

Chambers Complaints Handling Procedure

This Complaints Procedure is intended to comply with the rules contained in Section DI.1 of Part 2 of the Bar Standards Board Handbook.

1. Our aim is to give you a good service at all times. However if you have a complaint you should 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. We will only consider complaints which are made within a period of 6 months of the act or omission complained of, unless there is good reason for the delay.
2. Please note that the Legal Ombudsman will normally only be able to consider your complaint, if you remain dissatisfied, after your complaint has been considered by Chambers. The Ombudsman will entertain complaints which are raised up to three years after the date when the complainant should reasonably have known there was cause for complaint, so long as you take the matter to them within 6 months of a written response from Chambers. The Ombudsman can extend the time limits in exceptional circumstances. Chambers will have regard to that timeframe when deciding whether it is possible to investigate your complaint. We will not deal with any complaint that falls outside the three year time limit.
3. 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. Contact details for both organisations are provided at the end of this document.

What Complaints will we investigate?

4. Complaints are expressions of dissatisfaction by clients. Under Section DI.1 of the BSB Handbook a Barristers' Chambers is obliged to have an internal procedure for handling service complaints which are within the jurisdiction of the Legal Ombudsman. Therefore, in accordance with the guidance of the Bar Standards Board, we distinguish between complaints that relate to service, and those that relate to professional negligence and misconduct. We are not obliged to handle complaints of professional negligence or misconduct.

Service complaints

5. Service complaints are those that relate to an act or omission by a barrister, or member of Chambers' staff, in relation to services provided to a client (directly or indirectly). We will handle such complaints under this procedure.

Misconduct or Professional Negligence

6. The Bar Standard Board recognises that Chambers is not best placed to seek to resolve or provide redress for complaints which relate to misconduct or professional negligence, and we will generally not accept such matters for investigation under this procedure.
7. Where a complaint which raises issues of professional misconduct, or professional negligence, also amounts to an accusation of the provision of poor service, or includes a service element, we will handle the service aspect of the complaint in accordance with Section D1.1 of the Handbook.

Non-Client Complaints

8. Further, it should be noted that it may not always be possible to investigate a complaint brought by a non-client. This is because it is difficult for Chambers to investigate and resolve such matters satisfactorily, and complaints of this nature are often better suited to the disciplinary processes maintained by the Bar Standards Board.

Initial Assessment

9. Therefore, we will make an initial assessment of the complaint and you will be informed in writing if any aspects of your complaint are deemed to be outside the scope of the Chambers' complaints handling procedures. We will refer you to the appropriate body that can investigate your complaint.

How to complain:

Complaints made by Telephone

10. You may wish to make a complaint in writing and, if so, please follow the procedure in paragraph 12 below. However, if you would rather speak on the telephone about your complaint then please ask to speak to Christopher Harding, the individual nominated under the Chambers Complaints Procedure to deal with telephone complaints, or (if the complaint is about a member of staff) the Senior Clerk, Stuart Sellen. If the complaint is about either nominated individual, please ask to speak to the Head of Chambers, Geoffrey Cox Q.C. The person you contact will make a note of the details of your complaint and what you would like done about it. They will discuss your concerns with you and aim to resolve them. If the matter is resolved they 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.
11. If your complaint is not resolved on the telephone you will be invited to write to us about it within the next 14 days so that it can be investigated formally.

Complaints made in Writing (Post or Email)

12. Please give the following details:
 - Your name and address and an email contact;
 - Which member(s) of chambers or member(s) of staff you are complaining about;
 - The detail of the complaint; and
 - What you would like done about it.

Please address your letter to Christopher Harding at Thomas More Chambers, 7 Lincoln's Inn Fields, London WC2A 3BP, and mark it "Private and confidential". Alternatively, you can send the details of your complaint electronically to complaints@thomasmore.co.uk. Where possible, you will receive an acknowledgment of your complaint within 3 working days and will be provided with details of how your complaint will be dealt with.

13. Our chambers has a panel of experienced members of chambers and a senior member of staff, which considers any written complaint. If your complaint is accepted for investigation under this procedure, then within 14 days of your letter being received a member of the panel will be appointed to investigate it. The person appointed will be someone other than the person you are complaining about.
14. The person appointed to investigate will write to you as soon as possible to let you know they have been appointed and that they will reply to your complaint within 28 days. If they later find that they are not going to be able to reply within 28 days they will set a new date for their reply and inform you. The reply will set out:
 - The nature and scope of the investigation;
 - The conclusion on each complaint and the basis for that conclusion; and
 - If you are found to be justified in your complaint, our proposals for resolving the complaint.

Confidentiality

15. 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 or member of staff who you have complained about, the members of the Panel and the person who investigates the complaint. The Legal Ombudsman and the Bar Standards Board are entitled to inspect the documents in our complaint file and seek information about the complaint when discharging their auditing and monitoring functions, or when further investigating your complaint.

Our Policy

16. As part of our commitment to client care we make a written record of any complaint. Our management committee inspects the record regularly with a view to improving services.

Complaints to the Legal Ombudsman or Bar Standards Board

17. 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, at the conclusion of our consideration of your complaint. The Ombudsman is not able to consider your complaint until it has first been investigated by Chambers, but it must be referred to the Ombudsman within a period of 6 months thereafter. The Ombudsman will not ordinarily entertain complaints which are not made within 6 months of the written response from Chambers.

You can write to them at:

Legal Ombudsman
PO Box 6806,
Wolverhampton
WV1 9WJ

Telephone number: 0300 555 0333
Website: www.legalombudsman.org.uk
Email: enquiries@legalombudsman.org.uk

13. If you are not a client of chambers and you are unhappy with the outcome of our investigation, you may take up your complaint with the Bar Standards Board:

Assessment Team
Professional Conduct Department
The Bar Standards Board
289-293 High Holborn
London WC1V 7HZ

Tel: 020 7611 1444
Fax: 020 7831 9217

Website: www.barstandardsboard.org.uk
E-mail: assessmentcomplaints@barstandardsboard.org.uk

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