

PALLANT

CHAMBERS

Pallant Chambers Service Standards and Complaints Policy

Our aim is to give you a good service at all times in respect of cases that we undertake. However if you have a complaint you are invited to let us know as soon as possible.

Chambers will only consider complaints that are raised within 6 months of the act or omission complained of or from your date of knowledge of the act or omission complained of. Chambers will only deal with complaints brought by clients.

What we can and cannot investigate

Following the Legal Ombudsman Chambers will only investigate complaints that relate to service. We will not investigate misconduct or negligence allegations.

Following the Legal Ombudsman service matters that are in scope (save where a specific allegation is about misconduct or alleged negligence):

1. Costs information was deficient
2. Costs were excessive
3. Potential data protection breach or breach of confidentiality
4. Delay or failure to progress
5. Discrimination
6. Failure to advise
7. Failure to follow instructions
8. Failure to keep complainant informed of progress
9. Failure to keep papers safe
10. Failure to investigate complaint internally (which is why we have this process in place)

Procedure

By Telephone

You may wish to make a complaint in writing, if so, please follow the procedure set out below. However, if you would rather speak on the telephone about your complaint then please telephone the barrister concerned or (if the complaint is about a member of staff or if you feel it more appropriate) Alister Williams the Senior Clerk. If the complaint is about the Senior Clerk telephone Colin Morgan, the Executive Head of Chambers. The person you contact will make a note of the details of your complaint and what you would like done about it. S/he will discuss your concerns with you and aim to resolve them. If the matter is resolved s/he will record the outcome, check that you are satisfied with the outcome and record that you are satisfied.

Complaints that are resolved in fee negotiations would not normally be recorded as a formal complaint unless the complainant has requested it to be recorded as such. Many complaints may

be resolved on immediately on the telephone and you may also wish to record the outcome of the telephone discussion in writing.

If your complaint is not resolved on the telephone you will be invited to write to us about it within 14 days so it can be investigated formally.

In Writing

Please give the following details: your name and address, which member(s) of chambers you are complaining about; the detail of the complaint; and what you would like done about it. Please address your letter to the Head of Complaints Panel.

Our chambers has a Panel headed by Peter Doughty and made up of experienced members and retired members of chambers and the senior clerk / Chambers Director (Alistair Williams), which considers any written complaint. In exceptional circumstances and only with agreement between chambers and the complainant an independent investigator may be appointed. Within 14 days of your letter being received the Head of the Complaints Panel or her/his deputy in her/his absence will appoint a member of the Panel to investigate your complaint. If your complaint is against the Head of the Complaints Panel it will be investigated by the next most senior member of the Panel. In any case, the person appointed will be someone other than the person you are complaining about.

The person appointed to investigate will write to you as soon as possible to let you know they have been appointed and that they will normally reply to your complaint within 28 days. If they find later that they are not going to be able to reply within the 28 days they will set a new date for their reply and inform you. Her/his reply will set out:

The nature and scope of their investigation;

Their conclusion on each complaint and the basis for her/his conclusion; and

If they find that you are justified in your complaint, their proposals (if any) for resolving the complaint.

If the complaint is dismissed, other options that may be open to you to pursue the complaint further.

Unless stated whilst we are considering a complaint we will resolve complaints within 8 weeks.

Confidentiality

As part of our commitment to client care we make a written record of any complaint. Our management committee inspects the record regularly with a view to improving services. These records will be destroyed 6 years after the complaint. In making your complaint any legal professional privilege (the duty of confidentiality between your barrister and yourself) is waived by you solely for the purposes of Pallant Chambers investigating and responding to your complaint.

Our Policy

All conversations and documents relating to the complaint will be treated as strictly confidential and will be disclosed only to the extent that is necessary for responding to the complaint. Disclosure will be to the Executive Head of Chambers, the Senior Clerk, members of our management committee and to anyone involved in the complaint and its investigation. Such people will include the barrister or member of staff who you have complained about, the Head or relevant senior member of the Complaints Panel and the person who investigates the complaint.

Mediation

If you are unhappy with the conclusions of the investigation you may request that the matter is further dealt with by mediation. In order for a mediation to take place both you and the barrister concerned must agree to mediate the dispute. Further details of possible mediation will be provided with the response to the complaint and/or by request.

Complaints to the Legal Ombudsman or The Bar Standards Board

If you are unhappy with our conclusion to the investigation and mediation has not taken place or has not led to a resolution of the dispute you may take up your complaint with the Legal Ombudsman or the Bar Standards Board. The Bar Standards Board will deal with complaints about professional misconduct and disciplinary matters whilst the Legal Ombudsman will deal with complaints from barristers' clients in relation to the services provided by barristers. The Legal Ombudsman does act as a single point of contact for all complaints, and will ensure that any complaints that relate to professional misconduct are referred to the Bar Standards Board to consider.

It is important to note that the Legal Ombudsman is not able to consider a complaint until it has first been investigated by Chambers. Ordinarily, the Legal Ombudsman will only consider a complaint if it meets all three of the conditions:

- (i) You are referring your complaint to the Legal Ombudsman within either of the following:
- (ii) **one year** from the date of the act or omission being complained about; or
- (iii) **one year** from the date when the complainant should have realised that there was cause for complaint.
- (iv) You are referring your complaint to us within six months of your service provider's final response.

The Legal Ombudsman will retain the ability to apply Rule 4.7, which allows an Ombudsman to exercise discretion to extend the 1 year time limit for specific customers if, on the evidence, it was fair and reasonable to do so

The contact details for the Legal Ombudsman and the Bar Standards Board are as follows:

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

E-mail: enquiries@legalombudsman.org.uk

Details of decisions made by the Legal Ombudsman can be found by pressing [here](#).

Complaints Team
Bar Standards Board
289-293 High Holborn
London
WC1V 7HZ

Tel: 020 7611 1444

Email: contactus@barstandardsboard.org.uk
See also www.barstandardsboard.org.uk