

**doughty street chambers****Complaints policy and procedure***External complaints***A. Complaints policy**

1. Doughty Street Chambers ["DSC"] aims to provide a quality service which meets the reasonable expectations of its professional and lay clients. DSC recognises that everyone in Chambers has to be part of a collective effort to meet these standards and that complaints have the potential to damage severely the image and reputation of Chambers.
2. The Chambers complaints policy and procedure is designed to ensure that:
  - 2.1. Professional clients, lay clients and intermediaries are made aware of our complaints procedure;
  - 2.2. Complaints are dealt with quickly and effectively;
  - 2.3. Complaints are analysed to determine if and where weaknesses exist in chambers in order that they can be acted on to improve overall performance;
  - 2.4. Complaints are regularly monitored to assess whether the nature of the complaints change over time as problems are identified and addressed and clients' needs change;
3. Everyone in Chambers has a responsibility for ensuring that complaints do not arise through their actions or lack of action. If a complaint is received then whoever receives it has a responsibility to treat it seriously and act in accordance with the Chambers Complaints Procedure, where applicable. Where the recipient of a complaint is unclear whether the Chambers Complaints Procedure applies, he or she should consult the Director of Services or the Deputy Head of Chambers delegated to deal with complaints and discipline and follow the guidance received.
4. No complaint should result in a solicitor or other professional client being treated in an adverse or prejudicial way either at the time the complaint is made or in the future.
5. The Director of Services, the Deputy Head of Chambers delegated to deal with complaints and discipline, and the Barristers' Forum are responsible for handling and/or monitoring complaints. A complaints panel shall be constituted. The members of the complaints panel shall be selected by the Deputy Head of Chambers subject to the approval of the Barristers' Forum and shall consist of experienced practitioners reflecting so far as possible the areas of practice within chambers.
6. Where appropriate, in substitution or addition to any action taken under the Chambers Complaints Procedure in relation to a complaint one of the following procedures:

- 6.1. The chambers disciplinary procedure for staff;
- 6.2. The chambers disciplinary policy for tenants;
- 6.3. The grievance procedure for employees;
- 6.4. The grievance procedure for tenants;
- 6.5. The chambers performance review procedure;
- 6.6. The chambers equal opportunities policy;
- 6.7. The chambers harassment policy;

may be invoked.

### **Informal and formal complaints**

7. An informal complaint is one which is not a formal complaint and which arises through the normal course of business where a professional or lay client mentions as an aside a matter which has caused irritation or concern.
8. Informal complaints are important in identifying low level dissatisfaction with the service provided by Chambers. Low level dissatisfaction which is not addressed creates the conditions for professional clients to move their business. All members of Chambers and staff should act promptly and proactively in relation to informal complaints concerning their areas of responsibility where they come to their attention. If the matter could become the subject of a formal complaint and / or has wider implications beyond the particular incident, it should be drawn to the attention of the Director of Services, who will address it as he or she sees fit in the circumstances.
9. A formal complaint arises when a lay or professional client telephones to make a complaint or makes a written complaint or otherwise communicates dissatisfaction with the service whether or not the result of a specific incident and it is clear that it is a formal complaint. Examples of formal complaints are all complaints:
  - 9.1. received in writing, including those received by e-mail.
  - 9.2. of serious poor service and/or incompetence.
  - 9.3. from members of the judiciary;
10. All formal complaints must be dealt with under the Chambers Complaints Procedure.
11. Where a member of chambers or staff makes a complaint or raises a concern about staff performance, a breakdown in procedures or communications, practitioner performance, practitioner non-compliance with systems, procedures or deadlines and like matters, such a complaint or concern will not be addressed under the Chambers Complaints Procedure, but will be addressed where appropriate to do so under the procedures identified at paragraph 6 above by the Director of Services or the Deputy Head of Chambers, as appropriate.

## **Publicising the Chambers Complaints Procedure**

12. When a member of chambers receives instructions from a new professional or a new lay client they (and in the case of public or licensed access work the intermediary) will be informed in writing by chambers as soon as is reasonably practicable that:
  - 12.1. there is available upon request a chambers complaints procedure;
  - 12.2. the lay client may complain directly to chambers without going through solicitors

The information referred to at 12.1 and 12.2 will be included in the letter from Chambers acknowledging receipt of the instructions with a request that the information is conveyed by the professional client / intermediary to the lay client.

13. The Chambers Complaints Procedure shall be provided to all professional clients, lay clients and intermediaries on request.
14. Details of our complaints procedure and who to contact will be included in all Chambers' brochures and the Chambers' website. Information about how to make a complaint will be available in reception in chambers.

## **Monitoring complaints**

15. The Chambers complaints file will be analysed by the Director of Services and the Deputy Head of Chambers and be the subject of an annual report to the Barristers' Forum. Any complaints or documents referred to in the report shall be anonymised where necessary. The report shall set out the number of complaints received, the subject area of the complaints and their outcomes. Complaints (with all details appropriately anonymised) will be reviewed for trends and possible training issues.
16. The Bar Standards Board will audit and monitor Chambers complaints handling, including, where appropriate, the sufficiency of training. Any requests for information from the committees of the Bar Standards Board dealing with monitoring and auditing of complaints shall be referred to the Director of Services.

## **B. Chambers Complaints Procedure**

### **Time limits**

1. Complaints will be considered under the Chambers Complaints Procedure when made within six months of the date of the act or omission complained about, unless in the absolute discretion of the Director of Services or the Deputy Head of Chambers delegated to deal with complaints and discipline this time limit is waived.

### **Point of contact for complaints**

2. The initial point of contact for all complaints when made is the Director of Services or his or her nominated deputy in his or her absence.

### **First stage**

3. When a client is dissatisfied with some aspect of the service provided by a member of chambers or by chambers he or she should be:
  - 3.1. invited to telephone the Director of Services. If s/he prefers s/he may make the complaint in writing to the Director of Services.
  - 3.2. offered a copy of the Chambers Complaints Procedure.
  - 3.3. told of the option of raising the complaint directly with the Bar Standards Board and the time limits which apply.
4. The Director of Services shall contact the client making the complaint by telephone or in writing within two working days of notification of the complaint (or as soon thereafter as is reasonably practicable). On receipt of a complaint the Director of Services shall make a note of the complaint and record the following information:
  - 4.1. The name and address of the complainant;
  - 4.2. The date of the complaint;
  - 4.3. Against whom the complaint is made;
  - 4.4. The relevant details of the complaint; and
  - 4.5. What the complainant believes should be done about the complaint.
5. Where appropriate a complaint may be resolved by the Director of Services over the telephone with the client on first contact. When that occurs the outcome shall be recorded on the note of complaint. The client shall be asked whether he or she is content with the outcome. If he or she is, that fact will be recorded by the Director of Services and he or she shall make clear to the client on first contact that the client may wish to make his or her own note.
6. When resolution is not achieved under paragraph 5 the client shall be invited to put the complaint in writing within ten working days (if not already put in writing) so that it may be investigated formally.

7. At that stage the client shall be sent a copy of the Chambers' Complaints Procedure unless it has already been provided and informed of the Bar Standards Board's complaints procedure.

### **Second stage**

8. A complaint received in writing shall be acknowledged within two working days of receipt by the Director of Services (or as soon thereafter as is reasonably practicable), unless already resolved under stage 1.
9. An initial review of the complaint will be made and recorded in writing by the Director of Services to determine whether the complaint is appropriate for him or her to investigate or sufficiently serious that it requires referral to the Deputy Head of Chambers. Where the complaint involves a member of Chambers and it does not appear capable of informal resolution the usual course will be for the complaint to be referred to the Deputy Head of Chambers.
10. The Director of Services or the Deputy Head of Chambers may determine that the complaint would be more appropriately dealt with under Chambers internal disciplinary procedure because of the nature of the complaint and/or the potential remedy which might be appropriate. The client shall be informed in writing by the Director of Services or the Deputy Head of Chambers within five working days of that fact (or as soon thereafter as is reasonably practicable) and the procedure that will apply.
11. Where referred to the deputy Head of Chambers, he or she may either investigate the complaint him or herself or invite a member of the complaints panel to do so.
12. No member of chambers or staff shall or shall be asked to investigate a complaint against him or herself.
13. The person conducting the investigation ["the investigator"] or the Director of Services at the request of the investigator shall within ten working days of the letter of acknowledgement under paragraph 8 (or as soon thereafter as is reasonably practicable) write to the client and inform him or her that s/he is to investigate the complaint and will report back to the client within 14 working days. If it becomes plain that the investigation cannot be concluded within that time a realistic time frame should be set and the client informed accordingly.
14. The investigator shall then investigate the complaint:
  - 14.1. S/he should speak to the barrister/member of staff complained about, and any other people s/he identifies as relevant to the investigation.
  - 14.2. All relevant documents should be reviewed.
  - 14.3. If necessary s/he should revert to the client for further information and clarification.
  - 14.4. The client shall be given a proper opportunity to make any representations in writing that s/he wishes to make in the course of the investigation.

- 14.5. The barrister or member of staff will be given a proper opportunity to respond to the complaint in the course of the investigation.
15. If in the course of the investigation, the investigator concludes that the chambers internal disciplinary procedure should be invoked instead, due to the nature of the complaint and/or the potential remedy which might be appropriate, then that procedure shall be adopted and the client shall be informed in writing by the investigator or the Director of Services within two working days of the decision being made of that fact and the procedure that will apply.
16. If paragraph 15 above does not apply the investigator shall prepare a report to the client (with a copy to the barrister/member of staff complained against), which shall set out all the matters referred to at paragraph 4 above, the nature and scope of the investigations carried out in respect of each complaint, the conclusions reached and the reasons for those conclusions. The report will so far as possible be drafted using clear and concise language. Where a complaint is found to be justified (in whole or in part), the report should provide proposals for resolution. If the investigator considers it appropriate the proposals may involve a form of informal resolution.
17. The report will be sent to the client within the period set under paragraph 13 and a copy of the report should be provided to the barrister/member of staff complained against.
18. If appropriate, complainants will be provided with details of how to make a complaint to the Bar Standards Board or referred to the Legal Services Commission, CPS or other relevant professional body to pursue their complaint.

### **Bar Mutual Indemnity Fund**

19. Where a complaint raises an allegation of negligence the BMIF should be informed immediately. Further, the BMIF must be consulted before proposals for resolution are made to the client (whether under this procedure or any other procedure invoked).

### **Confidentiality**

20. All conversations and documents relating to complaints considered under the Complaints Procedure shall be confidential and disclosed only to the extent necessary. They may be disclosed only to the complainant, the person complained about, the Director of Services, the Deputy Head of Chambers, the investigator, any other individual with whom enquiries need to be made for the purpose of the investigation and the Barristers' Forum (for monitoring purposes on an anonymous basis).

### **Record-keeping**

21. Where the procedure ends after the first stage the Director of Services shall ensure that the note of complaint and the records made relevant to that

complaint are placed on the Chambers complaints file under an unique complaint number.

22. Where the procedure ends after the second stage the investigator shall provide the Director of Services with all documents obtained or made during the investigation, the letter of complaint and the report made and the Director of Services shall ensure those documents relevant to that complaint are placed on the Chambers complaints file under an unique complaint number.

### **Other matters relating to complaints**

All members must promptly notify the Director of Services if they are required to answer a complaint to the Bar Standards Board or the Legal Services Ombudsman (before making any substantive response to the same), or if they are making an approach to the Bar Mutual Indemnity Fund, or if they are arrested or summonsed for a criminal offence. The Director of Services will bring the matter to the attention of the Deputy Head of Chambers as appropriate.

Jun 08