

## HEALTHCARE COUNSEL

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### COMPLAINTS PROCEDURE

1. Pursuant to Part 2, Section D1.1 of the Code of Conduct of England & Wales, I must have and comply with an effective written complaints procedure and make copies of the procedure available to a client.
2. My aim is to give all my clients a good service at all times. However if you have a complaint please let me know as soon as possible, by telephone or in writing. I will treat your complaint as confidential although I may discuss it with other barristers or officials from the Bar Standards Board for their advice. I will not reveal your name to others unless I am setting up mediation or arbitration. I will deal with your complaint promptly.
3. Please note that the Legal Ombudsman, the independent complaints body for service complaints about lawyers, 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).
4. 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.
5. The Ombudsman will also only deal with complaints from consumers. This means that only complaints from the barrister's client are within their jurisdiction. Nonclients who are not satisfied with the outcome of the investigation should contact the Bar Standards Board rather than the Legal Ombudsman.]
6. It should be noted that it may not always be possible to investigate a complaint brought by a non-client. This is because my ability to satisfactorily investigate and resolve such matters, is limited and complaints of this nature are often better suited to

the disciplinary processes maintained by the Bar Standards Board. Therefore, I will make an initial assessment of the complaint and if I feel that the issues raised cannot be satisfactorily resolved through my complaints process I will refer you to the Bar Standards Board.

#### Complaints made by telephone

7. If you wish to make a complaint by telephone, I will make a note of the details of your complaint and what you would like done about it. I will endeavour to resolve matters with you on the telephone. If after discussion you are satisfied with the outcome I will make a note of the outcome and the fact that you are satisfied. If you are not satisfied you may wish to make a written complaint.

#### Complaints made in writing

8. If you wish to make a written complaint please give me the following details:-

- Your name, telephone number and address;
- The detail of your complaint; and
- What you would like done about it.

#### Procedure for dealing with your complaint

9. There are a number of ways in which your complaint may be dealt with:

- (a) Discussion over the telephone;
- (b) Dealt with by correspondence;
- (c) Discussion at a meeting between us;
- (d) The appointment of a mediator who will try to facilitate the resolution of your complaint;
- (e) The appointment of an arbitrator whose decision we both agree shall be binding.

10. If we decide to appoint an arbitrator we both would need to agree how the arbitrator should approach his/her task and the limit of the compensation that can be awarded. The Bar Sole Practitioners Group (BSPG) or local Circuit will be approached and a barrister will be appointed to arbitrate. We will decide together whether it will be the BSPG or the local Circuit who should be approached. However neither of us may veto the person chosen. It is expected that the BSPG and the Circuit will choose someone who has considerable experience in the area that is the subject matter of the dispute.

11. Upon receipt of a written complaint I will:

- (a) Reply in writing, normally within 48 hours, to acknowledge the complaint and inform you how I shall be dealing with it.
- (b) Reply within 14 days responding in full to your complaint. I will offer you the opportunity to meet with you if that is appropriate. If I find later that I am not going to be able to reply within 14 days I will set a new date for my reply and inform you. My reply will set out:

- The nature and scope of my investigation;
- My conclusion on each complaint and the basis for my conclusion; and
- If I find that you are justified in your complaint, my proposals for resolving the complaint.

12. If you indicate that you are not happy with my written response you may ask for mediation or arbitration or, if you fall within their jurisdiction, you may make a formal complaint to the Legal Ombudsman, the independent complaints handling body for complaints about lawyers. Please note the timeframe for referral of complaints to the Ombudsman as set out at paragraph 2 above.

They can be contacted at:  
Legal Ombudsman  
PO Box 6806,  
Wolverhampton  
WV1 9WJ  
Telephone number: 0300 555 0333  
Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

13. If you are not my 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  
Website: [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

14. I will maintain confidentiality at all times and discuss your complaint only to the extent that is necessary for its resolution and to comply with requests for information from the Bar Standards Board discharging its auditing and monitoring functions.
15. I will retain all correspondence and other documents generated in the course of your complaint for a period of six years and I will review complaints at least once a year to ensure that I maintain good standards of service.