

EXTERNAL COMPLAINTS POLICY AND PROCEDURE¹

1. This Policy applies to all those outside Chambers who wish to make a complaint in respect of any barrister member, pupil, mini-pupil or member of staff.
2. Our aim is to give you a good service at all times. However, if you have a complaint you are invited to let us know as soon as possible.
3. 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

4. Please note that the Legal Ombudsman has time limits in which a complaint must be raised with them. The time limits are:
 - a) **Six years from the date of the act/omission; or**
 - b) **Three years from the date that the complainant should reasonably have known there were grounds for complaint** (if the act/omission took place before the 5 October 2010 or was more than six years ago)
 - c) Within **six months** of the **complaint receiving a final response from their lawyer**, if that response complies with the requirements in rule 4.4 of the Scheme Rules (which requires the response to include prominently an explanation that the Legal Ombudsman was available if the complainant remained dissatisfied and the provision of full contact details for the Ombudsman and a warning that the complaint must be referred to them within six months).

The Ombudsman can extend the time limit in exceptional circumstances.

5. Chambers must therefore have regard to the timeframe above when deciding whether it

¹ Extract from Chambers' Handbook 2019 Ed.

is able to investigate your complaint.

6. Chambers will not therefore usually deal with complaints that fall outside of the Legal Ombudsman's time limits.

Who can complain?

7. We will consider complaints from clients and non-clients.
8. However, 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 they feel that the issues raised cannot be satisfactorily resolved through the Chambers complaints process they will refer you to the Bar Standards Board.
9. The Legal Ombudsman will only consider complaints from consumers, namely the client of a barrister.

Making a complaint by telephone

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

First Nominated Person

Stephen Hockman QC, 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

Oliver Saxby QC

12. 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.
13. 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 it can be investigated formally.

Making a complaint in writing

14. 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.
15. Please address your letter to the appropriate person as set out in paragraph 11 above.
16. 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.
17. We would prefer to receive your letter in hard copy by post, but if you wish to send your complaint by email you may do so:-

First Nominated Person

Stephen Hockman QC, Head of Chambers

stephen.hockmanqc@6pumpcourt.co.uk

Second Nominated Person

Oliver Saxby QC

oliver.saxbyqc@6pumpcourt.co.uk

Senior Clerk

Richard Constable

richard.constable@6pumpcourt.co.uk

Please mark the subject of your email: “CONFIDENTIAL”

18. In our Chambers all complaints about barrister members are received and considered by the First Nominated Person.
19. Complaints about the First Nominated Person are received and considered by the Second Nominated Person.
20. Complaints about staff are received and considered by the Senior Clerk.
21. Complaints about the Senior Clerk are received and considered by the First Nominated Person.
22. When a complaint comes before any of the above people they may, at their discretion, seek the assistance of a further senior member of Chambers to assist in any investigation.
23. Within 14 days of your letter being received the Nominated Person (or any person appointed to assist) will investigate your complaint. In all cases, the person investigating will be someone other than the person you are complaining about.

24. 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

25. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary.
26. Disclosure will be to the Head of Chambers, members of our Management Committee and to anyone involved in the complaint and its investigation.
27. Such people will include the barrister member or staff whom you have complained about, and the person who investigates the complaint.
28. 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

29. 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

30. 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. You can write to them at:

Legal Ombudsman

PO Box 15870,

Wolverhampton

WV1 9WJ

Telephone number: 0300 555 0333

From overseas: +44 121 245 3050.

NGT Lite users: 18001 0300 555 0333

Minicom text phone user: 18002 0300 555 0333

E-mail: enquiries@legalombudsman.org.uk

31. If you are not the barrister's client and are unhappy with the outcome of our investigation then please contact the Bar Standards Board at:

Bar Standards Board Professional Conduct Department

289-293 High Holborn London

WC1V 7HZ

Telephone number: 0207 6111 444

Website: www.barstandardsboard.org.uk