

## **Complaints Procedure**

We sincerely hope that you will not have any experience in using Culbert Ellis about which you might want to make a complaint. However, if any such occasion does arise, this document sets out the procedure that both you and Culbert Ellis should follow.

### **1 How can you make your complaint?**

- Either by telephone to the office where the problem arose.

Ask to speak to the firm's Managing Director Mark Culbert, who will try to sort the matter out there and then. If this is not possible because some investigation is necessary, he should reply to you by telephone, or letter, within 8 working days, from the date your complaint was received.

- Or in writing, by letter or by email to the firm's Managing Director Mark Culbert.

You should expect to receive a reply to your complaint within 10 working days from the date your complaint was received.

In making any complaint, please make sure that you:

- Explain clearly the nature of your complaint;
- Describe any facts and events relating to it;
- Provide copies of any relevant documentation;
- Say why you think that a member of staff has made a mistake;
- Say what loss (if any) you have incurred as a result.

### **2 Can you include a claim for compensation with your complaint?**

Yes, you can. However you should remember that we will only pay compensation where you can show that you have lost money, or incurred additional expense, as a result of a mistake (called 'maladministration') made by a member of staff. If you are claiming compensation, it is important that you provide any documents you have to prove your loss.

### **3 What will happen when your complaint is received?**

Your complaint will be investigated, including obtaining information from all relevant sources. Depending on the nature of your complaint, this may include:

- Contacting you to ask for further information;
- Interviewing members of staff;
- Looking through the file;
- Checking procedural rules.

Our investigation will help us decide whether your complaint is justified and, if it is, what the response to your complaint (and any claim for compensation), should be.

The reply you receive will tell you what sources of information have been used to check the facts surrounding your complaint. If your complaint is found to be justified, you will receive an apology and will be told what will be done to put matters right.

#### **4 Is there anything you can do if you disagree with the reply you receive?**

You may be entitled to complain to the Legal Ombudsman, although there are strict qualification criteria. The Legal Ombudsman will generally only hear complaints from:

- (a) an individual;
- (b) a “micro-enterprise”, broadly meaning an enterprise with fewer than 10 staff and a turnover or balance sheet value not exceeding €2million;
- (c) a charity, club, association or society with annual income of less than £1million;
- (d) a trustee of a trust with net asset value of less than £1million; or
- (e) personal representatives or residuary beneficiaries of a person with a complaint died before referring it to the Legal Ombudsman.

However, it is important that you understand that even if you are able to bring a complaint with the Legal Ombudsman, further consideration of your complaint will not necessarily result in a different outcome.

#### **5 When can the Legal Ombudsman help you?**

The Legal Ombudsman can help you if we are unable to resolve your complaint ourselves. They will look at your complaint independently and it will not affect how we handle your case.

Before accepting a complaint for investigation, the Legal Ombudsman will check that you have tried to resolve your complaint with us first. If you have, then you must take your complaint to the Legal Ombudsman:

- Within six months of receiving our final response to your complaint; and
- No more than one year from the date of the act or omission being complained about; or
- No more than one year from the date when you should reasonably have known that there was cause for complaint.

You can contact the Legal Ombudsman at:  
Legal Ombudsman, PO Box 6167, Slough, SL1 0EH  
Tel: 0300 555 0333  
Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)  
Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

## **6 What to do if you are unhappy with our behaviour**

The Solicitors Regulation Authority can help if you are concerned about our behaviour. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic.

Visit their [website](#) to see how you can raise your concerns with the [Solicitors Regulation Authority](#).

Culbert Ellis  
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