

## COMPLAINTS PROCEDURE AND POLICY

1. Whilst we strive to maintain high standards of service, there may be occasions when there arises dissatisfaction with the service provided by a barrister or by Chambers' administration. In the event of a complaint we invite the complainant to bring the matter to the attention of Chambers as soon as possible, and the complainant will be provided with a copy of this policy and details of Bar Standards Board and, if applicable, the Legal Ombudsman, complaints processes. The Legal Ombudsman only deals with complaints by clients. Non-clients may approach the Bar Standards Board.
2. It is not necessary to involve solicitors in order to make a complaint but complainants are welcome to do so if they so wish.
3. This document sets out our policy on complaints and our procedure for handling them. We will, as far as necessary, have regard to applicable guidance issued from time to time by the Bar Standards Board (as at January 2026, "First Tier Complaints Handling Guidance"<sup>1</sup>). Note that the operation of our procedure is subject to any contrary direction, in any particular case, given by the Bar Mutual Indemnity Fund (BMIF) as set out at paragraph 12 below.
4. For each complaint the Head of Chambers appoints a panel as required ("the panel") to deal with formal written complaints.
5. If the complaint is against the Head of Chambers, the appointment of the panel shall be made by the next most senior KC on the Management Committee and the procedure and reporting process shall be construed and operated accordingly.

---

<sup>1</sup> <https://www.barstandardsboard.org.uk/static/a98439c0-4cb6-4539-984c6a9d939d5e56/First-Tier-Complaints-Handling.pdf>

6. The panel shall be made up of not less than 3 experienced practitioners from different practice areas, including one King's Counsel, and the panel shall have power to co-opt other members as required. It will be chaired by the person appointed by the Head of Chambers, ("S1") or in their absence, the most senior other member ("S2"). The Senior Clerk (or in the event of a complaint against him, his deputy) will provide administrative assistance.

## **First Stage**

7. Where **a client** is dissatisfied with some aspect of the service provided by a barrister or by Chambers and wishes to make an informal complaint, in the first instance, they are invited to contact by telephone, in writing or by email the barrister concerned or (where the complaint is about a member of staff) the Senior Clerk. If the client would rather not contact the barrister concerned directly, the client, in the first instance, is invited to contact the Senior Clerk or the Head of Chambers in writing or by email, outlining the nature of the informal complaint. If the client prefers they may make a formal complaint in writing to the Head of Chambers and this policy will in any event be sent to them, unless it has already been provided.
8. If the complainant is **not** a client, in the first instance, they are invited to contact the Senior Clerk or the Head of Chambers by email or in writing. If the complainant prefers they may make a formal complaint in writing to the Head of Chambers and this policy will in any event be sent to them unless it has already been provided. Please note that, as indicated in the Bar Standards Board's "First Tier Complaints Handling Guidance" current at January 2026, not all complaints by non-clients can be dealt with by Chambers: whether or how far, a particular complaint can be dealt with by Chambers will be considered on a case-by-case basis. Therefore, the panel will make an initial assessment of the complaint and, if it concludes that some or all of the issues raised cannot appropriately be dealt with through our complaints process, it will, inform the complainant and, where appropriate, refer the complainant to the Bar Standards Board.
9. In circumstances where any complaint is made, or dealt with by telephone, a note of the complaint shall be made by the barrister or the Senior Clerk recording:

- i) the name and address of the complainant;
- ii) against whom the complaint is made;
- iii) the detail of the complaint;
- iv) what the complainant believes should be done about their complaint.

In many cases the complaint will be resolved over the telephone during the first call to the barrister concerned or the Senior Clerk. When that occurs the person dealing with the complaint will also record the outcome on the note of complaint. The complainant will be asked whether they are content with the outcome. If they are, that fact will also be recorded. The person dealing with the complaint should suggest that the complainant may wish to make their own note. If the complainant is not content they will be invited to put the complaint formally in writing within 14 days so that it may be investigated by the panel. At that stage they will be sent a copy of this policy, unless it has already been provided. The complainant will also be informed that they may complain to the Bar Standards Board and, if a client, and/or to the Legal Ombudsman as well as, or instead of, to the panel. Any client complainant shall also be informed of the availability of alternative dispute resolution (ADR) through independent providers, should both parties agree to the use of ADR.

## **Second Stage**

10. All formal written complaints (other than those resolved at the first stage) shall be put before S1 or, in their absence, S2 as soon as practicable after they are received.
11. Such complaints shall normally be dealt with as follows:
  - i) Within 3 working days of receipt by Chambers the Senior Clerk or S1/S2 will dispatch an acknowledgment of receipt, and inform the complainant that the Chambers Complaints Procedure is being followed.
  - ii) Unless otherwise agreed with the complainant, communication between the panel and the complainant will take place by e-mail.
  - iii) Within 14 days of acknowledgement of receipt the panel is to confer as to how to investigate and report within, if possible, a further 14 days and, if

that is not possible, to set a realistic but short timetable for the investigation of the complaint.

- iv) Immediately thereafter the complainant will be informed that the panel will complete its investigation and prepare its report within 14 days or such other period as has been set by the panel.
- v) The panel will then identify the ambit of investigation and investigate the complaint. The investigation may include speaking to the barrister/member of staff complained of, and any other people identified as having something to contribute, reviewing all relevant documents and if necessary reverting to the complainant for further information and clarification. If adherence to the timetable is impossible the complainant shall be informed accordingly together with the new anticipated date for completing the report. An extension of the timetable shall be avoided wherever possible. The panel will maintain confidentiality as set out below.
- vi) The panel shall prepare a report to the complainant (with a copy for the barrister/member of staff complained against and the Head of Chambers). The report shall set out all the matters complained of, the nature and scope of the investigations carried out in respect of each complaint, the conclusions and the basis thereof. Where a complaint is found to be justified, proposals for resolution (e.g. reduction in fees, apology, compensation) will be included if possible. Reference to the Legal Ombudsman, an ADR body (if appropriate) and the Bar Standards Board's complaints procedures shall also be included.
- vii) A final response from Chambers/the panel will be provided within eight weeks of the initial complaint unless an extension is agreed in writing by the complainant.

### **Bar Mutual Indemnity Fund**

12. Where a complaint raises an allegation of negligence the Bar Mutual Indemnity Fund ("BMIF") (barristers' insurers) shall be informed immediately. Further, the BMIF shall be consulted before any proposals for resolution are made to the client. The panel is to comply with any direction provided by the BMIF.

## **Confidentiality**

13. All investigations, conversations and documents relating to a complaint shall be treated as confidential save to the extent that disclosure is considered reasonably necessary by the panel or the Head of Chambers. Disclosure may, if necessary, be made to the Chambers Management Committee, anyone involved in the complaint and its investigation (including the panel, the barrister or member of staff complained about, the complainant and any other individual of whom enquiries need to be made for the purpose of the investigation) and the BMIF, if appropriate.

## **Record Keeping**

14. Where the procedure ends after the First Stage the person responsible for recording the outcome on the note of complaint shall ensure that the note of complaint is placed on the Chambers' Complaints File.
15. Where the procedure ends after the Second Stage the panel shall ensure that the following documents are placed on the Chambers' complaints file:
  - i) note/letter of complaint;
  - ii) the panel report;
  - iii) all communications to and from the complainant
  - iv) all communications to and from the barrister.
16. As part of our commitment to client care we retain all documents and correspondence generated by the complaint for a period of six years.

## **Review of Records**

17. The Chambers' Complaints File shall be inspected and reviewed regularly by the Head of Chambers with a view to improving services generally.

## **Complaints to the Legal Ombudsman**

18. Complaints from clients about the service provided to them may be taken to The Legal Ombudsman. Before this service can be addressed, the complaint must first have been considered within the Chambers internal complaints system, and the client can then go to the Ombudsman if dissatisfied with Hailsham Chambers' response.
19. From April 2023 the time limits are:
  - a) The complainant must refer the complaint to the Legal Ombudsman no later than one year from the act/omission, or one year from when the complainant should reasonably have known there was cause for complaint.
  - b) The complainant must also refer the complaint to the Legal Ombudsman within six months of the complaint receiving a final response from their lawyer, 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 the complainant remained dissatisfied, and the provision of full contact details for the Ombudsman and a warning that the complaint must be referred to them within six months).
  - c) A client is entitled to take their complaint to the Legal Ombudsman if they do not receive a final response from Chambers/the panel within eight weeks of their initial complaint.
20. Those clients who are able to complain to the Legal Ombudsman are as follows:
  - a) Individuals;
  - b) 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);

- c) Charities with an annual income net of tax of less than £1 million;
- d) 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;
- e) Trustees of trusts with an asset value of less than £1 million; and
- f) Personal representatives or beneficiaries of the estates of persons who, before they died, had not referred the complaint to the Legal Ombudsman.

21. 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>

### **Alternative Dispute Resolution**

22. 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).

## **Bar Standards Board**

23. If you are not the barrister's client and are unhappy with the outcome of the investigation complaints may be made to 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)

## **Review of Policy**

24. The Head of Operations shall be responsible for (i) monitoring compliance with this Policy, and (ii) carrying out a review of this Policy every year to ensure its adequacy and compliance with the relevant legislation.

## **History**

25. Version 1 – Reviewed by NDKC 20201206
26. Version 2 - Reviewed by CA, HOO 20251215
27. Version 2.1 – Reviewed by NDKC 20260107
28. Version 3 – Reviewed by NDKC 20260115