

QUARTZ LEGAL (DIRECT ACCESS FOR QUARTZ BARRISTERS CHAMBERS)

HOW TO MAKE A COMPLAINT

COMPLAINTS

While Chambers appreciates that a client may not be satisfied with the outcome of their matter it is not automatically the fault of the Barrister. On the other hand, there may be a legitimate reason for a client to complain about a barrister.

COMPLAINTS MUST BE RECEIVED WITHIN 6 MONTHS

A formal complaint must be properly received within 6 months on the appropriate form. In the event that a complaint is made after 6 months of the Barrister representing a client, Chambers reserves the right to consider the complaint out of time, the client having taken excessively long to make the complaint. The view is that if a Barrister genuinely has been in the wrong a reasonable client will have engaged with Chambers as soon as possible.

If you instructed a solicitor then you must contact you solicitor as soon as possible and ask them to formally complain on your behalf.

WHY WON'T MY SOLICITOR COMPLAIN

It may be that in your solicitor's opinion that there is no reason to complain about the barrister who dealt with your matter. In that case you need to engage with the solicitor's firm's complaints procedure. This is called the 1st Tier of the process.

WHAT IS THE 1st TIER

This is where your complaint formally starts. Writing letters or complaining on the telephone or even setting out a list of grievances does not trigger a complaint. A complaint must be formal, in writing and set out in some detail exactly why you are unhappy.

WHY MUST I DO THIS

A complaint is dealt with by a panel within Chambers. It may be reviewed later if it is escalated to the 2nd Tier (Usually the legal ombudsman or professional body that governs the person that you are complaining about). Therefore, more than one person may review your complaint. Putting it in writing means that it will be dealt with, you will get a written response and if may choose to invoke your rights to engage with someone at the 2nd Tier level. 2nd Tier people will have referred you back to the 1st Tier if you have not followed procedure. For example, if you complain directly to Chambers and your Barrister was instructed through your solicitor then in this example the solicitor is on the 1st Tier of the process and not Chambers. Chambers is on the 2nd Tier. It is only where the client instructs a barrister via Public Access that Chambers is the 1st Tier.

HOW DO I KNOW THAT I WILL BE TREATED FAIRLY?

Chambers will assign another barrister and a non-legal person to review the complaint. It will not be the barrister or clerk you are complaining about. In certain circumstances Chambers may ask a Barrister and another professional person (such as a solicitor) from outside Chambers to deal with your complaint. This is not an automatic right and such measures are taken at the discretion of Chambers.

HOW LONG DOES IT TAKE

Chambers tries to deal with complaints as quickly as possible. You will normally receive a telephone call within 3 working days if you have a wish to discuss a matter before making a formal complaint. If

you submit a written complaint then you should receive an outcome within 21 working days unless otherwise agreed. If an outside panel is convened then it may take longer or if the Barrister is asked to respond in writing it may take a little more time than is usually anticipated. If there is a delay in the process you will be notified in writing.

PUBLIC ACCESS CLIENTS

If you instructed the Barrister through the public access system you must as soon as possible set your complaint out in writing and send it to Senior Clerk Paul Wright, in the first instance. Emails can be sent to p.wright@quartzlegal.co.uk.

THE COMPLAINTS PROCEDURE IS:

1. Contact Chambers and speak to someone. Perhaps, an explanation or some other action such as an apology may be sufficient to resolve the matter. Just because you did not get the result that you expected does not mean that your Barrister is at fault. The Judge may have taken a different view in your case than was expected, by even your Barrister. There may be another legal avenue open to you such as an appeal. If you automatically complain against your Barrister, he/she cannot then help you. This is because you have placed them in a position where they are now professionally conflicted.
2. In the first instance every effort is made to engage with the parties and hear both sides of the story.
3. Where possible an amicable solution is sought and in appropriate cases this may amount to an apology from one or all of the parties
4. Unless Chambers receives a formal written complaint in writing no further action is taken. Barristers are a self-regulating profession and, in terms of the rules, they themselves have a duty to "self-report" any unethical conduct. It is only in exceptional circumstances that a fellow member of the profession has a duty to report another Barrister to the Bar Standards Board.
5. On receipt of a complaint, a Barrister and the Director or other senior non-legal member (such as the Senior Clerk) will review the complaint and any evidence and make a formal determination. Parties may be invited to give *viva voce* (oral evidence). The panel may also request further written submissions from the Complainant.
6. Once a matter has been adjudicated and if it goes against the Barrister a recommendation is made. This may include:
 - 6.1. An apology to the Complainant (written or oral or both)
 - 6.2. A return of fees
 - 6.3. If the infraction is deemed serious, the finding is reported to the BSB
7. The findings are then sent to the complainant in writing and the matter is deemed closed from Chambers point of view.
8. If you are not happy with the outcome, then you have the right to take the matter up with the legal Ombudsman, in certain circumstances. Please read their guidelines

THE LEGAL OMBUDSMAN

<http://www.legalombudsman.org.uk/helping-the-public/>

Legal Ombudsman
PO Box 6806
Wolverhampton
WV1 9W

QUARTZ CHAMBERS COMPLAINT FORM

Your Name		Public access. (If no fill in solicitor's details)	Yes	
			No	
Mobile		Email		

NOT FOR USE BY PUBLIC ACCESS CLIENTS				
Solicitor		Firm		
Matter				
Sol Ref:		Date of Hearing (DD-MM-YY)		
Sols Tel		Sols Email		

BARRISTER'S DETAILS				
Name		Type of Fee (Fixed, CFA)		
Matter				
Ref		Date of Hearing (DD-MM-YY)		
Mobile		Email		
If you are a public access client you must attach a copy of your Care Letter and tick here				
Have you complained in writing to anyone else?				
Who did you complain to?				
How did you complain?				

Details of the complaint	
In your own words describe why you are unhappy. If necessary continue on a new sheet of paper and number your pages	

DATE _____ YOUR SIGNATURE _____