



## **FACULTY OFFICE OF THE ARCHBISHOP OF CANTERBURY NOTARIES**

### **NOTARIES – COMPLAINTS AND DISCIPLINE**

The Notaries (Conduct & Discipline) Rules 2015 provides a system both for dealing with complaints raised by clients of notaries on service matters (such as fees or delays) as well as serious complaints where there is an allegation of professional misconduct.

#### **Service Complaints**

Service complaints cover issues such as fees, delays and any failure to follow instructions.

All notaries are required to have a complaints procedure and to advise clients.

These types of complaints will initially be referred to one of the two members' societies for notaries, the Notaries Society or the Society of Scrivener Notaries. The Rules delegate to the societies the power to investigate and hopefully resolve such complaints swiftly and without any cost to the complainant.

Where a notary is a member of neither society, the complaint will be referred to a member of a panel of notaries maintained by the Faculty Office to undertake a similar process of resolution.

#### **The Legal Ombudsman**

The Legal Ombudsman is a mediation service for all legal services. If a complaint is not resolved it will be passed to the Legal Ombudsman who will investigate. The Legal Ombudsman has wide ranging powers including requiring work to be repeated (at no cost) and compensation. The process is usually completed within 6 months.

#### **Conduct Complaints**

These are the most serious of complaints and can involve dishonesty or actions which bring the entire profession into disrepute.

Where the Faculty Office, or one of the societies, receives a complaint which clearly shows, or suggests, professional misconduct, then the Faculty Office will appoint a 'Nominated Notary' to formally investigate the matter and if appropriate commence formal proceedings in the Court of Faculties.

Guidance notes for the Nominated Notary provide help for that notary in preparing and bringing the case before the Court.

Formal complaints are heard by a Judge of the Court (known as the Commissary) who sits with two Assessors, one a notary and one a 'lay' person. The Rules provide for the Commissary to manage the case and determine procedure.

Where there may be a risk to the public, there is a power for the Court to suspend the notary from practice immediately.

Where a formal complaint has been proved, there are a number of sanctions available to the Court, including supervision of the notary's practice, further training, suspension from practice for a period or striking-off. The Court may also order that a client who has suffered loss be indemnified.