

Logging a Complaint With No.18 Chambers

Our aim is to give you high quality advice and service at all times. However, if you have a complaint about some aspect of the service that you have received, you should let us know as soon as possible. It is not necessary to involve solicitors to make your complaint. No 18 Chambers is fully committed to ensuring that all users of the complaints procedure are treated fairly, with respect and without discrimination based on race, gender, sexual orientation, disability, age, religion, or belief.

We aim to constantly improve our client service, so we take such feedback very seriously and listen to it carefully. Naturally we hope to retain a good working relationship with you, so we will do all we can to find a solution in each situation.

Introduction

You should note that The Legal Ombudsman, (the independent complaints body for service complaints about lawyers), have a time limit for all complaints. Their rules clearly state:

From 1 April 2023, the time limits for referring a complaint to LeO are no later than one year from the date:

- *of the act or omission being complained about; or*
- *when the complainant should have realised that there was cause for complaint.*

The complainant must also refer the complaint to the Legal Ombudsman 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).

The Legal Ombudsman also insists that, in virtually all cases, No 18 Chambers investigates any complaint that you may make before they do. No 18 Chambers has regard to the Legal Ombudsman's time frame when deciding whether we are able to investigate your complaint. Accordingly, No 18 Chambers will also only deal with complaints that fall into the above category. The Legal Ombudsman will also only deal with complaints from consumers. This means that only complaints from barrister's clients are within their jurisdiction.

Time Limit for making Complaints

It is important that you let us have your complaint as soon as possible after the date of the event you want to complain about. This is so that we can investigate your complaint promptly, in the interests of fairness to all those concerned. To investigate your complaint, [you must download and complete the complaint form which can be found here](#). If you have difficulty or require assistance in the completion of this form you should inform us.

Types of Complaint that we can investigate

"Professional misconduct" is when a barrister has broken the rules set out in the Bar Standards Board's "Code of Conduct". The Code of Conduct contains the rules which apply to barristers as members of their profession. It is published by the Bar Standards Board, and you can find a copy on their website (barstandardsboard.org.uk). Breach of the Code of Conduct is a disciplinary offence, and we will usually refer complaints that cover professional misconduct to the Bar Standards Board to investigate whether a disciplinary offence capable of punishment has been committed.

"Inadequate professional service" is when a barrister's services have fallen significantly below the standard you are entitled to expect. We will always investigate complaints about the service provided to you by any of our barristers.

Sometimes a complaint covers both professional misconduct and inadequate professional service, but provided you tell us what your complaint is about, you will not need to specify which of these two types your complaint is. We will then decide whether we can properly investigate all aspects of your complaint. Please note that if we determine a "conduct" complaint we decide matters to the criminal standard, i.e. beyond reasonable doubt. When we determine a "service" complaint we decide matters to the civil standard, i.e. on the balance of probabilities.

Types of Complaint that we cannot investigate

There are some types of complaint, which we cannot investigate, and there are others where our powers of investigation are limited. These are:

- a. Generally, we cannot investigate your complaint if it alleges professional negligence by the barrister. This is particularly so when your complaint cannot simply or easily be determined on paper, for example when is it complex and/or the facts are in dispute between you and your barrister and/or expert evidence is required to assist in resolution and/or your barrister disputes most or all your allegations and/or your compensation claim is over our limit of £5,000 in relation to professional negligence. However, if the complaint includes issues relating to the provision of poor service we can investigate the service element, even where the complaint raises a question of professional misconduct or professional negligence.
- b. We cannot investigate your complaint if it is about your barrister's professional judgment in the decisions made during the case. In that case, please refer the matter to the Legal Ombudsman (details below).
- c. Private life – Generally, we cannot investigate your complaint if it concerns a barrister's private life. This could include any private debts owed by the barrister unless there is a serious breach of a court order. In that case, please refer the matter to the Bar Standards Board (details below).

Making your Complaint

You can make your complaint:

- a. Informally, by telephone, email; or
- b. Formally by completing our Complaint Form.

Informal Complaint

You can make your complaint informally by telephone or email.

- a. If your complaint is about a barrister or a member of staff, please telephone the Senior Clerk (02380 736 812) who deals with our informal complaints process.
- b. If your complaint is about the Senior Clerk himself, please telephone The Head of Chamber's (02380 736 812)
- c. The Senior Clerk will make a note of the details of your complaint and what action/remedy you require. He will discuss your concerns with you and aim to resolve them informally having discussed the matter with all concerned. If the matter is resolved we will record the outcome, check that you are satisfied and record the fact that you are satisfied.

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21 Carlton Crescent
Southampton SO15 2ET
Tel: 02380 736 812

clerks@no18chambers.com
no18chambers.com

If your complaint is not resolved informally, you will be invited to write to us about it at the earliest opportunity in order that it can be investigated formally.

Formal Complaints

We can only investigate complaints formally **once you have completed the Complaints Form**. The preferred choice is to receive complaints in writing (either hard copy and/or e-mail) so as to maintain an audit trail. If you wish to pursue your complaint, please address your letter to “Senior Clerk, No18 Chambers, Southampton, Hampshire, SO15 2ET”. Your envelope should be marked “**PRIVATE & CONFIDENTIAL**” and include a copy of the Complaints Form filled out in full.

We will acknowledge receipt of your complaint within two working days.

When using the Complaints Form (a copy of which is at the end of this document) please explain the nature of your complaint in the space provided as clearly and concisely as you can. This must be returned by you to us within 7 days of the date it was sent to you.

By making a written complaint to No 18 Chambers, you are agreeing to the investigation of your complaint in accordance with the procedures and terms set out below.

Investigation Procedure

No 18 Chambers’ investigator is made up of Head of Chambers and senior Clerk. Within 2 working days of receipt of your Complaint Form, the Senior clerk will ensure that your form has been acknowledged and the complaint has been appointed to our third-party handlers to investigate.

The investigator will write to you as soon as possible to provide their name, contact details, and a description of their role within chambers as well as clear and comprehensive information about how their complaint will be investigated.

The Investigator will carry out their investigation of your complaint within 14 working days of Chambers receiving your completed Complaint Form. If the investigation is delayed, the Senior clerk will (in conjunction with the Investigator) set a new date for the completion of the investigation and will inform you of that date. In any event, you should have a considered and final response within 14 working days (and hopefully a maximum of 21 working days) of receipt of your Complaint Form.

The Final report will set out:

- a. The nature and scope of the investigation;

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- b. The conclusion that the Investigator has reached on each matter of complaint and the reasons for that conclusion; and
- c. If your complaint has been found to be justified, proposals for resolving it.

During the course of the investigation, it may be needed to disclose the fact of your complaint, and the details of it to:

- a. The person or persons about whom you have complained; and
- b. Those whom they feel can assist the handlers in any investigation of facts relevant to your complaint.

The investigator will not, however, disclose the fact of your complaint or the details of it to anyone unless they decides that it is necessary to do so in the interests of a full and fair investigation.

The Investigators (nor Chambers) have the power to hear oral evidence either in support of your complaint or in response to it. Any request they may make for information, and any response to such a request will be made in writing and a record retained by the Senior clerk.

The Investigator's final report will be sent to the Senior Clerk in the first instance. This will also be shared with the person complained about. This will be finalised and sent to you within the allotted timescales as set out under 2.

No 18 Chambers does not have the power to impose upon its member's compliance with any proposals which may be made by the handlers for a resolution of your complaint. However, we shall use our best endeavours to ensure that such proposals are in fact complied with.

Involvement of the Bar Mutual Indemnity Fund (BMIF)

In the event that professional negligence is alleged at any point against a barrister, s/he is obliged to inform their insurers, the Bar Mutual Indemnity Fund (BMIF) immediately and follow their instructions. If the BMIF wishes to take over conduct of the matter, the member must comply with that request and ensure that all correspondence and other documentation is sent to it. The panel member/Investigator will inform you of the action taken and your complaint will be handled by the BMIF from that point.

Confidentiality

Save with regard to the Investigation Procedure set out above, disclosure of the fact of your complaint and the details and outcome of it will be restricted to:

- a. The Head of Chambers;
- b. The Senior Clerk; and

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- c. The members of No 18 Chambers's Management Committee for monitoring and quality control purposes.

All persons to whom your complaint is disclosed pursuant to the above will keep the fact of your complaint and the details of it, and all conversations and documents relating to it, strictly confidential.

Record Keeping

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 from resolution of the complaint. All such data is retained in compliance with UK GDPR. For further information on how we process your personal data, please see our Privacy Notice, available [here](#).

Complaints data will be held in anonymised form in order for us review and improve our services, and to comply with requests for disclosure from the BSB in the exercise of its monitoring and auditing remit.

Members of chambers are required to ensure that details of any complaints they receive and deal with relating to their work at chambers, including steps taken to respond to it and the outcome, are provided to the Senior Clerk so that they can be recorded centrally and handled in accordance with this procedure. A summary of complaints received will be sent to the BSB from time to time in line with our mandatory complaints reporting obligations.

The Senior Clerk will report at least annually to the management committee of chambers on the number of complaints received, the subject areas of those complaints, and their outcomes. That report will include a review of complaints for trends, risks or issues, including any possible systemic issues in how complaints have been assessed and resolved and any service issues. Measures will be implemented to address any risks and issues identified. Appropriate training will be considered and, where necessary, undertaken, and appropriate resources provided, to address the identified risks and issues.

Complaints to the Legal Ombudsman

If you are a client of a No 18 Chambers barrister and unhappy with the outcome of the 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. As stated above, the Legal Ombudsman is not able to consider your complaint until it has first been investigated by Chambers. Please note that the Legal Ombudsman has a strict time limit on complaints as referred to above. Their latest scheme rules can be found [here](#).

You can write to them at:

Legal Ombudsman,
PO Box 6167,
Slough,
SL1 0EH

Tel: 0300 555 0333

Email: enquiries@legalombudsman.org.uk

Website: www.legalombudsman.org.uk

If you are not the No 18 Chambers's barrister's client and are unhappy with the outcome of our investigation, then please contact the Bar Standards Board at:

Bar Standards Board
Contact and Assessment Team
289-293 High Holborn
London WC1V 7JZ.

Tel: 0207 611 1444

Website: www.barstandardsboard.org.uk