



COMPLAINTS PROCEDURE

Henderson Chambers' aim is to provide a good service at all times, and is pleased when positive feedback is received from clients. However, it is also recognised that there might be an occasion when someone feels that they may have grounds for complaint, and in those circumstances clients are invited to let Chambers know as soon as possible. It is not necessary to involve solicitors in order to make your complaint, but you are free to do so should you wish.

Please be assured that any complaints made will be taken seriously and handled with care and will not disadvantage your case or matter. We will investigate and handle complaints in a fair and consistent manner, diligently and impartially, and seek to respond and resolve your complaint promptly.

Please note that the Legal Ombudsman, the independent complaints body for service complaints about lawyers, has time limits in which a complaint must be raised with them. From 1 April 2023, the time limits are:

- a) *The complainant must refer the complaint to the Legal Ombudsman no later than one year from the act/omission, or one year from when the complainant should reasonably have known there was cause for complaint.*
- b) *The complainant must also refer the complaint to the Legal Ombudsman within six months of the complaint receiving a final response from their lawyer, if that response complies with the requirements in rule 4.4 of the Scheme Rules (which requires the response to include prominently an explanation that the Legal Ombudsman was available if the complainant remained dissatisfied, and the provision of full contact details for the Ombudsman and a warning that the complaint must be referred to them within six months).*

Chambers must have regard to that timeframe when deciding whether they are able to investigate your complaint. Chambers will not therefore usually deal with complaints that fall outside of the Legal Ombudsman's time limits. The Ombudsman can extend the time limit in exceptional circumstances.

The Ombudsman will also only deal with complaints from consumers. This means that only complaints from the barrister's client are within their jurisdiction. Non-clients who do not fall within the jurisdiction of the Ombudsman who are not satisfied with the outcome of the Chambers' investigation should contact the BSB rather than the Legal Ombudsman.

It should be noted that it may not always be possible for chambers to investigate a complaint brought by a non-client. This is because the ability of chambers to satisfactorily investigate and resolve such matters is limited and complaints of this nature are often better suited to the disciplinary processes maintained by the Bar Standards Board (BSB). Therefore, chambers will make an initial assessment of the complaint and if they feel that the issues raised cannot be satisfactorily resolved through the chambers complaints process they will refer you to the BSB.

Complaints made by telephone

If you would rather speak on the telephone about your complaint, please telephone Jason Housden, the Chambers Director on 0207 583 9020. If the complaint concerns the Chambers Director, in the first instance, please contact Charles Gibson KC, the Head of Chambers, who may make appropriate arrangements (which may include the appointment of a senior Member of Chambers) to consider the matter.

The Chambers Director (or, in the case of a complaint regarding the Chambers Director, the Head of Chambers or whomsoever they appoint) will make a note of the details of your complaint and what you would like done about it. They will discuss your concerns with you and aim to resolve them. If the matter is resolved they 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.

If we feel that your complaint cannot be resolved on the telephone you will be invited to write to Chambers about it within the next 10 working days so that it can be investigated formally.

Complaints made in writing

Please give the following details:

- Your name and address;

- Which Member(s) of Chambers or staff you are complaining about;
- The detail of the complaint; and
- What you would like done about it.

Please address your letter, marked “Confidential”, to Jason Housden at Henderson Chambers, 2 Harcourt Buildings, Temple, London EC4Y 9DB. Where possible, receipt of your complaint will be acknowledged within two working days and details will be provided as to how your complaint will be considered.

Complaints in other formats

For complaints made in other accessible formats, we will discuss and advise you on the best way to set out your concerns, tailored to your needs, and how to provide the information above.

Process

Any written complaint will be considered by a panel consisting of up to two experienced Members of Chambers and if appropriate the Chambers Director. Within 10 working days of your letter being acknowledged, a member(s) of the panel will be appointed to investigate. If your complaint is against a member(s) of the panel, the person appointed will be someone other than the person you are complaining about.

The person(s) appointed to investigate will write to you as soon as possible to let you know they have been appointed and that they will reply to your complaint within 14 days. If they consider that they will not be able to reply within 14 days, they will set a new date for their reply and inform you. The reply will set out:

- The nature and scope of the investigation;
- The conclusion on each complaint and the basis for his conclusion; and
- If they find that you are justified in your complaint, recommendations for resolving the complaint.

Confidentiality

All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. Disclosure will be to the Head of Chambers, members of our management committee and to anyone involved in the complaint and its investigation. Such people will include the barrister member or staff who you have complained about, the head or relevant senior member of the panel and the person who investigates the complaint. The BSB is entitled to inspect the documents and seek information about the complaint when discharging its monitoring functions.

Our Policy

As part of our commitment to client care we make a written record of any complaint and retain all documents and correspondence generated by the complaint for a period of six years. Our management committee inspects an anonymised record regularly with a view to improving services. From time to time, a summary of the complaint will be provided to the Bar Standards Board, on an anonymous basis, which will only provide information about what the complaint was about, and the outcomes.

Complaints to the Legal Services Ombudsman

If you are unhappy with the outcome of our investigation and you fall within their jurisdiction you may take up your complaint with the Legal Ombudsman, the independent complaints body for complaints about lawyers, at the conclusion of our consideration of your complaint. The Ombudsman is not able to consider your complaint until it has first been investigated by chambers, or if the complaint has not been resolved to your satisfaction within eight weeks of making your complaint. Please note the timeframe for referral of complaints to the Ombudsman as set out above. 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.*

You may contact the Legal Ombudsman:

By telephone: 0300 555 0333

By email: enquiries@legalombudsman.org.uk

Via the website: www.legalombudsman.org.uk

By post: PO Box 6167, Slough, SL1 0EH

Alternative Dispute Resolution [ADR]

If you are unhappy with the outcome of the investigation, alternative complaints bodies as approved by the Chartered Trading Standards Institute (<https://www.tradingstandards.uk/consumer-help/adr-approved-bodies/>) also exist which are competent to deal with complaints about legal services, should you and the barrister both wish to use such a scheme. If you wish to use your chosen ADR provider, please contact us to discuss this, including time limits for contacting your chosen ADR. Please also note that if mediation is used, neither you nor the barrister is required to accept the proposed resolution. If mediation does not resolve the complaint, you may still make a complaint to the Legal Ombudsman (provided you fall within their jurisdiction and you do so within the time limit).

Non-Clients

If you are not the barrister's client and are unhappy with the outcome of our investigation then please contact the Bar Standards Board at:

Bar Standards Board

Contact and Assessment Team

289-293 High Holborn

London

WC1V 7JZ

Telephone number: 0207 6111 444

Website: www.barstandardsboard.org.uk

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