## TANFIELD CHAMBERS COMPLAINT PROCEDURE

1. Our aim is to give you a good service at all times. 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. 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) 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 5 October 2010 or was more than six years ago)

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) Within six months of the complaint receiving a final response from their lawyer, 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).

3. The Ombudsman can extend the time limit in exceptional circumstances. Chambers must therefore 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.

4. 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.

5. 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. 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.



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## Complaints Made by Telephone

6. You may wish to make a complaint in writing and, if so, please follow the procedure in paragraph 8 below. However, if you would rather speak on the telephone about your complaint then please telephone the individual nominated under the Chambers Complaints Procedure to deal with complaints – **Eamonn Kelly Chief Executive Officer.** If the complaint is about the **Chief Executive Officer,** telephone **Head of Chambers Philip Rainey QC**. 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 will discuss your concerns with you and aim to resolve them. If the matter is resolved he 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.

7. 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

8. 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.

9. Please address your letter to – **Eamonn Kelly Chief Executive Officer.** 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.

10. Our Chambers has a panel headed by **Philip Rainey QC** and made up of experienced members of Chambers and a senior member of staff, which considers any written complaint. Within 7 days of your letter being received the head of the panel or his deputy in his absence will appoint a member of the panel to investigate it. If your complaint is against the head of the panel, the next most senior member of the panel will investigate it. In any case, the person appointed will be someone other than the person you are complaining about.

11. The person appointed to investigate will write to you within 28 days of the receipt of the complaint. If they find later that they are not going to be able to reply within the 28 days they will set a new date for their reply and inform you. Their reply will set out:

- Their name and experience
- The nature and scope of their investigation;
- Their conclusion on each complaint and the basis for their conclusion
- If they find that you are justified in your complaint, their proposals for resolving the complaint.
- If the complaint is not upheld contact details for the Legal Ombudsman

## Confidentiality

12. 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 auditing and monitoring functions.

## Our Policy

13. 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 Legal Ombudsman

14. 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.

You can write to them at:

Legal Ombudsman
PO Box 6806,
Wolverhampton
WV1 9WJ

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

## Using ADR Mediators

15. If you are unhappy with the outcome of the investigation, alternative complaints bodies such as Pro Mediate 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 CTSI certified complaints about lawyers (promediate.co.uk), then please contact us to discuss this. Please also note that: (1) the time limit for contacting ProMediate is one month immediately after the results of the Chambers investigation 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).

16. 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
Professional Conduct Department
289-293 High Holborn
London
WC1V 7JZ

Telephone number: 0207 6111 444
Website : www.barstandardsboard.org.uk

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