



CHAMBERS OF SAMANTHA BOWCOCK K.C.
15 WINCKLEY SQUARE
COMPLAINTS PROCEDURE

1. Our aim is to always give you a good service. However, if you have a complaint you are invited to let us know as soon as possible. It is not necessary to involve solicitors 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 as from 1st April 2023:
 - a) the act or omission, or when the complainant should reasonably have known there was a cause for complaint, must have been after 5th October 2010; and
 - b) 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 a cause for complaint.
 - c) The complainant must also refer the complaint to the Legal Ombudsman within six months of the complaint receiving a final response from their lawyer/Chambers, 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. Chambers must 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. The Ombudsman can extend the time limit if to do so is fair and reasonable in all the circumstances.
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 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 8 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. Paul Morecroft, Chambers Practice Manager. If the complaint is about Paul Morecroft please telephone the Head of Chambers – Samantha Bowcock K.C. 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. 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.

8. 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.

9. Please address your letter to Paul Morecroft. 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.

10. As a first-tier complaint the matter will be referred to the subject of the complaint for them to provide a written response that will be provided within 21 days.

11. If the matter is not resolved to your satisfaction, then you may request for the matter to be referred to the Head of Chambers who will investigate your complaint. She will reply to your complaint within 28 days. If she finds later that she is not going to be able to reply within 28 days, she will set a new date for her reply and inform you. At her discretion, the Head of Chambers may delegate investigation of the complaint to the Head of the relevant practice team. The reply will set out:

- The nature and scope of the investigation;

- The conclusion on each complaint and the basis for the conclusion; and
- If it is found that you are justified in your complaint, the proposals for resolving the complaint.

Confidentiality

12. 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 Head 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, the head or relevant senior member of chambers in their practice area 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.

Our Policy

13. 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

14. 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. Those clients who are able to complain to the Legal Ombudsman are as follows:

- a) Individuals;
- b) Businesses or enterprises that are micro-enterprises within the meaning of Article 1 and Article 2 (1) and (3) of the Annex to Commission Recommendation 2003/361/EC (broadly businesses or enterprises with fewer than 10 employees and turnover or assets not exceeding €2 million);
- c) Charities with an annual income net of tax of less than £1 million;
- d) Clubs, associations or organisations, the affairs of which are managed by its members or a committee of its members, with an annual income net of tax of less than £1 million;
- e) Trustees of trusts with an asset value of less than £1 million; and
- f) Personal representatives or beneficiaries of the estates of persons who, before they died, had not referred the complaint to the Legal Ombudsman.

You can write to the Legal Ombudsman at:

Legal Ombudsman PO Box 6806, Wolverhampton WV1 9WJ

Telephone number: 0300 555 0333 Email:

enquiries@legalombudsman.org.uk

Alternative Dispute Resolution

15. If you are unhappy with the outcome of the investigation, alternative complaints bodies are available such as Promediate website: <https://www.promediate.co.uk> who are competent to deal with complaints about legal services, should you and the barrister both wish to use such a scheme. If you wish to use Promediate, please contact us to discuss this. Please also note that: 1) the time limit for contacting Promediate following an investigation is 3 months and 2) if mediation is used, neither you nor the barrister is required to accept the proposed resolution. 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 the time limit).

Their contact details are:

Promediate

Brow Farm

Top Road

Frodsham

WA6 6SP

Telephone: 0203-621-3908

Email: enquiries@promediate.co.uk

16. 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 611 1444 Website : www.barstandardsboard.org.uk