



## Draft: Complaints Procedure

1. Chambers procedures for dealing with complaints have been reviewed to ensure they cover the types of problems that arise, reflect current standards, and are effective. Sections 7.4 and 7.5 in the Chambers manual sets-out Chambers' current complaints procedure as drafted in 2008 from a Bar Council template. The procedure in the manual seems to be dealing more with complaints from members of the public, whereas there are other types of complaint that arise (see below). The procedure is also slightly confused in terms of responsibilities and needs to be upgraded to conform with the present management structure of Chambers. It is also the case that some complaints against professional conduct require referral to the regulatory authorities - Bar Standards Board or Bar Complaints Commissioner.
2. The BSB now requires those dealing with complaints to receive training to ensure members of Chambers and staff have guidance in appropriate procedures and the fairness required in the handling of complaints. It is now no longer good enough to appoint an ad hoc panel. Chambers also needs an appeal mechanism so that decisions are reviewed if a party is unhappy with an outcome.
3. The headings for the different type of complaint are:
  - i. Members over the conduct of another member of Chambers.
  - ii. Disputes over fees between members of Chambers.
  - iii. Members of Chambers as to staff conduct or service.
  - iv. Members of the public complaining over the conduct or quality of service received from a member of staff, member of chambers or a pupil.
  - v. Judges, courts, solicitors, prosecuting authorities complaining as to conduct or quality of service of a member of staff or member of Chambers.
  - vi. Pupils upon their treatment or the quality of pupillage being given.
  - vii. Members of staff as to their treatment by a member of Chambers.
  - viii. complaints from those interviewed for pupillage or tenancy.



In the circumstances we need to allocate the various types of complaint to particular bodies in Chambers so that it is clear who has responsibility for each type of dispute and the burden is fairly distributed.

4. A Chambers Complaints Panel needs to be established to deal with matters that the Head of Chambers or MANCOM believe should be referred to that separate body. These disputes will typically involve matters where the Head of Chambers or MANCOM may themselves be conflicted, or it may be better due to the nature of the complaint that it be referred outside the usual management channels of Chamber.
5. The Chambers Complaints Panel (CCP) should be constituted as follows:
  - i. Appointed by MANCOM from 5 members of Chambers, chaired by Queen's Counsel.
  - ii. Those appointed shall have attended a BSB complaints course.
  - iii. The Chair of the CCP to decide how many members of the Panel are required to decide any complaint referred.
  - iv. In exceptional circumstances to be approved by the Head of Chambers or MANCOM, if it is not possible to constitute a Panel to determine a complaint a further member(s) may be appointed to determine that complaint.
  - v. The appointees of the CCP may be altered by resignation or a simple majority vote of the combined members of the committee and MANCOM.
6. The CCP procedure to be as follows:
  - i. Be provided with the relevant information upon the referred complaint by the Head of Chambers or MANCOM.
  - ii. Acknowledge the referral of a complaint by the Head of Chambers or MANCOM within 3 days.
  - iii. Keep a detailed record of the correspondence, evidence supplied and its procedures in dealing with a complaint.
  - iv. Notify the complainant, and the subject of the complaint, within 3 days of receipt, that the complaint is under investigation and also give the complainant a date by which the next contact will take place. This would normally be within 14 days.
  - v. Request further documents from the parties and any others with relevant information.



- vi. Hold a meeting, if necessary, with the complainant, the person subject to the complaint and any other relevant person with information concerning the dispute.
  - vii. Resolve the complaint within 28 days of receipt. If for exceptional reasons it cannot be resolved in that time, notify the parties, MANCOM and the HOC of an extension of the period, such extension to be no longer than a further 28 days without the agreement of HOC or MANCOM.
  - viii. Provide reasons to the complainant and the subject for the outcome of the dispute.
  - ix. If the Panel determines that the matter is too serious to be the subject of Chambers internal procedures and should be referred to the BSB, inform the Head of Chambers or MANCOM who will review that decision.
7. Appeals should be possible only in relation to certain categories of disputes only. These include:
- i. Members over the conduct of another member of Chambers.
  - ii. Members of the public complaining over the conduct or quality of service received from a member of staff, member of chambers or a pupil.
  - iii. Judges, courts, solicitors, pupils or prosecuting authorities complaining as to conduct or quality of service of a member of staff or member of Chambers.
8. Disputes over fees between members of Chambers over fees is a MANCOM decision under the constitution Article 17 with appeal to the Bar Council.
9. Under Articles 21 and 22 of the constitution serious complaints against a member of Chambers are dealt with as follows:

#### Article 21

A Member may be expelled by the Head of Chambers, only with the consent of the Management Committee, and only in the event of gross or persistent misconduct. A notice must be given in writing to the Member in question specifying the reason(s) for the expulsion. If he wishes to appeal under para.22 the expulsion shall be suspended until such appeal is heard and determined.

#### Article 22



A Member may appeal against his expulsion in the following manner:

- (i) He must give written notice to the Management Committee of his intention to appeal within 7 days of an expulsion notice;
- (ii) Within 7 days of receipt by the Management Committee of notice of intention to appeal, the Head of Chambers or person designated by him shall circulate to all other Members (a) the notice of appeal with any statement of the appellant attached thereto, and (b) his own written reasons for the Member's expulsion;
- (iii) An Extraordinary Chambers Meeting shall be convened as soon as practicable, subject to the normal notice provisions; and
- (iv) The expulsion will be effective with effect from the end of that Extraordinary Chambers Meeting unless, at that Meeting, at least 33% of existing Members (other than the Member whose expulsion is under consideration) vote to cancel or suspend the expulsion notice.

10. The Appeals system should be a review by the Head of Chambers of the decision.

11. I have written into the Chambers Manual complaints section in track changes.

## **7.4 INTERNAL COMPLAINTS PROCEDURES**

### **7.4.1 Internal Procedure**

Definition of a complaint:

A complaint is defined as an expression of dissatisfaction, orally or in writing, made to the person(s) nominated as being responsible for client care by Chambers. This will normally be to the Senior Clerk, Chambers Director, Head of Chambers or the Management Committee. Where a complaint is made orally, the recipient of the complainant should receive the complainant's express instruction that he/she wishes for the expression of dissatisfaction to be treated as a formal complaint.

Procedure for dealing with a complaint

- 1) Any Barrister or Member of staff receiving a complaint should forward the letter, or a written note of an oral complaint to the Senior Clerk or Chambers Director.
- 2) If the complainant has made an oral complaint, the Senior Clerk or Chambers Director may request the complainant completes a standard complaints form. If, on request, the complainant does not reduce the complaint to writing within



a reasonable period, the Head of Chambers or Management Committee may treat the complainant as withdrawn. If the letter or written note is sufficiently detailed that document may form the basis of the complaint. The complainant will be acknowledged with details of the procedure that will be followed to deal with the complaint.

- 3) The Senior Clerk or Chambers Director will keep a record of every complaint by completing the Complaints Record. A file will be opened by the Senior Clerk or Chambers Director for each complaint received. The file will contain the complaints form and any correspondence/information relating to it.
- 4) The Senior Clerk or Chambers Director will notify the complainant, and the subject of the complaint, within seven business days of receipt, that the complaint is under investigation and also give the complainant a date by which the next contact will take place. This would normally be within fourteen business days.
- 5) The Senior Clerk or Chambers Director will refer the complaint forthwith to the Head of Chambers who will normally consider the matter at the earliest opportunity, or if deemed necessary, it may also be referred to the Management Committee.
- 6) The Head of Chambers or the Management Committee will either investigate or refer the complaint to the Chambers Complaints Panel to commence the investigation. This will include giving all relevant people the opportunity to provide information concerning the circumstances of the complaint including allowing the subject of the complaint to provide a response to it.
- 7) In the event that the Head of Chambers or the Management Committee conclude that an investigation is not appropriate following referral by the Senior Clerk, the Chambers Director, the Head of Chambers or a designated member of the Management Committee shall inform the complainant in writing giving clear reasons for the decision.
- 8) If an investigation is undertaken by either the Head of Chambers, the Management Committee or the Chambers Complaints Panel then upon its conclusion the Head of Chambers, designated member of the Management Committee or Chair of the Chambers Complaints Panel will then take one of the following steps:
  - i. Inform the complainant that the complaint has been investigated and found not to be justified, explaining why.
  - ii. Inform the complainant that the complaint has been investigated and found to be justified and either explain the remedial action and any form of compensation to be offered.



iii. Inform the complainant that the complaint is so serious that the matter will be referred to the Bar Standards Board or Bar Council's complaints Commissioner.

Or,

iv. Explain to the complainant their right to bring the matter to the attention of the Bar Council's Complaints Commissioner.

#### 7.4.2 Informing Insurers

Where a complaint raises an allegation of which involves negligence or a potential claim against professional indemnity insurance (Bar Mutual Indemnity Fund) the insurers must be informed immediately. Further the insurers should be consulted before proposals for resolution are made to the client.

#### 7.4.3 Follow-up Action

In consultation with the Head of Chambers, the Management Committee, the Chambers Director and the Senior Clerk, Chambers will decide upon and implement any necessary changes in procedures or take other appropriate steps to reduce the possibility of a similar complaint arising again.

### 7.5 EXTERNAL COMPLAINTS PROCEDURE

7.5.1 Clients will be routinely advised (in the standard Client care letter) of Chambers' policy on complaints, as follows;

#### CHAMBERS' COMPLAINTS PROCEDURE

"Our aim is to give you a good service at all times. If you have a complaint you are invited to inform us as soon as possible.

#### Complaints made by Telephone

If you wish to raise a complaint by telephone please ring the barrister concerned, or the Senior Clerk (Paul Outen 020 7 489 2727) or the Chambers Director (Martin Secrett, 0207 489 2727). If the complaint is about the Senior Clerk, telephone either the Chambers Director (Martin Secrett, 0207 489 2727), or the Head of Chambers - (Steven Kay QC, 0207 489 2727). The person you contact will make a note of the following details.



### Your complaint

What you would like done about it.

They will discuss your concerns with you and aim to resolve them.

If the matter is resolved, we will record the outcome and confirm it to you in writing.

If the matter is not resolved by telephone, we will then treat it as a written complaint (see the following paragraph).

### Complaints made in writing or by email

Please give the details of the complaint and send either a letter to the Senior Clerk or Chambers Director at 9 Bedford Row, London WC1R 4AZ; or email [paul.ouden@9bedfordrow.co.uk](mailto:paul.ouden@9bedfordrow.co.uk), or [martin.secrett@9bedfordrow.co.uk](mailto:martin.secrett@9bedfordrow.co.uk)

### Your name and address,

Which member(s) of chambers you are complaining about;

The detail of the complaint

What you would like done about it.

Within 7 business days of your letter being received, the Chambers procedures for dealing with your complaint will be put into action. We will aim to reply to your complaint within a further 14 business days from that point. The reply will set out:

- The nature and scope of the investigation;
- The basis for our conclusion on each complaint;
- If your complaint is justified, our proposals for resolution.

If your complainant is considered by a member of Chambers other than the Head of Chambers, if you are dissatisfied with the reply you have received, within 7 business days of receiving the reply, you may seek that the Head of Chambers personally reviews the complaint, investigation and the reply.

To trigger such reconsideration, you should write to the member of staff or member of Chambers who delivered the reply stating (a) why you are dissatisfied with the resolution *and* (b) that you would like the complaint further considered by the Head of Chambers. Within 7 business days of receiving a request for reconsideration, you will receive written acknowledgement of your request for reconsideration by the Head of Chambers and, where possible, a timeline for response.



The Head of Chambers will respond in writing either (a) reconsidering the complaint in your favour and proposing a resolution or (b) confirming the decision of the member of Chambers giving reasons. The decision of the Head of Chambers is final.

### Confidentiality

All conversations and documents relating to your complaint will be treated as confidential. Disclosure will be to the Head of Chambers, members of the Management Committee and to anyone involved in the complaint and its investigation, including members of the Chambers Complaints Panel. Such people will include the barrister member or staff who you have complained about.

### Our Policy

As part of our commitment to client care we make a written record of any complaint. The Management Committee inspects the record regularly with a view to improving services.

### Complaints to the BSB (professional body for barristers)

We hope that you will use our procedure. If you would rather not, or are unhappy with the outcome, you can raise your complaint with the BSB. You can write to them at:

Complaints Department  
The Bar Standards Board  
289-293 High Holborn  
London WC1V 7HZ  
London WC1V 7JZ  
Tel: 020 7 242 0082  
Fax: 020 7440 4001  
E-mail: [Complaints@BarCouncil.org.uk](mailto:Complaints@BarCouncil.org.uk)  
Website: [www.BarCouncil.org.uk](http://www.BarCouncil.org.uk)

Should you have any comments about the service offered by Chambers and, in particular, if you have any are dissatisfied with the quality of service received please contact the Senior Clerk, Paul Outen, on 0207 489 2727, or the Chambers Director, Martin Secrett on 0207 408 2727.





We are also required by the Bar's Code of Conduct to ensure that all lay clients are informed (a) of their right to make a complaint, how and to whom this can be done, including their right to complain to the Legal Ombudsman at the conclusion of the complaints process, the timeframe for doing so and the full details of how to contact the Legal Ombudsman; and (b) that the lay client may complain directly to Chambers without going through solicitors.

## Standard Complaints form

### Section 1 - Personal details

1 Your name Mr  Mrs  Ms  Miss  Other (please tell us)

First name

Surname

Address  
(including  
postcode)

Phone number Work

Home

Mobile

E-mail  
address

Which number would you prefer us to use?  
Work

Home



2 Are you complaining on behalf of somebody else? No  Please go to question 3 in section 2

Yes  Please fill in this section.

Name of the person you are complaining for

Mr  Mrs  Ms  Miss  Other (please tell us)

First name  Surname

Address  
(including  
postcode)

When we deal with this complaint, who Me   
should we write to?

The person who I am complaining   
for

Has the person you are complaining for Yes   
given you permission to complain? No

Section 2 - The barrister's details

3 Name of the barrister you want to complain about



First name or names

Surname

Chamber's address (if you know it)

- Was the barrister acting:
- for you or the person you are complaining for?
  - for the other side in the case?
  - as their own representative?
  - for somebody else (please tell us who)?

  
  
  

### Section 3 - Details of your complaint

4 Is your complaint about:

- the barrister's work in a court case?
- other legal work done by the barrister?
- the barrister's behaviour outside professional work?

Please go to question 5.

Please go to question 8.

Please go to question 9.

/

5 If the case was heard at court, please give us:



- the name of the case
- the court in which it was heard
- the case number
- the date of the relevant hearing


6a Is the case continuing?

Yes   
No

6b Is the barrister still instructed in the case?

Yes   
No

7 Are you waiting for the results of an appeal?

Yes   
No

Please give details of the appeal, including the dates of any hearings (if you know them).

--

8 Did you instruct the barrister yourself or through a solicitor or other representative?

Yourself Yes  No  (If 'Yes', go to question 9.)

Solicitor Yes  No  (If 'Yes', go to question 10.)

\_\_\_\_\_



Other representative Yes  No  (If 'Yes', go to question 11.)

9 If you instructed your barrister yourself, did you do so under:

The Public Access scheme Yes  No

The Licensed Access scheme Yes  No

10a Solicitors instructing the barrister

Name of firm

Address of firm

Name of the person dealing with the matter  Solicitors' reference

Are the solicitors still acting in the matter? Yes  No

10b Have you also made a complaint against the solicitor? Yes  No   
If so, can we contact the Legal Complaints Service for details to help with our investigation? Yes  No

Do you have a complaint reference number? Number

11 Other representative instructing the barrister

---



Name of firm or individual

Name of person dealing with the matter

Reference number

Is this person still acting in the matter?

No

Can we contact the firm?

No

12 Have you raised this complaint with: the barrister concerned? Yes  No   
your solicitor? Yes  No

If you have raised the complaint with the barrister, his or her Chambers, the solicitor, or your representative, please tell us what the result was.

If you have not done so, please say why.

13 When did the action which you are complaining about take place?

If this is more than six months ago, please say why there has been a delay in making the complaint.





**14 Please set out briefly your complaint against the barrister. You should read the guidance notes before filling in this section.**

A large empty rectangular box for writing the complaint.





**15 Please say how you would like this complaint to be resolved.**

Explanation or apology (or both)	<input type="checkbox"/>	Refund of fees	<input type="checkbox"/>
Compensation	<input type="checkbox"/>	Disciplinary action	<input type="checkbox"/>
Other (please tell us)	<input type="text"/>		

**16 Have you suffered any financial loss as a result of the action you are complaining about?**

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If 'Yes', please set out the cause of the loss and the amount. Note: This question will help us to assess how serious the complaint is. It does not mean that we will have the power to compensate your loss. Please see the guidance notes.

**Section 4 - Other information**

**17 Please give us the names and addresses of any other people who you believe may be able to help us investigate the complaint.**



**18 Are you enclosing extra sheets of paper?**

**No**

**Yes**

**How  
many?**

**19 Have you enclosed any copies of other documents?**

**Yes**

**(Please do not send original documents.)**

**No**

**If 'Yes', please list the documents you have enclosed.**

**20 Have you written to us about this matter before?**

**No**

**Yes**



If 'Yes', please give the date of your letter.

21 Have you complained to us before about any other matter?

No

Yes

If 'Yes', please give our reference number (if you know it).

When you have filled in this form please sign and date it. Please then either send it via e-mail to [Paul.Outen@9bedfordrow.co.uk](mailto:Paul.Outen@9bedfordrow.co.uk) and [Martin.Secrett@9bedfordrow.co.uk](mailto:Martin.Secrett@9bedfordrow.co.uk), or send a hard copy to:

The Practice Manager  
Chambers of Steven Kay QC  
9 Bedford Row  
London WC1R 4AZ

Signature: \_\_\_\_\_ Date: \_\_\_\_\_