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THE NOTARIES SOCIETY

Approved Complaints Procedure

1. Purpose

1.1 The Notaries Society intends that this procedure will enable the resolution of complaints made against General Notaries who are members of The Notaries Society.

2. Making a complaint

2.1 The complaint should be made to the Secretary of The Notaries Society at the following address:

Elaine Standish,
The Secretary,
The Notaries Society,
P O Box 876
Chichester
PO19 9ZH
Email : secretary@thenotariessociety.org.uk

2.2 The Complainant shall provide the Secretary with full details of the complaint together with copies of any documents or correspondence.

2.3 If the Complainant has any difficulty in making the complaint in writing he/she should contact the Secretary for assistance.

3. Action by the Secretary

3.1 The Secretary will write to the Complainant asking whether he/she is willing for the complaint to be considered by the President and Vice-President within the Approved Complaints Procedure if that agreement has not already been obtained.

3.2 The Secretary will prepare copies of all the papers and deliver them with his own report (if necessary) and a summary to the President and the Vice-President of The Notaries Society.

3.3 It is anticipated that the parties will cooperate to assist the Secretary in facilitating the Approved Complaints Procedure.

4. Conclusion

4.1 The President and Vice President will consult together and will propose a conclusion which in their judgement is fair to both parties. A written record of the conclusion will be sent to the Secretary who will then inform both parties and the Faculty Office. At the same time the Complainant will be informed of his/her right to complain to the Legal Ombudsman the timeframe for doing so and full details of how to contact the Legal Ombudsman.

4.2 The conclusion is to be notified to both the Complainant and the Notary no later than 8 weeks after the date of which the Complainant complained. After this period the Complainant may complain to the Legal Ombudsman whether or not a conclusion has been notified to him/her.

5. Effect of conclusion

5.1 It is expected that the Notary will implement any remedy (if any) which is recommended at the conclusion. Nothing in this clause prevents the Notary from providing an alternative remedy but the Faculty Office will consider it to be a serious matter of concern if the Notary does not abide by the conclusion without reasonable cause.

5.2 Nothing in this procedure prevents a party from pursuing their case with the Faculty Office (in cases involving misconduct), the Legal Ombudsman or the civil courts or as may be appropriate.

6. Additional notes

6.1 The Secretary when preparing the documentation provided for in clause 3.2 may ask for further information from either or both parties.

6.2 The President and the Vice President may ask for further information from either or both of the parties before they can reach a conclusion.

6.3 The Complainant is not required to provide further information as specified in 6.1 and 6.2 above but it is anticipated that the Complainant will provide information relevant and necessary for the resolution of the complaint.

6.4 If the nature of the complaint indicates that there may have been 'notarial misconduct' the Secretary shall notify the Faculty Office but this in no way prevents the operation of the Approved Complaints Procedure in the resolution of the complaint.

6.5 The Notaries Society cannot consider any complaint if it is or becomes the subject of any Court proceedings (other than proceedings in the Court of Faculties).

6.6 Original documents and correspondence should not be sent to the Secretary unless specifically requested.

6.7 The expression 'President and Vice President' shall include such other members of the Council of The Notaries' Society as shall be nominated by either the President or the Vice President to act in their place.

6.8 The Secretary may depart from these rules only in cases where reasonable to ensure the effective and timely resolution of complaints and will have regard to any guidance issued by the Faculty Office or Legal Services Board when doing so.

Elaine Standish
Secretary