
Haresh Sood Law Chambers (Barrister)

Internal Complaints Policy 2025

1.

- a. My aim is to always give you the best possible service, but I recognise that even in the best run enterprises occasions could arise when a client might feel that they have not received the levels of service that they were expecting. If, for whatever reason, you are unhappy with any aspect of the services provided do please tell me about it as soon as possible. There should be no sense of embarrassment or awkwardness in doing so as this will expose any failings on my part and help me to identify those areas where I may need to improve.
- b. I have established this Complaints Policy with protocols which allow for a complaint to be addressed in as prompt, fair, objective, and courteous a manner as possible. It is important for you to know that it is not necessary to involve a solicitor in order to make your complaint and you can contact me directly to voice your concerns if you wish. It is, however, still open to you to involve a solicitor in your complaint if you would prefer to do so. These complaint protocols are designed and intended to address issues concerning service standards only. The procedures for issues involving perceived professional misconduct or negligence are addressed below (see 11.c).

Contacting me about your complaint:

2.

- a. You can contact me by whichever medium is better for you, e.g. telephone; e-mail; or letter format:
 - Telephone: 079658 321591
 - E-mail: counsel@hareshsood.com
 - Post: Upon request.

Please note that no charges will be incurred by you as a consequence of investigating and responding to your complaint.

3.

- a. If you opt to make contact by telephone I will be happy to take your call (at a mutually convenient time) and discuss your concerns with you. I will make a note of the details of your complaint and seek to determine what you would like done about it in an effort to

resolve the matter satisfactorily. If the matter is resolved at that stage I will record the outcome and confirm that you are satisfied. It may be that you would wish to make your own note of proceedings and confirm your understanding of the outcome of the conversation, in writing, to me. If it does not prove possible to resolve your complaint on the telephone you will be invited to write to me setting out your complaint in more detail as outlined below.

4.

a. **If you would prefer to register your complaint in writing or by e-mail** I would ask that you ensure the following information is provided:-

- I. Your name and address (either postal or e-mail as you prefer)
- II. A contact telephone number
- III. Details of the issues giving rise to your complaint and when it arose
- IV. What you would like to see done about it and your expected outcome

b. My relevant contact details are as set out at 2.a above and, where possible, receipt of your complaint will usually be acknowledged within 48 hours. Any complaint raised will be investigated having regard to the Bar Code of Conduct and any guidance that may be periodically promulgated by the *Bar Standards Board* or the *Legal Ombudsman*. Details of these rules and guidelines can be downloaded from their websites, the contact details of which are set out at 12.a below.

5. If we are unable to reach an acceptable explanation or resolution to your concerns the matter will be referred to an independent assessor for their consideration. There will not be a situation where I will personally undertake a formal investigation into a complaint brought against myself. The appointed assessor will acknowledge your complaint, ask if there are any additional points of concern that you would like to be considered and provide you with an expected timeframe in which their enquiries will be completed and a formal Report submitted setting out their findings and the reasons for them.

6. If, for whatever reason, the anticipated timeframe for receiving the Report cannot be met, you will be notified and provided with a realistic, revised date for receipt of it. The Bar Standards Board allows for a period of 8 weeks in which a formal response to your complaint is to be made, and if you have not received it within that time it will be open to you to refer the matter to the Legal Ombudsman for their consideration, regardless. You may be assured, however, that every effort is made to ensure that the 8 week deadline is met.

7. There will be no charge to you as the client for those services.

8.

a. In the response provided by the investigating assessor they will set out:-

- I. the nature and scope of the investigation
- II. the conclusion reached on each complaint and the basis for doing so
- III. if it is found that you are justified in your complaint, proposals for resolving it

- IV. details of how you may complain to the Legal Ombudsman and the timeframe for doing so.

Definition of a complaint:

9.

- a. I have adopted the Legal Ombudsman's definition of what constitutes a complaint, i.e., any expression of dissatisfaction which alleges that the complainant has suffered, or may suffer, financial loss, distress, inconvenience, or other detriment.
- b. If it is felt that your complaint, or certain aspects of it, falls outside of the remit of this Complaints Policy you will usually be notified with the reasons for that decision within 14 days of your complaint having been received. In that event you will be provided with information on how to complain to the *Legal Ombudsman* and/or the *Bar Standards Board* (see further details at 15.a below).
- c. If it is believed that your complaint is, or could be considered as being, more a matter of professional misconduct or negligence, then my internal protocols will be halted and the matter referred to the Bar Standards Board, being the body responsible for the conduct of barristers, or my professional indemnity insurer (The BMIF - *Bar Mutual Indemnity Fund*), as appropriate.

Confidentiality:

10.

- a. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary, e.g. to the designated complaint investigator or officials from the Bar Standards Board as part of their monitoring function (the Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions).
- b. In addressing a complaint it is assumed that you are prepared to waive any privilege or confidentiality between you and the barrister you are complaining about. It follows that for the purposes of properly responding to your complaint the person investigating may have access to material and documents that arose in your case and which, although they might otherwise have remained confidential between us, could now be referred to.

The Legal Ombudsman:

11.

- a. You should be aware that the Legal Ombudsman is the independent body for service complaints about lawyers and will only consider complaints received within the following time limits:-
 - The act or omission giving rise to the complaint must have occurred after 5th October 2010; **and**

- The complaint must be referred to them within either of the following:
 - 1 year of the date of the act or omission giving rise to the complaint, or
 - 1 year from when you first reasonably discovered that there was a cause for complaint; **and**
 - The complaint must be brought within 6 months of receiving the complaint assessor's final response. That response must comply with the requirements of rule 4.4 of the Legal Ombudsman Scheme Rules (*which requires the response to include prominently an explanation that the Legal Ombudsman was available if the complainant remained dissatisfied, the provision of full contact details for the Ombudsman and a warning that the complaint must be referred to the Ombudsman within six months*).
- b. The Legal Ombudsman can extend the time limit in exceptional circumstances, but I will have regard to the applicable time limit in deciding whether I am able to investigate any complaint. I will not normally deal with a complaint that falls outside of the time limit applicable to a complaint to the Legal Ombudsman.
- c. The Legal Ombudsman can only deal with complaints from consumers, i.e. client individuals or certain other designated entities (*see 12.a below*). This means that only complaints from a client of mine fall within the Ombudsman's jurisdiction. While it may be possible to sometimes consider a complaint raised by a someone who is not a client it is more likely that in the absence of service standard criteria the complaint will involve allegations relating to professional conduct. In those matters the appropriate body to contact would be the Bar Standards Board (the body that regulates the professional conduct of barristers) rather than the Legal Ombudsman. For issues involving allegations of professional negligence the matter would be reported to my professional indemnity insurers (the BMIF - *Bar Mutual Indemnity Fund*) for their attention. I may not always be able to satisfactorily investigate complaints made by non-clients and may therefore refer such complainants to the Bar Standards Board for their consideration.

12.

- a. Those clients who are able to lodge a complaint with the Legal Ombudsman are:
- 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.

Further information can be found at: www.legalombudsman.org.uk

Alternative Dispute Resolution (ADR):

13.

- a. If your complaint is unable to be resolved through the 'first tier' internal protocols then approved, alternative complaints bodies offering mediation services are available. One such body is:-

ADR Group, 160 Fleet Street, London EC4A 2DG

Tel: 020 3600 5050

Web: <http://www.ardgroup.co.uk>

e: casemanagement@ardgroup.co.uk

The ARD Group are approved providers deemed competent to deal with the mediation of complaints about legal services should the complainant and the barrister both wish to utilise such a scheme. If mediation is of interest, then you should contact me to discuss this option.

Please also note that:

- ADR Group promote that cases are dealt within an average of 80 days.
 - there is no obligation on either party to have to agree to mediation; it must be a joint decision.
 - If mediation is used, neither the complainant nor the barrister is required to accept the proposed resolution and if it does not resolve the complaint the matter may still be referred to the Legal Ombudsman provided the complainant, and the points of complaint, fall within their jurisdiction and is lodged within the stipulated time limits as outlined above.
- b. 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 limits).

My Policy:

14.

- a. As part of my commitment to client care I make a written record of all complaints and retain all documents and correspondence generated by them for a period of six years. These records are reviewed periodically with a view to improving the services I provide.

Complaints to the Legal Ombudsman or the Bar Standards Board:

15.

- a. If you are unhappy with the outcome of my complaints' procedure, you have the choice of taking up your complaint with the Legal Ombudsman who is the body established to deal with complaints relating to failures in service standards provided to clients by lawyers. Generally, the Legal Ombudsman will only consider your complaint if you have first exhausted my first tier, internal complaints procedure, but the complaint may be

considered where there has been no resolution under that procedure within 8 weeks of your complaint being lodged with me. If you find that you are not eligible to complain to the Legal Ombudsman as your complaint relates to conduct issues, you may contact the Bar Standards Board.

Contact details for these bodies are as follows:-

Legal Ombudsman

PO Box 6167, Slough SL1 0EH

Tel: 0300 555 0333 (Monday – Friday: 10-00am – 4:00pm)

Email: enquiries@legalombudsman.org.uk

Website: www.legalombudsman.org.uk

Bar Standards Board

Professional Conduct Department

289—293 High Holborn

London WC1V 7HZ

Tel: 0207 6111 445

Website: www.barstandardsboard.org.uk

Haresh Sood

Barrister