

Environmental Rights Centre for Scotland

Accessibility: If you need this form in a different format that is more accessible to you, please telephone us on 0131 358 0038 or email admin@ercs.scot.

Client Information – Terms of Advice Service

This document explains the relationship between **you**, as a client of the advice service, and **us**, the Environmental Rights Centre for Scotland (**ERCS / we**). It is important that you read it. If you do not understand any part of it, contact our in-house solicitor.

This document should be read along with any letter or email of engagement setting out the work we are doing for you.

1. Introduction

The [Environmental Rights Centre for Scotland](#) is a registered charity and Scottish Charitable Incorporated Organisation ([SC0505257](#)).

We offer free advice to individuals, community groups and organisations on environmental and related planning law. Environmental law includes law relating to land-use planning, climate change, pollution control, environmental health, the conservation of biodiversity, and any other field (e.g. cultural heritage, transport and energy) to the extent that it impacts on the natural environment in Scotland.

Your main contact is our in-house solicitor, Ben Christman:

- **Email:** advice@ercs.scot
- **Telephone:** 0131 358 0038 (office number) / 0800 861 1738 (freephone number)

If you have any queries about your case, please contact Ben in the first instance.

Otherwise, you can contact our Chief Officer, Shivali Fifield:

- **Email:** chiefofficer@ercs.scot
- **Telephone:** 0131 358 0038 (office number) / 0800 861 1738 (freephone number)



2. Accessibility needs

If you have any accessibility needs for which we could make reasonable adjustments to our work practices, please tell our in-house solicitor. For example, all correspondence can be sent to you in large print, we can organise a BSL interpreter, or you can ask for someone you know to attend meetings with you.

3. How we work with you

Our in-house solicitor will keep you informed by reporting to you at each important stage of your case. Key steps or advice will be confirmed in writing. You will also be sent copies of the most important and relevant documents in your case.

Our in-house solicitor will review your file regularly and contact you when necessary.

If our in-house solicitor asks you to respond within a set timescale, it is very important that you do. In certain circumstances, if you do not contact our in-house solicitor as requested, we may close your file.

You should not consider an e-mail sent by you to ERCS to have been received until it has been acknowledged either by phone or an e-mail by way of reply. Please remember that e-mails are not entirely secure.

If you receive any formal court documents or anything happens which you consider to be an emergency, contact our in-house solicitor as speedily as possible.

If you change address, telephone number or other contact details, you need to tell our in-house solicitor - preferably in writing.

If you are going away on holiday, to hospital or on business for a substantial period of time, please let our in-house solicitor know.

4. Telling us about your case – your instructions

ERCS's advice service can only act on the information and instructions given to us by you. You should not assume that we have knowledge of any factual matters. You must tell us.

It is important that you are open and frank with our in-house solicitor so that they can give you appropriate advice. Please try not to leave anything out.



We will only act on your instructions based on our professional advice. We will not accept instructions to do anything that in our view would be unprofessional or inappropriate.

As we rely upon the facts you tell us being correct, we will not be liable for any consequences arising from inaccuracies in your instructions - for instance, in respect of crucial dates which may result in a claim becoming time barred.

You can instruct us either verbally or in writing. We may ask you to confirm verbal instructions to us in writing.

If there is any change in your instructions, you should discuss these with us and you must notify us.

If you wish anyone other than yourself to give us instructions or information or receive information on your behalf, we will require confirmation of this - usually in writing.

Where more than one party is involved, we may be able to advise more than one party or we may not. We cannot if there is a conflict of interest.

In the case of a couple, instructions may be given by one of you but this must be confirmed, usually in writing.

In the case of a person acting as a representative of a community group or non-governmental organisation, we will ask you to demonstrate that you have the proper authorisation to contact us on behalf of your organisation.

If we consider it necessary, we may stop providing our service to you. This may be where there is an irredeemable breakdown in our relationship with you, or where a conflict of interest is identified. If this happens, we will write to you at the earliest opportunity and advise you as to what steps you may take to protect your position.

5. Conduct and health and safety

All clients visiting our offices are asked to follow the building's health and safety policy.

ERCS is obliged to show reasonable care to you. You are asked to show reasonable care to all ERCS staff and other persons whom you may have contact with.



ERCS will not tolerate any discriminatory or abusive behaviour to or by any person. Any such behaviour may result in us withdrawing our services from you.

6. Social media

You are advised not to comment on your case in any social media. Social media is not confidential.

In general, if you wish to make anything public relating to your case, you should discuss this with the in-house solicitor before doing so.

7. Law Society Scotland advice quality regime

ERCS is subject to the legal advice quality regime of the Law Society of Scotland.

From time-to-time independent persons appointed by the Law Society of Scotland may inspect our premises and files. By using our advice service, it is presumed that you give the Law Society of Scotland permission to review information we hold about you and your case for the purpose of these quality checks.

8. Liability

The liability of ERCS (including all staff, volunteers and Board of Trustees) is restricted absolutely to the liabilities that may arise at law. Nothing in this or any other communication may be taken to extend the liability.

The scope of ERCS's advice to you is restricted to that agreed explicitly with you at the initial meeting with our in-house solicitor.

Unless explicitly agreed any advice or anything we say (orally or in writing) to you, or on your behalf, may not be passed to, or relied upon, by any third party.

Any reports or opinions provided by ERCS to you are provided solely for your use and benefit and only in connection with the matter on which you have been advised. No report or opinion may be relied upon by any third party without ERCS's prior written consent. Irrespective of whether such consent is given, ERCS shall assume no responsibility and have no liability to any third party to whom any advice or report is disclosed.

Any work products, whether or not in writing, and all intellectual property rights produced by ERCS during the course of the work carried out for you will be and will remain the sole and absolute property of ERCS.



You may not whether openly or covertly make any form of recording or photographic record of any communication made by the staff of ERCS to you. In particular, meetings and telephone calls may not be recorded by you or any other person unless with prior agreement for accessibility needs.

9. Your file

During your case

Your file during your case is the property of ERCS which owns the physical and electronic file as well as the intellectual property in the file - which is the legal advice given by our in-house solicitor to you.

Any papers, documents or productions provided by you remain your property. These will be returned to you upon your request and/or at the end of your case. There may be circumstances in which copies will require to be retained.

During your case you will be kept informed and key correspondence and documents passed to you for your information.

All of your documents will be stored in an electronic data file. You may request confirmation and copies of the material we hold relating to you and your case.

At the end of your case

Your file will be retained by us for up to ten years after the end of your case. This will either be in our own offices, a secure document storage facility or an electronic data file.

Immediately after your case comes to an end you should request return of any physical documents or papers that you may have passed to ERCS.

10. Data protection

ERCS is committed to maintaining your data privacy. You can find full details in our [privacy policy](#).

We promise to keep your personal details safe and will never release them to third parties unless we are legally required to do so.

Unless agreed otherwise with you, the personal information you give us will be kept and used only for the purpose of answering your enquiry.



Under the Data Protection Act 2018, you have the right to access the information we hold on you. You can also withdraw your consent to us holding your personal information at any time and we will delete all your records from our systems.

For our monitoring and evaluation purposes we will keep your data for ten years and may use anonymised information for reporting on the needs of communities and the demand for our services.

11. Complaints

We are committed to providing a high quality advice service. If you have any concern about our service, in the first instance, contact our in-house solicitor. We will aim to listen to your concern and resolve it if we can.

If you remain dissatisfied, please use our complaints procedure – [the Complaints Form](#) is included at the end of this document.

You can also make a complaint to the Scottish Legal Complaints Commission (the SLCC). The SLCC can be contacted by telephone on 0131 201 2130, by post to The SLCC, 10-14 Waterloo Place, Edinburgh EH1 3EG or by e-mail to enquiries@scottishlegalcomplaints.org.uk. Their website address is www.scottishlegalcomplaints.org.uk.



ERCS Client Complaints Procedure

We are committed to providing a high quality advice service. If you have any concern about our service, we want to listen and take action. Our complaints procedure outlines the stages we will take to try and resolve your concern.

Stage 1

- 1) If you have any concern about our advice service, you are encouraged to discuss this with our in-house solicitor in the first instance.
- 2) Our in-house solicitor will seek to resolve your concern within 5 working days.

Stage 2

- 3) If you cannot talk to our in-house solicitor or remain dissatisfied, you may contact Shivali Fifiield, ERCS's Chief Officer, email: chiefofficer@ercs.scot. Any complaint made to the Chief Officer should preferably be in writing and sent by email outlining your concerns. Please use the [Complaints Form](#) below.
- 4) In the event that you are unable to make a complaint by email, you can telephone to speak to the Chief Officer on 0131 358 0038, or freephone 0800 861 1738 (Office hours 10am – 2pm Monday to Friday).
- 5) On receipt of a complaint, the Chief Officer will **contact you within 5 working days** to acknowledge your complaint and, if needed, to ask any further questions to help with the investigation.
- 6) The Chief Officer will investigate and **attempt to resolve your complaint within 10 working days thereafter** with a written response.
- 7) **If further investigation is required**, the Chief Officer will inform you of this and provide a written **response within 20 working days thereafter**.
- 8) In exceptional cases an extension may be required, in which case the Chief Officer will inform you of this and the reasons why.
- 9) In drafting the response, the Chief Officer will:
 - Find out what happened and whether anything went wrong.
 - Seek to establish the views of all concerned including you, if appropriate.



- Offer an apology, if appropriate.
 - If anything went wrong, identify what we can do to make sure the problem does not happen again.
- 10) You may seek a meeting with the Chief Officer and/or Chair of the Board of Trustees to discuss the response if you wish.
 - 11) A copy of the complaint itself and the Chief Officer's response will be placed in ERCS's internal complaints file.
 - 12) Client confidentiality and data protection will be maintained in accordance with ERCS's [privacy policy](#).
 - 13) In addition to our internal complaints procedure, any client who wishes to express dissatisfaction with the in-house solicitor may complain to the Scottish Legal Complaints Commission (SLCC). The SLCC can be contacted by telephone on 0131 201 2130, by post to The SLCC, 10-14 Waterloo Place, Edinburgh EH1 3EG or by e-mail to enquiries@scottishlegalcomplaints.org.uk. Their website address is www.scottishlegalcomplaints.org.uk. Please note: There are time limits to make a complaint and it is important to confirm the time to complain with the Scottish Legal Complaints Commission.



ERCS Complaints form

Accessibility: If you need this form in a different format that is more accessible to you, please telephone us on 0131 358 0038 or email admin@ercs.scot.

Please use this form to make a complaint about any part of our advice service.

Please send the complaints form to Shivali Fifield, ERCS Chief Officer by email: chiefofficer@ercs.scot.

Alternatively, you can telephone to speak to the Chief Officer on 0131 358 0038 (office number) or 0800 861 1738 (freephone number).

This is how we will respond to your complaint:

- The Chief Officer will **contact you within 5 working days** to acknowledge receipt of your complaint and, if needed, to ask for further information.
- The Chief Officer will respond and **attempt to resolve your complaint within 10 working days thereafter**.
- **If further investigation is required**, the Chief Officer will inform you of this and provide a **response within 20 working days thereafter**.
- In exceptional cases an extension may be required, in which case the Chief Officer will inform you of this and the reasons why.

Your contact details

Name	
Address	
Email	
Telephone number	



Client reference number			
Preferred means of initial contact	Telephone <input type="checkbox"/>	Email <input type="checkbox"/>	Post <input type="checkbox"/>

Please explain your complaint

What would be a satisfactory resolution to your complaint?

Signed _____ Date _____