St Ives CHAMBERS

Complaints Procedure

Introduction

1. This procedure applies to complaints made:
   a. by any person (whether in or outside of Chambers) against any barrister operating from Chambers, whether practicing as a self-employed barrister or BSB authorised bodies (sometimes referred to as "separate entities") or operating from Chambers as a pupil, mini—pupil, probationary tenant, door tenant, or on secondment, including any complaint in respect of service provision standards ('poor service'), equality, diversity and inclusion issues, bullying, harassment or misconduct;
   b. by any person outside of Chambers against a member of staff ("staff" includes the practice manager(s) and staff of such separate entities) in respect of the provision of their services.

2. Our barristers and staff aim to provide a good service at all times. Client care is extremely important to Chambers and any feedback (whether positive or negative) is invaluable in ensuring continued quality of service provision as it assists with ongoing updating/review of our practices and procedures and enables us to put in place measures to remedy any shortcomings that may be identified. If you have a complaint you are invited to let us know as soon as possible. This procedure applies to both solicitors (our professional clients) and to members of the public (our lay clients) who instruct us either through solicitors or directly through the Public Access Scheme.

3. This procedure is not intended to deal with disputes between members of staff or 'internal' disputes involving barristers against members of staff, for which separate internal processes exist.

4. We wish to make it clear that:
   a. if you are a member of the public who has instructed us through a solicitor you may ask the solicitor to make the complaint on your behalf. However it is not necessary to do this and you are free to make the complaint to us directly if you prefer.
   b. Whichever course you take, please be reassured that Chambers will not charge to investigate your complaint.

Time Limits

5. Please note that Chambers must have regard to the **time limits set by the Legal Ombudsman** (the independent complaints body for service complaints about lawyers) when deciding whether Chambers are able to investigate your complaint. Chambers will not therefor usually deal with complaints that fall outside these time limits. The Legal Ombudsman's ordinary time limits (the time by which a complaint must be referred to them) are as follows.

   a. No later than one year from the date of the act/omission complained of, or

b. No later than one year from the date the complainant should reasonably have known there was cause for complaint;

And

c. No later than 6 months of the complainant receiving a final written response from St Ives 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 the full contact details of the Ombudsman, and a warning that the complaint must be referred to the Legal Ombudsman within 6 months).

In relation to sections a) and b) above the act or omission, or when the complainant should reasonably have known there was cause for complaint, must have been after 5.10.10 for the Ombudsman to deal with the matter. The Ombudsman can extend the time limits if they consider it fair and reasonable, to such extent that they consider fair.

6. Please be aware that the Legal Ombudsman will also only deal with complaints from consumers, which includes:
   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.
7. This means that only complaints from the barrister's clients, or from those who claim to have been unreasonably refused legal services, are within the jurisdiction of the Legal Ombudsman. "Non-clients" who are not satisfied with the outcome of the Chambers' investigations should contact the Bar Standards Board rather than the Legal Ombudsman.

Matters that may fall outside our complaints procedure

8. It should be noted that it may not always be possible to investigate a complaint brought externally 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 consideration under 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 Chambers complaints process they will refer you to the Bar Standards Board.

9. Please also be aware that Chambers may not be best placed to seek to resolve or provide redress for complaints which relate to misconduct or professional negligence and there is no positive obligation to investigate matters of misconduct. A complaint which is in reality an allegation of professional negligence may more appropriately be directed to the barrister's insurers (the BMIF). Please also be aware that Chambers may decline to investigate, may discontinue or may summarily dismiss all or part of any complaint if in Its opinion:
   a. it does not have any reasonable prospect of success or;
   b. it is frivolous or vexatious; or
   c. it would not be a proportionate use of Panel's time to investigate the complaint, due to the likely impact, its complexity, the amount of evidence provided, or due to the conduct of the complainant during the investigation.

   You of course remain free in such circumstances to refer the matter to the Legal Ombudsman or the Bar Standards Board (as may be appropriate) so long as you comply with the timescales set out above.

Complaints made by telephone

10. You may wish to make a complaint in writing / by email and, if so, please follow the procedure in paragraphs 14 - 16 below. However, if you would rather speak on the telephone about your complaint informally then please ask to speak by telephone to Mr Nicholas Starks who is the Chair of our Complaints Panel. Mr Starks is a Barrister and a member of Chambers. In the event that the complaint is about Mr Starks then Karamjit Singh, the Deputy Chair of the Complaints Panel, should be contacted instead. He is also a Barrister and a member of Chambers. As Mr Starks (and Mr Singh) are usually in court during the day we would ask that when telephoning chambers you make it clear that you are telephoning in relation to a complaint and that you leave a message with your name, telephone number and email address in order that Mr Starks (or Mr Singh) can contact you. Your message will be emailed to Mr Starks (or Mr Singh) and he will return your call (or in the event that you are not available, will contact you by email) within 24 hours. Chambers telephone number is 0121-236-0863.

11. Mr Starks (or Mr Singh) will make a note of the details of your complaint and what you would like done about it. They will discuss your concerns with you and aim to resolve them informally. If the matter is resolved the outcome will be recorded, they will 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 for your own records.

12. If your complaint is not resolved informally by the telephone call you will be invited to contact us in writing / by email about it within the next 14 days so that it can be investigated formally.

13. In the event you wish to discuss any allegation of bullying, harassment or equality, diversity and inclusion issues informally, you should instead contact Chambers Equality and Diversity Officer / their Deputy, who will endeavour to resolve the matter informally with you (unless themselves the subject of the complaint or they are otherwise conflicted). In the event that such a complaint is not capable of informal resolution, you should make a complaint in writing by email in accordance with the procedure sent out in paragraphs 14-16 below. Details of the current Chambers Equality and Diversity Officer and Deputy are available by contacting the clerks.

Complaints made in writing

14. If you wish to make a formal complaint in writing please ensure that your letter is dated and that you provide us with the following details:
    - Your name and address
    - The name of the barrister or member of staff you are complaining about
    - Information about what it is that you are complaining about with as much detail as possible.
    - What you would like done about it.
    - Any special needs you may have and how you would wish these might be accommodated.

    It would assist us if you provide an email address for ease of response. We can then forward you a copy of our letter by email.
15. Your letter should be addressed to "Jackie Maskew, for the attention of Nicholas Starks (complaint)" and should be sent to St Ives Chambers, 1-3 Whittall Street, Birmingham B4 6DH. This is to ensure that if Mr Starks is out of chambers the letter is opened immediately. In the event that the complaint is about Mr Starks then please address the letter to "Jackie Maskew, for the attention of Mr Karamjit Singh (complaint)".

Complaints made by email

16. You may of course complain directly to Mr Starks by email, setting out the information requested in paragraph 14 above. Please send your email to complaints@stiveschambers.co.uk (the address is not case sensitive), including the word 'complaint' and the name of the person to whom it relates in the heading of the email.

Handling of your complaint and timescales

17. Chambers usual process for handling complaints is set out in the following paragraphs; this is to ensure that:
    a. There is a clear and transparent approach to complaints handling;
    b. There are clear expectations as to what information needs to be provided to deal with a complaint;
    c. There are clear timescales for the resolution of your complaint.

    However Chambers acknowledges that 'one size won't always fit all' and that circumstances may mean that it may be necessary to try a different way of handling your complaint, which can be discussed if and when necessary.

18. We will, where possible, acknowledge receipt of your complaint within two days and promptly thereafter provide you with details of how and by whom your complaint will be dealt with and the date by which you will next hear from Chambers in relation to the complaint.

19. Our Chambers has a Complaints Panel headed by Nicholas Starks; the Panel consists of experienced barristers who are members of Chambers and a senior member of staff. The Complaints Panel considers any written complaint. Within 14 days of your letter being received the head of the Complaints Panel (or the Deputy in his absence) will appoint a member of the Complaints Panel to investigate your complaint and provide information to the Complaints Panel to enable Panel to reach a decision as to the outcome of your complaint within 28 days of your complaint being received. The person investigating your complaint will always be someone other than the person you are complaining about. In the event that your complaint concerns matters of (or substantially of) bullying, harassment or equality, diversity and inclusion issues, the investigator appointed will in the first instance be Chambers Equality and Diversity Officer / their Deputy (unless they are the complainant, the subject of the complaint or they are otherwise conflicted).

20. The person appointed to investigate will write to you as soon as possible to let you know they have been appointed and that the Chair of the Complaints Panel will arrange a Complaints Panel meeting to consider your Complaint within 28 days of your complaint being received. If the investigator finds later that they are not going to be able to investigate within this period and therefore that the Chair of the Complaints Panel will not be able to conclude the matter within 28 days of your complaint, you will be informed and a new date will be set. If the investigator needs help in fully understanding your complaint, they will contact you for further information / clarification.

21. Once the investigation has been completed and considered by Panel, the Chair of the Complaints Panel will within 2 days of the Panel meeting send you a reply setting out:
    - The nature and scope of the investigations

- The conclusion of the Complaints Panel in respect of each complaint and the basis for the conclusion; and
- If it is found that you are justified in your complaint, an apology and any proposals for resolving the complaint.

22. Where a formal complaint involves (or substantially involves) an allegation of bullying, harassment, or equality, diversity and inclusion issues:
- panel will also consist of Chambers Equality and Diversity Officer / their Deputy (unless they are the complainant, the subject of the complaint or they are otherwise conflicted);
- panel will consist of no more than 3 members.

Appeals

23. There is a right of appeal in respect of any formal complaint (whether as to the determination of the complaint, the proposals for resolving it, or both, and whether the appeal is by the complainant or by the subject of the complainant) to Chambers Management Committee, which shall not be comprised of any person who was themselves the complainant, the subject of the complaint or a Panel member who determined the original complaint. Any such appeal must be intimated to the Chair of the Complaints Panel (or his deputy) in writing within 14 days of the determination, setting out the grounds upon which the determination is challenged.

Confidentiality

24. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that it is necessary. Chambers recognises the particular sensitivity attaching to complaints which involve (or substantially involve) allegations of bullying, harassment, or equality, diversity and inclusion issues. Disclosure may be made to the head of Chambers, members of our management committee and management team where that is necessary, and to anyone involved in the complaint and its investigation. Such people will include the barrister or the member of staff about whom you have complained, the investigator and the members of the Complaints Panel. The Bar Standards Board is entitled to inspect the documents and to seek information about the complaint when discharging its auditing and monitoring functions. If you are a lay client / 'consumer' who remains dissatisfied with the outcome of the complaint and you refer the matter to the Legal Ombudsman we would need to disclose the documents to them too. Chambers Director will routinely destroy all documents relating to a complaint 3 years after its determination by Panel in accordance with the General Data Protection Regulation.

Complaint recording

25. 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 3 years. Our management committee inspects an anonymised record regularly with a view to improving services.

Complaints to the Legal Ombudsman

26. **If you are a client / potential client who is dissatisfied 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 ordinarily unable to consider your complaint until it has first been investigated by Chambers. **Please note the time limits referred to in paragraph 5 above and in particular the requirement that you must make any complaint to the Ombudsman within 6 months of Chambers' written response to your complaint.** You can contact the Legal Ombudsman in writing at: Legal Ombudsman, PO Box 6167, Slough SL1 0EH; telephone on 0300 555 0333; email: enquiries@legalombudsman.org.uk. More information about the Legal Ombudsman is available on their website: http://www.legalombudsman.org.uk. The Legal Ombudsman compiles decision data in relation to complaints which you can access at https://www.legalombudsman.org.uk/information-centre/data-centre/complaints-data/

Alternative Dispute Resolution

27. If you are a client / potential client who is unhappy with Panel's final written response, alternative complaints bodies as approved by the Chartered Trading Standards Institute also exist which are competent to deal with complaints about legal services, should both you and the subject of the complaint wish to use such an alternative dispute resolution (ADR) scheme. Please note that neither you nor the subject of the complaint are required to use ADR and that the time limit for contacting an ADR body will likely be different to the time limit for contacting the Legal Ombudsman. If you wish to use an alternative complaint body please contact the Chair of Complaints to discuss this, including timelines for raising a complaint.

28. Please also note if **mediation** is used as a form of ADR, neither you nor the subject of the complaint 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 their time limits). If you both agree to using **arbitration** as a form of ADR, the outcome will be legally binding and you will both need to agree to this. In itself, this does not prevent you from then making a complaint to the Legal Ombudsman. However,

the Legal Ombudsman reserves the right to dismiss any complaint if it feels that a comparable independent complaints (or costs-assessment) scheme has already dealt with the same issue satisfactorily.

Complaints to the Bar Standards Board

29. If you are a non-client who is unhappy with the outcome of our investigation you may take up your complaint with the Bar Standards Board by completing a complaints form (available from their website, below) and sending it to: Bar Standards Board, Contact and Assessment Team, 289-293 High Holborn, London, WC1V 7HZ. Telephone number 020 7611 1444. Website: www.barstandardsboard.org.uk. Email: contactus@barstandardsboard.org.uk. The BSB also compiles data in relation to the profile of barristers including in relation to disciplinary findings, which can be found at https://www.barstandardsboard.org.uk/for-the-public/search-a-barristers-record/the-barristers-register.html

St Ives Chambers, Birmingham **Last reviewed: February 2025**