

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. It is not necessary to involve solicitors in order to make a complaint but complainants are welcome to do so if they so wish.
2. For each complaint the Head of Chambers appoints a panel as required (known as the Complaints Investigation Committee - CIC) to deal with formal written complaints. This document sets out our policy on complaints. Note that this procedure is subject to any contrary direction given by the Bar Mutual Indemnity Fund (BMIF) as set out at paragraph 9 below.
3. If the complaint is against the Head of Chambers, the appointment of the panel shall be made by the next most senior QC on the Management Committee and the procedure and reporting process shall be construed accordingly.

FIRST STAGE

4. 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 and details of Bar Standards Board Complaints process will in any event be sent to them, unless it has already been provided.

5. If the complainant is not a client, in the first instance, they are invited to contact the Senior Clerk or the Head of Chambers in writing or by email. If the complainant prefers they may make a formal complaint in writing to the Head of Chambers and this policy and details of Bar Standards Board Complaints process will in any event be sent to them unless it has already been provided. Please note that not all complaints by non-clients can be dealt with by Chambers because our ability to investigate and resolve such matters is limited. Therefore, the CIC will make an initial assessment of the complaint and, if it concludes that the issues raised cannot be satisfactorily resolved through our complaints process, it will, inform the complainant and, where appropriate, refer the complainant to the Bar Standards Board.
6. 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 CIC. 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 CIC. Any client complainant shall also be informed of the availability of ADR through independent providers, should both parties agree to the use thereof.

SECOND STAGE

7. The CIC shall be made up of not less than 3 experienced practitioners from different practice areas, including one Queen's Counsel, and the CIC 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).
8. 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.
9. Such complaints shall normally be dealt with as follows:
 - i) Within 7 days of receipt by Chambers 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 CIC and the complainant will take place by e-mail.
 - iii) Within 14 days the CIC is to meet to determine 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 CIC will complete its investigation and prepare its report within 14 days or such other period as has been set by the CIC.
- v) The CIC 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 CIC will maintain confidentiality as set out below.
- vi) The CIC 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 (if appropriate) and the Bar Standards Board's complaints procedures shall also be included.
- vii) A final response from Chambers/CIC will be provided within eight weeks of the initial complaint unless an extension is agreed in writing by the complainant.

BMIF

10. 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 CIC is to comply with any direction provided by the BMIF.

CONFIDENTIALITY

11. 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 CIC 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 CIC, 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

12. 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.
13. Where the procedure ends after the Second Stage the CIC shall ensure that the following documents are placed on the Chambers' complaints file:
 - i) note/letter of complaint.
 - ii) the CIC report.
 - iii) all communications to and from the complainant.

REVIEW OF RECORDS

14. The Chambers' complaints file shall be inspected and reviewed regularly by the Head of Chambers with a view to improving services generally.

LEGAL OMBUDSMAN

15. 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. Further details can be found at www.legalombudsman.org.uk. The Ombudsman's telephone number is 0300 555 0333. **IMPORTANT - Details of those who can complain to the Legal Ombudsman and applicable time limits are set out in the annex below.**

BAR STANDARDS BOARD

16. Complaints about the conduct of barristers may be made to the Bar Standards Board. Further details can be found at:
www.barstandardsboard.org.uk/complaintsandhearings.
The BSB's telephone number is: 020 7611 1445.

ANNEX

The Legal Ombudsman, the independent complaints body for service complaints about lawyers, has time limits within which a complaint must be raised with them. The time limits are as follows:

- a) The act or omission, or when the complainant should reasonably have known there was cause for complaint, must have been after 5 October 2010; and
- b) The complainant must refer the complaint to the Legal Ombudsman no later than six years from the act/omission, or three years from when the complainant should reasonably have known there was cause for complaint.
- c) 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).
- d) A client is entitled to take their complaint to the Legal Ombudsman if they do not receive a final response from Chambers/CIC within eight weeks of their initial complaint.

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.

You can write to the Legal Ombudsman at: Legal Ombudsman PO Box 6806, Wolverhampton WV1 9WJ .

The Legal Ombudsman's Telephone number is 0300 555 0333