

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

For information about how we process your personal data, please refer to our Privacy Statement at <https://www.barstandardsboard.org.uk/footer-items/privacy-statement/>

Introduction

Before completing this complaint form, we suggest that you read this guidance and also refer to our information leaflet 'How to complain about the conduct of 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

Please note that we cannot deal with complaints directly from you about a barrister who is acting for you or has acted for you. These complaints are dealt with by the Legal Ombudsman. The Legal Ombudsman can require the barrister 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 barristers' conduct within their professional legal work.

We do not usually deal with complaints about barristers' behaviour when they are acting outside their professional role, unless that behaviour has resulted in a criminal conviction or finding of a court or

Tribunal. If you consider that a barrister has committed a criminal offence, you should report the matter to the police. Also, we will not normally investigate a complaint which relates to a barrister's private or non-professional life where there is a clear legal remedy available to you which you have not yet pursued. It is only in exceptional circumstances that we will deal with complaints about something a barrister has done in his or her private life.

We do not usually deal with complaints against barristers who are in debt to members of the public. We have no power to enforce the payment of debts but you may be able to take legal action through the courts to recover the debt. However, if a barrister has not complied with a court order, we may be able to consider the matter but we will need to know what steps you have taken to enforce any judgment obtained against the barrister. Although we may be able to take action for failure to comply with a court order such as issuing the barrister with an administrative warning or fine or in a very serious case take disciplinary action, we have no powers to make the barrister pay you or comply with the order.

For further information as to the kinds of complaint that we will not normally investigate please refer to the general FAQs about our complaints and disciplinary processes on our website (<https://www.barstandardsboard.org.uk/complaints-and-professional-conduct/concerns-about-a-barrister/frequently-asked-questions-complaints/general-faqs-about-our-complaints-and-disciplinary-processes/#complaints>)

Complaints of breaches of the BSB Handbook

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

We assess all the 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.

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 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 their written consent to our communicating with you about their 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 details**

You must give the full name of the barrister that you are complaining about so we can correctly identify him or her. If you do not know the barrister’s address, phone us on 020 7611 1445 and we will help to find their address.

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

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

➤ **Section 3 – Instructions the barrister received**

It is useful for us to know who appointed the barrister 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’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 continuing, whether the barrister 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 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 conduct should be brought to our attention. To help with this you may want to refer to the BSB Handbook barristers must keep to.

This is on our website at www.barstandardsboard.org.uk. We would recommend that you refer to our general FAQs which can also be found on 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 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;
- copies of statements or instructions; and
- court transcripts (if your complaint relate to the barrister'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 to 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 the conduct of a barrister'.

For our use only

Complaint form

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REGULATING BARRISTERS

Please read the guidance notes and our leaflet '*How to complain about the conduct of a barrister*' before filling in this form. For information about how we process your personal data, please refer to our Privacy Statement at <https://www.barstandardsboard.org.uk/footer-items/privacy-statement/>

Use this form if you want to complain about a barrister who does not act for you. If you want to complain about your own barrister, 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 details**

Barrister’s full name:

Phone number:

Barrister’s address and postcode:

Email address (if known):

What is your complaint or complaints about?

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

Who is the barrister acting for?

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

➤ **Section 3 – Instructions the barrister received Give details of who appointed the barrister (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 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 still acting?

Yes

No

If no, when did the barrister 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 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.)

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

The barrister about whom you wish you complain The barrister's chambers
Your solicitor The person who appointed the barrister Your barrister

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

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

PART A

In the space below, briefly describe the background to your complaint or complaints (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:		
Full address:		
Phone number:		
Email address:		
Information they can provide:		

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:

- declaring that all the information you have given in this form is, as far as you know, complete and accurate; and
- 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 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.