

4 STONE BUILDINGS COMPLAINTS PROCEDURE

Preliminary

- 1 Our aim is to give you 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 your solicitors in order to make your complaint; you are nevertheless free to do so should you wish.

- 2 This document sets out the procedure which will be followed in respect of your complaint should you make one. For the purposes of this procedure a matter:
 - 2.1 will be deemed to be a “complaint” either (a) if it is reasonable for the matter to be treated formally, or (b) if you ask for it to be treated as a complaint;
 - 2.2 will be deemed not to be a “complaint” when either (x) it is obviously insignificant and you do not ask for it to be dealt with as a complaint, or (y) you ask that the matter should not be dealt with as a complaint.

- 3 Chambers’ complaints procedure may not, in the event, resolve your complaint (although we hope that it will). There are other ways in which you may be able to pursue your complaint, should you wish to do so.
 - 3.1 One is through the Legal Ombudsman if your complaint is made as a “consumer”, that is about services provided (or which should have been offered or provided) to or for you by Chambers. Normally you can only take your complaint to the Legal Ombudsman after you have first made your complaint to Chambers, and you can only take it to the Legal Ombudsman if in relation to Chambers you are a “consumer”. At the end of this document we set out the time frame for taking complaints to the Legal Ombudsman: you should note the time limit (explained further in paragraph 14 below).
 - 3.2 Another way in which you may pursue your complaint is with the Bar Standards Board. In the first instance a complaint as a “consumer”, as described above, should not be made to the Bar Standards Board (which is broadly concerned with observance of professional standards and conduct) but to the Legal Ombudsman. A complaint to the Bar Standards Board should be made within 12 months of the

problem arising, as after that time the Bar Standards Board may not be able to take action.

Please note the difference between those complaints which should normally be made in the first instance to the Legal Ombudsman and those which should normally be made to the Bar Standards Board.

Making a complaint by telephone

4 You may wish to make a complaint in writing. If so, please follow the procedure in paragraph 6 below. However, if you would rather speak on the telephone about your complaint then please either

4.1 telephone the Senior Clerks (Ben Lashmar) or (Ryan Tunkel), or

4.2 if your complaint is about the Senior Clerks, telephone the Heads of Chambers (Richard Hill KC) or (Sharif A. Shivji KC).

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.

5 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 more formally.

Making a complaint in writing

6 To make a written complaint please address your letter to the Senior Clerks (or the Heads of Chambers if your complaint is about the Senior Clerks) giving:

6.1 your name and address;

6.2 the name of the member(s) of Chambers or staff you are complaining about;

6.3 details of your complaint; and

6.4 what you want done about your complaint.

We will where possible acknowledge receipt of your letter within five days and confirm what our procedure provides in relation to your complaint.

- 7 Any written complaint will be considered in the first instance by a panel of 2 members consisting of the Heads of Chambers (or, if they are unable for any reason to do so, by one of the other Silks) and the Senior Clerks (or, if he is unable for any reason to do so, by another senior member of staff). The members of the panel will not include anyone who is a subject of your complaint. Within 14 days of your letter being received the panel:
- 7.1 will consider whether the complaint is unsuitable for resolution under the complaints procedure: in particular
 - 7.1.1 a complaint in respect of your barrister which consists purely of professional misconduct or professional negligence, or which falls outside the time limits usually applied by the Legal Ombudsman, may be unsuitable, and
 - 7.1.2 a complaint, if you are not a “consumer” making a complaint about Chambers’ services, may be unsuitable, either because it falls outside the time limit usually applied by the Bar Standards Board or because Chambers’ ability to investigate complaints by non-clients is limited and complaints of this nature are on occasion better suited to the disciplinary processes maintained by the Bar Standards Board; and
 - 7.2 will either (a) (unless satisfied that the complaint is unsuitable for resolution under the Chambers’ procedure) appoint one of their number or some other appropriate member of Chambers (who will not be someone who is a subject of your complaint) to investigate your complaint, or (b) (if satisfied that the complaint is unsuitable for resolution under the Chambers’ procedure) explain to you the reasons for their conclusion and how you may progress your complaint.
- 8 The person appointed to investigate in accordance with the previous paragraph (“the Complaint Handler”) will write to you as soon as possible to let you know he or she has been appointed and intends to reply to your complaint within 14 days. If the Complaint Handler later finds that this deadline cannot be met, he or she will write to you before the deadline expires giving you a final deadline by which you can expect a reply. The deadline will normally be no more than 8 weeks from the making of your complaint.
- 9 The reply to you will set out the matters in paragraph 6 above and also:

- 9.1 the nature and scope of the investigation of the complaint conducted by the Complaint Handler;
 - 9.2 the Complaint Handler's conclusion on your complaint and the basis for the conclusion; and
 - 9.3 any proposals the Complaint Handler may suggest for resolving your complaint.
- 10 The reply will also be copied to the person or persons you have complained about.

Confidentiality

- 11 All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent necessary. Disclosure will be to the Heads of Chambers, the Senior Clerks and anyone involved in the complaint or its investigation. Inevitably such people will include the person(s) complained about, and (if not you) the professional or lay client of the person(s) complained about. The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.
- 12 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 6 years. Save insofar as necessary in accordance with the previous paragraph above and subject to any requirement lawfully imposed on Chambers this record will be kept confidential.

Complaining to the Legal Ombudsman and the Bar Standards Board

- 13 We hope that in the first instance you will seek to use our procedure. This you should do if your complaint is as a "consumer" (as described in paragraph 3 above) and is about Chambers' services. If you are unhappy with the outcome of our procedure, then as explained in paragraph 3 above you may be able to take up your complaint with the Legal Ombudsman (if your complaint is as a "consumer" as described) or the Bar Standards Board.
- 14 Please note that there is a time limit for making complaints to the Legal Ombudsman or to the Bar Standards Board.

- 14.1 In the case of the Legal Ombudsman the time limits, which may be extended in exceptional circumstances, are:
- 14.1.1 6 months of your receiving from Chambers a final response to your complaint, if that response includes prominently an explanation that the Legal Ombudsman was available if you remained dissatisfied and the provision of full contact details for the Legal Ombudsman and a warning that the complaint must be referred to them within 6 months; but otherwise
 - 14.1.2 6 years from the date of the act/omission (but, in the case of an act/omission before 6 October 2010, only if you did not know and should not reasonably have known that there was a cause of complaint until after 5 October 2010), or if later,
 - 14.1.3 3 years from the date that you should reasonably have known there was a cause for complaint (if the act/omission took place before 6 October 2010 or was more than 6 years ago).
- 14.2 In the case of the Bar Standards Board the time limit is 12 months from the conduct of which complaint is made but may be extended if there is good reason to do so.

15 The Legal Ombudsman may be contacted:

- 15.1 by phone: 0300 555 0333
- 15.2 by email: enquires@legalombudsman.org.uk
- 15.3 through the website: www.legalombudsman.org.uk
- 15.4 by post: PO Box 6806 Wolverhampton, WV1 9WJ.

16 The Bar Standards Board may be contacted:

- 16.1 by phone: 020 7611 1444
- 16.2 by fax: 020 7831 9217
- 16.3 by email: assessmentcomplaints@barstandardsboard.org.uk
- 16.4 through the website: www.barstandardsboard.org.uk
- 16.5 by post:
Complaints Team,
Bar Standards Board
289-293 High Holborn
London WC1V 7HZ

Complaint against a member of chambers acting as a CMC Registered mediator:

- 17 If you wish to complain about a member of chambers in the course of their acting as a CMC accredited mediator:-
- 18 Please follow the steps outlined in paragraphs 4 or 6 above to bring your concerns to our attention.
- 19 If you contact us by telephone to make a complaint and we can resolve telephone complaint immediately we will record the outcome, check that you are satisfied with the outcome and record that you are satisfied.
- 20 If we cannot resolve your telephone complaint immediately, we will acknowledge your complaint within 5 working days of receipt and invite you to set out your complaint in writing to us in accordance with paragraph 6. Please address your letter to the Senior Clerk giving:-
 - a. your name and address and preferred means of communication with you;
 - b. the name of the CMC Registered mediator member of Chambers you are complaining about;
 - c. details of your complaint;
 - d. any relevant documents you wish to rely on; and
 - e. what you want done about your complaint.
- 21 We will acknowledge receipt of your letter within five days and confirm what procedure will be adopted in relation to the investigation of your complaint.
- 22 Any investigation will be carried out by one or more members of chambers other than the member acting as mediator to whom your complaint relates.
- 23 Your written complaint will be investigated and responded to within 21 working days of receipt by us. If further time is required to complete our investigation we will notify you of this in writing.

- 24 The response to you will set out the matters in paragraph 20 above and also:
- 24.1 the nature and scope of the investigation of the complaint conducted by the Complaint Handler;
 - 24.2 the Complaint Handler's conclusion on your complaint and the basis for the conclusion; and
 - 24.3 any proposals the Complaint Handler may suggest for resolving your complaint.
- 25 The response will also be copied to the mediator you have complained about.
- 26 All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent necessary. Disclosure will be to the Heads of Chambers, the Senior Clerks and anyone involved in the complaint or its investigation. Inevitably such people will include the mediator complained about, and (if not you) the professional or lay client of the mediator complained about. The Civil Mediation Council is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.
- 27 We and the CMC Registered Mediator who is the subject of your complaint will keep a written record of the complaint and related documentation for a period of 6 years. Subject to any requirement imposed by law on Chambers or on the mediator these records will be kept confidential.
- 28 In the event that you remain dissatisfied with any aspect of our handling of your complaint, you can appeal to the Civil Mediation Council on certain grounds. Details of the Civil Mediation Council's appeal processes can be found here: <https://civilmediation.org/for-the-public/complaints/>