



## **COMPLAINTS PROCEDURE**

1. Our barristers and staff aim to provide you with a good service at all times. However if you have a complaint you are invited to let us know as soon as possible. This procedure applies to both solicitors (our professional clients) and to members of the public (our lay clients) who instruct us either through solicitors or directly through the Direct Access Scheme.
2. We wish to make it clear that if you are a member of the public who has instructed us through a solicitor you may ask the solicitor to make the complaint on your behalf. However it is not necessary to do this and you are free to make the complaint to us directly if you prefer.
3. Please note that the Legal Ombudsman, the independent complaints body for service complaints about lawyers, has a twelve-month time limit in which a complaint must be raised from the date of the act or omission complained of or from when the complainant should reasonably have known there was cause for complaint without taking advice from a third party. The Ombudsman can extend the time limit in exceptional circumstances. Chambers therefore must have regard to that timeframe when deciding whether they are able to investigate your complaint. Chambers will not therefore usually deal with complaints that fall outside of the twelve month time limit.
4. The Ombudsman will also only deal with complaints from consumers. This means that only complaints from the barrister's clients are within their jurisdiction. Non-clients who are not satisfied with the outcome of the Chambers' investigations should contact the Bar Standards Board rather than the Legal Ombudsman. 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 Chambers complaints process they will refer you to the Bar Standards Board.

### **Complaints made by telephone**

5. You may wish to make a complaint in writing and, if so, please follow the procedure in paragraphs 7 and 8 below. However, if you would rather speak on the telephone about your complaint then please arrange to speak by telephone to Miss Carol Binnion who is the Chair of our Complaints Panel. Miss Binnion is a Barrister and a member of Chambers. In the event that the complaint is about Miss Binnion then Mr Edward Coke, the Deputy Chair of the Complaints Panel, should be contacted instead. He is also a Barrister and a member of Chambers. As Miss Binnion (and Mr Coke) are usually in court during the day we would ask that when telephoning chambers you make it clear that you are telephoning in relation to a complaint and that you leave a message with your name, telephone number and email address in order that Miss Binnion (or Mr Coke) can contact you. Your message will be emailed to Miss Binnion (or Mr Coke) and she (or he) will return your call (or in the event that you are not available, will contact you by email) within 24 hours.
6. Miss Binnion (or Mr Coke) will make a note of the details of your complaint and what you would like done about it. She will discuss your concerns with you and aim to resolve them. If the matter is resolved she 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 for your own records.
7. If your complaint is not resolved by the telephone call you will be invited to write to us about it within the next 14 days so that it can be investigated formally.

### **Complaints made in writing**

8. If you complain in writing please ensure that you provide us with the following details:
  - Your name
  - The name of the barrister or member of staff you are complaining about
  - Information about what it is that you are complaining about with as much detail as possible.
  - What you would like done about it.

It would assist us if you provide an email address for ease of response. We can then forward you a copy of our letter by email.

9. Your letter should be addressed to “Jackie Maskew, for the attention of Carol Binnion” and should be sent to St Ive’s Chambers, Whittall Street, Birmingham B4 6DH. This is to ensure that if Miss Binnion is out of chambers the letter is opened immediately. In the event that the complaint is about Miss Binnion then please address the letter to “Jackie Maskew, for the attention of Mr Edward Coke”.
10. 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.
11. Our Chambers has a Complaints Panel headed by Carol Binnion; the Panel consists of experienced barristers who are members of Chambers and a senior member of staff. The Complaints Panel considers any written complaint. Within 14 days of your letter being received the head of the Complaints Panel (or the Deputy in her absence) will appoint a member of the Complaints Panel to investigate your complaint. The person investigating your complaint will always be someone other than the person you are complaining about.
12. The person appointed to investigate will write to you as soon as possible to let you know s/he has been appointed and that the Chair of the Complaints Panel will reply to your complaint within 14 days. If s/he finds later that s/he is not going to be able to investigate within this period and therefore that the Chair of the Complaints Panel will not be able to reply within 14 days s/he will set a new date for the Chair of the Complaints Panel to reply and inform you. The reply sent by the Chair of the Complaints Panel will set out:
  - The nature and scope of the investigations
  - The conclusion on each complaint and the basis for the conclusion; and
  - If it is found that you are justified in your complaint, the proposals for resolving the complaint.

### **Confidentiality**

13. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that it is necessary. Disclosure will be to the head of Chambers, members of our management committee, and to anyone involved in the complaint and its investigation. Such people will include the barrister or the member of staff about whom you have complained, and the members of the Complaints Panel. The Bar Standards Board is entitled to inspect the documents and to seek information about the complaint when discharging its auditing and monitoring functions. If you are not satisfied with the outcome of the

complaint and you refer the matter to the Legal Ombudsman we would need to disclose the documents to him or her too.

### **Our policy**

14. 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 anonymised record regularly with a view to improving services.

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

15. If you are unhappy with the outcome of our investigation 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 that the Legal Ombudsman has a twelve-month time limit from the date of the act or omission about which you are complaining or from when you should reasonably have known there was cause for complaint without taking advice from a third party within which to make your complaint. In addition you must make and complaint to the ombudsman within 6 months of Chambers determining the outcome of your complaint. You can contact him or her in writing at:

Legal Ombudsman  
PO Box 6806 Wolverhampton WV1 9WJ.

Or by telephone on 0300 555 0333  
Or by Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

16. 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 7JZ

Or by telephone on 0207 6111 444  
Website: [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)