

## COMPLAINTS POLICY

### 1. Statement of policy

- a. Chambers is committed to providing the best possible service to clients and prospective clients, and to ensuring that all clients and prospective clients are treated with dignity and respect.
- b. This policy outlines the way in which Chambers will investigate and deal with any complaints about the service given by barristers, pupils, clerks or members of staff.
- c. All complaints are taken seriously.

### 2. The Legal Ombudsman

- a. The Legal Ombudsman is the independent complaints body for complaints about the service provided by lawyers to their clients.
- b. There are time limits applicable to a complaint to the Legal Ombudsman under the Legal Ombudsman's Scheme Rules, as follows:
  - i. The act or omission complained of, or when the complainant should reasonably have known that there was cause for complaint must have been after 5 October 2010; and
  - ii. A complainant must refer the complaint to the Legal Ombudsman no later than one year from the act or omissions, or within one year of when the complainant should reasonably have known that there was cause for complaint.
- c. Ordinarily, a complainant cannot use the Legal Ombudsman without first exhausting Chambers' complaints procedure.
- d. The Legal Ombudsman may extend the abovementioned time limits in exceptional circumstances.
- e. The Legal Ombudsman's Scheme Rules are available at <https://www.legalombudsman.org.uk/information-centre/corporate-publications/scheme-rules/>.

- f. Clients who are able to complain to the Legal Ombudsman are:
- i. Individuals;
  - ii. Businesses or enterprises that are micro-enterprises within the meaning of Article 1 and Article 2(1) and (3) of the Annex to Commission Recommendation 2003/361/EC (broadly businesses or enterprises with fewer than 10 employees and turnover or assets not exceeding €2 million);
  - iii. Charities with an annual income net of tax of less than £1 million;
  - iv. Clubs, associations or organisations, the affairs of which are managed by its members or a committee of its members, with an annual income net of tax of less than £1 million;
  - v. Trustees of trusts with an asset value of less than £1 million; and
  - vi. Personal representatives or beneficiaries of the estates of persons who, before they died, had not referred the complaint to the Legal Ombudsman.
- g. You can write to the Legal Ombudsman at: Legal Ombudsman PO Box 6167, Slough, SL1 0EH Telephone number: 0300 555 0333 Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk) . More information about the Legal Ombudsman is available on their website: <http://www.legalombudsman.org.uk/>.
- h. The Legal Ombudsman publishes data on all complaints that have been resolved by an ombudsman's final decision. To view case summaries and information relating to final decisions made, visit: <https://www.legalombudsman.org.uk/information-centre/data-centre/ombudsman-decision-data/>.

### 3. Bar Standards Board

- a. Concerns about a barrister who is not or was not representing you can be reported to the Bar Standards Board. Details of how to report such a barrister are available here: <https://www.barstandardsboard.org.uk/for-the-public/reporting-concerns.html>.
- b. Barristers have a professional obligation to report themselves to the Bar Standards Board in the event that they have committed serious misconduct, which includes:
- i. Dishonesty;
  - ii. Assault or harassment;
  - iii. Attempting to gain access without consent to instructions or other confidential information relating to the opposing party's case;
  - iv. Attempting to gain access without consent to confidential information relating to another member of chambers, member of staff or pupil;
  - v. Encouraging a witness to give evidence which is untruthful or misleading;
  - vi. Knowingly or recklessly misleading, or attempting to mislead, the court or an opponent;
  - vii. Being drunk or under the influence of drugs in court;
  - viii. Failing to report serious misconduct by others promptly;
  - ix. Refusing the Bar Standards Board access to their practice for inspection

- purpose; and
- x. Professional conduct that poses a serious risk to the public.

- c. Barristers must also report any other regulated person who has committed serious misconduct to the Bar Standards Board.

#### **4. Time limits**

- a. Chambers will have regard to the Legal Ombudsman's time limits in deciding whether it is possible to investigate your complaint.

#### **5. Complaints made by telephone**

- a. If you prefer to make a complaint in writing, please follow the procedure set out below at paragraph 6.
- b. To make a complaint by telephone:
  - i. Please telephone the Head of Chambers if the complaint is about a barrister or pupil; and
  - ii. Please telephone the Senior Clerk if the complaint is about a clerk or member of staff.
- c. In either case, please call (+44) (0)20 7419 8000, and ask to speak to either Nicholas Le Poidevin KC (Head of Chambers) or Michelle Greene (Senior Clerk).
- d. Whomever you contact will make a note of the details of your complaint and what you would like to have done about it. They will discuss your concerns with you and aim to resolve them. In the event that your complaint is resolved, they will record the outcome, check that you are satisfied with the outcome, and record that you are satisfied.
- e. In the event that your complaint is not resolved, you will be invited to make your complaint in writing so that it may be formally investigated.
- f. You are, of course, free to keep your own note of the telephone discussion.

#### **6. Complaints made in writing**

- a. Please address your complaint to Nicholas Le Poidevin KC (Head of Chambers) at New

Square Chambers, 12 New Square, Lincoln's Inn, London WC2A 3SW.

- b. In your complaint, please set out:
  - i. Your name and address (including email address, where applicable);
  - ii. Which barrister, pupil, clerk or member of staff your complaint is about;
  - iii. The details of the complaint; and
  - iv. What you would like done about your complaint.
- c. Your complaint will be acknowledged as soon as practicable, and, in any event, within 14 days of receipt.
- d. Within 14 days of receipt of your complaint, Nicholas Le Poidevin KC will appoint either a senior member of Chambers, or senior members of Chambers, and/or the Senior Clerk (as appropriate) to investigate the complaint. The person(s) who is/are appointed to investigate your complaint will not be the person about whom you have complained.
- e. The person(s) who has/have been appointed to investigate your complaint will write to you as soon as possible to let you know of their appointment, and to set out when they expect to be able to respond to you. In most cases, you should expect a response to your complaint within 14 days of being notified of the appointment of a person to investigate your complaint, and you will be informed if this deadline cannot be met.
- f. Any person or persons against whom the complaint is made will be given a proper opportunity to respond to your complaint, to give their side of the story, and to make representations within a period set by the person(s) investigating the complaint.
- g. Within six weeks of receipt of your complaint, the person(s) appointed to investigate your complaint will respond to you in writing, setting out:
  - i. The nature and scope of their investigation;
  - ii. Their conclusion on your complaint, and the basis for that conclusion; and
  - iii. In the event that your complaint is upheld, their proposals for resolving the complaint. Such proposals will be proportionate to the level of poor service.
- h. In any event, we must deal with your complaint within eight weeks.
- i. If your complaint includes a request for the remission of, or a reduction in outstanding fees, all fees collection will be suspended until 14 days after final resolution of your complaint.

## **7. Confidentiality**

- a. All conversations and documents relating to your complaint will be treated as confidential and will be disclosed only to the extent that is necessary for the purposes of investigating the complaint, or effecting the proposed resolution of the complaint (including improving Chambers' administration).
- b. In any event, disclosure will be limited to the Head of Chambers, members of Chambers' Executive Committee, and to anyone involved in the complaint and its investigation (including the person(s) investigating the complaint and the person about whom the complaint is made).
- c. The BSB is entitled to inspect the documents and seek information about the complaint when discharging its monitoring functions.

## **8. Records of complaints**

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. The Head of Chambers and/or Chambers' Executive Committee inspects an anonymised record regularly with a view to improving services.

## **9. Alternative dispute resolution**

If you are unhappy with the outcome of the investigation, alternative complaints bodies as approved by the Chartered Trading Standards Institute also exist which are competent to deal with complaints about legal services, should you and the barrister both wish to use such a scheme. If you wish to use your chosen ADR provider, please contact us to discuss this, including time limits for contacting your chosen ADR. Please also note that if mediation is used, neither you nor the barrister is required to accept the proposed resolution. If mediation does not resolve the complaint, you may still make a complaint to the Legal Ombudsman (provided you fall within their jurisdiction and you do so within the time limit)

## **10. Non-Client Complaints**

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 Contact and Assessment Team 289-293 High Holborn London WC1V 7JZ Telephone number: 0207 6111 444 Website: [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)



## Legal Ombudsman – we're here if you need us

We hope that you receive a good service from the legal service provider you've chosen.

At the Legal Ombudsman, we're here to help if you've complained about the service you've received and you're not happy with the provider's response or lack of response.

We're completely independent and free to use. We will look into what has happened and let you know what we think is the best way forward.

You will need to contact us within **1 year** of the issue you are complaining about or, if it was longer ago, within 1 year of you finding out about the issue. These time limits may be extended in certain circumstances.

**Remember, you need to complain to your service provider first.** They have **8 weeks** to resolve your complaint. If you're not happy with how they resolve things, you should bring your complaint to us within **6 months** of their final response.

For peace of mind, find out more about how we work by visiting us at [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk).

Call us **0300 555 0333**

BT NGT Lite **18001 0300 555 0333**

Write to us **Legal Ombudsman, PO Box 6167**

**SLOUGH, SL1 0EH**