

## 3DJB

### COMPLAINTS PROCEDURE

- 1) Our aim is to give you a good service at all times. However, if you have a complaint you are invited to let us know as soon as possible. It is not necessary to involve solicitors in order to make your complaint, but you are free to do so should you wish.
- 2) Please note that the Legal Ombudsman, the independent complaints body for service complaints about lawyers, has time limits in which a complaint must be raised with them. The time limits are:
  - a) Six years from the date of the act/omission about which you are complaining.
  - b) Three years from the date that you should reasonably have known there were grounds for complaint (if the act/omission took place before the 6 October 2010 or was more than six years ago)
  - c) Within six months of you receiving a final response from the chambers complaints procedure, if that response complies with the requirements in rule 4.4 of the Scheme Rules (which requires the response to include prominently an explanation that the Legal Ombudsman was available if you remained dissatisfied and the provision of full contact details for the Ombudsman and a warning that your must be referred to them within six months.) A final response from the chambers complaints procedure is the later of (i) the resolution by telephone referred to at paragraph 11 below, (ii) the written reply referred to at paragraph 18 below or (iii) the written appeal decision referred to at paragraph 21(h) below.
- 3) The Ombudsman can extend the time limit in exceptional circumstances.
- 4) Chambers will have regard to that timeframe when deciding whether we are able to investigate your complaint. Chambers will not therefore usually deal with complaints that fall outside of the Legal Ombudsman's time limits.
- 5) The Ombudsman will also only deal with complaints from consumers. This means that only complaints from the barrister's client are within their jurisdiction. Non-clients who are not satisfied with the outcome of the Chambers' investigation should contact the Bar Standards Board rather than the Legal Ombudsman.

- 6) It should be noted that it may not always be possible to investigate a complaint brought by a non-client. This is because the ability of Chambers to satisfactorily investigate and resolve such matters is limited and complaints of this nature are often better suited to the disciplinary processes maintained by the Bar Standards Board. Therefore, Chambers will make an initial assessment of the complaint and if they feel that the issues raised cannot be satisfactorily resolved through the Chambers complaints process they will refer you to the Bar Standards Board.
- 7) Complaints can be made about any aspect of the service provided by members of Chambers or staff. If your complaint or elements of your complaint relates to professional misconduct or professional negligence then it may be that it is not appropriate for Chambers to resolve it or those particular aspects of it. You will be informed if it is considered that your complaint is wholly or partially inappropriate for our Procedure.
- 8) Any complaint which involves an allegation of professional negligence or any other possible claim on the Bar Mutual Indemnity Fund Limited ("BMIF") will be reported to the BMIF even though the complaint is being investigated by Chambers.

### **Complaints Made by Telephone**

- 9) You may wish to make a complaint in writing and, if so, please follow the procedure in paragraph 13 below. However, if you would rather speak on the telephone about your complaint then please telephone the individual nominated under the Chambers Complaints Procedure to deal with complaints – the Deputy Head of Chambers or (if the complaint is about a member of staff the Senior Clerk). If the Deputy Head of Chambers or the Senior Clerk are unavailable, you will be informed of who you should speak to.
- 10) If the complaint is about the Senior Clerk, telephone the Deputy Head of Chambers. If the complaint is about the Deputy Head of Chambers telephone the Head of Chambers.
- 11) The person you contact will make a note of the details of your complaint and what you would like to have done about it. If the matter is relatively straightforward it may be possible to resolve the matter by making some enquiries and calling you back. If the matter is resolved he/she will record the outcome, check that you are satisfied with the outcome and record that you are satisfied. You may also wish to record the outcome of the telephone discussion in writing.

12) If your complaint cannot be resolved on the telephone you will be invited to write to us about it so it can be further investigated.

### **Complaints made in Writing**

13) Please give the following details:

- i) Your name and address;
- ii) Which member(s) of Chambers you are complaining about;
- iii) The detail of the complaint; and
- iv) What you would like done about it.

14) Please address your letter to the Deputy Head of Chambers.

15) We will, where possible, acknowledge receipt of your complaint within two days, and in any event promptly, and provide you with details of how your complaint will be dealt with.

16) Our Chambers has a panel headed by the Deputy Head of Chambers and made up of experienced members of Chambers, which considers any written complaint. Within 14 days of your letter being received the head of the panel or his/her deputy in his/her absence will appoint a member of the panel to investigate it. If your complaint is against the head of the panel, the next most senior member of the panel will investigate it. In any case, the person appointed will be someone other than the person you are complaining about.

17) The person appointed to investigate will write to you within 7 days of his/her appointment to let you know he/she has been appointed. Within the next 28 days, the person appointed will investigate your complaint and reply to it. If he/she finds later that he/she is not going to be able to reply within 28 days he/she will set a new date for her reply and inform you.

18) The reply will set out:

- i) The nature and scope of her investigation;
- ii) The conclusions on each complaint and the basis for such conclusions; and
- iii) If he/she finds that you are justified in your complaint, proposals for resolving the complaint.

19) In the event of the person appointed upholding the complaint, he/she may direct (a) that an apology be given and/or (b) that there should be a reduction in fees charged and/or (c) that appropriate

training should be undertaken and (subject to any appeal) that direction will be binding on the member of chambers or member of staff about whom the complaint was made; and in any event, whether the complaint is upheld or not, he/she may recommend that any aspect of chambers' procedure be reviewed by the Management Committee of Chambers.

## **Appeals**

- 20) If either you, or the barrister or member of staff against whom the complaint was made are dissatisfied with the outcome of the complaints process, a request can be made that the outcome be the subject of an appeal. The complaint is not obliged to pursue an appeal and if they so wish may refer their complaint to the Legal Ombudsman without pursuing an appeal.
- 21) The appeal process is as follows:
- (a) An appeal request must be made in writing to the Head of Chambers, and must be made within 28 days of being notified of the outcome of the complaints process.
  - (b) The appeal will be conducted by at least two senior members of Chambers ("the appeal panel"), who will be appointed to conduct the appeal by our Head of Chambers or (in the event of a conflict) by a senior member of chambers appointed for this purpose.
  - (c) Within 3 days of appointment, the appeal panel will contact in writing each party to the appeal.
  - (d) An appeal will be limited to a review of the procedure and outcome of the complaints process unless the appeal panel considers, in the exercise of its discretion which will be binding, that in the circumstances of an individual appeal it is necessary to undertake a fresh investigation of the complaint.
  - (e) Unless in the exercise of its discretion which will be binding the appeal panel considers otherwise, the appeal panel will not consider any further evidence which was not considered in the course of the original investigation.
  - (f) The person appealing the decision should provide written reasons in support of the appeal within 14 days of being contacted by the appeal panel.

- (g) Those reasons will be copied to the other party or parties, who will provide a written response within 14 days thereafter.
- (h) The appeal panel will produce a written reasoned decision within 28 days thereafter, which will be the determinative decision for the purpose of this complaints procedure.
- (i) Any time limits may be, in the exercise of the appeal panel's discretion which will be binding, extended by the appeal panel, either of its own motion or at the request of a party.

### **Confidentiality**

- 22) All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. Disclosure will be to the Head of Chambers, members of our Management Committee and to anyone involved in the complaint and its investigation. Such people will include the barrister member or staff who you have complained about, the Head of Chambers or relevant senior member of the panel and the person who investigates the complaint. The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.

### **Our Policy**

- 23) As part of our commitment to client care we make a written record of any complaint and retain all documents and correspondence generated by the complaint for a period of six years. Our Management Committee inspects an anonymised record annually with a view to improving services.

### **Complaints to the Legal Ombudsman**

- 24) We hope you are satisfied with our complaints procedure, but if you are unhappy with the outcome of our investigation and you fall within their jurisdiction you may take up your complaint with the Legal Ombudsman, (the independent complaints body for complaints about lawyers). The Ombudsman is not usually able to consider your complaint until it has first been investigated by Chambers. Please note the timeframe for referral of complaints to the Ombudsman as set out at paragraph 2 above (i.e. in particular please note that you must refer any complaint to Legal Ombudsman within 6 months of receiving a final response from the chambers complaints procedure)

- 25) You can write to them at:

Legal Ombudsman

PO Box 6806,  
Wolverhampton  
WV1 9WJ  
Telephone number: 0300 555 0333

Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

26) If you are not the barrister's client and are unhappy with the outcome of our investigation then please contact the Bar Standards Board at:

Bar Standards Board  
Professional Conduct Department  
289-293 High Holborn  
London  
WC1V 7JZ  
Telephone number: 0207 6111 444

Website : [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

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