
11 SOUTH SQUARE
CHAMBERS' COMPLAINTS PROCEDURE

Introduction

1. It is the aim of every barrister and member of staff at 11 South Square to give an excellent service at all times to both our professional and lay clients.
2. We at 11 South Square hope and expect that our clients will never need to make a complaint. However, in accordance with the Bar Council Practice Management Guidelines and the Code of Conduct of the Bar every set of Chambers is required to have in place a complaints procedure by which any client can make a complaint directly to Chambers without having to involve a solicitor.
3. This document describes the policy and procedures of 11 South Square in relation to the handling of complaints from the professional or lay client. Complaints can be made against one or more individual barrister(s); and/or one or more individual member(s) of staff; and/or 11 South Square as a whole.
4. It is not necessary for lay clients to involve their solicitors in order to make a complaint, but are free to do so should they wish.
5. 11 South Square recognises that that in each case it is the duty of 11 South Square to ensure that the interests of the lay client are protected. However, 11 South Square understands that a complaint does not necessarily mean that any individual is at fault and a complaint may be unfounded. A fair, positive and constructive attitude will be adopted in the handling of complaints.
6. Please note that chambers will only consider complaints that are raised within six months of the act or omission complained of, unless the complaint is sufficiently serious to justify further consideration, or there are exceptional circumstances

which would justify further consideration of the complaint despite the lapse of time since the matters complained of.

7. The existence of this procedure does not prevent 11 South Square from refusing to investigate clearly unjustified complaints.

Initiating a complaint

8. All complaints should be made to the Senior Clerk, Ashley Carr, unless the complaint is about the Senior Clerk himself, in which case the complaint should be made to the Head of Chambers (Michael Silverleaf QC).

Complaints made by telephone

9. Informal complaints can be made by telephone, by telephoning the Senior Clerk, Ashley Carr during normal office hours on 020 7405 1222.
10. The Senior Clerk will make a note of the details of the complaint and what the complainant would like done about it. He will discuss the complainant's concerns with the complainant and aim to resolve them. If the Senior Clerk considers that the complaint is sufficiently serious that is inappropriate to be dealt with informally, the Senior Clerk will invite the complainant to put his/her complaint in writing within 14 days.
11. If the matter is resolved he will record the outcome, check that the complainant is satisfied with the outcome and record that the complainant is satisfied.
12. If the complaint cannot be resolved, or the complainant does not feel that the concern or matter raised has been dealt with to his/her satisfaction, then the complainant may wish to make a formal complaint and will be invited to put his/her complaint in writing within 14 days.

Complaints made in writing

13. Formal complaints can be made by writing and should be to Ashley Carr, the Senior Clerk, 11 South Square, Gray's Inn, London WC1R 5EY. Complaints should not be initiated by fax or e-mail.
14. The complaint should include the following details:
 - (1) the name, address, contact telephone number and (if correspondence by e-mail is acceptable to the Complainant) the e-mail address of the Complainant;
 - (2) the name(s) of the barrister(s) or member(s) of staff about whom the complaint is made;
 - (3) the detail of the complaint;
 - (4) any relevant supporting documentation;
 - (5) details of what (if anything) the complainant would like to be done about the complaint.
15. If the complaint is made in writing, it is essential to telephone 11 South Square in advance to check that the person to whom it is addressed will be available to deal with the complaint when it arrives.

Complaints received by Members other than Ashley Carr

16. Any complaint against a barrister, whether made to that barrister personally, to another barrister or to a member of staff, shall be immediately reported to the Senior Clerk. If the complaint is made orally, a note shall be made of the gist of the conversation. If the complaint is writing, the complaint together with any attached documentation should be passed to the Senior Clerk.

17. Any complaint against a clerk or member of staff, whether made to individual personally, to another member of staff or to a barrister, shall be immediately reported to the Senior Clerk, unless the complaint is about the Senior Clerk himself, in which case the complaint should be reported to the Head of Chambers. If the complaint is made orally, a note shall be made of the gist of the conversation. If the complaint is writing, the complaint together with any attached documentation should be passed to the Senior Clerk (or, the Head of Chambers, as appropriate).

Resolving the dispute

18. All complaints will be acknowledged, preferably in writing, within 72 hours of receipt.
19. The Senior Clerk (or if the complaint is about the Senior Clerk himself, the Head of Chambers) will be responsible for handling the complaint.
20. However, depending on the nature and circumstances of the complaint the Senior Clerk (or, as appropriate the Head of Chambers) may delegate the handling of the complaint to one or more suitable barrister(s) and/or member(s) of staff or, alternatively may recruit the assistance of one or more suitable barrister(s) and/or member(s) of staff to assist him in handling and resolving the Complaint.
21. In no circumstances will the complaint be investigated by the person against whom the complaint has been made.
22. Within 14 days of the complaint being received the person appointed to investigate the complaint will write to the complainant (i) to inform the complainant that he/she has been appointed and identify any other barristers or members of staff that have also been appointed to investigate the complaint; and (ii) to inform the complainant of the date by which a substantive response will be provided. A substantive response should usually be provided within two months

of the complaint being received, unless there are exceptional circumstances. The substantive response will be in writing.

23. The person appointed to investigate the complaint may invite the complainant or the barrister or any other party to provide, either orally or in writing, such further information as may be required in relation to the complaint, provided always that the person against whom the complaint is made shall be given a reasonable opportunity to respond to any further information provided by the complainant or any third party.
24. Once the complaint has been investigated, the person appointed to investigate the complaint shall provide a substantive written response. The substantive written response shall set out:
 - (1) the nature and scope of the investigation;
 - (2) the finding in respect of each complaint made and the basis for such a finding;
 - (3) (if it is found that the complaint was justified) the proposals for resolving the complaint;
 - (4) the complainant's right to refer the complaint to the Bar Council.
25. As part of 11 South Square's ongoing commitment to client care, a written record is made by the Senior Clerk of every complaint and is kept in the Complaints File. The record shall record:
 - (1) the name of the barrister against whom the complaint was made;
 - (2) the identity of the complainant and, in the case of a solicitor complainant, the firm's name and address;
 - (3) a brief summary of the complaint;
 - (4) the identity of all barristers and members of staff who were involved in investigating the complaint;

- (5) a brief outline of the steps taken to resolve the complaint;
- (6) the outcome of the dispute; and
- (7) copies of all correspondence sent and received in relation to the complaint.

Professional indemnity

26. Any complaint of negligence or involving a potential claim against a barrister must be brought to the attention of Bar Mutual Indemnity Fund Limited without delay.

Confidentiality

27. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary.
28. Disclosure will be to the Senior Clerk and to anyone involved in the complaint and its investigation. This will include the barrister or member of staff who you have complained about, the individuals who investigate the complaint and any people that those individuals need to consult in the course of investigating the complaint.
29. The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.

Complaints to the Bar Council

30. 11 South Square hope that should a complaint be necessary, any complainant will use the resolution procedure set out above. However any complainant who would prefer to make his/her complaint direct to the Bar Council (through the Bar

Standards Board), or is unhappy with the outcome of any complaint made under this procedure is welcome to do so.

31. All potential complainants should be aware that the Bar Standards Board has a time limit of six months from the act or commission complained of within which the complaint must be made. However, if the complainant has sought to use this procedure first, the time limit is three months from the conclusion of the investigation.
32. The Bar Council (Bar Standards Board) can be contacted at:

Complaints Team
Bar Standards Board
289-293 High Holborn
London
WC1V 7HZ
Tel: 020 7611 1444
Fax: 020 7831 9217
DX: 240 LDE
www.barstandardsboard.org.uk

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