

Complaints about a NALP Member

Scope of the Policy

NALP is a non-profit Membership Body as well as being the only Paralegal body that is recognised as an awarding organisation by Ofqual (the regulator of qualifications in England & Wales). Through its training arm, NALP Training, accredited recognised professional paralegal qualifications are offered for a career as a paralegal professional.

This policy relates only to complaints in relation to those paralegals who are current members of the NALP Membership Body. Complaints in respect of the awarding organisation (or its Centres) or the NALP training arm should be directed appropriately, following the individual policies for those organisations.

What is a complaint?

A complaint is defined as an expression of dissatisfaction about the provision of services provided by a NALP Member, or regarding the conduct of that member.

Who can make a complaint?

Anyone that seeks or receives a service from a NALP member, or is affected by the services provided by such a Member, can make a complaint. Someone who has made a complaint is hereinafter referred to as "The Complainant". The Paralegal about whom the complaint has been made will be referred to as the Respondent.

How to make a Complaint

Complaints must be made within three calendar months of an incident occurring giving rise to a reason for a complaint, or the Complainant becoming aware they had cause to complain, or the Complainant exhausting the Respondent's own complaints process (if appropriate). Complaints made outside of this timescale will only be considered in exceptional circumstances. Complaints can be made via any reasonable medium (e.g. verbally via the telephone or in writing via email or Royal Mail, etc.). However, how the complaint is received will affect the way it is considered:

Verbal Complaints – Informal Verbal

Verbal complaints are dealt with as informal unless the Complainant requests otherwise, in which case they will be asked to confirm the main points of their complaint in writing (email or Royal Mail) and provide evidence. If a Complainant makes a verbal complaint, the details will be recorded and logged and the Respondent will be contacted to discuss the complaint being made.

The Complainant will be informed of the outcome verbally. Should they be dissatisfied with the outcome, they will be provided with the opportunity to escalate the complaint to a Formal complaint, but this will need to be confirmed in writing with all relevant supporting evidence and/or rationale for the escalation.

Written Complaints – Formal

Any complaint received in writing (email or Royal Mail) by NALP will be treated as official unless the complainant informs NALP otherwise within ten days of the original complaint made. All complaints are recorded and a copy of the complaint is sent to the Respondent for their response.

All formal complaints will be required to be accompanied by evidence to support the claim being made against the Respondent. Complainants should be aware that Respondents will be provided with a copy of all claims and supporting evidence.

Investigation of a Complaint

Once a complaint has been received, it will be logged and copies of all statements and evidence will be taken to be held securely by NALP.

Complaints will be investigated in the first instance by the Chief Executive. The following is a precise of the process they will follow:

- Examine the complaint and evidence provided and send an acknowledgement to the Complainant within 3 working days of receipt.
- If necessary, contact the complainant to clarify any significant details. For clarity, if insufficient information has been provided to allow the Chief Executive to commence investigations, the complaint will not be deemed to have been 'received' by NALP until such time as the omitted information is received.
- Contact the Respondent and provide them with a copy of the complaint and the evidence provided by the Complainant, requesting they respond in full, providing as much information and supporting evidence as is available. Respondents will be given 10 working days to respond to such requests.
- Consider all evidence and statements from both sides and come to a decision based on the balance of probabilities.
- Inform both parties of the outcome of the complaints process and provide details of what action, if any, will be taken next. All decisions and outcomes will be communicated within 20 working days of the original date of receipt of the complaint.

Escalation of a Complaint to the Board

There are three circumstances in which a complaint may warrant escalation to the Board:

- 1.** The Chief Executive concludes that the nature and seriousness of the complaint being made warrants further investigation. For instance, where the conduct of the Respondent is such that it could adversely affect all members or NALP as a membership body. In such instances, the outcome of the complaint could be delayed by up to 20 working days. The Chief Executive will ensure that the Complainant is kept apprised of the situation throughout any delay.
- 2.** The Complainant is unhappy with the outcome of the initial complaint investigation process and wishes the complaint to be escalated for further review. Such reviews can take up to 40 working days.
- 3.** The Respondent is unhappy with the outcome and believes they have not had a fair hearing in respect of the complaint. They may request a review of the case and the decision by the Board.

In any instance where a complaint is escalated to the Board, the Chief Executive will pass on the information to the Governing Board who will make a decision about whether the complaint should be upheld after reviewing all the evidence presented. The Board may decide to contact the Member about whom the complaint was made for further information. Escalated complaints may be investigated by the Board as a whole but more often they will be investigated by a single member of the Board nominated by the Chair of the Board.

Application of Sanctions against Members

Should a complaint be upheld, NALP may take a number of measures against the member including, but not limited to:

- Requesting a written assurance they understand the issue and that there will be no recurrence
- Issuing a written warning to the Member that they face deregistration from NALP membership
- Issuing a communication to other Paralegal membership bodies regarding the complaint and the outcome thereof
- Withdrawing the member's registration without refund of any membership fees

Record Keeping

NALP will maintain records of all complaints for a period of not less than 3 years from the date the complaint was recorded.