

GAINSBOROUGH LAW COMPLAINTS POLICY

1. Our aim is to give our clients a good service at all times. However, if you have a complaint please contact the chambers' clerks as soon as possible, by telephone or in writing. We will treat your complaint as confidential although we may discuss it with other barristers or officials from the Bar Standards Board for their advice. We will not reveal your name to others unless we are setting up mediation or arbitration. We will deal with your complaint promptly.
2. Please note that Gainsborough Law will only consider complaints that are raised within six months of the relevant act or omission about which you are complaining.
3. Similarly, 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.
4. 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. Chambers will not therefore usually deal with complaints that fall outside of the Legal Ombudsman's time limits.
5. 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 the investigation should contact the Bar Standards Board rather than the Legal Ombudsman.
6. It should be noted that it may not always be possible to investigate a complaint brought by a non-client. This is because chambers' 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 we feel that the issues raised cannot be satisfactorily resolved through my complaints process, we will refer you to the Bar Standards Board.

Complaints made by telephone

7. If you wish to make a complaint by telephone, we will make a note of the details of your complaint and what you would like done about it. We will endeavour to resolve matters with you on the telephone. If after discussion you are satisfied with the outcome, we will make a note of the outcome and the fact that you are satisfied. If you are not satisfied, you may wish to make a written complaint.

Complaints made in writing

8. If you wish to make a written complaint please provide the following details:-
 - Your name, telephone number and address;
 - The name of the barrister you are complaining about;
 - The detail of your complaint;
 - What you would like done about it.

Procedure for dealing with your complaint

9. There are a number of ways in which your complaint may be dealt with:
 - (a) Discussion over the telephone;
 - (b) Dealt with by correspondence;
 - (c) Discussion at a meeting between us;
 - (d) The appointment of a mediator who will try to facilitate the resolution of your complaint;
 - (e) The appointment of an arbitrator whose decision we both agree shall be binding.
10. If we decide to appoint an arbitrator we both would need to agree how the arbitrator should approach his/her task and the limit of the compensation that can be awarded. The Bar Sole Practitioners Group (BSPG) or local Circuit will be approached and a barrister will be appointed to arbitrate. We will decide together whether it will be the BSPG or the local Circuit who should be approached. However neither of us may veto the person chosen. It is expected that the BSPG and the Circuit will chose someone who has considerable experience in the area that is the subject matter of the dispute.
11. Upon receipt of a written complaint we will
 - (a) Reply in writing, normally within 48 hours, to acknowledge the complaint and inform you how we shall be dealing with it.
 - (b) Reply within 14 days responding in full to your complaint. If we find later that we are not going to be able to reply within 14 days we will set a new date for my reply and inform you. Our reply will set out:
 - The nature and scope of our investigation;

- Our conclusion on each complaint and the basis for our conclusion; and
- If we find that you are justified in your complaint, our proposals for resolving the complaint.

12. If you indicate that you are not happy with our written response you may ask for mediation or arbitration or, if you fall within their jurisdiction, you may make a formal complaint to the Legal Ombudsman, the independent complaints handling body for complaints about lawyers. Please note the timeframe for referral of complaints to the Ombudsman as set out at paragraph 2 above.

They can be contacted at:

Legal Ombudsman
PO Box 6806,
Wolverhampton
WV1 9WJ

Telephone number: 0300 555 0333

Email: enquiries@legalombudsman.org.uk

13. If you are not a client of a barrister at Gainsborough Law 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 7JZ

Telephone number: 0207 6111 444

Website: www.barstandardsboard.org.uk

14. Chambers will maintain confidentiality at all times and discuss your complaint only to the extent that is necessary for its resolution and to comply with requests for information from the Bar Standards Board discharging its auditing and monitoring functions.

15. Chambers will retain all correspondence and other documents generated in the course of your complaint for a period of six years and we will review complaints at least once a year to ensure that we maintain good standards of service.