

COMPLAINTS PROCEDURE OF ITHACA LEGAL (CHAMBERS OF DANIEL McCARTHY)

1. My aim is to give all my clients a good service at all times. However, if you have a complaint please let me know as soon as possible, by telephone or in writing. I will treat your complaint as confidential although I may discuss it with other barristers or officials from the Bar Standards Board as part of their monitoring functions. I will not reveal your name to others unless I appoint an independent person to investigate a complaint or set up mediation. I will deal with your complaint promptly.

2. 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).

3. 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 if it considers that it is fair and reasonable to do so.

4. 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 are not satisfied with the outcome of the investigation should contact the Bar Standards Board rather than the Legal Ombudsman.

5. It should be noted that it may not always be possible to investigate a complaint brought by a non-client. This is because my ability 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. Therefore, I will make an initial assessment of the

complaint and if I feel that the issues raised cannot be satisfactorily resolved through my complaints process I will refer you to the Bar Standards Board.

Complaints made by telephone

6. If you wish to make a complaint by telephone, I will make a note of the details of your complaint and what you would like done about it. I will endeavour to resolve matters with you on the telephone. If after discussion you are satisfied with the outcome I will make a note of the outcome and the fact that you are satisfied. If you are not satisfied you may wish to make a written complaint.

Complaints made in writing

7. If you wish to make a written complaint please give me the following details:

- Your name, telephone number and address;
- The detail of your complaint; and
- What you would like done about it.

Procedure for dealing with your complaint

8. There are a number of ways in which your complaint may be dealt with:

- (a) Discussion over the telephone;
- (b) Dealt with by correspondence;
- (c) Discussion at a meeting between us;
- (d) By mutual agreement, the appointment of an independent person to investigate the complaint.

9. If we decide to appoint an independent person to investigate the complaint (for example, a barrister in another chambers), we both would need to agree who to appoint. An independent person who has considerable experience in the area that is the subject matter of the dispute should be chosen.

10. Upon receipt of a written complaint I will:

- (a) Reply in writing, normally within 48 hours, to acknowledge the complaint and inform you how I shall be dealing with it.

(b) Reply within 14 days responding in full to your complaint. I will offer you the opportunity to meet with you if that is appropriate. If I find later that I am not going to be able to reply within 14 days I will set a new date for my reply and inform you. My reply will set out:

- The nature and scope of my investigation;
- My conclusion on each complaint and the basis for my conclusion; and
- If I find that you are justified in your complaint, my proposals for resolving the complaint.

11. If you are not happy with my final written response and you fall within their jurisdiction, you may make a formal complaint to the Legal Ombudsman, the independent complaints handling body for complaints about lawyers. Please note the timeframe for referral of complaints to the Ombudsman as set out at paragraph 2 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 can write to the Legal Ombudsman at:

Legal Ombudsman,
PO Box 6167,
Slough,
SL1 0EH

Telephone number: 0300 555 0333

Email: enquiries@legalombudsman.org.uk

More information about the Legal Ombudsman is available on their website:
www.legalombudsman.org.uk

If you are unhappy with my final written response, alternative complaints bodies as approved by the Chartered Trading Standards Institute also exist which are competent to deal with complaints about legal services, should we both wish to use such a scheme. If you wish to use an alternative complaint body please contact me to discuss this, including timelines for raising a complaint. Please also note if we use mediation, neither you nor I am 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).

12. If you are not my 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

13. I will maintain confidentiality at all times and discuss your complaint only to the extent that is necessary for its resolution and to comply with requests for information from the Bar Standards Board discharging its monitoring functions.

14. I will retain all correspondence and other documents generated in the course of your complaint for a period of six years and I will review complaints at least once a year to ensure that I maintain good standards of service.