



BAR
STANDARDS
BOARD

REGULATING BARRISTERS



How to make a complaint about 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 behaviour (professional misconduct), 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 before asking for our help.

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 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 1777

By email: enquiries@legalombudsman.org.uk

Through their website:
www.legalombudsman.org.uk

By post: PO Box 15870,
Birmingham, B30 9EB

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

- relates to the service you received from your barrister;
- is made within 12 months of the problems arising, or you becoming aware of the problems; or
- concerns professional misconduct. The Legal Ombudsman cannot take disciplinary action against a barrister. So if your complaint relates to professional misconduct, 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 you want to complain about is not acting for you, you should contact us directly.

It is important that you contact us within 12 months of the problem arising, or of you finding out about it. If you do not make your complaint within **12 months**, we may not be able to take action.

You will need to fill in a complaints form and we can give you advice on how to do this. You can get the complaints form from our website at www.barstandardsboard.org.uk, or we can send you one. If you are disabled, please let us know so that we can make any reasonable adjustments necessary to make sure you can use our complaints procedure.

You can contact us:

By phone: 020 7611 1444

By fax: 020 7831 9217

By email: contactus@barstandardsboard.org.uk

Through our website: www.barstandardsboard.org.uk

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

What is professional misconduct?

Professional misconduct is when a barrister has not kept to the Code of Conduct for barristers and, as a result, disciplinary action might need to be taken. Only we can take disciplinary action for professional misconduct.

You can see the Code of Conduct that barristers must keep to on our website at www.barstandardsboard.org.uk.

Examples of professional misconduct include:

- misleading the court;
- failing to keep information confidential;
- acting dishonestly or in a way that damages the profession's reputation; and
- discriminating against you because of your race, sex, disability, religion or belief, sexual orientation, gender re-assignment, age or marital/civil partnership status.

How do you deal with complaints of professional misconduct?

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

Step 1

We will assess your complaint to decide whether the barrister may have broken the Code of Conduct, and whether there are good reasons to take action. We will tell you the result of this initial assessment, and whether or not we intend to carry out a formal investigation, 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 a formal investigation is **not** appropriate, we will give you the reasons for this decision, but we will not take any further action in relation to your complaint.

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 back to the 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 should provide more information.

Step 4

Once we have all the information we need, we will assess whether there is enough evidence that the barrister has broken (breached) the Code of Conduct.

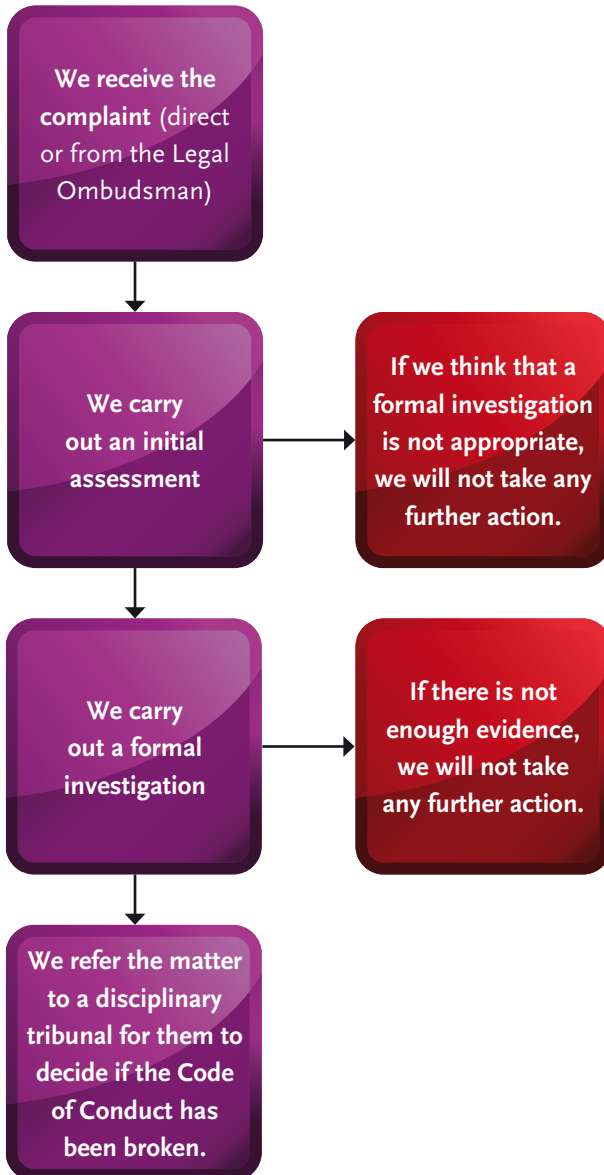
If there is enough evidence, we will decide whether disciplinary action is appropriate and reflects the seriousness of the matter. If we decide that disciplinary action is appropriate, we will refer your complaint, or parts of it, to an independent disciplinary tribunal for them to make a final decision on whether the barrister has broken the Code of Conduct 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 broken the Code of Conduct and is guilty of professional misconduct. **If your complaint reaches this stage, we will give you a detailed 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 professional misconduct?

No. Disciplinary tribunals cannot order a barrister to pay compensation.

How long will it take to consider my complaint?

If we decide **not** to investigate your complaint, we should tell you this within three months of us receiving your complaint directly from you or from the Legal Ombudsman. We generally complete a formal investigation of a complaint within six months, but it is often less than this.

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.

About us

We, the Bar Standards Board (BSB), regulate barristers in England and Wales. We are responsible for making sure that the high standards

of the profession are maintained. We publish a Code of Conduct that barristers must keep to, and we will consider taking action if there is evidence that a barrister has not kept to the Code.

We investigate complaints about barristers' behaviour and take action against barristers who have not kept to the Code of Conduct. By doing this we aim to:

- act in the public interest;
- protect anyone who uses 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.

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, write to us at:

Head of Professional Conduct Bar Standards Board

289-293 High Holborn
London
WC1V 7HZ.

Or you can phone the Head of Professional Conduct on 020 7611 1444.

Meeting your needs

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 020 7611 1444.

Contact us

Professional Conduct Department
Bar Standards Board
4th Floor
289-293 High Holborn
London
WC1V 7HZ

Switchboard: 020 7611 1444

Fax: 020 7611 1342

Website: www.barstandardsboard.org.uk