

BAR
STANDARDS
BOARD

REGULATING BARRISTERS



**How to make a complaint
about a barrister**

How to complain about the conduct of a barrister

There are two ways to make a complaint about a barrister:

- If the barrister is acting for you and you are not satisfied with their service, you should contact the Legal Ombudsman.
- If the barrister is not acting for you and you want to complain about their professional conduct, you should contact us.

How to make a complaint about a barrister that is acting for you

If the barrister you want to complain about is acting for you, you must contact the Legal Ombudsman.

The Legal Ombudsman is an independent organisation. It deals with complaints about the service provided by all types of lawyers in England and Wales. The Legal Ombudsman can decide whether or not the service you received from your barrister was satisfactory, and can:

- award compensation for poor service;
- consider whether the fees you paid, or have been charged, should be reduced; and
- decide whether you should receive an apology.

However, they can normally only do this after you have made a complaint to the barrister's chambers (their office).

The Legal Ombudsman can give you more detailed information about making a complaint.

You can contact the Legal Ombudsman:

By phone: 0300 555 0333

By email: enquiries@legalombudsman.org.uk

Through the website: www.legalombudsman.org.uk

By post: PO Box 6806, Wolverhampton, WV1 9WJ

The Legal Ombudsman will assess your complaint to decide whether it:

- relates to the service you received from your barrister;
- is made within 6 years of the problems arising, or within 3 years of you becoming aware of the problem; or
- concerns a potential conduct issue. The Legal Ombudsman cannot take disciplinary action against a barrister. So if your complaint relates to the professional conduct of a barrister, they will refer the relevant parts of your complaint to us to consider.

If your complaint needs to be referred to us, you do not have to do anything. The Legal Ombudsman will let you know if it has referred any issues to us, and we will then contact you to confirm this.

How to make a complaint about a barrister that is not acting for you

If the barrister whose professional conduct you want to complain about is not acting for you, then you should contact us directly.

It is important that you contact us within **12 months** of the problem arising. If you do not make your complaint within 12 months, we may not be able to take action unless there is a good reason.

You will need to fill in a complaints form and we can give you advice on how to do this. You can find the complaints form on our website at www.barstandardsboard.org.uk, or you can ask us to send you one. If you have a disability and require any reasonable adjustments that will help you to make your complaint, please let us know. We can provide our documents in different formats, such as in Braille, in large print or on audio tape or CD. If you would like this leaflet in a different format, or have any questions about our complaints procedure, please phone us on 0207 611 1444.

You can contact us:

By phone: 020 7611 1444

By fax: 020 7831 9217

By email: assessmentcomplaints@barstandardsboard.org.uk

Through our website: www.barstandardsboard.org.uk

By post: 289-293 High Holborn, London, WC1V 7HZ

What we do

The Bar Standards Board (BSB), regulates barristers in England and Wales and indirectly their employees. We are responsible for making sure that the high standards of the profession are maintained.

In order to protect consumers of legal services and the public the Bar Standards Board adopts a risk-based approach to regulation. We focus on those issues which present the greatest risk to the regulatory objectives set out in the Legal Services Act 2007. We aim to act proportionately, focusing our regulatory, supervisory, and enforcement activities where they are needed the most.

We publish a Handbook that sets out the obligations barristers must keep to. We will consider taking supervisory or enforcement action if there is evidence that a barrister has not kept to the requirements of the Handbook and there is a risk to consumers of legal services and the public.

By doing this we aim to:

- act in the public interest;
- protect consumers of legal services;
- maintain the high standards of the profession;
- promote confidence in our complaints and disciplinary process; and
- make sure that complaints are dealt with fairly, consistently and with reasonable speed.

We consider breaches of the BSB's Handbook and take appropriate proportionate action which may, for example, include issuing a fine or warning or the closer supervision of a barrister. Where there has been a very serious breach then disciplinary action may be taken (for example a referral by us to a Disciplinary Tribunal).

You can see the BSB Handbook, containing the Code of Conduct which barristers must keep to, on our website at www.barstandardsboard.org.uk. We also recommend that you refer to the general Frequently Asked Questions (FAQs) on our complaints and disciplinary processes, which you will also find on our website. Alternatively, you can ask us to send you a copy.

How we deal with complaints that someone we regulate has breached the requirements of the Bar Standards Board's Handbook?

The four-step process for dealing with complaints made is summarised below.

Step 1

We will carefully assess your complaint to decide whether, the barrister may have failed to comply with the requirements of the Handbook, and whether there are good reasons to take action. We may be unable to pursue complaints which are not supported by some firm evidence. We will tell you the result of this initial assessment, and whether or not we intend to carry out a formal investigation or take some other course of action, as soon as possible.

- If we decide that we should carry out a formal investigation, your complaint will go to Step 2.
- If we decide that an investigation is **not** appropriate, we will give you the reasons for this decision. If we decide to take some other course of action we will also tell you.

In some cases we may decide that your complaint should be referred to the barrister's chambers to be investigated under their own complaints procedures. If we do refer your complaint to a chambers, we will let you know. You can contact us again if you are not happy with the outcome of any investigation carried out by the chambers.

Step 2

We will give you a summary of the matters we will be investigating. We will give you the opportunity to comment on our summary.

Step 3

We will carry out a formal investigation of your complaint. We will write to the barrister, and any other people who can provide information on your complaint, asking for their comments and any relevant documents they can provide. We will keep you informed of progress. We will send you the response from the barrister and others if we think that you could provide more information.

Step 4

Once we have all the information we need, we will assess whether there is sufficient evidence that the barrister has failed to comply with the Handbook

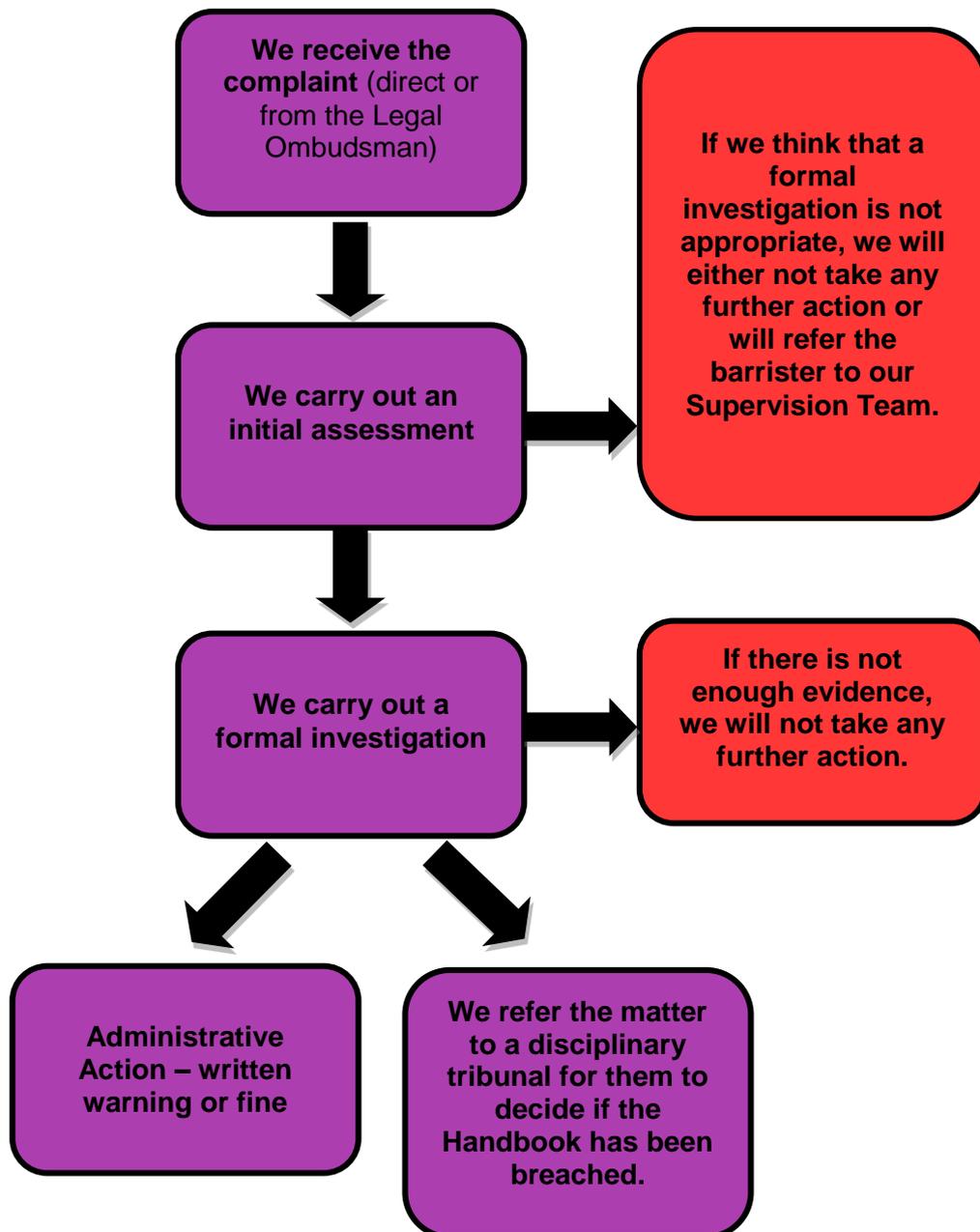
If there is enough evidence, we will decide the appropriate action to take. This could include the imposition of an administrative sanction in the form of a written warning or a fine of up to £1,000, or, for more serious matters, disciplinary action. If we decide that disciplinary action is appropriate, we will refer your complaint, or parts of it, to an independent disciplinary tribunal. The tribunal will make the final decision on whether the barrister has failed to comply with the Handbook and, if so, what action should be taken. We will tell you the tribunal's decision.

If there is not enough evidence, we will not take any action. We will tell you this and give you our reasons for that decision.

What is a disciplinary tribunal?

Disciplinary tribunals are independent of us. They consider complaints of potential professional misconduct. The disciplinary tribunal makes the final decision on whether or not a barrister has breached the Handbook/ Code of Conduct and is guilty of professional misconduct. **If your complaint reaches this stage, we will provide you with a leaflet about the disciplinary tribunal procedure.**

Professional misconduct – complaints procedure



Can I get compensation if the disciplinary tribunal finds that the barrister is guilty of a breach of the BSB's Handbook

No. Neither we nor Disciplinary Tribunals can order a barrister to pay compensation.

How long will it take to consider my complaint?

If we decide **not** to investigate your complaint, we will aim to tell you this within eight weeks of us receiving your complaint directly from you or from the Legal Ombudsman. If we decide to investigate your complaint then we generally complete the investigation of a complaint within six months.

The formal investigation may take longer than six months if:

- the Legal Ombudsman is still investigating your complaint;
- the issues are complicated;
- we need to make a lot of enquiries; or
- we need to wait for the outcome of court proceedings.

If we decide to refer your complaint to a disciplinary tribunal, it will take several more months for a decision to be made because a formal hearing will need to be arranged. How long this will take depends on:

- how complicated the case is;
- how many witnesses are involved and when they are available; and
- how quickly an appropriate tribunal panel can be appointed to hear the case.

We aim to arrange for tribunal hearings to take place within 12 months of receiving your complaint, but it can take longer.

Do I have to pay for you to consider or investigate a complaint?

No. Our complaints service is completely free of charge.

Our service

We are fully committed to making sure that everyone using the complaints and disciplinary system is treated fairly, with respect, and without being discriminated against because of their race, sex, sexuality, disability, religion or belief, sexual orientation, gender re-assignment, age or marital/civil partnership status.

If you are not happy with the way we have dealt with your complaint, please write to us at:

Head of Professional Conduct
Bar Standards Board
289-293 High Holborn
London
WC1V 7HZ.

or email us at contactus@barstandardsboard.org.uk

Contact us

Professional Conduct Department

Bar Standards Board

4th Floor

289-293 High Holborn

London

WC1V 7HZ

Phone: 020 7611 1444

Email: assessmentcomplaints@barstandardsboard.org.uk

Fax: 020 7831 9217

Website: www.barstandardsboard.org.uk