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## Queen Square Chambers

### Complaints Policy & Procedures

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1. Chambers' aim is to give you the best possible service at all times, but we recognise that even in the best run enterprises occasions could arise when a client might feel that they have not received the levels of service that they were expecting. If, for whatever reason, you are unhappy with any aspect of the services provided do please tell us about it as soon as possible. There should be no sense of embarrassment or awkwardness in doing so as this will expose any failings on our part and help us to identify those areas where we need to improve. We have put this Complaints Policy in place with protocols which allow for a complaint to be addressed in as prompt, fair, objective, and courteous manner as possible. It is important for you to know that it is not necessary to involve solicitors in order to make your complaint and you can contact Chambers directly to voice your concerns if you wish. It is, however, still open to you to involve a solicitor in your complaint if you would prefer to do so.
2. Any complaint raised will be investigated having regard to the Bar Code of Conduct and any guidance that may be periodically promulgated by the *Bar Standards Board* or the *Legal Ombudsman*. Details of these rules and guidelines can be downloaded from their websites, the contact details of which are set out below.

#### **Definition of a complaint:**

3. Queen Square Chambers has adopted the Legal Ombudsman's definition of what constitutes a complaint, i.e., any expression of dissatisfaction which alleges that the complainant has suffered, or may suffer, financial loss, distress, inconvenience, or other detriment.

#### **Contacting us about your complaint:**

4. Chambers has a designated Complaints Officer (Steve Freeman) and should be your first point of contact. If the complaint is regarding the Complaints Officer, please contact the Head of the Chambers, Charles Row.

Contact can be made through your preferred option by:-

**Complaints Officer:**

- Telephone: 01179 211966
- E-mail: [complaints@qsc.law](mailto:complaints@qsc.law)
- Post: The Complaints Officer, Queen Square Chambers,  
56 Queen Square, Bristol BS1 4PR

**Head of Chambers:**

- Telephone: 01179 211966
- E-mail: [complaints2@qsc.law](mailto:complaints2@qsc.law)
- Post: The Head of Chambers, Queen Square Chambers,  
56 Queen Square, Bristol BS1 4PR

Please note that there are no charges incurred as a consequence of our investigating and responding to your complaint.

5. **If you opt to make contact by telephone** your call will be directed in the first instance to the Complaints Officer who will discuss your concerns with you and make a note of the details of your complaint. They will seek to determine what you would like done about it in an effort to resolve the matter satisfactorily. If the matter is resolved at that stage the Complaints Officer will record the outcome and confirm that you are satisfied. It may be that you would wish to make your own note of proceedings and confirm your understanding of the outcome of the conversation, in writing, to Chambers. In the event that it does not prove possible to resolve your complaint on the telephone you will be invited to write to us setting out your complaint in more detail as outlined below.
6. **If you would prefer to register your complaint in writing or by e-mail** we would ask that you ensure the following information is provided:-
  - a) Your name and address (either postal or e-mail as you prefer)
  - b) The name of the person you are complaining about
  - c) The Chambers' case reference number (if you have it)
  - d) Details of the issues giving rise to your complaint and when it arose
  - e) What you would like to see done about it and your expected outcome

The relevant contact details are as set out at 2. above and, where possible, receipt of your complaint will be acknowledged within 48 hours and details provided of how it will be dealt with together with an expected timeframe for a formal response. If, for whatever reason, that anticipated timeframe cannot be met you will be notified and provided with

a realistic, revised date for response. Chambers must endeavour to conclude their investigations and provide you with a formal response within 8 weeks, but we always aim to be able to revert to you sooner than that if at all possible.

7. Once received, your complaint will be quickly passed to the Complaints Officer. That person will speak with the barrister or staff member concerned and any other people that they consider might have something to contribute, investigate the complaint and prepare their report. In any given case, the person appointed will always be someone other than the person you are complaining about.
8. If it is felt that your complaint, or certain aspects of it, falls outside of the remit of the Chambers' Complaints Policy you will be notified with the reasons for that decision within 14 days of your complaint having been received. In that event you will be provided with information on how to complain to the *Legal Ombudsman* and/or the *Bar Standards Board* (see further details below).
9. In the response provided by the investigating person they will set out:-
  - a) the nature and scope of the investigation
  - b) the conclusion reached on each complaint and the basis for doing so
  - c) if it is found that you are justified in your complaint, proposals for resolving the matter
  - d) details of how you may complain to the Legal Ombudsman
10. If it is believed that your complaint is, or could be considered as being, more a matter of professional misconduct or negligence, then the internal Chambers' protocols will be halted and the matter referred to the Bar Standards Board, being the body responsible for the conduct of barristers, or the member's professional indemnity insurer (*Bar Mutual Indemnity Fund*), as appropriate.

#### **The Legal Ombudsman:**

11. You should be aware that the Legal Ombudsman is the independent body for service complaints about lawyers (see paragraph 17 below) and will only consider complaints received within the following time limits:-
  - The act or omission giving rise to the complaint must have occurred after 5<sup>th</sup> October 2010; **and**
  - The complaint must be referred to them within either of the following:

- 6 years of the date of the act or omission giving rise to the complaint, or
  - 3 years from when you found out about it; **and**
- The complaint must be brought within 6 months of receiving the service provider's (your barrister in this instance) final response. That response must comply with the requirements of rule 4.4 of the Legal Ombudsman Scheme Rules (*which requires the response to include prominently an explanation that the Legal Ombudsman was available if the complainant remained dissatisfied, the provision of full contact details for the Ombudsman and a warning that the complaint must be referred to the Ombudsman within six months*).

The Legal Ombudsman can extend the time limit in exceptional circumstances, but Chambers will have regard to the applicable time limit in deciding whether we are able to investigate any complaint. We will not normally deal with a complaint that falls outside the time limit applicable to a complaint to the Legal Ombudsman.

12. The Legal Ombudsman can only deal with complaints from consumers, i.e. client individuals or certain other designated entities (see 13. below). This means that only complaints from a client of a member of Chambers are within the Ombudsman's jurisdiction. While it may be possible to sometimes consider a complaint raised by a non-client of Chambers it is more likely that in the absence of service standard criteria the complaint will involve allegations relating to professional conduct or perceived professional negligence. In those matters the appropriate body to contact would, in the case of conduct, be the Bar Standards Board (the body that regulates the professional conduct of barristers) rather than the Legal Ombudsman. For issues involving allegations of professional negligence the matter would be reported by the barrister concerned to their indemnity insurers (Bar Mutual Indemnity Fund). Chambers is not always able to satisfactorily investigate complaints made by non-clients and may refer such complainants to the Bar Standards Board for consideration.
13. Those clients who are able to complain to the Legal Ombudsman are as follows:
- a)** Individuals;
  - b)** Businesses or enterprises that are micro-enterprises within the meaning of Article 1 and Article 2(1) and (3) of the Annex to Commission Recommendation 2003/361/EC (broadly businesses or enterprises with fewer than 10 employees and turnover or assets not exceeding €2 million);
  - c)** Charities with an annual income net of tax of less than £1 million;
  - d)** Clubs, associations or organisations, the affairs of which are managed by its members or a committee of its members, with an annual income net of tax of less than £1 million;

- e) Trustees of trusts with an asset value of less than £1 million; and
- f) Personal representatives or beneficiaries of the estates of persons who, before they died, had not referred the complaint to the Legal Ombudsman.

Further information can be found at: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

#### **Alternative Dispute Resolution (ADR):**

14. If it does not prove possible to resolve your complaint through our internal protocols, there are alternative bodies such as *Small Claims Mediation* (<https://www.smallclaimscourtgenie.co.uk> e-mail: [scmreferrals@justice.gov.uk](mailto:scmreferrals@justice.gov.uk)) who are competent in the provision of mediation services and may be able to assist if both you **and** your barrister wish to avail yourselves of that option. *Small Claims Mediation* apply a time limit of one hour for dealing with individual matters referred to them.
15. If mediation does not resolve the complaint, you may still make a complaint to the Legal Ombudsman (provided you fall within their jurisdiction and you do so within the time limits).

#### **Confidentiality:**

16. 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 the Complaints Panel and to anyone involved in the complaint and its investigation. Such people will include the member of Chambers or 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.
17. In addressing a complaint, we assume that you are prepared to waive any privilege or confidentiality between you and the barrister you are complaining about. It follows that for the purposes of properly responding to your complaint your barrister or the person investigating may have access to material and documents that arose in your case and which, although they might otherwise have remained confidential between you, could now be referred to.

#### **Our Policy:**

18. As part of our commitment to client care Chambers makes a written record of all complaints and retains all documents and correspondence generated by them for a period of six years. The Complaints Panel inspects and regularly reports, on an anonymised basis, a complaints' record to the Head of Chambers and Management Committee with a view to improving services.

**Complaints to the Legal Ombudsman or the Bar Standards Board:**

19. If you are unhappy with the outcome of our procedure, you have the choice of taking up your complaint with the Legal Ombudsman, who is the body established to deal with complaints relating to failures in service standards provided to clients by lawyers. Generally, the Legal Ombudsman will only consider your complaint if you have first exhausted the Chambers' complaints procedure, but the complaint may be considered where there has been no resolution under that procedure within 8 weeks of your complaint being lodged. If you find that you are not eligible to complain to the Legal Ombudsman as your complaint relates to conduct issues, you may contact the Bar Standards Board.

Contact details for these bodies are as follows:-

**Legal Ombudsman**

PO Box 6806  
Wolverhampton  
WV1 9WJ  
Tel: 0300 555 0333  
Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)  
Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

**Bar Standards Board**

Professional Conduct Department  
289—293 High Holborn  
London WC1V 7HZ  
  
Tel: 0207 6111 445  
Website: [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)