

COMPLAINTS POLICY

1. Our aim is to give you a good 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.
2. 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
3. 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.
4. 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 Chambers' investigation should contact the Bar Standards Board rather than the Legal Ombudsman.
5. It should be noted that it may not always be possible to investigate a complaint brought by a non-client. This is because the ability of Chambers 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, Chambers will make an initial assessment of the complaint and if they feel that the issues raised cannot be



Guernica 37 Chambers

6 Pump Court (First Floor), Temple, London EC4Y 7AR United Kingdom
W www.guernica37.com E clerks@guernica37.com T +44 (0) 203 597 7130

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satisfactorily resolved through the Chambers complaints process they will refer you to the Bar Standards Board.

Complaints Made by Telephone

6. You may wish to make a complaint in writing and, if so, please follow the procedure in paragraph 7 below. However, if you would rather speak on the telephone about your complaint then please telephone the individual nominated under the Chambers Complaints Procedure to deal with complaints – ‘Mr. John Cubbon’, or, if the complaint is about Mr Cubbon, Mr. Toby Cadman, Co-Head of Chambers. The person you contact will make a note of the details of your complaint and what you would like to have done about it. He will discuss your concerns with you and aim to resolve them. If the matter is resolved he will record the outcome, check that you are satisfied with the outcome and record that you are satisfied. You may also wish to record the outcome of the telephone discussion in writing.
7. The person you contact will confirm your satisfaction and the method of resolution in writing to you.
8. If your complaint is not resolved on the telephone you will be invited to write to us about it so it can be investigated formally.

Complaints made in Writing

9. Please give the following details:
 - Your name and address;
 - Which member(s) of Chambers you are complaining about;
 - The detail of the complaint; and
 - What you would like done about it.
10. Please address your letter to Mr. John Cubbon. We will, where possible, acknowledge receipt of your complaint within two days and provide you with details of how your complaint will be dealt with.
11. Our Chambers complaints policy is that subject to any conflict of interest, the complaint will be investigated by Mr. John Cubbon. Within 14 days of your letter being received, Mr Cubbon, or an alternative member of Chambers appointed in his absence, will confirm in writing that your complaint is now subject to investigation.
12. If your complaint concerns Mr Cubbon, then, Mr. Cadman, Co-Head of Chambers will conduct the relevant investigation and contact you in accordance with the proscribed time limits.



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13. The person appointed to investigate will write to you as soon as possible to let you know he has been appointed and that he will reply to your complaint within 14 days. If he finds later that he is not going to be able to reply within 14 days, he will set a new date for his reply and inform you. His reply will set out:
- a. The nature and scope of his investigation;
 - b. His conclusion on each complaint and the basis for his conclusion; and
 - c. If he finds that you are justified in your complaint, his proposals for resolving the complaint.

Alternative Dispute Resolution

14. If you are unhappy with the outcome of the investigation, alternative bodies may be in a position to intervene with a view to resolving the issue.
15. Companies such as ProMediate exist which are competent to deal with complaints about the provision of legal services, should you, and the Barrister instructed both wish to use the scheme.
16. If you wish to use such a method of 'ADR' please contact us to discuss.
17. We would highlight that:
- a. The time limit for contacting ProMediate is one year; and
 - b. If mediation is used, neither you nor the Barrister instructed is required to accept the proposed resolution.
18. 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 their limitation period).

Confidentiality

19. 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 Co-Heads of Chambers, members of our management committee and to anyone involved in the complaint and its investigation. Such people will include the barrister member or staff who you have complained about, 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.



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Our Policy

20. 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. Our management committee inspects an anonymised record regularly with a view to improving services.

Complaints to the Legal Ombudsman

21. 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 Chambers. Please note the timeframe for referral of complaints to the Ombudsman as set out at paragraph 2 above.

You can write to them at:

Legal Ombudsman
PO Box 6806,
Wolverhampton
WV1 9WJ
Telephone number: 0300 555 0333
Email: enquiries@legalombudsman.org.uk

22. 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 7JZ
Telephone number: 0207 6111 444
Website: www.barstandardsboard.org.uk



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