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## No.8 CHAMBERS - CLIENT COMPLAINT PROTOCOL

### 1. APPLICATION

- 1.1. This Protocol sets out the appropriate procedure to be adopted in all formal and informal complaints concerning instructed barristers for a client through No.8 Chambers or those working for or on behalf of No.8 Chambers.
- 1.2. Formal complaints are expressions of dissatisfaction received in writing.

### 2. DEFINITIONS

- 2.1. Chambers means Number 8 Chambers, 8 Fountain Court, Steelhouse Lane, Birmingham, B4 6DR.
- 2.2. Head of Chambers means the Barrister who at the material time fulfils the role of Head of Chambers of Number 8 Chambers.
- 2.3. Management Committee means the committee set up to manage Chambers under Chambers' Quality Mark for the Bar.
- 2.4. Senior Clerk means the person who fulfils that role at Number 8 Chambers or, in her absence through sickness or holiday, her deputy.
- 2.5. Complainant means the person who makes the complaint.
- 2.6. Respondent means the person about whom the complaint is made.

### 3. INITIAL PROCEDURE

- 3.1. Complaints will often in the first instance be made to the Senior Clerk. She is responsible for dealing with all complaints in the first instance if capable of being dealt with informally. Complaints that are considered serious or touch on the competence or professional conduct of a member of Chambers or concern the Senior Clerk are referred to the Head of Chambers. The Senior Clerk will invite the complainant to make any such complaints in writing.
- 3.2. Complaints made to the Head of Chambers in writing will automatically fall within this procedure.
- 3.3. If it appears to the Head of Chambers more appropriate to do so, he may deal with the complaint informally to ensure a speedy and satisfactory outcome for all involved.
- 3.4. The Head of Chambers may decline to accept the complaint if it appears to him:
  - 3.4.1. that the complainant is not sufficiently affected by the behaviour complained about (e.g. a member of the public reading an article in a newspaper); or,
  - 3.4.2. the conduct alleged does not sufficiently touch on the Respondent's activities as a member of the Bar or as an employee of Chambers as the case may be.

### 4. ACKNOWLEDGEMENT

- 4.1. The Head of Chambers will acknowledge the complaint within 3 working days of its receipt.
- 4.2. The acknowledgement will enclose a copy of this Protocol and indicate a time estimate for the process to be completed.
- 4.3. The acknowledgement will normally be sent by post but email may be used if that appears more convenient.

### 5. INVESTIGATION PROCESS

- 5.1. An enquiry into the matters complained of will normally be conducted by the Head of Chambers.

- 5.2. Circumstances in which the Head of Chambers may not conduct the enquiry personally include complaints against the Head of Chambers and complaints concerning events or persons in respect of which the Complainant might not consider the Head of Chambers to be properly objective. In such circumstances the Head of Chambers may:
  - 5.2.1. request a senior member of Chambers to conduct part or all of the enquiry;
  - 5.2.2. require the Management Committee or another individual to review the findings and conclusions of the Head of Chambers before publication;
  - 5.2.3. delegate some or all the duties of Head of Chambers to a senior member of Chambers in respect of the complaint; or
  - 5.2.4. in unusual circumstances invite a person external to Chambers (e.g. the Leader of the Circuit) to deal with the complaint.
- 5.3. The Head of Chambers may summarily dismiss a complaint if he considers the complaint to be vexatious or entirely without merit.
- 5.4. The Head of Chambers shall ensure that the Respondent receives a copy of the complaint and shall require the Respondent to provide him with a detailed written response within 14 days.
- 5.5. The Respondent shall respond within the period of 14 days or provide the Head of Chambers with a written explanation for the reason for any delay and an estimated date by which a response can be provided.
- 5.6. On receipt of the response, the Head of Chambers may request further information from the Respondent and/or invite the Complainant to reply to the response.
- 5.7. The Head of Chambers will make such other enquiries he deems necessary to determine the complaint, which may include speaking to others involved or calling for any brief, instructions, case papers, advice, pleading or other documents connected with the enquiry. It shall be assumed, unless the Complainant indicates to the contrary, that the Complainant is content for the purpose of proper investigation for the Head of Chambers or his nominee to peruse documents and

discuss matters with individuals that would otherwise be subject to legal professional privilege or client confidentiality.

- 5.8. Within 28 days of the receipt of the complaint the Head of Chambers should complete his enquiry and prepare a written report setting out his findings which shall be sent to the Complainant and the Respondent.
- 5.9. The report will include information about the Complainant pursuing the complaint with the Legal Ombudsman in the event that the Complainant is dissatisfied with the outcome.

## 6. RESOLUTION

- 6.1. Should the Head of Chambers find any part of the complaint proved he will endeavour to secure a satisfactory resolution of the complaint.
- 6.2. The Head of Chambers may make any one or more of the following recommendations, namely that the Respondent:
  - 6.2.1. be advised as to his/her future conduct;
  - 6.2.2. provide a written apology to the Complainant;
  - 6.2.3. be reprimanded;
  - 6.2.4. be required to waive all or part of the brief/instructions fee;
  - 6.2.5. pay a sum of money to compensate the Complainant.
- 6.3. Should the Complainant and Respondent be minded to accept the findings and recommendations of the Head of Chambers it will be on the basis of full and final settlement of all matters and causes of action connected with the complaint and binding upon the parties.
- 6.4. The Head of Chambers may, should he consider that any behaviour found proved falls within article 48 of Chambers Constitution, require the Respondent to submit to the Head of Chamber's adjudication or face sanction pursuant to that article.