

Guidance on filling in the complaint form

Other formats and general enquiries

If you would like this document in another format, or you have any questions about our complaints process, please phone our helpline on 020 7611 1444 or email us at

assessmentcomplaints@barstandardsboard.org.uk

Introduction

Before completing this complaint form, we suggest that you read this guidance and also refer to our information leaflet 'How to complain about a barrister' and the 'Frequently Asked Questions' (FAQs) which are available on [our website](#). Please contact us on the above number if you would like us to send you copies. These documents have been designed to help you provide us with the information that we need in order to assess your complaint.

Complaints about your barrister and/or BSB authorised body

Please note that we cannot deal with complaints directly from you about a barrister or BSB authorised body who is acting for you or has acted for you.

The BSB now regulates a wider range of persons and bodies than just individual barristers. Our regulation covers all of the following:

- Any person called to the Bar of England and Wales. It does not matter if they are practising or not. Barristers who are not practising, or are not entitled to practise, are known as "unregistered" barristers;
- lawyers who are qualified in Europe and are registered to provide legal service in England and Wales;
- firms or companies who are authorised by the BSB to provide legal services. These are known as "BSB authorised bodies" or more informally as "entities";
- managers and employees working in BSB authorised bodies;
- employees working for (i.e. directly employed) by self-employed barristers operating from a chambers

Please note that a barristers' chambers is not a BSB authorised body because it is not a firm or company, nor is it regulated. Instead the barristers who work within chambers are individually regulated to provide legal services.

Complaints by you about a barrister or BSB authorised body you have instructed are dealt with by the Legal Ombudsman. The Legal Ombudsman can require the barrister or BSB authorised body to apologise, refund fees, return documents or pay compensation if you have received a poor service. We do not have such powers.

You can contact the Legal Ombudsman through its website at www.legalombudsman.org.uk, by sending an email to enquiries@legalombudsman.org.uk or by phoning 0300 555 0333.

The Legal Ombudsman will assess your complaint and if they decide that it raises issues of professional conduct they will refer the relevant parts of your complaint to us to look at.

The Legal Ombudsman will tell you if they have passed any issues to us and we will then contact you to confirm this.

Our Role

The BSB's primary function is to regulate the Bar so as to promote high standards of practice and safeguard clients and the public interest.

We are a risk-based regulator and direct our resources to the areas of greatest risk to consumers of legal services and the public interest.

This means that the focus of our work is on regulating the conduct of barristers and BSB authorised bodies within their professional legal work.

For further information as to the kinds of complaint that we deal with please refer to our website; <https://www.barstandardsboard.org.uk/complaints-and-professional-conduct/concerns-about-a-barrister/>

Complaints of breaches of the BSB Handbook

The BSB's Handbook contains rules and guidance for the conduct of barristers and BSB authorised bodies. It is available on our website at www.barstandardsboard.org.uk.

We assess all complaints that we receive to see whether there may have been a breach of the BSB's Handbook. Where necessary, we take appropriate and proportionate action.

Not all breaches of the Handbook will amount to professional misconduct. Some may be suitable for administrative action such as a fine or warning. In some cases, we may increase our supervision of the barrister or BSB authorised body.

Where there appears to have been a very serious breach of the Handbook or repeated minor breaches and we consider that [there are reasonable prospects of proving beyond all reasonable doubt that] professional misconduct may have [has] occurred, we will consider referring the case for disciplinary action. If you want to complain about the conduct of a barrister or BSB authorised body who is not acting for you, **please fill in this complaint form**. Please write clearly in **dark ink**.

Alternatively, you can complete the form online via our website at www.barstandardsboard.org.uk.

If you need more space to answer any of the questions, please continue on extra sheets of paper and clearly show which question the additional sheets belong to.

➤ Section 1 – Your details

We need to know your name, address and contact details. If someone is filling the form in for you, we also need their name, their relationship to you, their address and their contact details and your written consent to our communicating with them about your complaint.

If any contact information changes while we are considering or investigating your complaint or complaints, let us know as soon as possible.

➤ **Section 2 – The barrister’s or BSB authorised body’s details**

You must give the full name of the barrister or BSB authorised body that you are complaining about so we can correctly identify them. If you do not know the barrister’s or BSB authorised body’s address, then you can phone the Bar Council’s Records Office on 020 7242 0934 who will help to find their address. You can also find details of all barristers who are authorised to practise in England and Wales and who have a current Practising Certificate on the Barristers’ Register on our website.

We also need to know whether your complaint or complaints are about a barrister’s or BSB authorised body’s work in a court case, other legal work they have carried out or their conduct outside of work.

Tick the relevant box to show whether the barrister or BSB authorised body was acting for the other side in a court case or for somebody else. If you are complaining about more than one barrister or BSB authorised body, please fill in a separate form for each barrister or BSB authorised body.

➤ **Section 3 – Instructions the barrister or BSB authorised body received**

It is useful for us to know who appointed the barrister or BSB authorised body and to have that firm’s or person’s contact details. Please fill in this section as fully as you can. If you do not know any of the details, leave the answer space blank.

➤ **Section 4 – Details of the case**

You only need to fill in this section if your complaint is about a barrister or BSB authorised body’s work in a court case. We need as much information as possible.

You must give a brief description of what the case was about (for example, who brought the case against whom and why). Please provide details of the case number, the court in which the case was heard and the name of the judge, where possible. We need this information so that we can understand the context of your complaint.

We also need to know if the court case is still ongoing, whether the barrister/BSB authorised body is still acting in the matter, and the details of any appeal. If the legal proceedings are still ongoing or the decision of the court is being appealed against, we will usually not consider your complaint until the appeal has ended. However, you should make your complaint within 12 months of the last act or omission about which you wish to complain. If you do submit a complaint to us whilst legal proceedings or any appeal is ongoing then it is important that you give as much information as possible about the stage the proceedings have reached so we can assess what action we should take.

➤ **Section 5 – Time Limit**

We need to know when the matter that you are complaining about arose. If you are complaining about a barrister’s or BSB authorised body’s actions at a court hearing, please provide the date of the hearing as accurately as you can.

Complaints must usually be made within 12 months. If there has been a delay of over 12 months, we will only be able to take your complaint or complaints forward if there is a good reason to do so

➤ **Section 6 – Details of your complaint**

In **part A**, describe what happened and why you think the barrister's or BSB authorised body's conduct should be brought to our attention. To help with this you may want to refer to the BSB Handbook barristers and BSB authorised bodies must keep to. The BSB Handbook can be found on our website. We would recommend that you refer to our general FAQs which can also be found in the Complaints and Professional Conduct section of our website.

Please make your description as clear and concise as you can.

In **part B**, list and number your individual complaints about what the barrister or BSB authorised body did or did not do.

In **part C**, give details of any witnesses. It is important that you give the contact details of anyone who saw or heard what you are complaining about as we may decide to contact them. We may need to rely on evidence from witnesses if we take disciplinary action.

It would help if you could get informal statements from any witnesses and send them with this form. If you do not, we may ask you to send us informal statements when we are considering your complaint or complaints.

In **part D**, explain what evidence you have to support your complaint. It is important that you list all documents that you think are relevant to your complaint and tell us why you think each of the documents is relevant. The evidence may include:

- letters or emails from you or the barrister or BSB authorised body;
- copies of statements or instructions; and
- court transcripts (if your complaint relates to the barrister's or BSB authorised body's conduct in court).

Please send us copies of **all** the documents you list. Do not send us the original documents as we cannot return them.

➤ **Section 7 – Declaration**

Please read the statement and then sign and date the declaration.

➤ **Keep a copy of the complaint form**

Don't forget to keep a copy of the complaint form for you to refer to. This will help both you and us if we have any questions.

➤ **Equality questionnaire**

The questions on this form aim to give us the information we need to make sure our service meets everyone's needs. You do not need to answer any of them but we strongly encourage you do so we can understand how our policies and services affect people from different backgrounds.

After we receive your complaint form, we will remove the monitoring form and keep the information in a secure place.

➤ **What happens after I send my complaint form?**

There is a four-step process to dealing with complaints of professional misconduct. This is explained on pages 5 and 6 of the leaflet 'How to complain about a barrister'.

For our use only

Complaint form

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

Please read the guidance notes and our leaflet ‘How to complain about a barrister’ before filling in this form.

Use this form if you want to complain about a barrister or BSB authorised body who does not act for you. If you want to complain about your own barrister or BSB authorised body, contact the Legal Ombudsman. The contact details are: Legal Ombudsman, PO Box 6806, Wolverhampton WV1 9WJ

Phone: 0300 555 0333 Email: enquiries@legalombudsman.org.uk Website: www.legalombudsman.org.uk

Accessibility and practical needs

We are committed to improving accessibility for everybody that we deal with. If you are disabled or have any practical needs where we can make adjustments to help you make your complaint, for instance by having the form in large print, Braille or as an audio version, phone our helpline on **020 7611 1444** or email us at assessmentcomplaints@barstandardsboard.org.uk to let us know.

➤ **Section 1** – If you are the person making the complaint or complaints, enter your details

Title (Mr, Mrs, Ms and so on):

Your full name:

Your address and postcode:

Daytime phone number:

Email address:

➤ **Section 1a** – If someone else is filling this form in for you, we will also need their details*

Their title (Mr, Mrs, Ms and so on):

Their full name:

Their address and postcode:

Their daytime phone number

Their email address:

Their relationship to you:

*See the Declaration on page 9 of this form

➤ **Section 2 – The barrister’s or BSB authorised body’s details**

Please provide the following details of the person or BSB authorised body you wish to complain about.

Name of barrister or BSB authorised body

Address and postcode

Phone number

Email Address

What is your complaint or complaints about?

- The barrister’s or BSB authorised body’s work in a court case Other legal work by the barrister or BSB authorised body The barrister’s or BSB authorised body’s conduct outside work

Who is the barrister or BSB authorised body acting for?

- The other side in the case Somebody else **Their name:**

➤ **Section 3 – Instructions the barrister or BSB authorised body received. Give details of who appointed the barrister or BSB authorised body (if you know).**

Name of firm

Address and postcode

Name of person dealing with the matter:

Reference number (if you know it):

Have you also made a complaint or complaints to the Solicitors Regulation Authority?

- No Yes

If yes, what is the reference number of the complaint?

➤ **Section 4 – Details of the case**

Only fill in this section if your complaint is about the barrister's or BSB authorised body's work in a court case. Otherwise go to Section 5.

Name of the case:

Name of the court:

Date of the hearing:

Reference number:

Please briefly describe what the case was about:

Are you or were you a litigant in person (acting for yourself)? Yes No

Is the case continuing? Yes No

If your case is continuing and there has not yet been an appeal, what stage are the proceedings at?

Is the barrister or BSB authorised body still acting? Yes No

If no, when did the barrister or BSB authorised body stop acting in this case?

Are you waiting for the result of an appeal? Yes No

If **Yes**, give us the following details:

Appeal reference number:

What stage is the appeal at?

Dates and purpose of any future hearings:

Date	Purpose
/ /	
/ /	
/ /	

➤ **Section 5 – Time limit**

When did the action, or actions, you are complaining about take place? / /
(For example, if you are complaining about a barrister's or BSB authorised body's actions in court, what was the date of the hearing?)

If it was more than 12 months ago, why there has been a delay in making the complaint or complaints?
(Continue on a separate sheet if you need to. Write 'Section 5, reason for delay' on the top of the sheet.)

Have you complained to any of the following? (Tick all that apply.)

- The barrister or BSB authorised body About whom you wish to complain
- The barrister's chambers
- Your barrister or BSB authorised body
- The person who appointed the barrister or BSB authorised body
- Your solicitor

If you have raised the complaint or complaints with any of the above, what was the outcome?
Please provide us with copies of any exchange of communications

➤ **Section 6 – Details of your complaint**

PART A

In the space below, briefly describe the background to your complaint (that is, what happened).

PART B

Please list and number, as clearly as you can, the specific points you are complaining about.

PART C

Please give us the name and contact details of any witnesses who can provide relevant information about the complaint, and what information you think they can provide. It would assist if you could provide us with informal statements from the witnesses.

(Please continue on a separate sheet if you are providing details of more than two witnesses. Write 'Witnesses' on the top of the sheet.)

	Witness 1	Witness 2
Name:	<input type="text"/>	<input type="text"/>
Full address:	<input type="text"/>	<input type="text"/>
Phone number:	<input type="text"/>	<input type="text"/>
Email address:	<input type="text"/>	<input type="text"/>
Information they can provide:	<input type="text"/>	<input type="text"/>

PART D

List the evidence you have to support your complaint. (For example, court transcripts, emails, letters or other documents). Describe each piece of evidence and explain why it is relevant to your complaint, and specify particular comments or statements you want to complain about. You must send copies of these documents with this form. Do not send the original documents as we cannot return them to you.

➤ **Section 7 – Declaration**

By signing and dating below you are:

- giving us permission to show this form, and any evidence you provide, to the barrister, BSB authorised body, or other BSB regulated person concerned and anyone else necessary for us to consider your complaint or complaints; and
- declaring that all the information you have given in this form is, as far as you know, complete and accurate.
- agreeing that, if someone else has filled this form in for you (and their details have been completed in Section 1a), they are authorised to make this complaint or complaints on your behalf and we should send all correspondence to them.

We probably will not be able to deal with this complaint if you do not sign below.

Your signature:

Date:

Checklist – Please make sure you have done the following:

- Read the 'How to make a complaint about a barrister' leaflet
- Read the 'Guidance on filling in the complaint form'
- Given us the full name of the barrister or BSB authorised body concerned
- Given us a list of your specific complaints
- Fully answered all the questions that apply to you
- Enclosed all supporting documents
- Signed the declaration
- Filled in the Equality questionnaire

When you have filled this form in please send it to:

**Assessment Team
Professional Conduct Department
Bar Standards Board
289-293 High Holborn
London WC1V 7HZ**

We recommend that you make a copy of this form before sending it to us.