



COMPLAINTS PROCEDURE

1. This procedure applies to all barristers and staff operating from Chambers, whether practicing as self-employed barristers or BSB authorised bodies (sometimes referred to as “separate entities”) or otherwise and the term “staff” includes the practice manager(s) and staff of such separate entities.
2. Our barristers and staff aim to provide you with a good service at all times. However if you have a complaint you are invited to let us know as soon as possible. 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. We wish to make it clear that 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. Please note that Chambers has regard to the time limits set by the Legal Ombudsman (the independent complaints body for service complaints about lawyers) when deciding whether Chambers are able to investigate your complaint. Chambers will not usually deal with complaints that fall outside these time limits. The Legal Ombudsman’s ordinary time limits (the time by which a complaint must be referred to him) are as follows.
 - a) six years from the date of the act/omission complained of, or
 - b) three years from the date the complainant should reasonably have known there were grounds for complaint (if the act/omission took place before 6/10/10 or was more than six years ago);And
 - c) within 6 months of the complainant receiving a final response from St Ives Chambers.In relation to sections a) and b) above the act or omission, or when the complainant should reasonably have known there was cause for complaint, must have been after 5.10.10 for the Ombudsman to deal with the matter. The Ombudsman can extend the time limits in exceptional circumstances.
5. The Ombudsman will also only deal with complaints from consumers. This means that only complaints from the barrister’s clients, or from those who claim to have been unreasonably refused legal services, are within their jurisdiction. “Non-clients” who are not satisfied with the outcome of the Chambers’ investigations should contact the Bar Standards Board rather than the Legal Ombudsman. 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 Chambers complaints process they will refer you to the Bar Standards Board.

Complaints made by telephone

6. You may wish to make a complaint in writing and, if so, please follow the procedure in paragraphs 8 and 9 below. However, if you would rather speak on the telephone about your complaint then please arrange to speak by telephone to Mr Nicholas Starks who is the Chair of our Complaints Panel. Mr Starks is a Barrister and a member of Chambers. In the event that the complaint is about Mr Starks then Matthew Haynes, the Deputy Chair of the Complaints Panel, should be contacted instead. He is also a Barrister and a member of Chambers. As Mr Starks (and Mr Haynes) are usually in court during the day we would ask that when telephoning chambers you make it clear that you are telephoning in relation to a complaint and that you leave a message with your name, telephone number and email address in order that Mr Starks (or Mr Haynes) can contact you. Your message will be emailed to Mr Starks (or Mr Haynes) and he will return your call (or in the event that you are not available, will contact you by email) within 24 hours.
7. Mr Starks (or Mr Haynes) will make a note of the details of your complaint and what you would like done about it. He will discuss your concerns with you and aim to resolve them. If the matter is resolved the outcome will be recorded, he will 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 for your own records.
8. If your complaint is not resolved by the telephone call you will be invited to write to us about it within the next 14 days so that it can be investigated formally.

Complaints made in writing

9. 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
 - Information about what it is that you are complaining about with as much detail as possible.
 - What you would like done about it.
 - Any special needs you may have and how you would wish these might be accommodated.

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

10. Your letter should be addressed to "Jackie Maskew, for the attention of Nicholas Starks" and should be sent to St Ives Chambers, Whittall Street, Birmingham B4 6DH. This is to ensure that if Mr Starks is out of chambers the letter is opened immediately. In the event that the complaint is about Mr Starks then please address the letter to "Jackie Maskew, for the attention of Mr Matthew Haynes".
11. 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.
12. Our Chambers has a Complaints Panel headed by Nicholas Starks; the Panel consists of experienced barristers who are members of Chambers and a senior member of staff. The Complaints Panel considers any written complaint. Within 14 days of your letter being received the head of the Complaints Panel (or the Deputy in his absence) will appoint a member of the Complaints Panel to investigate your complaint and provide information to the Complaints Panel to enable Panel to reach a decision as to the outcome of your complaint within 28 days of your complaint being received. The

person investigating your complaint will always be someone other than the person you are complaining about.

13. The person appointed to investigate will write to you as soon as possible to let you know s/he has been appointed and that the Chair of the Complaints Panel will arrange a Complaints Panel meeting to consider your Complaint within 28 days of your complaint being received. If s/he finds later that s/he is not going to be able to investigate within this period and therefore that the Chair of the Complaints Panel will not be able to conclude the matter within 28 days of your complaint s/he will set a new date. Within 2 days of the Panel meeting, the Chair of the Complaints Panel will send you a reply setting out:
 - The nature and scope of the investigations
 - The conclusion of the Complaints Panel in respect of each complaint and the basis for the conclusion; and
 - If it is found that you are justified in your complaint, the proposals for resolving the complaint.

Confidentiality

14. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that it is necessary. Disclosure will be to the head of Chambers, members of our management committee and management team, and to anyone involved in the complaint and its investigation. Such people will include the barrister or the member of staff about whom you have complained, and the members of the Complaints Panel. The Bar Standards Board is entitled to inspect the documents and to seek information about the complaint when discharging its auditing and monitoring functions. 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.

Our policy

15. 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

16. If you are an actual / potential client who is unhappy with the outcome of our investigation 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 ordinarily unable to consider your complaint until it has first been investigated by Chambers. Please note the time limits referred to in paragraph 3 above and in particular the requirement that you must make any complaint to the Ombudsman within 6 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
17. If you are a non-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 on 0207 6111 444; or email to: contactus@barstandardsboard.org.uk. Their website can be found at: www.barstandardsboard.org.uk