

11 South Square

Complaints Procedure

This is the Complaints Procedure of 11 South Square. This policy shall be published on the 11 South Square website pursuant to the rules contained in the Bar Standards Board Handbook.

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 rules and guidance of the Bar Standards Board Handbook 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, (currently Ashley Carr) unless the complaint is about the Senior Clerk himself, in which case the complaint should be made to the Head of Chambers (currently Iain Purvis KC).

Complaints made by telephone

9. Informal complaints can be made by telephone, by telephoning the Senior Clerk 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 addressed to 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 email 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 the Senior Clerk

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 in 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. Where it is not possible to acknowledge a complaint in writing within 72 hours of receipt, the complaint will be acknowledged in writing as soon as is practically possible.
19. The written acknowledgement will include:
 - (1) the name of the person who will deal with the complaint together with a description of that person's role within Chambers;
 - (2) a copy of this Complaints Procedure;
 - (3) the date by which the complainant will next hear from Chambers;
 - (4) notification of the complaint's right to complain to the Legal Ombudsman at the conclusion of the complaints process.
20. The Senior Clerk (or if the complaint is about the Senior Clerk himself, the Head of Chambers) will be responsible for handling the complaint.
21. 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.
22. In no circumstances will the complaint be investigated by the person against whom the complaint has been made.
23. 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.

24. 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.
25. 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, the timeframe for doing so and the full details of how to contact the Bar Council; and
 - (5) the Complainant's right to complain to the Legal Ombudsman, the timeframe for doing so and the full details of how to contact the Legal Ombudsman.
26. 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) all steps taken to resolve the complaint;
 - (6) the outcome of the dispute; and
 - (7) copies of all correspondence, including electronic mail, and all other documents generated in response to the complaint.
27. The records and copies of each complaint shall be kept for six years from the resolution of the complaint.

Professional indemnity

28. 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

29. All conversations and documents relating to the complaint will be treated as confidential and disclosed only so far as is necessary for:
- (1) the investigation and resolution of the complaint;
 - (2) internal review in order to improve Chambers' handling of complaints;
 - (3) complying with requests from the Bar Standards Board in the exercise of its monitoring and/or auditing functions.
30. 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.

31. The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.

Data protection

32. Any personal data that is obtained, generated and/or acquired as a result of the making of a complaint pursuant to this policy shall be processed in accordance with 11 South Square's Data Protection Policy.

Reporting of complaints

33. The Senior Clerk (in his capacity as the person responsible for the administration of the procedure) shall report at least annually to the Head of Chambers on the number of complaints received, the subject areas of the complaints and the outcomes.
34. The complaints shall be reviewed for trends and possible training issues.

Complaints to the Legal Ombudsman and Bar Council

35. 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 not to do so, or is unhappy with the outcome of any complaint made under this procedure, may be able to make their complaint to the Legal Ombudsman or the Bar Council and is welcome to do so.
36. Ordinarily, a complainant cannot use the Legal Ombudsman unless the complainant has first used Chambers' own complaints procedure. However, the Legal Ombudsman will consider a complaint if it has not been resolved to your satisfaction within eight weeks of being made to Chambers.

37. All complainants shall be notified of their right to complain to the Legal Ombudsman (where applicable) at the conclusion of the complaints process.
38. The Legal Ombudsman can be contacted at:
- Legal Ombudsman
PO Box 6167
Slough
SL1 0EH
Tel: 0300 555 0333 (from the UK)
Tel: +44 121 245 3050 (from overseas)
Minicom: 0300 555 1777
e-mail: enquiries@legalombudsman.org.uk
www.legalombudsman.org.uk
39. All potential complainants should be aware that the Legal Ombudsman has two time limits both of which must be complied with. Firstly, all complaints to the Legal Ombudsman must be made within six months from the Complainant receiving a written response to the complaint from Chambers. Secondly, the complainant must refer the complaint to the Legal Ombudsman no later than one year from the act/omission, or one year from when the complainant should reasonably have known there was cause for complaint.
40. 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 should contact the Bar Standards Board rather than the Legal Ombudsman.
41. 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

Availability of this Complaints Procedure

42. A copy of this Complaints Procedure shall be available from 11 South Square's website.

Adoption and review of this procedure

43. This procedure was adopted in October 2014 and most recently updated in May 2023.
44. This procedure will be reviewed in or before May 2025.