The Panel will meet as a panel of 2 independent lay members and 1 professional member.
5. The Panel will decide if there has been misconduct. If there has not it will reject the complaint. If there has been misconduct it may:
 - reprimand or warn a member;
 - require a member to give undertakings;
 - impose conditions upon a member; or
 - refer serious matters to the Disciplinary Tribunal.
6. In some cases IPS will be able to make a decision about a complaint without referral to the Panel. The types of cases include:
 - Rejecting a case where IPS has no jurisdiction
 - Entering into a determination by consent, where a member has accepted misconduct and a penalty.
 - Referring very serious cases directly to the Disciplinary Tribunal.
7. If a complaint is referred to the Disciplinary Tribunal the complainant will be informed of the hearing date of the Disciplinary Tribunal and could be required to attend as a witness.
8. The member will receive full information of the case against them and be entitled to attend and be represented at the Tribunal hearing.
9. Disciplinary cases will be heard by 2 independent lay members and 1 professional member.
10. The Tribunal will decide whether the charges have been proved and, if they have, what disciplinary action should be taken.
11. The Tribunal has the power to:
 - exclude a person from membership;
 - reprimand or warn the member;
 - impose conditions;In addition the member may be ordered to pay
 - a fine up to £3000;
 - costs.It cannot award compensation to a complainant.
12. Appeals against decisions of the Professional Conduct Panel and Disciplinary Tribunal are heard by an **Appeals Panel**.

Other complaints procedures

There are other bodies to whom complaints about misconduct can be made.

- The Solicitors Regulatory Authority investigates complaints about the conduct of solicitors and their staff including ILEX members employed by solicitors.
- The Council for Licensed Conveyancers deals with complaints against conveyancers registered with it.
- The Bar Standards Board handles complaints against barristers.
- The Office of the Immigration Services Commissioner handles complaints against immigration advisers registered with it.
- Claims for negligence should be pursued by litigation.
- The police handle allegations of dishonesty.

Useful contacts

Legal Ombudsman

P O Box 15870
Birmingham, B30 9EB
Tel 0300 555 033
www.legalombudsman.org.uk

The Institute of Legal Executives

Tel: 01234 841000
www.ilex.org.uk

Solicitors Regulation Authority

Tel 0870 606 2555
www.sra.org.uk

Bar Standards Board

Tel: 0207 067 0123
www.barstandardsboard.org.uk

The Council for Licensed Conveyancers

Tel: 01245 349599
www.conveyancer.org.uk

Office of the Immigration Services Commissioner

Tel: 020 7211 1500
www.oisc.gov.uk

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