

ONE ESSEX COURT COMPLAINTS PROCEDURE FOR THIRD PARTIES

1 POLICY

- 1.1 We aim is to give our clients and their solicitors a good service at all times. However if you have a complaint please let us know as soon as possible. It is not necessary for lay clients to involve their solicitors in order to make a complaint, but they are free to do so should they wish. Please note that if complaints are brought more than 6 months after the offending incident, there may be significant difficulty in being able to deal with the complaint due to the lapse of time, unless there is still contemporaneous evidence available to consider.
- 1.2 We will not tolerate any form of harassment and will take all necessary steps to ensure that staff, barristers, pupils, visitors to Chambers and other third parties are not subject to harassment. For further details, please see our Harassment Policy, which is available on the Chambers website.

2 PROCEDURE

- 2.1 This procedure applies to all third parties including clients, solicitors, mini-pupils and service providers.
- 2.2 You may wish to complain in writing and, if so, please follow the procedure in paragraph 2.4 below. However, if you would rather speak on the telephone about your complaint then please telephone the barrister concerned, the Senior Clerk Darren Burrows, or either Joint Head of Chambers, Daniel Toledano KC or Sonia Tolaney KC.
- 2.3 The person you contact will make a note 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. If the matter is resolved they 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.
- 2.4 If your complaint is not resolved on the telephone you will be invited to write to us about it within the next 14 days so it can be investigated formally. In doing so, please give the following details:
 - 2.4.1 your name, address and telephone number;
 - 2.4.2 which member(s) of Chambers or Chambers' staff you are complaining about;
 - 2.4.3 the detail of the complaint; and
 - 2.4.4 what you would like done about it.

Please address your letter to the Joint Heads of Chambers, Daniel Toledano KC and Sonia Tolaney KC, at One Essex Court, Temple, London EC4Y 9AR.

2.5 Investigation

2.6 Within 14 days of receiving your letter, Daniel Toledano KC or Sonia Tolaney KC will appoint someone to investigate your complaint. This may be a member of Chambers or a member of Chambers' staff but will not be person about whom you complain.

2.7 The person appointed to investigate will write to you as soon as possible to let you know they have been appointed and will reply to your complaint within 14 days. If that person finds later that it is not possible to reply within 14 days they will set a new date for the reply and inform you. The reply will set out:

2.7.1 The nature and scope of the investigation;

2.7.2 The conclusion on each complaint and the basis for such conclusion; and

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

3 CONFIDENTIALITY

3.1 Information relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. This disclosure may be to the Joint Heads of Chambers, members of our Management Committee, our Senior Clerk as well as anyone else involved in the complaint and its investigation. This will include the barrister or member of staff you have complained about. We may also share information relating to a complaint with the solicitors involved if we consider it to be necessary. The Bar Standards Board is entitled to inspect documents and seek information relating to the complaint when discharging its auditing and monitoring functions.

3.2 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 no longer than six years. These are available to our Equality and Diversity Officers and to our Management Committee for the purpose of improving services.

4 OPPOSING PARTY COMPLAINTS

4.1 It may not always be possible to investigate a complaint brought by an opposing party to litigation involving a barrister in Chambers or solicitors of an opposing party. Complaints of this nature are often better suited to the disciplinary processes operated by the Bar Standards Board. Accordingly, we will make an initial assessment of the complaint and if the issues raised cannot be satisfactorily resolved by means of the Chambers complaints procedure we will refer you to the Bar Standards Board.

4.2 Please note that information provided to us in the context of opposing party complaints may be disclosed to the solicitors instructing the barrister about whom the complaint is made and it may be disclosed to the Bar Standards Board.

5 COMPLAINTS TO THE BAR STANDARDS BOARD AND THE LEGAL OMBUDSMAN

- 5.1 We hope that you will use our procedure. However, if you would rather not do so or are unhappy with the outcome, you do have the choice of taking up your complaint with the Bar Standards Board at any time. Please note that the Bar Standards Board has a six-month time limit from the date of the act or omission about which you are complaining within which to make your complaint. However, should you raise your complaint with Chambers first, there is a three-month time limit from the conclusion of the investigation by Chambers in which to raise your complaint with the Board. You can write to them at:

Complaints Team
Bar Standards Board
289-293 High Holborn
London WC1V 7HZ
Tel: 020 7611 1444
Fax: 020 7831 9217
Website: www.barstandardsboard.org.uk

- 5.2 If you are unhappy with the outcome of our investigation and you fall within its 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. Those clients who are able to complain to the Legal Ombudsman are as follows:

- 5.2.1 Individuals;
- 5.2.2 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);
- 5.2.3 Charities with an annual income net of tax of less than £1 million;
- 5.2.4 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;
- 5.2.5 Trustees of trusts with an asset value of less than £1 million; and
- 5.2.6 Personal representatives or beneficiaries of the estates of persons who, before they died, had not referred the complaint to the Legal Ombudsman.

- 5.3 Please note that the Legal Ombudsman has time limits in which a complaint must be raised with them. The time limits are:

- 5.3.1 Six years from the date of the act/omission;

- 5.3.2 Three years from the date that the complainant should reasonably have known there were grounds for complaint (if the act/omission took place before 6 October 2010 or was more than six years ago); and
- 5.3.3 Within six months of the complainant 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).
- 5.4 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 usually deal with complaints that fall outside of the Legal Ombudsman's time limits.
- 5.5 You can write to them at:
- Legal Ombudsman
PO Box 6167,
Slough
SL1 0EH
Telephone number: 0300 555 0333
Email: enquiries@legalombudsman.org.uk
- 5.6 Please note that the Legal Ombudsman will only deal with complaints from consumers. This means that only complaints from the barrister's client are within his/her jurisdiction. Non-clients who are not satisfied with the outcome of the investigation should contact the Bar Standards Board rather than the Legal Ombudsman.
- 5.7 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 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.