

## **INTERNAL COMPLAINTS PROCEDURE**

### **Introduction**

1. This document contains the Devereux Chambers Internal Complaints Procedure.
2. It aims to ensure that all complaints are dealt with promptly, courteously, fairly and proportionately, in a manner which addresses the issues raised.
3. The following information will be provided in writing by the clerks of Devereux Chambers on acceptance of instructions on behalf of a member of Devereux Chambers from a new professional or lay client or, in cases of public or licensed access, from an intermediary:
  - a. that there is available on request a Chambers Complaints Procedure; and
  - b. that the lay client may complain directly to Chambers without going through a solicitor or other intermediary.
4. Where the information is provided to a solicitor or to an intermediary, the information will be accompanied by a written request that the information be passed on to the client.
5. A copy of this Complaints Procedure will be provided on request to any professional or lay client or intermediary.

### **Informal complaints**

6. A complaint about a barrister should, wherever possible, be raised informally in the first instance with the barrister who is the subject of the complaint. A complaint about an employee of Devereux Chambers should, wherever possible, be raised informally with the Chief Executive Officer. If this is not

possible, or if no informal resolution is reached, a complaint should be made in writing as set out below.

### **Formal complaints**

7. Formal complaints should be made in writing and addressed to the Head of Chambers, marked 'Complaint' on the outside of the envelope. The Head of Chambers may give authority to another barrister or to a senior employee to open such correspondence on his behalf.
8. The aim is for the complaint to be resolved under this procedure within a maximum period of 56 days from receipt of the complaint. Within 14 days of receipt of the complaint, the complainant will be sent, in writing:
  - a. confirmation that the complaint has been received;
  - b. the name of the person appointed to deal with the complaint in the way described below;
  - c. a description of that person's role in Chambers;
  - d. a copy of this Complaints Procedure;
  - e. the date by which the complainant will next hear from Chambers.
9. The Head of Chambers, or another barrister and senior employee appointed by him/her for this purpose, will review the complaint, liaise with the barrister and the person making the complaint, discuss the issues raised with each (so far as each is willing to do so) and seek to reach agreement on disposal of the complaint. Where reasonably possible (having regard to seniority) the complaint will be reviewed by someone not involved in the matter leading to the complaint. A clear explanation for any decision reached will be provided, based on the available evidence.
10. Even if no agreement can be reached on disposal of the complaint, the complainant retains the option of complaint to the Legal Ombudsman (see below).

11. At the end of the complaints process, the complainant will be told that he/she can complain to the Legal Ombudsman, the timeframe for doing so and full details of how to contact the Legal Ombudsman.

### **Record Keeping and Documents**

12. A full record of the way in which the complaint was handled will be maintained, containing all the relevant information in an organised fashion. All communications and records relating to complaints will be kept confidential and disclosed only where legally required or so far as is reasonably necessary for:
  - a. the investigation and resolution of the complaint;
  - b. internal Chambers review for the purposes of improving practice;
  - c. complying with requests from the Legal Ombudsman, the Bar Standards Board or any other duly authorised body, in the exercise of its functions.
13. Records are kept for six years of each complaint, all steps taken in response to it and the outcome of the complaint, and copies of all relevant documentation including letters and email correspondence.

### **Complaints to the Legal Ombudsman**

14. The Legal Ombudsman (set up by the Office for Legal Complaints under the Legal Services Act 2007) is responsible for dealing with complaints about the services provided to clients by legal professionals, including barristers. It is not the job of the Legal Ombudsman to decide whether what happened amounted to professional negligence. The question for the Legal Ombudsman is whether the level of service provided was acceptable.
15. The Legal Ombudsman is the single body for all consumer complaints about the service received from a lawyer. The Legal Ombudsman is the single point

of contact for all client complaints, but the Bar Standards Board has responsibility for dealing with complaints about professional misconduct and disciplinary matters

16. The Legal Ombudsman will not generally investigate service complaints unless they have been considered by Chambers under this Complaints Procedure. The time limit is usually 6 months from the date of the written response from Chambers.
17. Further, except in exceptional circumstances, the time limit for a complaint to the Legal Ombudsman is ordinarily one year from the relevant act or omission or (if later) one year from when the complainant should reasonably have known there was cause for complaint without taking advice from a third party.
18. More information, including information about how to make a complaint, is available from the Legal Ombudsman website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk), by telephoning the Legal Ombudsman on 0300 555 0333, by email to [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk) or by post to PO Box 6806, Wolverhampton, WV1 9WJ.

#### **Annual review of complaints**

19. The Head of Chambers will report annually to the Chambers Supervision Committee in writing on the number of complaints received, the subject areas of the complaints and the outcomes. No confidential information will be provided in the report.
20. On the basis of the report by the Head of Chambers, the Chief Executive Officer will review the complaints for trends, possible training issues and ways to improve the service provided, and consider improvements to the Complaints Procedure.

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