



Complaints Procedure

1. 12 Old Square Chambers aims to deliver an exceptional service at all times. Client care is vital to us and client feedback matters, whether positive or negative. It will help to improve customer experience.
2. However, if you have a complaint of any kind, you are invited to inform us as soon as possible. It is not necessary to involve solicitors to make a complaint to us but you are free to do so should you wish. We take complaints very seriously and always aim to improve our service.

Whichever course you take, Chambers will not charge to investigate your complaint.

3. Members at 12 Old Square Chambers are professionals in their own field and independently provide services to professional and lay clients. Your complaint to the barrister will be handled on his or her behalf under this Procedure by the Head of Complaints, Mr John Waithe.

Time limits

4. Chambers has regard to the timeframe set by the Legal Ombudsman when determining the ability to investigate your complaint. Chambers will not deal with complaints that fall outside of the Legal Ombudsman's time limits. The Ombudsman can extend the time limit in exceptional circumstances.
5. The Legal Ombudsman is the independent complaints body for service complaints about lawyers. The time limits in which a complaint must be raised with them as follows:
 - a. Six years from the date of the act/omission.
 - b. Three years from the date that the complainant should reasonably have known there were grounds for complaint (if the act/omission took place after the 5th October 2010 or was more than six years ago).
 - c. Within six months of the complaint receiving a final response from 12 Old Square Chambers, if that response 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).

6. 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 Bar Standards Board rather than the Legal Ombudsman.
7. 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.
8. 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 Bar Standards Board.

How to Make a Complaint

Complaints can be made in writing or by telephone.

Complaints made by telephone

9. Please provide the following information:
 - a. Who the complaint is about;
 - b. Details of the complaint; and
 - c. The desired outcome of the complaint
10. If you wish to make a complaint then call Chambers on 020 7404 0875 to speak with the nominated complaint handler. The person you contact will make notes of the details of your complaint and what you would like done about it. They will discuss your concerns with you and aim to resolve them informally. You may also wish to record the outcome of the telephone discussion in writing for your own records.
11. The Head of Complaints will receive your complaint from the clerks and he will aim to deal with all complaints within 14 days of the initial complaint being made.
12. He will discuss your concerns with you and try to resolve them. If the matter is resolved, a record of the outcome will be made and copy sent to you to ensure that your complaint has been fairly resolved. We would suggest you make your own note of the conversation. If your complaint cannot be resolved informally in this way on the telephone you will be invited to write to us so that the complaint can be investigated formally.

Complaint made in writing

13. If you wish to make a formal complaint in writing, please ensure that your letter is dated and that you provide us with the following details:

- a. Your name and address;
- b. The name of the barrister or member of staff you are complaining about;
- c. Information about what it is that you are complaining about with as much detail as possible;
- d. What you would like done about it;
- e. Any special needs you may have and how you would wish these might be accommodated.

Please address your letter to:

Mr John Waithe, Head of Complaints
12 Old Square Chambers
12 Old Square
Lincoln's Inn
London
WC2A 3TX

In any case, the person being complained about will have no role in the investigation or determination of the complaint.

Complaints involving allegations of Misconduct and / or Professional Negligence

14. This Complaints Procedure is designed to deal primarily with service complaints such as an allegation that you have received a poor service from a barrister, clerk or other member of staff. These are matters which are within the jurisdiction of the Legal Ombudsman.

15. There is no positive obligation to investigate issues of misconduct, and we may not be in the best position to seek to resolve or provide redress for these. Issues of misconduct are primarily matters to be determined by the Bar Standards Board. We will inform you in writing if we reach the decision that part or all of your complaint raises issues of misconduct and will advise you where you need to direct your complaint, if you wish to pursue it. If possible, we will determine any part of the complaint which raises a service element.

16. Equally, we may not be best placed to seek to resolve or provide redress for complaints which raise allegations of professional negligence. Such allegations are

best raised through Bar Mutual who provide indemnity insurance for barristers. We will inform you in writing if we reach the decision that part of all of your complaint raises allegations of professional negligence and will advise you where you need to direct your complaint, if you wish to pursue it. If possible, we will determine any part of the complaint which raises a service element.

The Procedure

17. 12 Old Square Chambers has a panel led by its Head of Chambers, Ms Charlotte Boaitey, and comprises of experienced senior barristers of chambers and also senior staff members. This panel considers any written complaint and within 14 days of your letter being received, the head of the panel, or the nominated deputy in their absence, will appoint a member of the panel to investigate the complaint. If the complaint is related to the head of the panel, then it will be investigated by the next most senior member of the panel.
18. Your complaint will be acknowledged in writing within 7 days of receipt and we will provide details of how your complaint will be dealt with. A person may be appointed to investigate your complaint and we will write to you as soon as possible to let you know who has been appointed to deal with your matter. A formal reply to your complaint can be expected within 28 days.

The reply will set out:

- a. The nature and scope of their investigation;
- b. Their conclusion on each complaint and the basis of their conclusion; and
- c. If the complaint is found to be justified, the proposals for resolving the complaint.

Confidentiality

19. 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 of or relevant senior member of the panel and the person who investigates the complaint. The Bar Standard Board is entitled to inspect the documents and seek information about the complaint, when discharging its auditing and monitoring functions.

Our policy

20. 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 Bar Standards Board (Professional body governing the conduct of barristers)

21. If you are unhappy with the outcome of our procedure, you may take up your complaint (within 12 months) with the Legal Ombudsman. The Ombudsman is usually unable to consider your complaint until it has first been investigated by Chambers. Please note the time limits referred to in paragraph 4 above and in particular the requirement that you must make any complaint to the Ombudsman within six months of Chambers determining the outcome of your complaint.

You can contact the Legal Ombudsman in writing at:

Legal Ombudsman, PO Box 6806 Wolverhampton WV1 9WJ; telephone on 0300 555 0333; email: enquiries@legalombudsman.org.uk

The Legal Ombudsman compiles decision data in relation to complaints which you can access at:

<https://www.legalombudsman.org.uk/information-centre/data-centre/ombudsman-decision-data/>

22. If you are a not Chamber's lay client and are not satisfied with the outcome of our Complaint Handling decision then you may wish to escalate your complaint to the **Bar Standards Board** by completing a complaints form (available from their website, below) and sending it to:

Assessment Team, Professional Conduct Department, 289-293 High Holborn, London, WC1V 7HZ. Telephone number 020 7611 1444.

Website: <https://www.barstandardsboard.org.uk/>

Email: <mailto:assessmentcomplaints@barstandardsboard.org.uk>

The BSB also compiles data in relation to the profile of barristers including in relation to disciplinary findings, which can be found at:

<https://www.barstandardsboard.org.uk/for-the-public/search-a-barristers-record/the-barristers-register.html>

23. Complaints to Resolution

If the barrister concerned is a member of Resolution they can be contacted at: Telephone number: 020 3841 0300 Website: <https://resolution.org.uk/>



24. Complaints to the Family Mediation Council

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: <https://www.familymediationcouncil.org.uk/>

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