



EXTERNAL COMPLAINTS POLICY AND PROCEDURE

Introduction

1. Our aim is to always give you a good service. However, if you have a complaint you are invited to let us know as soon as possible.
2. This Policy applies to those outside Chambers who wish to make a complaint in respect of any barrister member, pupil, mini-pupil or member of staff.
3. This Policy aims to meet the mandatory complaint requirements set out at Part 2-D of the Code of Conduct in the Bar Standards Board Handbook, and the requirements of the Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 in respect of informing clients about ADR. It has been created having regard to extant First Tier Complaint Handling Guidance issued by the BSB.
4. It is not necessary to involve solicitors in order to make your complaint, but you are free to do so should you wish.

Time limits for complaints

5. Please note that the Legal Ombudsman (the independent complaints body for service complaints about lawyers) has time limits in which a complaint must be raised with them. From 1 April 2023, the time limits are:

- ☐ No later than **one year** from the date of the act or omission being complained about; *or* one year from the date when you should reasonably have known there was cause for complaint.
 - ☐ You must also refer the complaint to the Legal Ombudsman within **6 months** of the complaint receiving a final response from Chambers (if that response complies with rule 4.4 of the Scheme Rules in that it prominently signposted the availability of the Legal Ombudsman, provided full contact details and a warning that the complaint must be referred to them within 6 months).
6. Chambers must therefore have regard to the timeframe above when deciding whether it is able to investigate your complaint.
 7. Chambers will not therefore usually deal with complaints that fall outside of the Legal Ombudsman's time limits.
 8. The Ombudsman can extend the time limit (for complaints submitted to it) if it considers it is fair and reasonable to do so.

Who can complain?

9. The Ombudsman will only deal with complaints from consumers. This means that only complaints from the barrister's client are within their jurisdiction.
10. Service complaints from clients of the kind falling within the jurisdiction of the Ombudsman are received and dealt with under this complaints policy and procedure.
11. There is no positive obligation on Chambers to investigate matters raised by non-clients in relation to wider matters of misconduct or professional negligence.
12. However, if you are a non-client and have such an issue in relation to a barrister member, pupil, mini-pupil or staff member you may submit a complaint and an assessment will be made as to whether we are able to deal with your issue.

13. It should be noted that it may not always be possible to investigate a complaint brought by a non-client. This is because the ability of Chambers to satisfactorily investigate and resolve such matters is limited and complaints of this nature are often better suited to the disciplinary processes maintained by the Bar Standards Board. Therefore, Chambers will make an initial assessment of the complaint and if we feel that the issues raised cannot be satisfactorily resolved through the Chambers complaints process, we will refer you to the BSB.

Making a complaint by telephone

14. You may wish to make a complaint in writing and, if so, please follow the procedure below.
15. However, if you would rather speak on the telephone about your complaint then please telephone 0207 797 8400 and ask to speak to the individual nominated under this Policy to deal with complaints, namely:

First Nominated Person

Stephen Hockman KC, Joint Head of Chambers

or (if the complaint is about a member of staff) **Richard Constable**, the Senior Clerk.

If the complaint is about the Senior Clerk, telephone the First Nominated Person.

If your complaint is about the First Nominated Person, then telephone the Second Nominated Person for the purposes of complaint handling:

Second Nominated Person

Mark Watson KC, Joint Head of Chambers

16. 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.

17. If your complaint is not resolved on the telephone, you will be invited to write to us about it so it can be investigated formally.

Making a complaint in writing

18. Please give the following details:

- a) Your name and address;
- b) Which person you are complaining about;
- c) The detail of the complaint; and
- d) What you would like done about it.

19. Please address your letter or email (the subject heading in your email must read “CONFIDENTIAL – COMPLAINT”) to the appropriate person nominated under this Policy to deal with complaints namely:

Complaints about barrister members and the Senior Clerk:

First Nominated Person

Stephen Hockman KC, Joint Head of Chambers

6 Pump Court, Temple, London EC4Y 7AR

stephen.hockmankc@6pumpcourt.co.uk

Complaints about a member of staff:

Senior Clerk

Richard Constable

6 Pump Court, Temple, London EC4Y 7AR

richard.constable@6pumpcourt.co.uk

Complaints about the First Nominated Person:

Second Nominated Person

Mark Watson KC, Joint Head of Chambers

6 Pump Court, Temple, London EC4Y 7AR

mark.watsonkc@6pumpcourt.co.uk

20. We will, where possible, acknowledge receipt of your complaint within **two days** and provide you with details of how your complaint will be dealt with.
21. When a complaint comes before any of the above people they may, at their discretion, delegate the task of investigating and replying to your complaint or seek the assistance of other members of Chambers to investigate and report.
22. The person investigating your complaint will write to you as soon as possible to let you know an investigation has commenced and that he will reply to your complaint **within 14 days**. If he finds later that he is not going to be able to reply within 14 days he will set a new date for his reply and inform you. His reply will set out:
 - a) The nature and scope of his investigation;
 - b) His conclusion on each complaint and the basis for his conclusion; and
 - c) If he finds that you are justified in your complaint, his proposals for resolving the complaint.

Confidentiality

23. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary.
24. Disclosure will be to the Heads of Chambers, members of our Management Committee and to anyone involved in the complaint and its investigation.

25. Such people will include the barrister member or staff whom you have complained about, and the person who investigates the complaint.
26. The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.

Our Policy

27. As part of our commitment to client care we make a written record of any complaint and retain all documents and correspondence generated by the complaint for a period of six years. Our Management Committee inspects an anonymous record regularly with a view to improving services.

Complaints to the Legal Ombudsman and Alternative Dispute Resolution

28. 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 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. Please note the timeframe for referral of complaints to the Ombudsman as set out at paragraph 5 above.
29. 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 Ombudsman.

30. The Legal Ombudsman's contact details are:

Website: www.legalombudsman.org.uk

Contact us: <https://www.legalombudsman.org.uk/contact-us/>

Email: enquiries@legalombudsman.org.uk

Telephone: 0300 555 0333 or +44 121 245 3050

Post: Legal Ombudsman, PO Box 6167, Slough, SL1 0EH

31. If you are unhappy with the outcome of the investigation, alternative complaints bodies as approved by the Chartered Trading Standards Institute¹ also exist which are competent to deal with complaints about legal services, should you and the barrister both wish to use such a scheme. If you wish to use your chosen ADR provider, please contact us to discuss this, including time limits for contacting your chosen ADR. Please also note that if mediation is used, neither you nor the barrister is required to accept the proposed resolution. If mediation does not resolve the complaint, you may still make a complaint to the Legal Ombudsman (provided you fall within their jurisdiction and you do so within the time limit).
32. If you are not the barrister's client and are unhappy with the outcome of our investigation then please contact the Bar Standards Board:

Website: <https://www.barstandardsboard.org.uk/for-the-public/reporting-concerns.html>

Email: contactus@barstandardsboard.org.uk

Telephone number: 0207 6111 444

Post: Bar Standards Board Professional Conduct Department, 289-293 High Holborn
London, WC1V 7HZ

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¹ <https://www.tradingstandards.uk/consumer-help/adr-approved-bodies/>