

# ROPEWALK — CHAMBERS —

Barristers regulated by the Bar Standards Board

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## Complaints Policy



We aim to provide an excellent service at all times and expect all of our staff to always be polite, fair and professional in everything they do. However, if you feel that we have fallen short of our aims, we would like you to let us know as soon as possible.

This policy sets out how we will deal with your complaint, who will investigate it, and how long it will take.

If you are a client, you do not have to involve your solicitors to make your complaint but you can if you prefer.

We can deal with most complaints informally and quickly, usually over the phone. You should contact the Senior Clerk first (or the Head of Chambers if the complaint concerns the Senior Clerk). If, after that, you are still not satisfied, you have the right to make a formal complaint.

If the complaint is about the Head of Chambers, or if the Head of Chambers is not available, all of their responsibilities, as set out in this policy, will be carried out by the Deputy Head of Chambers.

This procedure is for formal complaints about the quality of service or professional conduct of a member or pupil of Chambers or a member of staff.

## **What kind of complaint can you deal with?**

We can deal with complaints about the service provided by, or the behaviour of, a member or pupil of Chambers or a member of staff.

If the complaint might involve a finding of professional negligence or a financial loss (beyond waiving some or all of the fee), we may need to pass the matter to the Bar Mutual Indemnity Fund (the professional indemnity insurer of the barrister being complained about), but we would try to answer your concerns first. It may mean you have to follow the Professional Negligence Pre-action Protocol if you want to claim financial compensation (please see <http://www.barmutual.co.uk/claims-disciplinary-proceedings/claims-against-a-barrister/>), and we would suggest that you get help from a solicitor to do this.

We will deal with complaints about equality or diversity issues in line with our Equality and Diversity Policy.

## Timescale for making a complaint

We will only consider complaints that are made within six months of the date of the matter you are complaining about, or the date when you should reasonably have become aware there was cause for complaint.

## How to make a complaint

### Online

You can find our online complaint form at [www.ropewalk.co.uk](http://www.ropewalk.co.uk)

If you make your complaint online, we should be able to investigate it quickly as we will have all of the information we need from the form (although our investigator may sometimes need more information from you).

We will immediately acknowledge your complaint by email and then contact you again within 10 working days, giving you details of how we will deal with your complaint.

### In writing

Please print off and fill in the complaint form that is on our website – [www.ropewalk.co.uk](http://www.ropewalk.co.uk) This will make sure we have all of the information we need to begin our investigation as quickly as possible (though our investigator may sometimes need more information from you).

Send your filled-in form, together with any documents that you think will help us investigate your complaint, to the Senior Clerk or the Head of Chambers at:

24 The Ropewalk  
Nottingham  
NG1 5EF.

Or, write to the Senior Clerk or the Head of Chambers at the address above, giving the following information:

1. Your name and contact details
2. Who you are complaining about

3. What you are complaining about and when you became aware of it
4. What would put this right for you

Please also provide any documents that you think will help us investigate your complaint, and confirm that you give us permission to pass all relevant paperwork and details to our investigator.

If you are making a complaint on behalf of someone else, we will need a signed letter of authority from that person.

We will reply within 10 working days, giving you details of how we will deal with your complaint.

## **By phone**

If you do not want to make your complaint online or in writing but would prefer to discuss it over the phone, please speak to the Senior Clerk. If the complaint is about the Senior Clerk, please phone the Head of Chambers or, if they are not available, the Deputy Head of Chambers. If you are worried about the cost of the phone call, we can call you back.

The person you contact will make a note of your complaint and how you would like us to resolve it. If your complaint is complicated, we may write to you asking you to confirm that we understand your complaint correctly and the outcome you would like.

We will reply to you within 10 working days, giving you details of how we will deal with your complaint.

## **The complaints process**

Our procedure for considering formal complaints is set out below. We aim to always follow this procedure, but we can adapt it or follow a different procedure if:

- 1) the circumstances make it necessary;
- 2) we make it clear which procedure we are following and why; and
- 3) the procedure we follow results in a thorough and objective investigation.

Within 10 working days of receiving your complaint, the Head of Chambers (or the Deputy Head of Chambers if appropriate) will appoint a member of our Complaints Panel, which is made up of experienced barristers, to investigate your complaint.

When appointing the investigator, the Head of Chambers (or the Deputy Head of Chambers) will take all reasonable steps to make sure that:

- 1) there can be no professional conflict of interest in how the complaint is investigated;
- 2) the investigator will be able to investigate the complaint objectively; and
- 3) the investigator will be able to carry out the investigation within a reasonable time.

The investigator will tell you in writing, within 10 working days, that they have been appointed to deal with your complaint. They will do the following:

- 1) Send you a copy of this complaints policy, if you have not already seen it;
- 2) Set out the general nature of the investigation and what it will cover;
- 3) Ask your permission for all relevant paperwork and details to be passed to them (if you have not already given permission);
- 4) Confirm that there can be no possible professional conflict in them investigating the complaint;
- 5) Tell you, if possible, how long the investigation is likely to take and how they will keep you up to date with its progress. The investigator usually aims to make a decision about the complaint well within the eight-week period allowed by the Legal Ombudsman, but they may take longer if the matter is complicated or there are delays in getting the necessary information; and
- 6) Ask you for any further information they think is reasonably necessary to properly investigate your complaint (if they do not ask you for this initially, they may ask for it at a later stage). If you do not provide this information within a reasonable time, we may not be able to deal with your complaint under this procedure.

When the investigator has decided that they have enough information from you and from the person you are complaining about, they will consider your complaint.

The investigator will respond to your complaint as soon as reasonably possible, telling you:

- 1) the nature of the investigation and what it will cover;
- 2) their decision on your complaint and the reasons for their decision; and
- 3) how they plan to resolve the complaint (if they think the complaint is justified).

If we feel a complaint is justified, the Head of Chambers can do the following:

- 1) Advise the person about their future conduct (or nominate someone else to).
- 2) Issue a written reprimand.

We do not need the permission of the person being complained about to do either 1 or 2 above.

We can also take the following action, but only if the person being complained about agrees:

- 1) Apologise;
- 2) Waive (not charge) any fee or part of a fee.

If your complaint is about a member of staff and is upheld, we may issue an apology and begin disciplinary proceedings.

Our letter responding to your complaint will remind you that if you are not satisfied with the outcome of our investigation, you can take your complaint to the Legal Ombudsman. The time limit for doing this is six months from the date we told you the outcome of our investigation.

## Confidentiality

We will treat all conversations and documents relating to your complaint as confidential and will only share them if necessary.

We would share them with the Head of Chambers (or the Deputy Head of Chambers if appropriate) and anyone involved in your complaint and its investigation (such as the person you have complained about and the investigator).

If, as a result of the complaint, we feel we need to review and if necessary improve our procedures, we will only share information about your complaint if necessary for that purpose.

The Legal Ombudsman and Bar Standards Board are entitled to inspect the documents and ask for information about the complaint when auditing and monitoring complaints.

## Keeping records

As part of our commitment to client care, we will keep a written record of any complaint, and all documents and correspondence about your complaint, for six years. Our Management Committee inspects an anonymised record regularly (one which has had any identifying details removed), with a view to improving our quality of service.

## Complaints to the Legal Ombudsman

Under Rule 4.1 of the Legal Ombudsman Scheme Rules, complaints must usually be made to us first, although there are exceptions, as set out in Rule 4.2:

<http://www.legalombudsman.org.uk/downloads/documents/publications/Scheme-Rules.pdf>

The Legal Ombudsman's rules state that you should allow us up to eight weeks to resolve your complaint. If after the eight weeks have passed you feel that we are taking too long to investigate your complaint, you can take your complaint to the Legal Ombudsman.

If you are unhappy with our investigator's decision, you have up to six months to take your complaint to the Legal Ombudsman. You cannot refer your complaint to the Legal Ombudsman any later than 12 months from the date

when the problem first arose or from the date when you should reasonably have become aware there was cause for complaint.

Contact details for the Legal Ombudsman:

The Legal Ombudsman

PO Box 6806

Wolverhampton

WV1 9WJ.

Phone: 0300 555 0333

Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

## Complaints Panel

The following are members of our Complaints Panel:

Jayne Adams QC

Soofi Din

Philip Turton

Andrew McNamara

Myles Jackson

Clare Haddon

Edward James

Jonathan Owen

Patrick Limb QC

Richard Seabrook

Jonathan Mitchell

Deborah Davies

Mark Diggle

Christopher Lowe

Tom Panton

Kam Jaspal

James Howlett

Toby Stewart

Jason Cox

Richard Gregory

Shilpa Shah

Andrew Lyons

Damian Powell

Rochelle Rong