

COMPLAINTS PROCEDURE – REVISED JANUARY 2022

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) The act or omission, or when the complainant should reasonably have known there was a cause for complaint, must have been after 5 October 2010; and
- b) The complainant must refer the complaint to the Legal Ombudsman no later than six years from the act / omission, or three years from when the complainant should reasonably have known there was cause for complaint.
- c) The complainant must also refer the complaint to the Legal Ombudsman 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. It is important to understand that in responding to a complaint by a non-client we are not permitted to disclose confidential or privileged information relevant to any client.

7. Complaints about the provision of other ‘non barrister’ services (such as mediation, arbitration and private FDRs) are not normally covered by the Legal Ombudsman. However, we will endeavour, where possible at our discretion, to follow the procedure below in relation to any such complaint. It is important to understand that in responding to any such complaint we cannot disclose confidential or privileged information relevant to any other party to the process.

First Stage / Informal Complaints

8. You may wish to make a formal complaint. If so, please follow the Second Stage procedure set out below.

9. However, if you are dissatisfied with some aspect of the service provided by a barrister or by a clerk (or other member of staff) and are happy to attempt to resolve it informally, 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 Leslie Samuels QC.

10. The person you contact 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.

11. The person you contact will discuss your concerns with you and aim to resolve them. If the matter is resolved they will record the outcome, check that you are satisfied with the outcome and record in a note that you are satisfied. You may also wish to record the outcome of the telephone discussion in writing.

12. If your complaint cannot be resolved informally in this way, you will be invited to write to us on a formal basis so that the complaint can be investigated as a second stage complaint below.

Second Stage / Formal Complaints

13. A formal complaint should be sent to the Senior Clerk, Mr Tony Atkins. This can be sent by email or by letter to any of our Chambers addresses. You are invited to provide us with the following information:

- Your name & address.



PUMP COURT
CHAMBERS

- 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.

If you have any difficulties setting out your complaint in writing, please contact Mr Atkins who will be pleased to assist you.

14. Once a formal complaint is received, Mr Atkins will respond within 2 working days:

- To acknowledge receipt.
- To provide you with the name of the person in Chambers who will deal with your complaint and their role in Chambers.
- To provide you with a copy of this procedure (if you do not already have it) and
- To inform you of the date by which you will hear next from Chambers.

15. All formal complaints will be assessed by the Head of the Chambers Complaints Group or his Deputy. If they decide 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.

16. Within 28 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.

17. The Head of the Chambers Complaints Group is Mr Leslie Samuels QC. His deputy is Miss Sarah Jones QC. The Chair of each complaints Panel will be Mr Samuels, Miss Jones or another senior member of Chambers.

18. 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.

19. If your complaint is against Mr Atkins please write in the first instance as in paragraph 13 above to Mr Samuels QC by email.

20. In any case, the person being complained about will have no role in the investigation or determination of the complaint.

3 Pump Court
Temple, London EC4Y 7AJ
T. 0207 353 0711
F. 0845 259 3241

31 Southgate Street
Winchester SO23 9EB
T. 01962 868161
F. 0845 259 3242

5 Temple Chambers
Temple St., Swindon SN1 1SQ
T. 01793 539899
F. 0845 259 3242

8 Vernon Place
Canterbury CT1 3HG
T. 01227 764899

E. clerks@pumpcourtchambers.com

W. www.pumpcourtchambers.com

21. We aim to determine all formal complaints within 8 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.

22. 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

23. 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.

24. 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.

25. 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

26. 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

27. 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

28. There is no appeal within Chambers from a decision made by the Panel that determines your complaint.

29. 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 may not be 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.

30. The 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 Legal Ombudsman.

You can write to the Legal Ombudsman at:

Legal Ombudsman
PO Box 6806,
Wolverhampton,
WV1 9WJ.

Telephone number: 0300 555 0333

Email: enquiries@legalombudsman.org.uk

More information about the Legal Ombudsman is available on their website:
www.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
Contact and Assessment Team
289-293 High Holborn
London
WC1V 7JZ

Telephone number 020 7611 1444
Website: www.barstandardsboard.org.uk
Email: contactus@barstandardsboard.org.uk

Alternative Dispute Resolution

32. If you are unhappy with the outcome of the investigation, alternative complaints bodies (such as ProMediate <https://www.promediate.co.uk>) 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 ProMediate, please contact us to discuss this. 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).

January 2022