



## **ONE CROWN OFFICE ROW**

### **PROCEDURES FOR HANDLING COMPLAINTS FROM CLIENTS**

1. While all Members and staff seek to maintain high standards of service, there will be occasions when a client is dissatisfied with the service provided. In that situation, the client (professional or lay) will be invited to bring the matter to the attention of Chambers as soon as possible.
2. These procedures are to be followed in all cases where a complaint is received about the service provided by Members or staff. If there is any doubt about whether an adverse comment or criticism might amount to a complaint, it will always be safer to classify it as a complaint and to follow these procedures.

#### **FIRST STAGE**

3. Complaints about Members: Where a client (and for this purpose “client” includes a professional solicitor client AND a lay client) is dissatisfied with some aspect of the service provided by a Member, s/he should be invited to telephone the Member concerned, the Senior Clerk or the Chambers Director (as s/he may prefer) in the first instance with a view to resolving the matter swiftly and informally.
4. Complaints about Members of Staff: Where the complaint is about a member of staff, the client should be invited to telephone the Chambers Director. If the complaint is about the Chambers Director, the client should be invited to telephone the Head of Chambers.
5. The client should also be told at this stage that, if s/he prefers, s/he may make the complaint in writing and the Chambers Complaints Procedure leaflet (attached) should then also be sent to her/him unless it has already been provided.

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6. Where a complaint is made by telephone, a note of the complaint should be made and, once dealt with, should be passed to the Chambers Director for entering into the Chambers complaints file. It should record -
  - a) the name and address of the complainant;
  - b) the person about whom the complaint is made;
  - c) the nature of the complaint;
  - d) what redress the complainant was seeking; and
  - e) what action was taken and the outcome.

7. In many cases, the complaint will be resolved over the telephone during one or two calls. When that occurs, the Member/Chambers Director/Senior Clerk should record the outcome on the note of complaint. The client should be asked whether s/he is content with the outcome. If s/he is, that fact will be recorded. The complaints leaflet suggests the client may wish to make her/his own note. If the client is not content, s/he should be invited to put the complaint in writing within 14 days so that it may be investigated formally. At that stage, s/he should be sent a copy of the Chambers complaints leaflet (attached), unless it has already been provided. The leaflet also informs her/him of his/her right to refer the complaint to the Legal Ombudsman (in most cases) or to the Bar Standards Board.

### **SECOND STAGE (Written Complaints)**

8. A written complaint should be acknowledged within 7 days of its receipt. The acknowledgement should set out who is responsible for investigating it, any relevant description of the investigation procedure, the names of any others who might be involved in the investigation and when the client might expect a substantive response. The acknowledgement will be signed by the Head of Chambers (in the case of a Member) or the Chambers Director (in the case of a member of staff). If they are not available for any reason, this function may be delegated to the next most senior member of Chambers or the Senior Clerk, in the case of staff. No Member or member of staff should investigate a complaint of which s/he is the subject.

9. The aim will be to provide a substantive written response to the complaint within 14 days from the acknowledgement of its receipt. If it becomes plain that a response cannot be sent within 14 days, a realistic time frame should be set and the client informed accordingly

10. The Head of Chambers (for Members) and the Chambers Director (for members of staff) will conduct their investigation in person. At their discretion, they may co-opt one or more Members or members of staff to assist them, bearing in mind that others should be informed about the case strictly and only on a “need-to-know” basis. If others are informed about or co-opted to assist in the investigation, the person about whom the complaint has been made will always be told who they are. In almost all complaint cases (eg except possibly for those about non-clerking staff), there will be a justification for informing the Senior Clerk on a “need-to-know” basis.

11. The Head of Chambers/Chambers Director or a person delegated to act on their behalf (the “investigator”) should interview the person complained about and any other person s/he identifies as having something to contribute. S/he should review all relevant documents and, if necessary, revert to the client for further information and clarification.

12. The investigator should prepare a report for the client (with a copy to the Member or member of staff complained about). The report should set out all the matters referred to at paragraph 6 above, the nature and scope of the investigations carried out in respect of each complaint, her/his conclusions and the basis for her/his conclusions. Where a complaint is found to be justified, proposals for resolution (eg a reduction in fees, apology, compensation), as agreed with the barrister complained about, should also be set out. Details of the Legal Ombudsman's and/or the Bar Standards Board's complaints procedure should also be included.

13. The report should be sent to the client within 14 days of the written acknowledgement of the complaint (or such longer period as has been communicated to the client in advance - see paragraph 9). A copy of the report should be provided to the Member/member of staff complained about.

#### BMIF

14. Where a complaint involves matters which might give rise to a claim, the Member concerned should inform the BMIF immediately. The BMIF should be consulted before any proposals for resolution are made to the client.

#### CONFIDENTIALITY

15. All conversations and documents relating to a complaint shall be confidential and disclosed only to the extent necessary.

#### COMPLAINTS MADE TO the LEGAL OMBUDSMAN or BAR STANDARDS

#### BOARD

16. In the event that a complaint is not made initially to a Member or member of staff but is made direct to the Legal Ombudsman or Bar Standards Board, the first that may be known about it is in a letter from one of those offices to the member concerned. The relevant procedures of the Legal Ombudsman or Bar Standards Board will then need to be followed and, depending on the nature of the complaint, the BMIF alerted. The Member should alert the Head of Chambers and provide him with a copy of the Legal Ombudsman/Bar Standards Board letter and all subsequent related correspondence. This is important for record keeping but also provides the opportunity for the Head of Chambers to assist the Member, as may be necessary, in deciding how to handle the complaint.

#### RECORD KEEPING

17. Where the procedure ends after the first stage, the person responsible for recording the outcome on the note of complaint should ensure that the note of complaint is passed to the Chambers Director for filing on the Chambers complaints file.

18. Where the procedure ends after the second stage, the investigator should ensure that the following documents are placed on the Chambers complaints file -

Note/letter of complaint (see paragraphs 6 and 7)

Investigator's report (see paragraph 12)

All letters to and from the client

19. Where the complaint is initially made direct to the Legal Ombudsman or Bar Standards Board, the Head of Chambers should ensure that copies of all relevant correspondence between those organisations and the Member concerned are placed on the Chambers central complaints file.

#### MANAGEMENT COMMITTEE REVIEW

20. If it becomes clear that a complaint or series of complaints points to the need for a review of Chambers' procedure or practice, the Chambers Director will report the problem with his recommendations to address it to the Management Committee.

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#### **ONE CROWN OFFICE ROW**

#### **HOW TO MAKE A COMPLAINT**

1. Our aim is to give you a good service at all times. However, if you have a complaint, you are encouraged to let us know as soon as possible. Complaints made by Telephone

2. Complaints about barristers: if you have a complaint about a barrister and you would rather make it by telephone then please call the barrister concerned or, if you prefer, our Senior Clerk, Matthew Phipps, or our Chambers Director, Andrew Meyler.

3. Complaints about Staff: if you have a complaint about a member of staff, please call our Chambers Director, Andrew Meyler. If the complaint is about the Chambers Director, please call our Head of Chambers, Richard Booth QC.

4. The person you contact will make a note of the details of your complaint and what you would like done about it. He will discuss your concerns with you and aim to resolve them. If the matter is resolved, he 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 for your own record.



5. If your complaint is not resolved on the telephone, you will be invited to write to us about it within the following 14 days so it can be investigated more formally.

### **Complaints made in Writing**

6. If you wish to complain about a barrister or member of staff in writing, please give the following details: your name and address, which barrister or member of staff you are complaining about; the detail of the complaint; and what you would like done about it.

For complaints about barristers, please address your letter to our Head of Chambers, Richard Booth QC.

For complaints about staff, please address your letter to our Chambers Director, Andrew Meyler. For complaints about the Chambers Director, please address the Head of Chambers. If you have a complaint about the Head of Chambers, please address it to the next most senior member of Chambers who is listed second in all published listings of our members of Chambers e.g. on our website at [www.1cor.com](http://www.1cor.com) (currently Robert Seabrook QC).

7. Your letter will be acknowledged within 7 days and an investigation will take place. In the case of a complaint about a barrister, this will be led by the Head of Chambers assisted, as necessary, by the Chambers Director and the Senior Clerk. If the complaint is about the Head of Chambers, the investigation will be led by the most senior member of Chambers below the Head of Chambers. In the case of a member of staff, the investigation will be conducted by the Chambers Director personally, in consultation, as may be appropriate, with the Senior Clerk.

8. In acknowledging receipt of your letter, you will normally be informed that you should expect a substantive response to your complaint within 14 days. In exceptional circumstances, a longer period may be fixed or if the “investigator” of the complaint finds out later that more time will be needed, he will set a new date for his substantive reply explaining why more time is needed. His substantive reply will set out -

the nature and scope of the investigation; his conclusion on each complaint and his reason for it; and if your complaint is found to be partially or fully justified, his proposals for resolving it.

### **Complaints which may give rise to an Insurance Claim**

9. If your complaint involves a matter which may give rise to an insurance claim, the barrister will be obliged to inform the Bar Mutual Indemnity Fund (the Bar’s insurer). The BMIF will then need to be consulted before any proposals can be put to you to resolve your complaint. This may constrain the speed with which we are able to respond in these circumstances.

### **Confidentiality**

10. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. In all cases, in addition to the person complained about, the Head of Chambers and the Chambers Director will be aware of the complaint since they maintain a central written record of all complaint cases.

### **Our Policy**

10. As part of our commitment to improving client care, the central written record of complaints is reviewed regularly and any points arising which indicate a need for us to adjust an existing practice or procedure are

11. brought to the attention of the Management Committee.

### **Complaints to the Legal Ombudsman or to the Bar Standards Board**

12. We hope that you will use our procedure. However, if you would rather not do so or are unhappy with the outcome, you have the option of taking your complaint to the Legal Ombudsman or to the Bar Standards Board.

13. From 6 October 2010, the Legal Ombudsman has the responsibility for dealing with complaints from our clients about the quality of our service.

The Legal Ombudsman's Decision Data (2018-19) is available online [here](#).

The Ombudsman will expect us to try to address such complaints in the first instance but will step in to do so if that proves not to be possible. Once a complaint has been made, we have up to 8 weeks to respond. If you aren't happy with the final response, or they haven't responded within the eight weeks, you can then ask the Legal Ombudsman to look at it.

Ordinarily, they will look at your complaint if it meets ALL three of the steps below:

- The problem or when you found out about it, happened after 5 October 2010; and
- You are referring your complaint to the Legal Ombudsman within either of the following: Six years of the problem happening or three years from when you found out about it; and
- You are referring your complaint to us within six months of your service provider's final response.

You can put your complaint to the Ombudsman at –

Tel: 0300 555 0333

Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

Address: Legal Ombudsman, PO Box 15870, Birmingham B30 9EB

Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)



14. If you are not a client of Chambers and/or your complaint is about the professional conduct of one of our barristers then it would be more appropriate to address your complaint to the Bar Standards Board (the regulatory body for barristers) by writing to them at -

Complaints Department, Bar Standards Board

289-293 High Holborn, London WC1V 7HZ

Tel: 020 7611 1444

Fax: 020 7831 9217

Website: [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)