

**COMPLAINTS PROCEDURE – REVISED JULY 2018**

1. This document sets out the policy and procedures to be adopted by Pump Court Chambers in relation to any complaint made against a barrister, clerk or other member of staff externally by a professional or lay client or by another person.

**Complaints by professional or lay clients**

2. Our aim is to provide a good service at all times. However, if you have a complaint you are invited to let us know as soon as possible. If you are a lay client it is not necessary to involve solicitors in order to make your complaint but you are free to do so should you wish.

3. 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. The time limits are:

- a) Six years from the date of the act / omission.
- b) Three years from the date that the complainant should reasonably have known there were grounds for complaints (if the act / omission took place before the 6 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.

4. We will have regard to the above timeframe when deciding whether we are able to investigate your complaint. We will not, therefore, usually deal with complaints that fall outside of the Legal Ombudsman's time limits.

**Complaints by others**

5. The Ombudsman will only deal with complaints from consumers. This means that only complaints from a barrister's client are within their jurisdiction. Non-clients who are not satisfied with the outcome of a Chambers' investigation should contact the Bar Standards Board rather than the Legal Ombudsman.

6. It may not be possible to investigate a complaint brought by a non-client. This is because the ability of Chambers to investigate and resolve such matters satisfactorily is limited and complaints of this nature are sometimes better suited to the disciplinary processes maintained by the Bar Standards Board.

**Complaints made by telephone / First Stage complaints**

7. You may wish to make a written complaint. If so, please follow the Second Stage procedure set out below.
8. However, if you are dissatisfied with some aspect of the service provided by a barrister or by a clerk (or other member of staff) you are invited to telephone the Senior Clerk, Mr Tony Atkins, who will register and record your complaint. If the complaint is about Mr Atkins, you are invited to telephone the Head of the Chambers Complaints Group, Mr Nigel Pascoe QC.
9. The Senior Clerk will take details of your complaint noting:
- Your name & address.
  - Which barrister, clerk or member of staff the complaint is about.
  - The details of the complaint.
  - What you would like done about it.
10. He will discuss your concerns with you and try to resolve them. If the matter is resolved, a record of the outcome will be made and copy sent to you to ensure that you are satisfied. We would suggest you make your own note of the conversation. If your complaint cannot be resolved informally in this way on the telephone you will be invited to write to us so that the complaint can be investigated formally.

**Complaints made in writing / Second Stage complaints**

11. Complaints made in writing should be sent to the Senior Clerk, Mr Tony Atkins. They can be sent by email or by letter to any of Chambers addresses. You are invited to provide us with the following information:
- Your name & address.
  - Which barrister, clerk or member of staff the complaint is about.
  - Full details of all the matters you wish to raise in connection with the complaint.
  - Any documents you wish to send us in support of your complaint.
  - What you would like done about it.
12. Once a written complaint is received, Mr Atkins will respond within 3 working days to acknowledge receipt and to inform you of the likely time frame for the determination of your complaint.
13. All written complaints will be assessed initially by the Head of the Chambers Complaints Group or his Deputy. If he decides that the issues raised cannot be satisfactorily resolved through the Chambers' complaints process then we will notify you in writing and will advise you where to direct your complaint, if you wish to pursue it.

14. Within 21 days of the receipt of your complaint, the Head of the Chambers Complaints Group, or his Deputy, will appoint a Chair for the Panel that will consider your complaint. Mr Atkins will write to you as soon as possible to let you know the name of the Chair of the Panel and whether there is any alteration to the likely time frame for the determination of your complaint.
15. The Head of the Chambers Complaints Group is Mr Nigel Pascoe QC. His Deputy is Mr Leslie Samuels QC. The Chair of each complaints Panel will be Mr Pascoe, Mr Samuels or another senior member of Chambers.
16. Mr Atkins and the Chair of the Panel will investigate the complaint. They will seek the written response of the barrister, clerk or other member of staff complained about and of any other person identified as having something to contribute. You may be asked to provide further information or clarification in relation to the complaint. However, in any event, if during the course of the investigation you have any questions or wish to provide any further information please can you send these to Mr Atkins.
17. If your complaint is against Mr Atkins please write in the first instance as in paragraph 11 above to Mr Pascoe QC at the Winchester address.
18. In any case, the person being complained about will have no role in the investigation or determination of the complaint.
19. We aim to determine all complaints within 6 weeks of receipt. If, exceptionally, it has not been possible to determine your complaint within that time period Mr Atkins will notify you as to the reasons and the date by which the complaint will be determined.
20. The Panel will consider all written documents and the results of any further investigations undertaken. Once the Panel has reached a decision you will receive a copy of its written determination. That determination will set out:
- The documents considered by the Panel and the results of any further investigations undertaken.
  - The conclusion on each complaint and the basis for the conclusion.
  - If the complaint is found justified the proposals for resolving the complaint.

**Complaints involving allegations of Misconduct and / or Professional Negligence**

21. This Complaints Procedure is designed to deal primarily with service complaints such as an allegation that you have received a poor service from a barrister, clerk or other member of staff. These are matters which are within the jurisdiction of the Legal Ombudsman.

22. There is no positive obligation to investigate issues of misconduct, and we may not be in the best position to seek to resolve or provide redress for these. Issues of misconduct are primarily matters to be determined by the Bar Standards Board. We will inform you in writing if we reach the decision that part or all of your complaint raises issues of misconduct and will advise you where to direct your complaint, if you wish to pursue it. If possible, we will determine any part of the complaint which raises a service element.

23. Equally, we may not be best placed to seek to resolve or provide redress for complaints which raise allegations of professional negligence. Such allegations are best raised through Bar Mutual who provide indemnity insurance for barristers. We will inform you in writing if we reach the decision that part of all of your complaint raises allegations of professional negligence and will advise you where to direct your complaint, if you wish to pursue it. If possible, we will determine any part of the complaint which raises a service element.

### **Confidentiality**

24. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. Such disclosure may be to the Head of Chambers, the Head of the Complaints Group and his Deputy, to members of our Management Committee and to anyone involved in the complaint and its investigation. Such people will include the person you have complained about, the Panel that determines the complaint and the people who investigate it. Furthermore, the Bar Standards Board is entitled to inspect and seek information about the complaint when discharging its auditing and monitoring functions.

### **Our Policy**

25. As part of our commitment to client care we will make written record of any complaint and retain all documents and correspondence generated by the complaint for a period of six years. Our Management Committee reviews the issue of complaints regularly with a review to improving services.

### **Complaints to the Legal Ombudsman**

26. There is no appeal within Chambers from a decision made by the Panel that determines your complaint. If you are unhappy with the outcome of your complaint, 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. Please note the timeframe for the referral of complaints to the Ombudsman as set out at paragraph 3 above.

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