

COMPLAINTS PROCEDURE AND POLICY

1 Whilst we strive to maintain high standards of service there will be occasions when a client is dissatisfied with the service provided by a barrister or by Chambers. In the event of a complaint we will invite the client (professional or lay) to bring the matter to the attention of chambers as soon as possible, and the client is to be given a copy of this policy and details of Bar Standards Board and Legal Ombudsman complaints process. Chambers will have a standing complaints panel (known as the Client Care Committee - CCC) 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 8 below.** The lay client may complain directly to Chambers without going through solicitors.

FIRST STAGE

2 Where a client is dissatisfied with some aspect of the service provided by a barrister or by Chambers and makes an informal complaint s/he will be invited to telephone the barrister concerned or (where the complaint is about a member of staff) the Senior Clerk. If the complaint is about him, or the client would rather not speak directly to the barrister concerned, the client will be asked to telephone the Head of Chambers or the named chair ("S1") of the CCC. The client will also be told that if s/he prefers s/he may make a formal complaint in writing and this policy and details of Bar Standards Board Complaints process will in any event be sent to her/him unless it has already been provided.

3 Where a complaint is made or dealt with by telephone, a note of the complaint shall be made. It shall record

- 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 her/his complaint.

4 In many cases the complaint will be resolved over the telephone during the first call. When that occurs the person dealing with the complaint shall record the outcome on the note of complaint referred to in paragraph 3 above. The client will be asked whether s/he is content with the outcome. If s/he is, that fact will be recorded. The person dealing with the complaint should suggest that the client may wish to make her/his own note. If the client is not content s/he will be invited to put the complaint formally in writing within 14 days so that it may be investigated by the CCC. At that stage s/he shall be

sent a copy of this policy, unless it has already been provided. The client shall also be informed that s/he may complain to the Bar Standards Board and/or the Legal Ombudsman as well as or instead of to the CCC.

SECOND STAGE

5 The CCC shall be made up of 5 experienced practitioners from different practice areas including no fewer than 2 silks and the senior Clerk, and the CCC shall have power to co-opt other members as required. It will be chaired by the person elected by the CCC, S1 or in his/her absence the most senior other member ("S2").

6. All formal written complaints (other than those resolved at the first stage) shall be put before S1 or, in her/his absence, S2 as soon as they are received.

7 Such complaints will be dealt with as follows:

i) Within 7 days of receipt by Chambers S1/S2 will send written acknowledgment of receipt, and inform the client that the Chambers Complaints procedure is being followed. If the person complained of is a member of the CCC then s/he shall be replaced forthwith on the CCC, for the purposes of that investigation, by a member of similar seniority chosen by the other members of the CCC.

ii) Within 14 days the CCC is to meet to determine how to investigate and report within, if possible, a further 14 days and if that be not possible to set a realistic short timetable for the investigation of the complaint

iii) Immediately thereafter a letter is to be sent to the client saying that the CCC will complete its investigation and prepare its report within 14 days or such other period as has been set by the CCC.

iv) The CCC will then investigate the complaint adhering to the timetable. The investigation is to include speaking to the barrister/member of staff complained against, and any other people identified as having something to contribute, reviewing all relevant documents and if necessary reverting to the client for further information and clarification. If adherence to the timetable is impossible then the client shall be informed accordingly together with the new anticipated date for completing the report. An extension of the timetable shall be avoided wherever possible.

v) The CCC shall prepare a report to the client (with a copy for the barrister/member of staff complained against). The report shall set out all the matters referred to at paragraph 3 above, 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 (eg reduction in fees, apology, compensation) will be included. Reference to the Legal Ombudsman and the Bar Standards Board's complaints procedures shall also be included.

vi) As soon as the report is finished it shall be sent to the client and copied to the barrister/member of staff complained against.

BMIF

8 Where a complaint raises an allegation of negligence the BMIF shall be informed immediately. Further, the BMIF shall be consulted before proposals for resolution are made to the client. The CCC is to abide by any direction given by the BMIF.

CONFIDENTIALITY

9 All conversations and documents relating to a complaint shall be treated as confidential save to the extent that disclosure is necessary. Disclosure may, if necessary, be made to the Head of Chambers, the management committee, anyone involved in the complaint and its investigation (including the CCC, the barrister or member of staff complained about, the client and any other individual of whom enquiries need to be made for the purpose of the investigation) and the BMIF in the circumstances set out at paragraph 8 above.

RECORD KEEPING

10 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.

11 Where the procedure ends after the second stage the CCC shall ensure that the following documents are placed on the chambers complaints file:-

- i) note/letter of complaint.
- ii) the CCC report.
- iii) all letters to and from the client.

REVIEW OF RECORDS

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

LEGAL OMBUDSMAN

13 Complaints from clients about the service provided may be taken further 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 telephone number is 0300 555 0333. The Legal Ombudsman requires that such complaints should be made within six months.

BAR STANDARDS BOARD

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