

WHITESTONE CHAMBERS
Barristers

Whitestone
Chambers

Chambers of Lawrence Power
1 Essex Street

London.

WC2R 3HU

COMPLAINTS PROCEDURE

(September 2021)

COMPLAINTS PROCEDURE

***Please note: This policy is for clients who wish to make a complaint about their barrister. Any member of Chambers, pupils of Chambers, Chamber's staff and applicants for positions in Chambers should refer to the relevant Chambers Grievance Policy. Whitestone Chambers have polices covering Grievances, Acceptable Behaviour and Equality and Diversity amongst others. If any of the above persons is unsure which policy they should refer to, they can ask the Complaints and Grievance Officer, Mina Heung, or the Head of Legal Operations.**

Whitestone Chambers aims to provide an excellent service at all times. However, if you have a complaint you are invited to let us know as soon as possible. It is not necessary to involve solicitors in order to make your complaint, but you are free to do so should you wish. Public access clients should make their complaint directly to us.

You are always invited to discuss any day-to-day concerns about the services of our barristers directly with them, or with the Head of Legal Operations, Robert Pidgeon. We will always endeavour to resolve any concerns you may have at this stage.

Formal Complaints

You may make a formal complaint in writing or by telephone. Please address your formal letter of complaint to Mina Heung, Complaints and Grievance Officer, Whitestone Chambers, Chambers of Lawrence Power 1 Essex Street, London WC2R 3HU. Please provide details of your name and address, the name of the member of Chambers you are complaining about, the full details of your complaint, and what you would like done about it. If your complaint is about the complaints and Grievance Officer, please address your letter to the Head of Chambers at the same address.

If you complain by telephone a note will be made of these details, and if the matter is resolved by telephone the outcome will be recorded.

We aim to acknowledge your complaint within 5 days of receipt, and to respond to you within 14 days. If it will take longer than this, we will keep you informed about any delay. Our Complaints and grievance officer will investigate your complaint or will appoint somebody to investigate it. This may include requesting further information from you. The person appointed to investigate will never be the person you have complained about.

When we reply to you, we will set out the nature and scope of our investigation, the conclusion reached on each complaint and the basis for that conclusion. If we find that you are justified in your complaint, we will set out our proposal for resolving the complaint.

Complaints Outside the Scope of Our Procedure

It should be noted that it may not always be possible to investigate a complaint brought by a non-client. This is because our ability 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, we will make an initial assessment of the complaint and if they feel that

the issues raised cannot be satisfactorily resolved through our complaints process they will refer you to the Bar Standards Board.

If your complaint, or elements of complaint, relates to professional misconduct or professional negligence then it may be that it is not appropriate for us to resolve or provide redress for your complaint or those particular aspects of it. We will inform you if we consider that your complaint, or elements of it, is not appropriate for our procedure.

Confidentiality

All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. Disclosure will be to the Head of Chambers, members of our grievance 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 panel and the person who investigates the complaint. The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.

Our Policy

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. We regularly inspect an anonymised record of complaints and outcomes with a view to improving services.

Complaints to the Legal Ombudsman

If you are unhappy with the outcome of our investigation and you fall within their jurisdiction 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 not able to consider your complaint until it has first been investigated by us.

Please note that the Legal Ombudsman, the independent complaints body for service complaints about lawyers, has time limits in which a complaint must be raised with them. The time limits are:

- a) Six years from the date of the act/omission.
- b) Three years from the date that the complainant should reasonably have known there were grounds for complaint (if the act/omission took place before the 6 October 2010 or was more than six years ago).
- c) 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 Ombudsman can extend the time limit in exceptional circumstances. Chambers must therefore have regard to that timeframe when deciding whether they are able to investigate your complaint. We will not therefore usually deal with complaints that fall outside of the Legal Ombudsman's time limits.

The Ombudsman will also only deal with complaints from consumers. This means that only complaints from the barrister's client are within their jurisdiction. Non-clients who are not satisfied

with the outcome of our investigation should contact the Bar Standards Board rather than the Legal Ombudsman.

You can write to them at:

Legal Ombudsman, PO Box 6806, Wolverhampton WV1 9WJ

Telephone number: 0300 555 0333 Email: enquiries@legalombudsman.org.uk

If you are unhappy with the outcome of the investigation, alternative complaints bodies such as Pro Mediate (www.promediate.co.uk) also exist which are competent to deal with complaints about legal services, should you and the barrister both wish to use such a scheme, If you wish to use promediate, please contact us to discuss this. Please also note that: (1) the time limit for contacting promediate is 12 months, and (2) if mediation is used, neither you nor the barrister is required to accept the proposed resolution. If mediation does not resolve the complaint, you may still make a complaint to the Legal Ombudsmen (provided you fall within their jurisdiction and you do so within the time limit)

If you are not the barrister's 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 7HZ

Telephone number: 0207 6111 444

Website: www.barstandardsboard.org.uk

TO BE REVISED: September 2024. This policy will be reviewed every three years.

WHITESTONE CHAMBERS