

Handling complaints as a Chambers

Model Complaints Resolution Procedure



Version

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Introduction

Complaints about barristers represent a small proportion of LeO's work, but a disproportionate number of those that come to us require an in-depth investigation. This is often despite there being a demonstrably thorough investigation and response through the Chambers' procedure, sometimes including significant input from a Head of Chambers. The investment in labour is not always correlated with the outcome.

There are practical challenges for those handling complaints, with records of events sometimes being limited to logs of dates and times, short notes of conversations and, most prominently, recollections of events. It can leave complaint handlers relying on what they know to be common practice, which, however accurate, will rarely satisfy a consumer who recalls the events differently.

This guidance shares some of our experiences in handling complaints about barristers, with a view to giving Chambers direction as to how the Model Complaints Resolution Procedure can help.

We have also produced guidance for large service providers, which might be of assistance to large sets, and for small service providers, which might be of assistance to small sets and individuals.

The central message is the opportunity complaints bring

Complaints are a form of feedback. Consumers don't have to tell their lawyer that they aren't happy. They could tell their friends, their family, their social media followers, a review website or indeed they could tell no one. That they have chosen to tell their barrister or the Chambers is an indication that there remains a belief that you can put right what they consider has gone wrong. It is a reflection – not a shattering – of their trust.

Reputation is extremely important to a barrister and to their Chambers. We understand that, too.

It's common for us to end an upheld complaint by hearing that the person at the Chambers handling complaints will speak to the individual barrister about what went wrong, and how to avoid it in the future. That's unquestionably a good message.

It's rarer to hear that the guidance on how to avoid an upheld complaint (or a complaint at all) on this issue in the future will be shared with all members of Chambers. The lesson might be something simple, like ensuring that any advice given to the client is recorded

contemporaneously, in case it's needed as a reference point later, and it would surely be something all members would benefit from being reminded of.

Why is LeO talking about this?

Simply, at a time where LeO is facing unprecedented demand, we receive too many complaints that needn't have come to us. There are complaints which should have been resolved by better engagement with consumers and a better application of the complaints procedure.

We see the same mistakes being made by lawyers not spotting the themes their consumers are telling them about. Further, those that actively seek these themes and are keen to learn from the data they're given make changes to the service that prevent complaints from being made in the first place.

Applying the MCRP

The Model Complaints Resolution Procedure has two stages: Early Resolution and Full Investigation. It's for you to decide how those are divided.

- How do you identify and record complaints?
 - The MCRP will help with the processing of complaints. The rest remains a human endeavour.
 - Do your barristers know what constitutes a complaint? What reporting mechanisms do you operate to ensure complaints are properly recorded? If a consumer raises a complaint with their barrister directly, how do you ensure that Chambers is aware that this has happened, records it and is able to manage the outcome?
- Who is best suited to handle the Early Resolution part of the process?
 - This calls for someone who is willing to engage with the consumer about what's driving the complaint, establish what the consumer wants and who has the authority (or can easily obtain it) to provide a resolution.
 - This might not require someone of the traditional level of seniority that your existing complaints procedure stipulates. What matters most to the consumer is that their complaint is seen to be being taken seriously and that it's being handled competently.
 - Wherever possible, make use of the telephone to speak to consumers about why they're unhappy.
- In the Full Investigation stage, the written response is a final chance to persuade, so know your audience.
 - Responses, particularly from Heads of Chambers, can sometimes look like skeleton arguments or opinions, however well-intentioned. This can be off-putting to consumers, portraying an adversarial tone, when what's needed is:
 - A clear analysis of the facts;
 - A recognition of the human context of the service and complaint; and, if appropriate,
 - A proposal on how to resolve the dispute.

- Ensure there is the facility for the information gathered in complaints to be fed into service improvement.
 - The best way to reduce complaints is to improve service, and the best way to do that is to use the data from direct contact with consumers.
- Keep good records of the complaints and the outcomes
 - If the complaint is escalated to LeO, we will be asking for copies of documents, including the final response. If there has been an agreement reached to resolve the complaint, we'll want to see what was agreed.