



Complaints Handling Procedure

1. Our aim is to give you a good service at all times. However if you have a complaint you are invited to let us know as soon as possible. It is not necessary to involve solicitors in order to make your complaint but you are free to do so should you wish.
2. The members of Civitas Law are independent professionals who join together in Chambers to provide services to themselves and their clients, including this Complaints Handling Procedure. Your complaint to the barrister will be handled on his or her behalf pursuant to this Procedure. However, Civitas Law is not his or her employer or principal.
3. Our Complaints Handling Procedure is set out below. It is free of charge (there is no charge for making a complaint and we bear the cost of operating it). The procedure is voluntary.
4. If you are a client and you are thinking of making a complaint under [The Legal Ombudsman Scheme](#), he will usually require you to make a complaint to us first. The Legal Ombudsman records [data of the complaints it has investigated](#).
5. Please note that the Legal Ombudsman, the independent complaints body for service complaints about lawyers (including barristers), has time limits in which a complaint must be raised with them. The time limits are:
 - a. Six years from the date of the act/omission;
 - b. Three years from the date that the complainant should reasonably have known there were grounds for complaint (if the act/omission took place before the 6 October 2010 or was more than six years ago);
 - c. Within six months of the complaint receiving a final response from their lawyer, 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.
6. The Ombudsman can extend the time limit in exceptional circumstances. Chambers must therefore 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 will normally only deal with complaints made by clients or those receiving the benefit of the legal services in question.
7. If you are not a client, for example, if you are someone who was involved in a case but not the barrister's client (such as a solicitor, a witness or an opposing party); or if you want to make a

complaint about a barrister's conduct unrelated to a particular case, you are free to make a voluntary complaint under our procedure which we will consider. However, in these situations your complaint is likely to be more suited to consideration by with [the Bar Standards Board](#).

8. We do expect you to co-operate with reasonable requests for further information and for clarification of your complaint and we reserve the right to complete our Complaints Handling Procedure on the information you have given so far if you persistently or in substance fail to cooperate in these respects or fail to respond to our correspondence in a reasonable time or at all.
9. Complaints can be made about any aspect of the service provided by members of Chambers or staff. If your complaint or elements of your complaint relates to professional misconduct or professional negligence, then it may be that it is not appropriate for Chambers to resolve it or those particular aspects of it. You will be informed if it is considered that your complaint is wholly or partially inappropriate for our Procedure.
10. Any complaint which involves an allegation of professional negligence or any other possible claim on the Bar Mutual Indemnity Fund Limited ("BMIF") will be reported to the BMIF even though the complaint is being investigated by Chambers under our procedure.

Complaints made by telephone

11. You may wish to make a complaint in writing and, if so, please follow the procedure in paragraph 10 below. However, if you would rather speak on the telephone about your complaint then please telephone Chambers on 02920 375020 and ask to speak to the Office Manager, who is the principal individual nominated to deal with the initial stage of complaints. If the complaint is about the Office Manager, currently Mrs Marie Durbin, please ask to speak to the Chair of the Management Board or such other member of Chambers appointed by that person to address such complaints. 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 or she will discuss your concerns with you and aim to resolve them. If the matter is resolved, he or she 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.
12. If your complaint is not resolved on the telephone either by that initial call or later, you will be invited to write to us about it so it can be investigated formally.

Complaints made in writing

13. Please give the following details:
 - a. Your name, address and contact details;
 - b. Which member(s) of Chambers or staff you are complaining about;
 - c. The detail of the complaint including the name of the matter or case (with our case reference number); and
 - d. What you would like done about it.

14. Please address your letter as appropriate to The Office Manager or Chair of the Management Board, Civitas Law, The Mews, 38 Cathedral Road, Cardiff CF11 9LL (clientcare@civitaslaw.com or such email address of the Chair of the Management Board). Please ensure that the letter is in a sealed envelope and marked "Complaint" or attached to an email. We will, where possible, acknowledge receipt of your complaint in writing within two working days and in any event no later than 5 working days and provide you with details of how your complaint will be dealt with. A copy of this procedure will be sent with the letter of acknowledgment.
15. Please note that we shall rely upon the contact details which you have provided and therefore it is up to you to ensure that we are provided with your up-to-date details and that you respond within any period requested. If you have a disability or are not fluent in written English and as a result have difficulty in carrying out this procedure yourself, and you do not have a solicitor, you may ask someone else to make a written complaint on your behalf although we may require proof that you have given that person authority and the basis upon which you have given that authority.
16. Our Chambers has a panel made up of at least 3 experienced members of Chambers and a senior member of staff, which considers any written complaint. Within 14 days of your letter being received the head of the panel or his deputy in his absence will appoint a member of the panel to investigate it. In the event of a conflict of interest such as if your complaint is against the head of the panel, the next most senior member of the panel will investigate it. In any case, the person appointed will be someone other than the person(s) you are complaining about.
17. The person appointed to investigate will write to you as soon as possible to let you know that he or she has been appointed and that they will reply to your complaint within 21 days. The letter will set out the intended procedure to deal with your complaint and may ask for such clarification or further information is believed to be necessary to deal fairly with the complaint. Usually the procedure is that the appointed person will consider the complaint on the material provided, put it to the barrister or member of staff for their response and then put the response to you although the appointed person may vary this in their absolute discretion. If he or she finds later that he or she is not going to be able to reply within 21 days a realistic timeframe will be sent and you will be informed in writing accordingly. You may be entitled to take their complaint to the Legal Ombudsman if they do not receive a final response from chambers within eight weeks of their initial complaint.
18. The person appointed will investigate your complaint and provide a reply to it. The reply will set out:
 - a. The nature and scope of his or her investigation;
 - b. The conclusion on each complaint and the basis for that conclusion; and
 - c. If he or she finds that you are justified in your complaint, his or her proposals for resolving the complaint.

19. If the person appointed to investigate finds that he or she is not able to write to you or to provide a reply within the time periods above, he or she will set a new date for writing to you or providing a reply and inform you accordingly of the procedure and timetable to be adopted.
20. In the event of the person appointed upholding the complaint, he or she may direct (a) that an apology be given and/or (b) that there should be a reduction in fees charged or compensation offered and/or (c) that appropriate training should be undertaken and (subject to any appeal) that direction will be binding on the member of chambers or member of staff about whom the complaint was made; and in any event, whether the complaint is upheld or not, he/she may recommend that any aspect of chambers' procedure be reviewed by the Chambers Management Committee.

Appeals

21. If you are, or the barrister or member of staff against whom the complaint was made is, dissatisfied with the outcome of the complaints process, a request can be made that the outcome be the subject of an appeal. The complainant is not obliged to pursue an appeal and if they so wish may refer their complaint to the Legal Ombudsman without pursuing an appeal.
22. The appeal process is as follows:
 - a. An appeal request must be made in writing to the Office Manager or the Chair of the Management Board at Civitas Law, The Mews, 38 Cathedral Road, Cardiff CF11 9LL, and must be made within 28 days of being notified of the outcome of the complaints process.
 - b. The appeal will be conducted by two members of Chambers ("the appeal panel"), who will include a very senior member of chambers appointed to conduct the appeal by the Head of Chambers or (in the event of a conflict) Marie Durbin.
 - c. Within 3 days of appointment, the appeal panel will contact in writing each party to the appeal.
 - d. An appeal will be limited to a review of the procedure and outcome of the complaints process unless the appeal panel considers, in the exercise of its discretion, that in the circumstances of an individual appeal it is necessary to undertake a fresh investigation of the complaint.
 - e. Unless in the exercise of its discretion the appeal panel considers otherwise, the appeal panel will not consider any further evidence which was not considered in the course of the original investigation.
 - f. The person appealing the decision will provide written reasons in support of the appeal within 14 days of being contacted by the appeal panel.
 - g. Those reasons will be copied to the other party or parties, who will provide a written response within 14 days thereafter.
 - h. The appeal panel will produce a written reasoned decision within 28 days thereafter, which will be the determinative decision for the purpose of this complaints procedure.
 - i. Any time limits may be, in the exercise of the appeal panel's discretion, extended by the appeal panel, either of its own motion or at the request of a party.
 - j. Any exercise of discretion by the appeal panel will be binding.

Confidentiality

23. 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 Chair of our Management Board, members of the Management Board and to anyone involved in the complaint and its investigation. Such people will include the barrister or staff member about whom you have complained, the head or relevant senior member of the panel 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

24. 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 Board in conjunction with Office Manager annually inspects an anonymised record regularly with a view to improving services.

Complaints to the Legal Ombudsman

25. 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.

26. 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 euros);
- 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.

27. Please note that a complainant to the Legal Ombudsman must not have been, at the time of the act/omission to which the complaint relates;

- a. a public body (or acting for a public body) in relation to the services complained about; or
- b. an authorised person who procured the services complained about on behalf of someone else.

For example, where the complaint is about a barrister who was instructed by a solicitor on behalf of a consumer, the consumer can complain to the Legal Ombudsman but the solicitor cannot.

28. 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

More information about the Legal Ombudsman is available here:

<http://www.legalombudsman.org.uk>

Alternative Dispute Resolution

29. If you are unhappy with the outcome of the investigation, alternative dispute resolution bodies (such as [Civil Mediation Council](#), [CEDR](#), or [ProMediate](#)) also exist which are competent to deal with issues concerning complaints about legal services, should you and the barrister both wish to use such a scheme. If you wish to use such a provider, please contact us to discuss this. There will usually be a fee involved. Please also note that under this procedure: (1) the time limit for contacting the CMC or CEDR is 14 days from the date that the complaint response is sent to the parties, which Chambers have the discretion to extend in exceptional circumstances 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 make the complaint within the relevant time limit).

The CMC contact details are: Civil Mediation Council, The International Dispute Resolution Centre, 70 Fleet Street, London, EC4Y 1EU. Complaints must be in writing and addressed to the CMC Secretariat at secretariat@civilmediation.org. Further details of the CMC's complaints procedure can be found at <https://civilmediation.org/for-the-public/complaints/>

Complaints to the Bar Standards Board

30. 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 6111 444

www.barstandardsboard.org.uk

Registration records

31. To see details of individual members you can go to the [Bar Standard Board's Barristers' Register](#)

which shows (1) who has a current practising certificate, and (2) whether a barrister has any disciplinary findings, which are published on the Barristers' Register in accordance with the BSB's [policy](#).