

Legal Aid Complaints Policy

The Legal Aid service is committed to providing a high-quality service administering Legal Aid. When something goes wrong, we would like you to tell us about it, to help us improve standards and service delivery.

This policy applies to complaints about:

1. Decisions about the eligibility of your case for Legal Aid (i.e. legal merits)
2. The service you have received from the Civil Legal Aid office
3. Assisted persons – for example a legally aided opponent who you think is misusing Legal Aid funds

This policy does not apply to:

- decisions made about financial eligibility for Civil Legal Aid. Please see www.gov.im/legalaid
- any decision for which there is a legislative right of appeal to the Legal Aid Appeals Tribunal. Any party to the proceedings can appeal the grant of a Legal Aid Certificate. Send notice of your appeal to:

The Clerk to the Legal Aid Appeal Tribunal
Isle of Man Courts of Justice
Deemsters' Walk
Bucks Road, Douglas
IM1 3AR

www.gov.im/registries/tribunals

www.gov.im/legalaidappeals

1. Making a complaint

- 1.1 If you have a complaint about the way in the Legal Aid team has acted, or about the processes we have used to manage your Legal Aid application, you should first raise this with the person dealing with you, to let them have the opportunity to resolve your complaint.
- 1.2 If they are not able to resolve your complaint, please send it in writing, by email to legalaid.treasury@gov.im or by post to:

Civil Legal Aid
2nd floor
Markwell House
Market Street, Douglas
Isle of Man
IM1 2RZ

- 1.3 You should provide copies of any supporting documents and keep copies of any documents, letter or e-mail you send. We will acknowledge your complaint within 7 days of receiving it.

2. Internal Review

- 2.1 The Legal Aid team manager will review your complaint, and contact you to try and resolve it with you.
- 2.2 If your complaint needs reviewing more fully we will carry out a review of your file and complaint. If the complaint is about a Certifying Officer's decision we will ask another Certifying Officer to consider the complaint.
- 2.3 We will send you a response within 10 working days setting out the details of the review and any proposals to resolve your complaint. If these are acceptable to you, we will consider the complaint to be resolved.
- 2.4 If you are dissatisfied with the initial response, you may request in writing that it is reconsidered, setting out any additional grounds together with your reasons for not accepting the response and its proposals. Within 10 days of receipt of your request for reconsideration, we will reply to your complaint in writing, including any further views and proposals or suggestions for resolving the matter. We will advise you of any right of appeal for external review by the Legal Aid Committee. We'll let you know if we can't meet any of the above timescales and the reasons why.

3. External Review

- 3.1 If you are not satisfied with the internal review and its outcome, then you may seek an external review by the Legal Aid Committee. You should request this within 28 days of the final notification of the outcome of the review of your complaint.
- 3.2 Submit your request in writing and address it to:

legalaid.treasury@gov.im

The Secretary
Legal Aid Committee
Markwell House
Market Street, Douglas
IM1 2RZ

- 3.3 Your request for a review should set out what your complaint is and why you are dissatisfied with the proposed resolution. Please provide copies of any supporting documents. You should keep copies of any document, letter or e-mail you send.

- 3.4 The Secretary will acknowledge receipt of your complaint and forward it to the Legal Aid Committee within 5 working days.
- 3.5 The Chair will ask two other members of the Committee, and, if appropriate, an external support officer, to form a sub-committee to review your complaint within 10 working days. We'll let you know if we can't meet any of the above timescales and the reasons why.
- 3.6 The review will be conducted on the papers submitted. In exceptional circumstances the sub-committee may ask you for written clarification or to meet with you.
- 3.7 At the end of the review by the sub-committee their findings and any recommendations will be given to the Committee for ratification at its next sitting. We will send you a copy of the report.
- 3.8 We will notify you of the Committee's decision within 5 working days. The decision of the Committee shall be final. No appeal shall lie from that decision and the Committee will not enter into any correspondence with you other than notification of the outcome.

4. What if I am dissatisfied with the outcome of my complaint?

- 4.1 If you are still dissatisfied with the outcome of your complaint, after it has been escalated to the Legal Aid Committee, you can submit your complaint to the Tynwald Commissioner for Administration, for it to be investigated further.
- 4.2 This must be done within six months of the Committee's *final decision*. For further details on this process see www.tynwald.org.im/about/TCA/.

5. Complaints about Assisted Persons

- 5.1 Complaints should be in writing and addressed to the Certifying Officer. State the full details and relevant Legal Aid reference number (if known) of the person you are complaining about. Please send in any relevant evidence that you want the Certifying Officer to consider along with your complaint.
- 5.2 The Certifying Officer will acknowledge your complaint and write to you indicating that the complaint will be copied to the assisted person and their Advocate, to ask for a response from them.
- 5.3 Unless there are exceptional circumstances, the identity of the complainant is disclosed in all cases.
- 5.4 Under Section 14 of the [Legal Aid Act 1986](#) the Certifying Officer cannot give details of the response from the assisted person or their Advocate, but can tell a complainant that the response was adequate, and give information about further action following the complaint.

- 5.5 A complaint is usually treated as resolved if:
- a. the complainant retracts or abandons their complaint
 - b. an adequate response is received from the assisted person
 - c. the Certificate is discharged or revoked
 - d. the matter is otherwise settled by negotiation

6. Standards for managing a complaint

We will not treat you less favourably than anyone else because of your:

- sex
- legal marital or civil partnership status
- gender reassignment (whether proposed, commenced or completed)
- sexual orientation
- race (this includes colour, ethnic or national origin or nationality or caste)
- disability
- religious or political beliefs (this includes lack of religious or political beliefs)
- age
- pregnancy and maternity.

7. Reasonable adjustments and alternative formats

The Legal Aid Office is committed to equal opportunities and our aim is to make our complaints policy easy to use and accessible to all of our customers. We will take reasonable steps to accommodate any reasonable adjustments you may have to enable you to access this policy or receive responses to complaints in other formats, and provide such assistance as you may reasonably require.

If you would like a response to a complaint in another format (such as Braille, audio CD, BSL video, large print or Easy Read) please contact 01624 685977 or legalaid.treasury@gov.im.

8. Data Protection

We log all information about the complaint, including the name and contact details of the complainant. This information is treated confidentially and is only used for the purposes of dealing with the complaint. This could include sharing information to carry out a full investigation if necessary.

[Policy updated May 2019](#)

[Date of next review – November 2020](#)