
Haresh Sood Law Chambers (barrister)

Internal Complaints Policy

1.

- a. My aim is to always give you the best possible service, but I recognise that even in the best run enterprises occasions could arise when a client might feel that they have not received the levels of service that they were expecting. If, for whatever reason, you are unhappy with any aspect of the services provided do please tell me about it as soon as possible. There should be no sense of embarrassment or awkwardness in doing so as this will expose any failings on my part and help me to identify those areas where I may need to improve.
- b. I have established this Complaints Policy with protocols which allow for a complaint to be addressed in as prompt, fair, objective, and courteous a manner as possible. It is important for you to know that it is not necessary to involve a solicitor in order to make your complaint and you can contact me directly to voice your concerns if you wish. It is, however, still open to you to involve a solicitor in your complaint if you would prefer to do so. These complaint protocols are designed and intended to address issues concerning service standards only. The procedures for issues involving perceived professional misconduct or negligence are addressed below (*see 7.c*).

Contacting me about your complaint:

2.

- a. You can contact me by whichever medium is better for you, e.g., telephone; e-mail; or letter format:

- Telephone: 07958 321 591
- E-mail: counsel@hareshsoodlaw.co.uk
- Post: 2 Whyston Court, Hucknall, Nottingham NG15 6RT

Please note that no charges will be incurred by you as a consequence of investigating and responding to your complaint.

If you require a reasonable adjustment to present your complaint due a disability, please let me know and I will consider how to assist and make the process more accessible for you.

3.

- a. **If you opt to make contact by telephone**, I will be happy to take your call (at a mutually convenient time) and discuss your concerns with you. I will make a note of the details of your complaint and seek to determine what you would like done about it in an effort to resolve the matter satisfactorily. If the matter is resolved at that stage, I will record the outcome and confirm that you are satisfied. It may be that you would wish to make your own note of proceedings and confirm your understanding of the outcome of the conversation, in writing, to me. If it does not prove possible to resolve your complaint on the telephone you will be invited to write to me setting out your complaint in more detail as outlined below.

4.

- a. **If you would prefer to register your complaint in writing or by e-mail**, I would ask that you ensure the following information is provided: -

- i. Your name and address (either postal or e-mail as you prefer)
- ii. A contact telephone number
- iii. Details of the issues giving rise to your complaint and when it arose
- iv. What you would like to see done about it and your expected outcome

- b. My relevant contact details are as set out at 2.a above and, where possible, receipt of your complaint will usually be acknowledged within 48 hours. Any complaint raised will be investigated having regard to the Bar Code of Conduct and any guidance that may be periodically promulgated by the *Bar Standards Board* or the *Legal Ombudsman*. Details of these rules and guidelines can be downloaded from their websites, the contact details of which are set out at 13.a below.

- c. If we are unable to reach an acceptable explanation or resolution to your concerns the matter will be referred to an independent assessor for their consideration. There will not be a situation where I will personally undertake a formal investigation into a complaint brought against myself. The appointed assessor will acknowledge your complaint, ask if there are any additional points of concern that you would like to be considered and provide you with an expected timeframe in which their enquiries will be completed and a formal Report submitted setting out their findings and the reasons for them.

- d. If, for whatever reason, the anticipated timeframe for receiving the Report cannot be met, you will be notified and provided with a realistic, revised date for receipt of it. The Bar Standards Board allows for a period of 8 weeks in which a formal response to your complaint is to be made, and if you have not received it within that time, it will be open to you to refer the matter to the Legal Ombudsman for their consideration, regardless. I nevertheless always endeavour to complete the complaints process well within that time limit.

- e. There will be no charge to you as the client for those services.

5.

- a. In the response provided by the investigating assessor they will set out: -

- v. the nature and scope of the investigation
- vi. the conclusion reached on each complaint and the basis for doing so
- vii. if it is found that you are justified in your complaint, proposals for resolving it
- viii. details of how you may complain to the Legal Ombudsman

Definition of a complaint:

6.

- a. I have adopted the Legal Ombudsman's definition of what constitutes a complaint, i.e., any expression of dissatisfaction which alleges that the complainant has suffered, or may suffer, financial loss, distress, inconvenience, or other detriment.
- b. If it is felt that your complaint, or certain aspects of it, falls outside of the remit of this Complaints Policy you will usually be notified with the reasons for that decision within 14 days of your complaint having been received. In that event you will be provided with information on how to complain to the *Legal Ombudsman* and/or the *Bar Standards Board* (see further details at 13.a below).
- c. If it is believed that your complaint is, or could be considered as being, more a matter of professional misconduct or negligence, then my internal protocols will be halted and the matter referred to the Bar Standards Board, being the body responsible for the conduct of barristers, or my professional indemnity insurer (*Bar Mutual Indemnity Fund*), as appropriate.

Confidentiality:

7.

- a. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary, e.g. to the designated complaint investigator or other barristers or officials from the Bar Standards Board as part of their monitoring function (the Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions).
- b. In addressing a complaint, it is assumed that you are prepared to waive any privilege or confidentiality between you and the barrister you are complaining about. It follows that for the purposes of properly responding to your complaint the person investigating may have access to material and documents that arose in your case and which, although they might otherwise have remained confidential between us, could now be referred to.

The Legal Ombudsman:

8.

- a. You should be aware that the Legal Ombudsman is the independent body for service complaints about lawyers and will only consider complaints received within the following time limits: -
- The act or omission giving rise to the complaint must have occurred after 5th October 2010; **and**
 - The complaint must be referred to them within either of the following:
 - 6 years of the date of the act or omission giving rise to the complaint, or
 - 3 years from when you found out about it; **and**
 - The complaint must be brought within 6 months of receiving the service provider's (your barrister in this instance) final response. That response must comply with the requirements of rule 4.4 of the Legal Ombudsman Scheme Rules (*which requires the response to include prominently an explanation that the Legal Ombudsman was available if the complainant remained dissatisfied, the provision of full contact details for the Ombudsman and a warning that the complaint must be referred to the Ombudsman within six months*).
- b. The Legal Ombudsman can extend the time limit in exceptional circumstances, but I will have regard to the applicable time limit in deciding whether I am able to investigate any complaint. I will not normally deal with a complaint that falls outside of the time limit applicable to a complaint to the Legal Ombudsman.
- c. The Legal Ombudsman can only deal with complaints from consumers, i.e., client individuals or certain other designated entities (*see 9.a below*). This means that only complaints from a client of mine fall within the Ombudsman's jurisdiction. While it may be possible to sometimes consider a complaint raised by a someone who is not a client, it is more likely that in the absence of service standard criteria the complaint will involve allegations relating to professional conduct or perceived professional negligence. In those matters the appropriate body to contact would, in the case of conduct, be the Bar Standards Board (the body that regulates the professional conduct of barristers) rather than the Legal Ombudsman. For issues involving allegations of professional negligence the matter would be reported to my professional indemnity insurers (Bar Mutual Indemnity Fund). I am not always able to satisfactorily investigate complaints made by non-clients and may refer such complainants to the Bar Standards Board for their consideration.

9.

- a. 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).
 - 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.

Further information can be found at: www.legalombudsman.org.uk

Alternative Dispute Resolution (ADR):

10.

a. If it does not prove possible to resolve your complaint through my internal protocols, there are alternative bodies such as Small Claims Mediation:

(<https://www.smallclaimscourtgenie.co.uk> - e-mail: scmreferrals@justice.gov.uk) who are competent in the provision of mediation services and may be able to assist if both you **and** your barrister wish to avail yourselves of that option. *Small Claims Mediation* apply a time limit of one hour for dealing with individual matters referred to them.

b. If we use mediation, neither you nor I are required to accept the proposed resolution. If mediation does not resolve the complaint, you may still refer it to the Legal Ombudsman (provided you fall within their jurisdiction and you do so within the time limits outlined above).

My Policy:

11.

a. As part of my commitment to client care I make a written record of all complaints and retain all documents and correspondence generated by them for a period of six years. These records are reviewed periodically with a view to improving the services I provide.

Complaints to the Legal Ombudsman or the Bar Standards Board:

12.

a. If you are unhappy with the outcome of my complaints' procedure, you have the choice of taking up your complaint with the Legal Ombudsman who is the body established to deal with complaints relating to failures in service standards provided to clients by lawyers. Generally, the Legal Ombudsman will only consider your complaint if you have first exhausted my first tier, internal complaints procedure, but the complaint may be considered where there has been no resolution under that procedure within 8 weeks of your complaint being lodged. If you find that you are not eligible to complain to the Legal Ombudsman as your complaint relates to conduct issues, you may contact the Bar Standards Board.

Contact details for these bodies are as follows: -

Legal Ombudsman
PO Box 6806
Wolverhampton
WV1 9WJ
Tel: 0300 555 0333

Email: enquiries@legalombudsman.org.uk
Website: www.legalombudsman.org.uk

Bar Standards Board
Professional Conduct Department
289—293 High Holborn
London WC1V 7HZ

Tel: 0207 6111 445
Website: www.barstandardsboard.org.uk

Haresh Sood
HSL Chambers