

Name of Policy:	Complaints Policy
Approved by Mancom on:	30 <sup>th</sup> January 2019
Person responsible:	Chief Executive
Policy prepared by:	Operations Manager
Date last reviewed:	2015 (minor update 2017)
Next review date:	2022

## COMPLAINTS POLICY

1. Our aim is always to provide a good service. However, if you have a complaint you are invited to let us know as soon as possible. It is not necessary to involve solicitors in order to make your complaint, but you are free to do so should you wish.
2. This policy sets out the procedure for handling complaints that concern:
  - a. The treatment of applications to join chambers as pupils, tenants or staff;
  - b. The service given by or conduct of members of chambers, chambers' staff towards solicitors, clients and visitors to chambers (such as mini-pupils and those engaged on work experience).
3. You have a right to complain about all or any of the above. Your complaint will be treated seriously in accordance with the procedures set out in this policy.

## WHO OVERSEES THE POLICY?

4. The following members of Serle Court have responsibility for investigating complaints made on any of the grounds set out at the head of this policy:
  - a. Chief Executive;
  - b. Head of Chambers;
5. In the event of a conflict of interest an appropriate individual will be nominated by the Management Committee to investigate the relevant complaint or complaints in place of the Chief Executive or Head of Chambers as appropriate. All complaints will be promptly investigated

## PROCEDURE

### Informal Procedure

6. You may wish to make a formal complaint in writing and, if so, please follow the 'formal procedure' from paragraph eight below. However, if you would prefer to try and resolve the complaint less formally you can in the first instance contact the Chief Executive. If the complaint is about the Chief Executive, please contact the Head of Chambers. The person you contact will make a note of the details of your complaint and what you would like to have done about it. They 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 that you are satisfied. You may also wish to record the outcome of the discussion in writing.
7. If your complaint is not resolved following this procedure, you will be invited to make a formal complaint in writing.

### Formal Procedure

8. If you wish to make a formal complaint, that complaint should be made in writing for the attention of The Chief Executive, who will have the duty of ensuring that the complaint is investigated. If the complaint is about the Chief Executive, please contact the Head of Chambers. The person/s carrying out the investigation will not be connected with the allegation in any way.
9. Please provide the following details with your written complaint:
  - a. Your name and address;
  - b. Which member(s) of Chambers or member(s) of staff are the subject of your complaint about;
  - c. The detail of the complaint; and
  - d. The resolution you are seeking
10. We will acknowledge receipt of your complaint within two working days.
11. In the case of complaints about members of chambers or chambers' staff, these will be dealt with as follows:

- a. If concerning the service given by or conduct of chambers' staff or by the chambers' administration generally (including applications to join Chambers as a pupil or member of staff), by the Chief Executive; and
  - b. If concerning the service given by or conduct of a member of Chambers or an application to join Chambers as tenant, by the Head of Chambers.
  - c. In the event of a conflict of interest an appropriate individual will be nominated by the Management Committee to investigate the relevant complaint or complaints in place of the Chief Executive or Head of Chambers as appropriate.
12. Confidentiality will be maintained and where it is necessary to interview witnesses the importance of confidentiality will be emphasised.
13. Any person or persons against whom the complaint is made shall be given a proper opportunity to respond to the complaint, to put his or her side of the story, and to make written representation within 21 days.
14. Within 6 weeks of the receipt of your complaint the person appointed to investigate will deliver a written response to you. If at the conclusion of an investigation your complaint is found to be substantiated, appropriate action will be taken. In any event, a complaint must be resolved within 8 weeks of that complaint being made.

#### **SUBSEQUENT OPTIONS FOLLOWING CONCLUSION OF INVESTIGATION**

15. If you are not satisfied with the outcome of your complaint, the following options are available:

##### **Alternative Dispute Resolution**

16. Alternative means of resolution are available and should you and the barrister both wish to use such a scheme details will be provided. If a mediation option 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 or the Bar Standards Board (see below for details).

## Legal Ombudsman

17. If the complaint relates to service, you can contact the Legal Ombudsman, the independent complaints body for complaints about the service provided by lawyers. You can contact them as follows:

Legal Ombudsman  
PO Box 6806  
Wolverhampton  
WV1 9WJ

Telephone number: 0300 555 0333  
Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)  
Website: <http://www.legalombudsman.org.uk/>

18. Please note that Legal Ombudsman has time limits in which a complaint must be raised with them:

- a. The act or omission, or when the complainant should reasonably have known there was 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.

19. The Legal Ombudsman can extend the time limit in exceptional circumstances.

## Bar Standards Board (BSB)

20. If the complaint relates to conduct and you 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 7HZ

DX: 240 LDE

Telephone number: 020 7611 1444  
Email: [assessmentcomplaints@barstandardsboard.org.uk](mailto:assessmentcomplaints@barstandardsboard.org.uk)

21. Please note that Legal Ombudsman and the BSB are not able to consider your complaint until it has first been investigated by Chambers.

## **CONFIDENTIALITY**

22. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that 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 member or staff who you have complained about, the head or relevant senior member of the panel and the person who investigates the complaint. The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its monitoring functions.

## **RECORDS/MONITORING**

23. 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 ten years. These will be kept confidential, save where disclosure is required for legal or disciplinary action. The outcome of every complaint will be reviewed annually by the Management Committee to ensure the continuing effectiveness of this policy.