



## Complaints

### General

1.1 Since all members of Chambers are affected by the reputation of any one member, it is appropriate that there should be a formal procedure for dealing with complaints against a member.

1.2 Complaints should be made to the Chambers' Senior Practice Manager, who is responsible for ensuring that anyone wishing to complain is sent a copy of Chambers' Complaints Procedure. Upon request, the Chambers' Senior Practice Manager will also provide details of the Legal Ombudsman complaints procedure.

1.3 The Joint Heads of Chambers have overall responsibility for Chambers' Complaints Procedure.

1.4 Any complaint against any member of Chambers must be brought within the same timescale and subject to the same limitations as apply for a complaint to the Legal Ombudsman (or set out in 1.18 below)

### Complaints File

1.5 The Chambers' Senior Practice Manager shall maintain a record of every complaint made against a Member of Chambers showing:

- i. the name of the barrister against whom the complaint was made;
- ii. the identity of the complainant and, in the case of a solicitor complainant, the firm's name and address;
- iii. a brief outline of the steps taken to resolve the complaint and its outcome.

1.6 Copies of all relevant documentation shall be kept in the Complaints File.

1.7 The Senior Practice Manager will monitor the progress of any complaints on a monthly basis until such time as it has been resolved.

1.8 The Joint Heads of Chambers shall analyse the Complaints File annually and report the statistics result to the Annual General Meeting of Chambers.

### Making the Complaint

1.9 Any complaint against a Member of Chambers, whether made to that Member personally, to another Member of Chambers or to a member of staff, shall be immediately reported to the Chambers' Senior Practice Manager. If the complaint is made orally, a note shall be made of the substance of the conversation. The Chambers' Senior Practice Manager shall then decide whether to supervise the resolution of the dispute personally or to delegate its resolution to the Practice Manager in charge of the relevant team.

1.10 It is, however, recognised that there are a limited number of occasions when, for purely tactical purposes in order to negotiate a reduction in fees, complaint is made about a barrister's performance. The relevant Practice Manager must use his or her discretion as to whether to treat that matter as a formal complaint.

## **Resolving the Complaint**

1.11 In the first instance, the Chambers' Senior Practice Manager (or other Practice Manager in charge of the relevant team) shall report the complaint to the barrister, unless he is already aware of it, disclosing to him or her all relevant documentation. The relevant Practice Manager shall also notify the complainant in writing that the complaint has been received and is under investigation.

1.12 The barrister and the person handling the matter for Chambers, as above, shall seek to resolve the complaint to the satisfaction of the complainant, within 14 days (or such longer period as may be appropriate) of the notification to the complainant that the complaint has been received.

1.13 If the complaint is so resolved, then either the barrister or the person handling the matter for Chambers shall write to the complainant setting out the nature of the complaint and the steps taken to resolve it.

1.14 If it is not possible to resolve the complaint to the satisfaction of the complainant, then the Complaints Officer shall be notified and asked to adjudicate on the matter. Chambers shall appoint a 'Complaints Officer' who shall hold such appointment for such period as Chambers shall decide and who may be either a senior barrister or member of staff of Chambers or a suitably qualified external third party. At his discretion, such Complaints Officer may invite the head of the relevant team or such other barrister(s) from Chambers as he considers appropriate to assist in the adjudication.

1.15 The Complaints Officer may invite the complainant or the barrister or any other party to provide, either orally or in writing, such further information as he may require in relation to the complaint, provided always that the barrister shall be given a reasonable opportunity to respond to any further information provided by the complainant or any third party.

1.16 The Complaints Officer may:

- i. find that the complaint is not justified; or
- ii. find that the complaint is justified, in which case he or she shall determine:
  - a. what, if any, remedial action should be taken to resolve the complaint and to ensure that the act or omission, the subject of the complaint, does not recur; and
  - b. whether any, and if so, what compensation should be offered to the complainant.
  - c. whether to refund or reduce the complainant's legal fees
  - d. whether to apologise to the complainant
  - e. whether to return any documents to the complainant.

The Complaints Officer may, in exceptional circumstances (and at his absolute discretion) refer the matter to one (or both) of the Joint Heads of Chambers for review and adjudication (on the same basis as applies to the Complaints Officer himself).

1.18 As soon as practicable thereafter, the person dealing with the matter in Chambers shall notify the complainant in writing of the result of the adjudication and inform the complainant of his or her right to refer the complaint to the Legal Ombudsman, giving the complainant the Legal Ombudsman's address and telephone number and a short summary of the Legal Ombudsman's complaints procedure. It should be noted that any complaint referred to the Legal Ombudsman must be made within the period of six years from the date of the act or omission giving rise to the complaint or three years from when the complainant should have known about the complaint, provided always that the Legal Ombudsman shall not accept complaints where

the act or date of awareness go beyond 6th October 2010. The Legal Ombudsman can be contacted via the website at <https://www.legalombudsman.org.uk>

### **Professional Indemnity**

Any complaint of negligence or involving a potential claim against a barrister must be brought to the attention of Bar Mutual Indemnity Fund Limited without delay.

### **CPS Complaints Procedure**

1.20 For CPS work, the CPS complaints procedure shall be followed. A copy of that procedure is available from the Criminal Team Practice Manager.

### **Positive Comments**

1.21 A Member of Chambers is entitled to be notified of any positive comments made about his or her performance, whether in court or on paper. The Practice Manager of the relevant team shall be similarly notified and shall keep a written record of all such comments.

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