

# 1 GARDEN COURT COMPLAINTS & SERVICE RECOVERY POLICY

## Statement of Principle

1. 1 Garden Court Family Law Chambers (Chambers) is committed to providing a high quality service and to meeting the expectations of instructing solicitors and their clients. All members and staff are committed to:
  - a. Providing the highest standards of service and client care in all cases.
  - b. Continual learning and improvement.
  - c. Working to recover our service in the event that it falls short of our high standards and results in client dissatisfaction.
2. Chambers has defined core service standards and has approved the following procedure for handling complaints and recovering service, which will be monitored regularly. A summary of this procedure will be made available for clients who wish to refer to it.

## Complaints and Service Recovery

3. This document describes Chambers' policy and procedures for handling complaints from clients or members of the public in accordance with Bar Standards Board guidance. If a complaint against a member of Chambers may amount to an allegation of a breach of the Code of Conduct of the Bar Council of England and Wales the complainant may make a complaint directly to the Bar Standards Board. Under the relevant law, once a complaint has been considered by Chambers, a dissatisfied complainant may seek to have it resolved by Alternative Dispute Resolution<sup>1</sup> (ADR) (provided Chambers agrees), and has the right to complain to the Legal Ombudsman<sup>2</sup>. Professional and lay clients will be provided with details of the Bar Standards Board and Legal Ombudsman complaints procedures upon request, as well as informed of the right to consider ADR.

## Notification of Complaints

4. Complaints against a member of Chambers or the management or administration of Chambers may be sent directly to the member concerned, the Heads of Chambers, the Chambers Director or the Senior Clerk. All new complaints will as a matter of course be referred to the Senior Clerk who will pass the matter to be registered in the record of the complaints (Maintained by the Office Manager) and who has overall responsibility for the administration of these procedures.
5. The Senior Clerk will seek confirmation from any member that the BMIF has been notified of any potential claim, and will amend the complaints form to reflect this.

## Who to contact

6. The principal point of contact are:

The Heads of Chambers	Janet Bazley QC	<a href="mailto:bazley@1gc.com">bazley@1gc.com</a>
	Charles Geekie QC	<a href="mailto:geekie@1gc.com">geekie@1gc.com</a>
Chambers Director	David Swann CBE	<a href="mailto:swann@1gc.com">swann@1gc.com</a>
Senior Clerk	Paul Harris	<a href="mailto:harris@1gc.com">harris@1gc.com</a>

<sup>1</sup> The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015, implementing the EU Directive on Consumer Alternative Dispute Resolution (ADR) as of 1 October 2015.

<sup>2</sup> Where they have complained to Chambers and are not satisfied with the decision, process or outcome, and in certain other circumstances set out in the Legal Ombudsman's scheme rules.

The Legal Ombudsman PO Box 15870 Birmingham B30 8EB	Tel: 0300 555 0333	<a href="mailto:enquiries@legalombudsman.org.uk">enquiries@legalombudsman.org.uk</a>
The Bar Standards Board 289-293 High Holborn London WC1V 7HZ  DX: 240 LDE	Information Line: 020 7611 1445	<a href="https://www.barstandardsboard.org.uk/complaints-and-professional-conduct/concerns-about-a-barrister">https://www.barstandardsboard.org.uk/complaints-and-professional-conduct/concerns-about-a-barrister</a>

## Detailed Procedures

7. The following procedures will be followed routinely in all complaints received by Chambers unless the Heads of Chambers delegate the actions to the Chambers Director, or another member of Chambers, or senior staff.

a. A record of the complaint will be made and a file on the complaint will be opened (and subsequently maintained by the Office Manager). Chambers encourages swift and informal resolution of complaints, where at all possible. Where the complaint is made by telephone, and is resolved by telephone or short email exchange, then a record of the complaint and outcome will be made.

b. Where the complaint is either made initially in writing, or it has not been possible to resolve the complaint by telephone/short email exchange and the complainant has put the complaint formally in writing, the Senior Clerk will provide the complainant by letter or e-mail with a written acknowledgement of receipt of the written complaint within 3 working days of its receipt. The acknowledgement letter will confirm that the complaint is being investigated and inform the complainant that they will receive an initial response to their complaint within a further 21 days at the latest.

c. In all cases (whether by telephone or in writing), the Senior Clerk will investigate the complaint and determine the appropriate response. He will liaise closely with any members who may be the subject of the complaint. He may determine whether the complaint should be referred to, or requires input from, the Heads of Chambers.

d. The Senior Clerk may at any point in the investigation process consider the complaint unfounded or vexatious and inform the complainant of his assessment.

8. **Specific Complaint against a Member.** In the event that a complaint is made against a specific member of Chambers, the following procedures will be followed.

a. **Level One.**

(1) The details of the complaint will be copied to the barrister(s) cited in the complaint and arrangements made for a discussion by the Senior Clerk or another senior member of staff with and the barrister(s) about the content of, and response to, the complaint.

(2) The Senior Clerk will agree an initial response to the complaint with the barrister(s), aiming to communicate this to the complainant within 15 working days of the date the complaint was received. The agreed response will be made to the complainant in written form, where appropriate by email. The response should address the conclusions of the internal investigation and, if any part of the complaint is sustained, the details of any proposed remedy or apology. If the complaint is resolved at this point then any remedial action will be taken and/or apology made and the

complaint file closed. The complainant will be advised at this stage of their right, if dissatisfied with the determination of the complaint and/or remedy offered, to seek to resolve the matter by ADR (see above), and refer the matter to the Legal Ombudsman.

b. **Level Two.**

(1) In the event that the complainant is not satisfied with either the outcome of the investigation or the actions proposed and wishes the complaint to be further reviewed in Chambers, the Senior Clerk will refer the matter to the Chambers Director (who may consult the Heads of Chambers). The Director will send the complainant an acknowledgement, confirming that the complaint is being reviewed and informing the complainant that they will receive an initial response to their request for review within a further 28 days.

(2) In order to satisfactorily review the complaint and Level One outcome, the Director will consider whether further investigation or discussion is required, and if so with/by whom. The Director may invite a senior member (normally a QC), or the Senior Clerk, to conduct further specific investigation and/or discussion, with the agreement of the member concerned, and to prepare a second response to the complaint. The Level Two review need not involve a point by point re-examination of the Level One consideration of the complaint; it shall be for the Director to determine the precise scope, including any relevant facts or material not considered at Level One, taking account of specific or additional points from the complainant.

(3) In the event that the complaint is resolved after further investigation then any remedial action will be taken and/or apology made, and the complaint file closed. Regardless, the complainant will be advised of their right to seek to resolve the matter by ADR and to refer the matter to the Legal Ombudsman.

(4) If after further investigation the complaint is not resolved then the complaint file will not be closed but the matter will not be investigated or reviewed further in Chambers and will be referred back to the complainant, who may wish to consider further action as above and will be advised accordingly – including his/her right to bring the matter to the attention of the Legal Ombudsman within 12 months of the act or omission complained of. The Director and member(s) concerned (if they wish) will record their conclusions in the complaint file.

(5) Equally, if the complainant is not satisfied with either the handling of the outcome or the handling of the investigation, the complainant will be advised of their rights as regards ADR and the Legal Ombudsman, as above.

9. **Complaint against the Administration or Management of Chambers, or a Specific Member of Staff.** In the event that a complaint is made against the administration or management of Chambers, or a specific member of staff, the following additional and specific procedures will be followed:

a. The Senior Clerk and the Chambers Director will consider whether it is appropriate for either of them to undertake the investigation of the complaint. If either of them concludes that it would not be appropriate for them to proceed with the investigation, then they will refer the complaint to the Heads of Chambers who will oversee the investigation personally or by delegation to an independent member or members of Chambers.

b. The Senior Clerk, or the Chambers Director or Heads of Chambers (in appropriate cases) or their delegate will investigate the complaint, discussing it fully with those members of

staff concerned and reviewing all documentary and computer records held on the matters referred to in the complaint.

c. The Senior Clerk (etc.) will agree an initial response to the complaint with members of staff and determine the form in which the response will be made. The agreed response to the complaint will be made to the complainant as follows:

(1) If the complainant is not a member of Chambers, the response will be in written form.

(2) If the complainant is a Member of Chambers, or a member of staff, the response may be in written or verbal form.

d. The response should address the conclusions of the internal investigation and, in the event that any part of the complaint is found to be sustained, the details of any proposed remedy. This may include an apology, but an individual cannot be compelled to apologise.

e. In the event that the complaint is resolved at this point then any remedial action will be taken and/or apology made, and the complaint file closed.

f. In the event that the complainant is not satisfied with either the outcome of the investigation or the actions proposed, then the Senior Clerk etc. will consider whether further investigation or discussion is appropriate and if necessary will, with the agreement of the staff concerned, prepare a second response to the complaint.

g. In the event that the complaint is resolved after that further investigation then any remedial action will be taken and/or apology made, and the file closed.

h. If after further investigation the complaint is not resolved then the complaint file will be closed and the matter may be left with the complainant to consider further action. The Senior Clerk etc. will, in these circumstances record their conclusions in the complaint file.

i. The Senior Clerk, the Chambers Director, or the Heads of Chambers will retain the discretion to invoke disciplinary procedures and/or where appropriate (and having informed any member(s) of Chambers directly involved with the complaint) refer the matter to the Bar Standards Board.