



Complaints and Disciplinary Procedures

CILEx Regulation

CILEx Regulation is the regulatory body for all grades of membership of the Chartered Institute of Legal Executives (CILEx), and individuals and legal entities it authorises to carry out regulated work. An entity is the word we use to refer to businesses, firms or other types of organisation that we regulate.

Most members of CILEx work in legal entities or legal departments under the supervision of authorised lawyers. Some members may run their own CILEx Regulation authorised entities. CILEx Regulation can authorise and regulate legal entities of CILEx members and other lawyers. Details of individuals and legal entities regulated by CILEx Regulation are available at www.cilexregulation.org.uk.

Chartered Legal Executives

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

or Chartered Legal Executives. A practising Chartered Legal Executive may use the letters FCILEx after their name.

CILEx Practitioners

CILEx Practitioners can be Chartered Legal Executives or other individuals who have gained authorisation from CILEx Regulation in one or more of the following areas of practice: criminal, civil or family litigation and advocacy, conveyancing, probate and immigration. They must clearly state they are regulated by CILEx Regulation when providing services to you.

A CILEx Practitioner who has gained authorisation from CILEx Regulation in Conveyancing and Probate does not have to be a Fellow or member of CILEx. They are bound by the CILEx and CILEx Regulation Rules and Codes.

Approved Managers and Compliance Managers

Approved Managers and Compliance Managers have gained authorisation from CILEx Regulation to manage a legal entity that has been authorised by CILEx Regulation. They must state their CILEx Regulation authorisation number when providing services to you.

Where you make a complaint about a legal entity regulated by CILEx Regulation, the Compliance Manager will be expected to respond to that complaint on behalf of the legal entity.

Authorised Entity

This means any partnership, LLP, company or sole principal authorised by CILEx Regulation to provide the following types of regulated legal services: criminal, civil or family litigation and advocacy, conveyancing, probate and immigration. An Authorised Entity must state that they are authorised by CILEx Regulation when providing services to you.

Relevant Persons

You may hear the term Relevant Person; this means all CILEx members including Student members, Associate members, Affiliate members, Graduate members, CILEx Fellows, CILEx Practitioners, Approved Managers, Compliance Managers and Authorised Entities. We use this term in the remainder of this document.

Code of Conduct

Relevant Persons are governed by the CILEx Code of Conduct (the Code). The Code sets out 9 principles that they must observe. Relevant Persons must ensure public confidence in them

and the legal profession is maintained. They must avoid engaging in action unbefitting to CILEx or likely to bring disrepute on them or CILEx. The Code can be downloaded from the CILEx Regulation website at www.cilexregulation.org.uk.

The Investigation, Disciplinary and Appeals Rules

The Investigation, Disciplinary and Appeals Rules (IDAR) are the rules that CILEx Regulation follows when investigating complaints. There is a handbook that helps explain these rules. Both the IDAR and the IDAR Handbook can be downloaded from the CILEx Regulation website at www.cilexregulation.org.uk.

Making a Complaint

You may make a complaint against any Relevant Person where a breach of the Code has occurred.

All legal entities should have complaints procedures in place. You must use these procedures before making a complaint to any other body where your complaint is about the service that has been provided to you.

You should have been provided with a letter which explains who you can contact in the legal entity if you have a complaint.





This information is usually provided in a client care letter. The letter should also tell you about the role of the Legal Ombudsman (LeO).

If a legal entity does not deal with your complaint or you believe its response is unsatisfactory you can refer your complaint to the LeO. The LeO is an independent body which deals with service complaints. The contact details for the LeO appear at the end of this leaflet.

You can refer a complaint to CILEx Regulation if it is about the personal and professional conduct of a Relevant Person, rather than the service provided to you by the entity.

Disciplinary Powers – What CILEx Regulation Can Do

CILEx Regulation can take disciplinary action against Relevant Persons who breach the CILEx Code of Conduct or any CILEx or CILEx Regulation Rules.

What CILEx Regulation Cannot Do

CILEx Regulation cannot take action:

- against anyone who is not a CILEx member, an Authorised Person or legal entity regulated by CILEx Regulation;

- to deal with poor service; or
- 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?

CILEx Regulation aims to follow the timescales below:

- the complainant and Relevant Person will be given 14 days to respond to requests for information;
- the Professional Conduct Panel (PCP) will aim to make a decision on a case within 6 months of the complaint; and
- the Disciplinary Tribunal (DT) will aim to hear cases within 6 months of a referral to it.

CILEx Regulation Complaints Procedure

CILEx Regulation will follow the procedure outlined below.

A complaint should be made in writing if it is possible to do so. A Complaints Form can be downloaded from the CILEx Regulation website at www.cilexregulation.org.uk.

Complaints and Disciplinary Procedures

CILEx Regulation will contact the complainant to agree heads of complaint and gather supporting evidence.

A copy of the complaint is then sent to the Relevant Person who is asked to respond to it providing any supporting evidence. Copies of responses are provided to complainants for their comment.

When an investigation is complete a summary of the issues is prepared and the matter is put to the PCP for consideration.

The Professional Conduct Panel

The Professional Conduct Panel is made up of two independent lay members and one professional CILEx member.

The PCP has the power to do the following:

- decide there is no case to answer and reject the complaint; and
- decide there is a case to answer and either:
 - i) refer the case to the DT; or

ii) where the Relevant Person admits the misconduct, and it is appropriate to do so in the circumstances, with their consent conclude the matter by deciding:

- to impose conditions in relation to their future conduct or, if it is an individual, on their employment;
- to require undertakings to be given in relation to their future conduct; or
- to reprimand and/or warn them.

Where the complaint is against an entity the PCP may require the Relevant Person to enter into a Practice Management Agreement to manage the closure of the legal entity for the protection of clients.

Decisions in Certain Cases

In some cases CILEx Regulation will be able to make a decision about a complaint without referral to the PCP. The types of case include:

- rejecting a complaint where CILEx Regulation has no jurisdiction or there is insufficient evidence;





- imposing a penalty on a person or legal entity by consent, where a member or legal entity has accepted the misconduct and agreed that a penalty be imposed on them; or
- referring very serious cases directly to the Disciplinary Tribunal (DT).
- require undertakings to be given in relation to their future conduct;
- reprimand and/or warn them; or
- exclude a person from membership.

Hearings

If a complaint is referred to the DT the complainant will be informed of the hearing date and may be required to attend as a witness.

The Relevant Person will receive details of the case against them and will be entitled to attend and be represented at the hearing.

The Disciplinary Tribunal

Disciplinary cases will be heard by two independent lay members and one professional CILEx member.

The DT will decide whether the charges against the Relevant Person have been proved.

If they are proved the DT has the power to:

- impose conditions in relation to their future conduct or, if it is an individual, on their employment;
- the costs of the case.

In addition a Relevant Person may be ordered to pay:

- a fine – up to £100,000 for CILEx members, up to £50 million for CILEx Practitioners and Approved Managers and a percentage of an Authorised Entity's turnover, or up to £250 million, whichever is greater; and/or

Where the complaint is against an Entity the DT may require the Relevant Person to:

- enter into a Practice Management Agreement to manage the closure of the legal entity.

What the PCP and DT Cannot Do

The CILEx Regulation disciplinary panels cannot award compensation in individual cases.

Appealing a Decision

Decisions of the PCP and DT may be appealed by the Relevant Person and are heard by an Appeals Panel. The complainant cannot appeal a decision of the PCP and DT. The complainant has a right of review to the PCP where a complaint has been rejected by CILEx Regulation without referral to the PCP. This must be done within 21 days.

Other Complaints Procedures

There are other bodies and methods of redress for misconduct complaints, such as:

- claims for negligence involving CILEx Regulation authorised legal entities can be made to the Professional Indemnity Insurer (PII) of the legal entity. The legal entity will have a certificate of insurance with details of their insurer.
- claims for compensation involving CILEx Regulation authorised legal entities where dishonesty or failure to account is alleged, can be made to the Trustees of the CILEx Compensation Fund. Contact details can be found at the CILEx Regulation website, www.cilexregulation.org.uk.
- claims for negligence or for compensation not involving CILEx Regulation authorised legal entities, should be pursued by litigation or through the insurer of the legal entity.
- the police, who investigate criminal matters.
- the Solicitors Regulation Authority who investigates complaints about solicitors' conduct and their staff, including Relevant Persons employed by solicitors.
- the Council for Licensed Conveyancers who investigate complaints against its registered conveyancers and probate practitioners.
- the Bar Standards Board who investigates barristers' conduct.
- the Office of the Immigration Services Commissioner who investigates the conduct of immigration advisers registered with it. It oversees regulation of immigration advisors generally.



Useful Contacts

Legal Ombudsman

PO Box 6806

Wolverhampton WV1 9WJ

Tel: 0300 555 033

enquiries@legalombudsman.org.uk

www.legalombudsman.org.uk

CILEx Regulation

Kempston Manor

Kempston

Bedford MK42 7AB

Tel: 01234 845770

info@cilexregulation.org.uk

www.cilexregulation.org.uk

Solicitors Regulation Authority

The Cube

199 Wharfside Street

Birmingham B1 1RN

Tel: 0370 606 2555

contact.centre@sra.org.uk or

report@sra.org.uk

www.sra.org.uk

Bar Standards Board

289-293 High Holborn

London WC1V 7HZ

Tel: 020 7611 1444

contactus@barstandardsboard.org.uk

www.barstandardsboard.org.uk

The Council for Licensed Conveyancers

16 Glebe Road

Chelmsford

Essex CM1 1QG

Tel: 01245 349599

clc@clc-uk.org

www.conveyancer.org.uk

Office of the Immigration

Services Commissioner

Complaints Team

5th Floor

21 Bloomsbury Street

London WC1B 3HF

Tel: 020 7211 1500

info@oisc.gov.uk

www.oisc.gov.uk



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