TECBAR
Complaints Procedure

# Introduction

1. TECBAR’s aim is to give our members and visitors a good service at all times. However if you have a complaint, you are invited to let us know as soon as possible and we will do our best to try to resolve it promptly, efficiently and courteously. It is not necessary to involve solicitors in order to make your complaint but you are free to do so should you wish.
2. Please note that the Legal Ombudsman (“LeO”), the independent complaints body for service complaints about lawyers (including barristers), has a 6 year time limit from the date of the act or omission about which you are complaining within which to make your complaint (or within 3 years of when you first became aware of the problem if it happened more than 6 years ago) and the act or omission must have been after 5 October 2010. If the material events pre-date 5 October 2010 LeO may extend these time limits: see LeO’s Scheme Rules, 1 February 2013: <http://www.legalombudsman.org.uk/aboutus/scheme-rules.html>. The TECBAR Committee will have regard to LeO’s time limits when deciding whether we are able to investigate your complaint. We are not obliged to deal with complaints that fall outside these time limits.
3. TECBAR’s Complaints Procedure is aimed at dealing with complaints against members of the TECBAR Committee made by members of TECBAR, pupils of TECBAR’s members, or visitors to TECBAR events. If you are a non-member, your complaint may be more suited to consideration by the Bar Standards Board. If it is considered that a non-member complaint cannot be resolved satisfactorily through our Procedure, you will be informed and you may take your complaint to the Bar Standards Board.
4. Complaints can be made about any aspect of the service provided by members of the TECBAR Committee. If your complaint or elements of your complaint relates to professional misconduct or professional negligence then it may be that it is not appropriate for TECBAR to resolve it or those particular aspects of it.   You will be informed if it is considered that your complaint is wholly or partially inappropriate for our Procedure.
5. Any complaint which involves an allegation of professional negligence or any other possible claim on the Bar Mutual Indemnity Fund Limited (“BMIF”) will be reported to the BMIF even though the complaint is being investigated by TECBAR under our Procedure.

# Complaints made by Telephone

1. You may wish to make a complaint in writing and, if so, please follow the procedure in paragraph 8 below. However, if you would rather speak on the telephone about your complaint, then please telephone the Chair of TECBAR, who has been nominated by TECBAR Committee to handle/manage the resolution of complaints made by telephone. If the complaint is about the Chair, please telephone the Equality & Diversity Officers (“EDOs”). If the complaint is about both the Chair and the EDOs, and you do not want to raise it in the first instance directly with any of them, please telephone the Vice-Chair of TECBAR. The name and contact details of the current Chair of TECBAR, Vice-Chair of TECBAR, and EDOs can be found on TECBAR’s website at [www.tecbar.org/committee](http://www.tecbar.org/committee). If you wish, you may raise your complaint in the first instance directly on the telephone with the barrister concerned. The person you contact will make a note of the details of your complaint and what you would like done about it. S/he will discuss your concerns with you and aim to resolve them. If the matter is resolved, s/he will record the outcome, check that you are satisfied with the outcome and record that you are satisfied. You may also wish to record the outcome of the telephone discussion in writing.
2. If your complaint is not resolved on the telephone, you will be invited to and you should in any event write to us about it within the next 14 days so that it can be investigated formally.

# Complaints made in Writing

1. TECBAR has a complaints panel, which is led by the Chair and made up of members of TECBAR Committee and the EDOs.
2. Please give the following details when making a complaint in writing:
* Your name and address;
* Which member(s) of the TECBAR Committee you are complaining about;
* The detail of your complaint; and
* What you would like done about it.
* Please address your letter to the Chair of TECBAR. If your complaint is about the Chair, please address your letter to one or both of the EDOs. If the complaint is about both the Chair and the EDOs please address your letter to the Vice-Chair of TECBAR. In each case, please mark the envelope “Complaints”..
1. All complaints will be acknowledged in writing within 7 working days of receipt where possible, and in any event promptly. The acknowledgment will inform you that there is a formal Complaints Procedure and that this will be followed. A copy of this Procedure will be sent with this letter. Additionally this letter will inform you of your right to complain to LeO, the timeframe for doing so, and full details of how to contact LeO (see also paragraph 16 below).
2. Within 14 days of acknowledgement of the complaint, the head of TECBAR’s complaints panel or his/her deputy will appoint a member(s) of the panel to investigate it. In the event of any applicable conflict of interest (for example, if your complaint is about the Chair) the deputy head or another member of the panel as may be appropriate will appoint a member or members of the panel to deal with it. In any case, the person(s) appointed will be someone other than the person you are complaining about.
3. The person appointed will write to you within 7 days of his/her appointment to let you know that s/he has been appointed and to address any preliminary matters. Within 28 days thereafter, the person appointed will investigate your complaint and provide a reply to it. Before the reply is provided, you will be given the opportunity to respond to any comments from the member of TECBAR Committee on your complaint as appropriate. The reply will set out:
* The nature and scope of the investigation;
* The conclusion on each complaint and the basis for that conclusion; and
* If s/he finds that you are justified in your complaint, her/his proposals for resolving the complaint.
1. If the person appointed to investigate finds that 28 days is insufficient time and/or s/he is not able to write to you or to provide a reply within the time periods above, s/he will set a new date for writing to you or providing a reply and inform you accordingly of the procedure and timetable to be adopted.

# Confidentiality

1. All communications and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary for the investigation and resolution of the complaint, and our own internal review in order to improve TECBAR’s handling of complaints. Disclosure will necessarily be made to the Chair and to anyone involved in the complaint and its investigation. Such people will include the barrister about whom you have complained, the Chair or relevant senior member of the panel and the person who investigates the complaint.

# Keeping Records

1. In accordance with the Bar Standards Board’s requirements, we make a written record of any complaint, all steps taken in response to it, and of the outcome of the complaint, and we retain all documents and correspondence generated by the complaint for a period of 6 years from resolution of the complaint. The Chair and Secretary in conjunction with the TECBAR Committee regularly review an anonymised record of complaints and their outcomes with a view to making any necessary changes to improve the service we give.

# Complaints to the Legal Ombudsman

1. We hope that you will use and be satisfied by our Procedure. However, if you are unhappy with the outcome, you have the choice of taking up your complaint with LeO. You have 6 months from the complaints’ panel’s final decision in which to do this and you should in any event have regard to the timeframes set out in paragraph 2 above. LeO is not able to consider your complaint until it has first been investigated by the TECBAR Committee. You can contact LeO at:

Legal Ombudsman
PO Box 6806
Wolverhampton
WV1 9WJ

Tel: 0300 555 0333
enquiries@legalombudsman.org.uk
[www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)