**Complaints Handling Policy**

We are committed to providing a high-quality legal service to all our clients. When something goes wrong, we need our clients to tell us about it. This will help improve our standards. Whenever possible, please raise any initial client care problems with the person acting on your case to give them the opportunity of resolving matters with you. Often, matters can be quickly resolved in this way.

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 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 18 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).

Chambers 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 Legal Ombudsman's time limits. The Ombudsman can extend the time limit in exceptional circumstances.

The Ombudsman will also only deal with complaints from consumers. This means that only complaints from the barrister's client are within their jurisdiction. Non-clients who are not satisfied with the outcome of the Chambers' investigation should contact the BSB 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 BSB. Therefore, chambers will make an initial assessment of the complaint and if they feel that the issues raised cannot be satisfactorily resolved through the chambers complaints process they will refer you to the BSB.

**Our Procedure at Contract Law Chambers**

1. Where a client is dissatisfied with some aspect of the service provided by a barrister or by Chambers, they are invited to telephone the Clerk or write to Chambers to deal with complaints. Hopefully, a resolution can be reached at this stage.
2. We will send you a letter acknowledging receipt of your complaint within five days of receiving it, enclosing a copy of this procedure.
3. If the complaint is not resolved at this stage, we will investigate your complaint. This will normally involve passing your complaint to our complaints panel, this is made up of our Head of Chambers, Helen Swaffield and at least one other member of Chambers who is not involved in any way with the complaint. The panel will review your matter file and speak to the member of Chambers who acted for you. Should the complaint relate to the conduct of a case by Mrs Swaffield, then the file will be forwarded to an independent solicitor, Mr Anthony Ratcliffe, who will review the file, and follow the procedure outlined below.

1. We will then invite you to a meeting to discuss and hopefully resolve your complaint. He/she will do this within 14 days of sending you the acknowledgement letter.
2. Within five working days of that meeting we will write to you to confirm what took place and any solutions that we have agreed with you.
3. If you do not want a meeting, or it is not possible, you will be sent a detailed written reply to your complaint, including the suggestions for resolving the matter, within 21 days of sending you the acknowledgement latter.
4. At this stage, if you are still not satisfied, you should contact us again and we will arrange for Mr Anthony Ratcliffe to review the decision. If the complaint relates to a case conducted by Mrs Swaffield, then this second review will be undertaken by an independent adjudicator nominated by the Bar Council.
5. We will write to you within 14 days of receiving your request for a review, confirming our final position on your complaint and explaining our reasons.
6. If you are still not satisfied with our handling of your complaint you can ask the Legal Ombudsman to consider the complaint. We would hope that this does not become necessary and that we can resolve matters between ourselves.

If we have to change any of the above timescales, we will let you know and explain why.

**Complaints in Writing**

Please give the following details:

• Your name and address;

• Which member(s) of chambers you are complaining about;

• The detail of the complaint; and

• What you would like done about it.

Please address your letter to Contract Law Chambers, 5 Chancery Lane, London, WC2A 1LG. 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.

Within 14 days of your letter being received the head of the panel, or Mr Radcliffe we will investigate it. If your complaint is against the head of the panel, Mr Radcliffe will investigate it. In any case, the person appointed will be someone other than the person you are complaining about.

The person appointed to investigate will write to you as soon as possible to let you know they have been appointed and that they will reply to your complaint within 14 days. If they find later that they are not going to be able to reply within 14 days they will set a new date for their reply and inform you. Their reply will set out:

• The nature and scope of their investigation;

• Their conclusion on each complaint and the basis for their conclusion; and

• If they find that you are justified in your complaint, their proposals for resolving the complaint.

**Complaints in relation to bills**

The complaints procedure above also applies to complaints arising concerning our bill. There may also be a right to object to the bill by applying to the court for an assessment of the bill; The Legal Ombudsman may not consider a complaint about a bill if you have applied to the Court for assessment of that bill.

**Complaints Resolution**

The aim will always be to meet a client and to resolve the matter without the loss of the client’s goodwill. This activity will be undertaken by the Head of Chambers who has the authority to make decisions that might resolve matters. If the complaint is about the Head of Chambers, then this will be referred to the Clerk who will undertake the requirements of this procedure.

This process requires that the Clerk considers any complaint received in as objective a manner as possible and seeks to resolve the dissatisfaction. In particular they will offer to meet with the complainant when possible and suggest appropriate redress. In so doing they will also consider if a notification needs to be made to the insurers and also consider if any aspect of the quality system needs amendment such as an unsatisfactory quality procedure.

A fundamental objective of the procedure is to identify the cause of any problems of which the client has complained. This is to facilitate the identification of any shortcomings in chambers such as staff competence/training issues and unsatisfactory procedures. Additionally, chambers will aim to offer redress to the client where this is deemed appropriate.

**Legal Ombudsman**

If you are unhappy with the outcome of our investigation 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 referral of complaints to the Ombudsman as set out at paragraph 2 above. Those 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**

0300 555 0333

[enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

www.legalombudsman.org.uk

Any complaint to the Legal Ombudsman must normally be made within the following timescales:

1. Six years from the date of the act or omission about which the client is complaining occurred, or
2. Three years from the date the client should reasonably have known there were grounds for complaint (if the act/omission took place before 6th October 2010 or was more than six years ago), and
3. Within six months of receiving a final written response from chambers about the complaint.

If you are unhappy with the outcome of the investigation, alternative complaints bodies (such as ProMediate at <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: (1) the time limit for contacting PromMediate is a reasonable period following the complained conduct, and (2) 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).

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: 0207 6111 444

Website: www.barstandardsboard.org.uk

**Complaints Recording**

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. All formal complaints will be recorded by way of a written note of the discussion with the client or a copy of the letter dealing with the complaint and any other documentation pertaining to it.

A **COMPLAINT REPORT** form will be completed to summarise the complaint, the outcome and any corrective actions (for example staff training or changes to chambers’ procedures) that have been identified. Where a complaint or expression of concern could give rise to a claim against chambers, the insurers must be notified immediately in writing.

**Confidentiality**

All conversations and documents shall be confidential and disclosed only to the extent necessary. They may be disclosed only to the client, the person complained about, the Head of Chambers, the head of the complaints panel or relevant senior member of the panel, the nominated individual and any other individual with whom enquiries need to be made for the purpose of the investigation. The BSB is entitled to inspect the documents and seek information about the complaint when discharging its monitoring functions.

**Complaint Closure**

At the end of all complaints whatever the outcome, a final letter, indicating chambers’ opinion as to whether the complaint is or is not justified, will be sent to the client. If necessary, this will include information about complaining to the Legal Ombudsman.

Following the introduction of the EU ADR Directive on the 1st October 2015 relating to consumer alternative dispute resolution requirements, the Client Care Director must ensure that in the final response, not only is the client informed of their right to complain to the Legal Ombudsman, but they must also be informed that alternative complaints bodies (such as Ombudsman Services, ProMediate and Small Claims Mediation) exist which are competent to deal with complaints about legal services.

The notification states that this would be dependent upon both parties wishing to use such a scheme and should state if chambers agrees to use the scheme.

**Register of Complaints**

A register of complaints will be maintained containing all records concerning the complaint and the final closure letter. A **COMPLAINTS REGISTER** form will be kept on the central register to show the overall status of complaints. The register will be reviewed at the Annual Quality Review, to enable any procedural problems identified by complaints to be identified and corrective action taken.

**Central records maintained**

Where the procedure ends after the first stage (recording the complaint and initial resolution), the person responsible for recording the outcome on the note of complaint should ensure that the note of complaint is placed on the Chambers complaints file.

Where the procedure ends after the second stage (convening a complaints panel/individual), the head of the panel/nominated individual will ensure that the following documents are placed on the Chambers complaints file:

• Note/letter of complaint; and

• Appointed person's/nominated individual's report