

## Complaints handling process

Where possible, we will resolve complaints to the client's satisfaction. Where this is not possible, we will give the client a clear and reasoned response to their complaint with reference to:

- The scope of services agreed
- The service levels set out
- The barrister's regulatory obligations

## Making a complaint

**Informal:** Before making a complaint, we encourage clients to consider whether their concerns can be informally addressed through a conversation with the person undertaking their work or a member of our Clerking or Professional Standards Team. This approach is likely to produce a quicker resolution than the more formal route.

**Formal:** If it is not possible to resolve the matter informally, we will always encourage people who contact us before making their formal complaint, to put it in writing through our online complaint portal. The benefits of this approach are that it provides clarity and avoids misunderstanding. Remember that the person dealing with your complaint won't be familiar with your case or the instructions until they have had an opportunity to review the matter in depth.

However, this isn't a requirement, and we will investigate complaints where a customer complains either orally or in writing, including face-to-face, by phone, letter, or email.

In particular, where individuals require reasonable adjustments to be put in place due to a disability or needs our complaints process or communication in an alternative format, they should set this out in an email to the Professional Standards Team at [professionalstandards@thebarristergroup.co.uk](mailto:professionalstandards@thebarristergroup.co.uk) or by calling them on 01823 247247.

## Timescales

The Legal Ombudsman allows legal service providers up to 8 weeks to resolve a complaint after which a complainant can raise their complaint with the Legal Ombudsman. Therefore, where we set timescales, these need to be complied with or there is a risk the matter cannot be considered within the timescale. Equally, we will comply with timescales we give to you or if we cannot for valid reasons, we will explain this to you in advance.

Having a complaint considered by the Legal Ombudsman can be a lengthy process and it is currently (December 2022) taking 9-12 months for the legal ombudsman to conduct their initial checks and advise whether a complaint can be accepted and an investigation to begin. For further information on the Legal Ombudsman consumer journey, you can visit: <https://www.legalombudsman.org.uk/how-we-work/consumer-journey/>

### **Triage stage:**

We will acknowledge the complaint as soon as possible and within 24 hours.

Within 3 days, we will review the complaint and contact you, usually by email but sometimes by telephone and confirm our understanding of the complaint and ask you to confirm that our understanding is correct. We will also ask you to provide us with any evidence you wish us to consider as part of the complaint.

We will require this to be done within 7 days of our contact with you.



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### **Stage 1:**

We will investigate the matter by reviewing the evidence and ask the barrister or member of staff for their formal response to the complaint.

Once we have concluded our review, we will write to you with our decision which will be based on the evidence considered and will set out the reasons for our decision including any recommendations for resolution.

If the timescales have been complied with and there is sufficient time, we will inform you how to escalate\* your complaint to stage 2 if you disagree with the decision based on the facts set out.

**TIMESCALE: USUALLY 4 WEEKS IN TOTAL** However, this will only be possible if we receive the confirmation and information, we have requested within the timescales we ask.

### **Stage 2: Appeal**

If the timescales have been complied with and there is time for us to consider an appeal, we will require you to submit this to us within 7 days of receipt of our stage 1 decision.

Your appeal needs to be based on the factual information and evidence set out in our letter and you will need to provide evidence in support.

We will acknowledge your appeal within 2 days. A different member of the Professional Standards Team will review your appeal and all of the evidence so far and will make a final decision on the complaint.

This final decision will be sent to you in a letter (or other method agreed with you as part of reasonable adjustments) and will set out the reasons for our decision including any recommendations for resolution.

You will be advised of the options available to you including your right to refer the matter to the Legal Ombudsman for consideration and the timescales and for doing so.

**TIMESCALE: UP TO 4 WEEKS TOTAL**  
The entire process will take no more than 8 weeks.

### **External review (Legal Ombudsman)**

During this process, the Legal Ombudsman will liaise with you and us separately.

#### **Assessment:**

The Legal Ombudsman will first of all assess whether the complaint is one which it can deal with in accordance with its rules. The Legal Ombudsman Scheme Rules set out circumstances where they won't accept a complaint.

#### **Dismissal:**

Some of these reasons are:

1. The complaint is vexatious or does not have prospects of success.
2. It would be more suitable for the issue to be dealt with by a court.
3. Fair and reasonable redress has already been offered and the offer is still open for acceptance.

#### **Investigation and award:**

The Legal Ombudsman will assess whether there is evidence of service failure on the part of the legal services provider and if so, the Legal Ombudsman has the power to make the following directions to the authorised person:

- a. to apologise
- b. to pay compensation of a specified amount for loss suffered. to pay interest on that compensation
- c. to pay compensation of a specified amount for inconvenience/distress caused
- d. to ensure and pay for putting right any specified error, omission or other deficiency
- e. to take and pay for any specified action in the interests of the complainant
- f. to pay a specified amount for costs of the complainant incurred in pursuing the complaint
- g. to limit fees to a specified amount
- h. Common remedies\*:
  - i. The majority of compensation payments the Legal Ombudsman directs are for less than £250.
  - j. Modest award: £50-£250 (A modest payment will be directed if the impact of the poor service was short-lived and no longer exists)
  - k. Significant award: £250-£750 (A significant payment will be directed if there has been a serious, but not permanent effect on the customer).
  - l. Exceptional award: £750-£1000 (An exceptional amount will be directed if there has been a long-term or serious impact on the customer's wellbeing or life).
- m. \*A general guide is set out in this report from the Legal Ombudsman

#### **Reporting, recording, and learning:**

As part of the commitment to continuous improvement, action is taken to improve services based on complaint findings, where appropriate. Learning is shared throughout the organisation.

We record details of all complaints, the outcome and any action taken, and use this data to analyse themes and trends which are reported to the board.

Senior management take an active interest in complaints and use complaints data and analysis to improve services and undertake performance management.