

9 Gough Chambers

Guidance on complaints resolution procedures

Policy and procedure 12 A

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Introduction handbook

1. The barristers and staff at 9 Gough Chambers aim to establish and maintain the highest professional standards and thus hope to avoid complaints about, or dissatisfaction with, the services provided. We recognise, that in any organisation such complaints or dissatisfaction may from time to time arise and that it is important to ensure that they are dealt with promptly, courteously, efficiently, and sensitively. Furthermore, these procedures are intended to comply the BSB Handbook (Version 4.5 effective 1 September 2020) provided by the Bar Standards Board.
2. Complaints are expressions of dissatisfaction by clients. A distinction can be made between complaints that relate to service, professional negligence and misconduct. The following guidance relate to the handling of service complaints which are within the jurisdiction of the Legal Ombudsman. Service complaints relate to an act or omission by a Member of Chambers or a member of chamber`s staff in relation to services provided to the complainant (directly or indirectly).
3. Complaints may be made by the lay or professional client, through solicitors or without the involvement of solicitors.
4. Complainants should be informed in writing if any complaint or aspect of the complaint is deemed to be outside of Chambers complaints handling procedures. This must include information on how to complain to the Legal Ombudsman.
5. In these provisions:

“Member” means any barrister Member of Chambers including the Head of Chambers;

“staff member” means any member of staff including the Director of Operations;

“complaint” means any complaint or expression of dissatisfaction, whether written or oral, relating to any act or omission of any Member or staff member, or arising out of any activity or omission of Chambers or of the Clerks’ Room in relation to services provided to the complainant (directly or indirectly).

Complaints concerning barristers

6. A complaint may be written or it may be oral. It may be addressed (the details for the individuals are contained on the website at 9goughChambers.co.uk):

- a) Directly to the Member to whom it relates.
 - b) To the Head of Chambers.
 - c) To the Director of Operations.
 - d) To the Clerk to the Member of Chambers.
7. Whenever any complaint, written or oral, is made, the person to whom it is made must inform the Director of Operations (or the Head of Chambers if it relates to the Director of Operations) of the complaint.
8. Where a complaint is made by telephone, a note of the complaint should be made. It should record:
- a) The name and address of the complainant.
 - b) The date of the complaint.
 - c) Against whom the complaint is made.
 - d) The detail of the complaint.
 - e) What the complainant believes should be done about the complaint.
9. Furthermore, where a complaint is made orally, the complainant will be informed that there is a formal Chambers complaints procedure and a copy of that procedure shall be sent to them.
10. If the complaint is made orally, and the initial discussion fails to deal with it to the satisfaction of the complainant, the complainant shall be invited to put the complaint in writing; and, if that course is adopted, the following provisions shall apply.
11. The Director of Operations will act as co-ordinator and primary responder in relation to all complaints and will maintain a record of each complaint showing:
- a) The name and address of the complainant.
 - b) The nature of the complaint.
 - c) The Member(s) about whom the complaint is made.
 - d) The steps taken to investigate the complaint.
 - e) The steps taken to resolve the complaint.
 - f) Any steps taken (where appropriate) to remedy the matter and/or to prevent a re-occurrence of the matter of complaint.
12. The Director of Operations will notify the complainant promptly and in any event within 7 days after the complaint has been received that it is under investigation. Where possible the following information is to be provided to the complainant:
- a. the name of the person who will deal with the complaint and a description of that person's role in Chambers or in the BSB authorised body (as appropriate);
 - b. a copy of the Chambers' complaints procedure or the BSB authorised body's Complaints Procedure
 - c. the date by which the complainant will next hear from Chambers or the BSB authorised body (as appropriate).

13. If appropriate the complainant can be referred to the LSC or CPS complaints procedure.
14. The Director of Operations will also maintain a file containing all papers relating to the complaint. The record and the file relating to each complaint shall be preserved for a period of not less than 6 years (from resolution of the complaint), and shall be kept confidential but may be made available on request to the Head of Chambers, [the Chambers Complaints Panel] or the Management Committee for the purposes of:
 - a) Investigating and resolving a complaint; or
 - b) Internal Chambers review with a view to improving practice; or
 - c) Complying with requests from the Bar Standards Board in the exercise of its monitoring and audit functions.
15. The disclosure to the Bar Standards Board of internal documents relating to the handling of the complaint (such as the minutes of any meeting held to discuss a particular complaint) for the further resolution or investigation of the complaint is not required by the Bar Standards Board.

Investigation

16. The complaint will be investigated by the Director of Operations unless
 - a. it involves an allegation of professional impropriety or incompetence; or
 - b. is otherwise in their opinion of such a nature as to require investigation by the Head of Chambers.In either such case the complaint will be investigated by the Head of Chambers unless in their opinion it should be left to the Director of Operations or referred to a senior Member of Chambers chosen from the Complaints Panel for investigation.
17. The investigation will be carried out as speedily as is consistent with fairness to all concerned. All concerned will be given a proper opportunity to state their positions in relation to the complaint.
18. On completion of the investigation the Head of Chambers or the senior Member of Chambers chosen from the Complaints Panel and if the person investigating is such a person, that person, will determine whether the complaint was justified or not. The standard of proof will be the balance of probabilities. If the complaint is justified, the Head of Chambers or the Member of Chambers from the Complaints Panel and the Director of Operations will propose a solution to remedy the matter. The Director of Operations will inform the member concerned of the decision, and (where appropriate) agree with the Member concerned the proposed solution.
19. The Director of Operations will then provide the complainant with a response setting out all matters referred to in para. 11 above, together

with the nature and scope of the investigation, the conclusions reached and reasons for those conclusions. If a complaint is found to be justified the report should also set out the proposals for resolution.

20. At the conclusion of the complaints process, the complainant must be informed of his/her right to take up their complaint with the Legal Ombudsman. The complainant must be provided with the Ombudsman's contact details.
21. The Director of Operations will, in any case where a complaint is found to be justified and in any other case where it may be appropriate, consider what steps might be implemented to reduce the likelihood of a similar complaint arising in the future. He/she will then, as appropriate, implement such steps themselves or propose to the Head of Chambers, the Management Committee or the Member concerned that such steps should be implemented.
22. Any complaint relating to any act or omission of the Head of Chambers shall be dealt with in the manner provided above save that for all references to the Head of Chambers there shall be substituted references to the Management Committee or such Member thereof as may be nominated by the Committee to carry out any particular function of the Committee.
23. Any complaint which involves an allegation of negligence or any other possible claim under professional indemnity insurance must be reported forthwith to Bar Mutual Indemnity Fund Ltd by the Member to whom the complaint refers. There is a duty on any Member to report forthwith matters which amount to serious misconduct.
24. If it is not possible by means of the above procedure to resolve the complaint to the satisfaction of all concerned, and if the complaint involves an allegation or possible allegation of professional misconduct or inadequate professional service on the part of the Member concerned, the complainant will be advised of his or his right to make a formal complaint to the Bar Standards Board. The relevant leaflet/guidance BSB note on the complaints procedure will be sent to the complainant at any time upon request.

Complaints concerning staff members

25. Any complaint relating to any act or omission of the Director of Operations shall be investigated and dealt with by the Management Committee in accordance with the provisions above, modified as follows

The notifications referred to above shall be given by the Head of Chambers or by a Member of Chambers nominated by the Management Committee for that purpose;

The investigation referred to above shall be carried out by a Member of Chambers nominated by the Management Committee for that purpose;

The determination referred to above shall be made and the consideration referred to in paragraph 14 given by the Management Committee.

26. Any complaint relating to any act or omission of any staff member other than the Director of Operations, or arising out of any activity or omission of the Clerks' Room generally, shall be investigated and dealt with by the Director of Operations in accordance with the above provisions, modified as follows

The Director of Operations shall normally investigate the complaint herself but may refer it to the Head of Chambers, or seek his assistance in investigating it, if in his opinion the circumstances surrounding the complaint make it desirable to involve him;

The determination referred to above shall normally be made by the Director of Operations but that person may refer it to the Head of Chambers if in their opinion it is desirable so to do;

The Director of Operations shall report the outcome of the investigation to the Head of Chambers.

27. A copy of the Complaints Resolution Procedure is available upon request in writing to the Director of Operations by the professional and lay client and this will be communicated to the professional and lay client via Chambers' acknowledgement letters upon receipt of work and is set out on Chambers' website. In all circumstances professional clients are asked to notify the lay client in writing about their right to obtain a copy of the Complaints Resolution Procedure directly from Chambers.

Annual Review

28. The Director of Operations must report at least annually to either:

- a. The Head of Chambers or
- b. the Chambers Complaints Panel or
- c. the Management Committee;

on the number of complaints received, on the subject areas of the complaints and on the outcomes. The complaints should be reviewed for trends and possible training issues.

Further Information

29. You can write to the Legal Ombudsman at:

PO Box 6806, Wolverhampton, WV1 9WJ
enquiries@legalombudsman.co.uk
Telephone: 0300 555 0333

30. The Bar Standards Board investigates complaints of professional misconduct or professional disciplinary issues. You can write to the Bar Standards Board at:

Complaints Department
Bar Standards Board
289-293 High Holborn
London WC1V 7HZ
DX 240 LDE
Tel: 020 7611 1444

contactus@barstandardsboard.org.uk