



29 BEDFORD ROW CHAMBERS COMPLAINTS PROCEDURE

1. This procedure applies to all barristers and staff operating from 29 Bedford Row whether practicing as self-employed barristers or Bar Standard Board authorised bodies (sometimes referred to as “separate entities”) or otherwise and the term “staff” includes all clerks and other members of staff.
2. 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.
3. 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.
4. Our barristers and staff aim to provide you with an excellent level of service at all times. However if you do have a complaint you are invited to let us know as soon as possible.
5. Any complaint about our services should be made to our internal complaints committee in accordance with this procedure. The committee is headed by Sally Max and is made up of experienced members of Chambers and a senior member of staff.
6. If your complaint is against a barrister then, depending on the nature of your complaint and the role played by the barrister, you may also be able to make a complaint to the Legal Ombudsman (the independent complaints body responsible for investigating service complaints about lawyers), the Bar Standards Board (the Bar’s independent regulator), the Chartered Institute of Arbitrators, Resolution, and/or the Family Mediation Council.
7. The Legal Ombudsman will usually expect you to use our internal complaints procedure before he can deal with a complaint.
8. The Legal Ombudsman can only investigate those complaints within his jurisdiction and which are brought within certain time limits. The Ombudsman will only investigate complaints:
 - If the subject matter of your complaint or your discovery of the problem complained of occurred after 5th October 2010, **and**
 - Your referral to the Legal Ombudsman is made within either:

six years from the date of the act/omission complained of; or
three years from when you should reasonably have found out about it; **and**

- Your referral to the Legal Ombudsman is made within six months from receiving a written response from Chambers' internal complaints committee.
9. The Legal Ombudsman has power to extend these time limits, but only in exceptional circumstances.
 10. Chambers are obliged to have regard to these time limits when deciding whether we are able to investigate your complaint and for this reason will not normally entertain complaints falling outside the prescribed periods.
 11. Although Chambers will have regard to the time limits imposed by the Legal Ombudsman, it is our experience that a long delay in bringing a complaint can make it difficult, if not impossible, to investigate thoroughly. For that reason, we would urge all complaints to be brought to us within **three years** from the date of the event(s) complained of.
 12. Further, the Legal Ombudsman will only deal with complaints from the person who the barrister is or was representing. Therefore a complaint from someone other than the person who the barrister is or was representing should contact the Bar Standards Board (or other regulator or professional body as set out at paragraph 6 above).
 13. We may decline to investigate a complaint brought by someone other than the person who the barrister is or was representing. This is because our ability satisfactorily to investigate and resolve such complaints may be limited, and such matters are often better suited to the investigatory and disciplinary processes of the Bar Standards Board (or other regulator or professional body as set out at paragraph 6 above).
 14. Further, the Legal Ombudsman can only look at complaints about the **service** the barrister has given when acting in the role of barrister. If the Legal Ombudsman considers that a complaint made to them includes concerns about the **conduct** of the barrister or that he or she was not acting in the role of barrister (for example if the barrister was appointed as a Private FDR/ENE judge), then the Legal Ombudsman will refer the complaint to the Bar Standards Board for their consideration.
 15. The Bar Standards Board Handbook defines a barrister acting in a quasi-judicial capacity if he or she was *“acting in any capacity which requires an approach of a judicial nature and compliance with the basic requirements of natural justice; and/or, as an arbitrator; or, as a neutral evaluator between parties; or, as a mediator.”* If the barrister concerned was acting in such a manner the Bar Standards Board is required to send the matter to an appropriate body (such as that set out at paragraph 6 above). If there is no such body, or if they did not deal with the complaint, then the Bar Standards Board could consider the complaint.
 16. Chambers will always make an initial assessment of all complaints received whether or not the complaint is one that can be investigated by the Legal Ombudsman or other regulator or professional body as set out at paragraph 6 above.

17. If we feel that the issues raised cannot be satisfactorily resolved through the Chambers internal complaints procedure, we will refer the complainant to the Legal Ombudsman or other regulator or professional body as set out at paragraph 6 above.

18. Complaints Made by Telephone

It is possible to make a complaint by telephone although it is preferable if it is made in writing so that our internal complaints committee has a clear and accurate record of the matters complained of. In that event please follow the procedure set out in paragraph 22 below. However, if in the first instance you would rather speak on the telephone about your complaint then please contact the following:

- if your complaint is about a junior member of Chambers (i.e. someone who is not a Queen's Counsel):
 - Sally Max, Head of the internal complaints committee,
 - Christopher Wagstaffe QC, or
 - Lucy Owens.

- if your complaint is about a member of staff:
 - James Shortall, Senior Clerk.

- if your complaint is about a Queen's Counsel, Sally Max, Christopher Wagstaffe QC, Lucy Owens or James Shortall:
 - Alexis Campbell QC or Nicholas Allen QC, Joint Heads of Chambers.

- if your complaint is against Alexis Campbell QC or Nicholas Allen QC:
 - Sally Max, Head of the internal complaints committee.

19. In all cases the telephone number is 020 7404 1044. We would ask that when telephoning you make it clear that you are calling in relation to a complaint and that, if appropriate, you leave a message with your name, telephone number and an email address so that the person you contact can respond to you.

20. The person you contact will make a note of the details of your complaint and what you would like to have done about it. He or she will discuss your concerns with you and aim to resolve them. If the matter is resolved he or 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.

21. If your complaint is not resolved on the telephone, you will be invited to write to us about it so it can be investigated formally.

Complaints Made in Writing

22. If you complain in writing please ensure that your letter is dated and that you provide us with the following details:

- your name and address;
- the name of the barrister or member of staff you are complaining about;
- the precise conduct that you are complaining about with as much detail as possible;

- any relevant documentary evidence you have in support of the complaint;
- what you would like done about it; and
- any special needs you may have and how you would wish these to be accommodated.

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

Your letter should be addressed to “*Sally Max, Head of the Complaints Committee*” and should be sent to 29 Bedford Row, London WC1R 4HE. By addressing the letter in this way it will ensure that the letter is opened immediately.

23. The following time-scales will apply in respect of a complaint received in writing:

- We will, where possible, acknowledge receipt of your complaint within two working days and provide you with details of how your complaint will be dealt with and the date by which you will next hear from Chambers in relation to the complaint.
- Within 14 days of your letter being received, the head of the committee, or her deputy in her absence, will appoint a member of the committee to investigate it. If your complaint is against the head of the committee, the next most senior member will investigate it. In any case, the person appointed will be someone other than the person about whom you are complaining.
- The person appointed to investigate will write to you as soon as possible to let you know that he or she has been appointed and that he or she will reply substantively to your complaint within 14 days.
- If the committee member later finds that it is not going to be possible to reply substantively within 14 days he or she will set a new date for the reply and inform you of it. It may well be that further time will be required if further information or documents are required from you or from the person about whom the complaint is made.
- The Legal Ombudsman requires that we respond substantively to a complaint within eight weeks. We therefore aim to ensure that you will receive a substantive response to your complaint within eight weeks of receipt by us of all the material upon which you wish to rely. If we have not done so, you can complain to the Legal Ombudsman (assuming the complaint is within their jurisdiction). It is up to you as to whether or not to agree to any request that we make to extend the period beyond eight weeks.

24. The substantive reply to your complaint will set out:

- the nature and scope of the investigation;
- the panel member’s conclusion on each complaint made and the basis for his or her conclusion; and
- if he or she finds that you are justified in your complaint, his or her proposals for resolving the complaint.

25. It is important to us that any complaint received is investigated thoroughly and promptly. In order to do this you should provide with your initial complaint:

- a clear account of the conduct complained of. If there is more than one issue, please identify each allegation separately so far as possible; and
- any documents or other material that you wish us to consider in support of your complaint.

26. Whilst we will endeavour to consider material sent after the initial complaint is received, the panel member conducting the complaint is entitled to provide you with a reasonable deadline for receipt of further evidence. This will ensure that all relevant material is considered promptly and in one comprehensive investigation.

27. If your complaint is against a barrister instructed on your behalf by solicitors, it is possible that those solicitors will have in their possession documents and/or other information relevant to the investigation. You may be asked by the investigator to obtain copies of that material so that your complaint can be thoroughly investigated. If that happens you will be expected to obtain such material and provide copies to the investigator promptly upon request; should you fail to do so the investigation of your complaint may be delayed, compromised or even rendered impossible, in which case the investigator will inform you accordingly.

Confidentiality

28. All conversations and documents relating to the complaint will be treated as confidential and will only be disclosed only to the extent that is necessary. Any such disclosure will be to the Joint Heads of Chambers, members of our management committee and anyone involved in the complaint and its investigation. Such people are likely to include the barrister or member or staff about whom you have complained, the head or relevant senior member of the complaints committee and the person who investigates the complaint. Our management committee regularly inspects an anonymised record with a view to improving services.

29. 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. The Bar Standards Board is also entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.

30. Our Data Retention Policy

We make a written record of any complaint and retain all documents and correspondence generated by the complaint for a period of six years after which the documents and correspondence will be destroyed in accordance with the General Data Protection Regulation.

31. Complaints to the Legal Ombudsman

If you are unhappy with the outcome of our investigation and you fall within the jurisdiction of the Legal Ombudsman, you may take up your complaint with him at the conclusion of our consideration of your complaint.

32. The Ombudsman is generally 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 8 above.

33. You can write to the Legal Ombudsman at:

Legal Ombudsman
PO Box 6806
Wolverhampton
WV1 9WJ

Telephone number: 0300 555 0333
Website: www.legalombudsman.org.uk
Email: enquiries@legalombudsman.org.uk

The Legal Ombudsman compiles decision data in relation to complaints which you can access at www.legalombudsman.org.uk/raising-standards/data-and-decisions.

34. Complaints to the Bar Standards Board

If you are unhappy with the outcome of our investigation, are not the barrister's client, and you fall within their jurisdiction, you can write to the Bar Standards Board at:

Contact and Assessment Team
Bar Standards Board
289-293 High Holborn
London
WC1V 7JZ

Telephone number: 020 76111 444
Website: www.barstandardsboard.org.uk
Email: contactus@barstandardsboard.org.uk

The Bar Standards Board also compiles data in relation to the profile of the barristers including in relation to disciplinary findings, which you can access at www.barstandardsboard.org.uk/for-the-public/search-a-barristers-record/the-barristers-register.

35. Complaints to the Chartered Institute of Arbitrators

Every arbitrator appointed under the IFLA-scheme is a member of the Chartered Institute of Arbitrators ('CI Arb'). CI Arb has its own internal complaints procedure. You can write to the CI Arb at:

Member Services
Chartered Institute of Arbitrators
12 Bloomsbury Square
London
WC1A 2LP

Telephone number: 020 7421 7447

Website: www.ciarb.org

Email: memberservices@ciarb.org

Complaints to Resolution

36. If the barrister concerned is a member of Resolution they can be contacted at:

Telephone number: 020 3841 0300

Website: www.resolution.org.uk

Complaints to the Family Mediation Council

37. If the barrister concerned was acting as a mediator you may be able to complain to the Family Mediation Council which is made up of a number of national family mediation organisations (College of Mediators, Family Mediators Association, The Law Society, National Family Mediation, and Resolution). The Family Mediation Council can be contacted at:

Telephone number: 01707 594055

Website: www.familymediationcouncil.org.uk

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