



Northampton Chambers

Client Care Policy

1. Treating our clients fairly

Client care is at the heart of a successful Chambers and the focus of the Bar Standards Board Code of conduct. All those working with Chambers have a duty to provide a good standard of service to all clients.

Please also refer to our policies on Public Access work.

1.1. Regulations

1.1.1. This policy should be read in conjunction with your duties under the Bar Standards Board Code of Conduct:

- C3 of the Handbook "You and your client"

1.2. Client need

1.2.1. We will treat our clients fairly and with respect.

1.2.2. In addition, we must take particular care in public access matters where we are dealing directly, or via a referrer (as perceived by the Legal Services Act).

1.2.3. In all cases, we will:

- explain to the client any limitations or conditions on what we can do for them (for instance due to the way that a matter is funded).
- have proper regard to their mental capacity or other vulnerability (e.g. incapacity, duress or disability—see further Vulnerable clients below) when taking instructions and during the course of the matter
- consider whether a conflict of interest is present or has arisen;

1.2.4. We tailor our support according to the needs of each client to ensure that the information we provide is appropriate.

1.3. Vulnerable Clients

1.3.1. For every client we will consider:

- whether they are used to dealing with legal practitioners
- to what extent our standard client care letter is appropriate or whether further steps need to be taken to make sure they understand it
- whether they are in a position to make informed decisions
- whether they are vulnerable

1.3.2. We will take into account whether a client should be considered as vulnerable. Examples of this include:

- Client does not speak or understand English
- Client has a physical disability
- You suspect the client is acting under duress or undue influence

In all cases we will consider how we can respond to the potential vulnerability to protect the client's interests.

2. Protecting clients' interests

2.1. Clarity

2.1.1. Members will ensure that their clients understand their role and responsibilities to their client.

2.1.2. These points will be clarified in writing and are included in our standard terms of business. Members should use the relevant standard terms and conditions (for services to authorised persons or for Public Access clients).

2.1.3. A record should be maintained with regards:

- terms of business sent to client and, particularly with public access clients their acceptance thereof
- notes or other records with regards to communications or discussions with the client
- any steps taken to protect the client's interests

2.1.4. If a member of chambers has any concerns about a new client or new instructions from an existing client they should discuss this with Maria Savvides to assess the level of concerns and potential risks to the client the member dealing with the matter and Chambers.

2.2. Quality of Service

2.2.1. It is important to provide our services to clients in a manner that protects their best interests. This includes ensuring clients are in a position to make informed decisions about:

- the services they need (public access)
- how their matter will be handled, and
- the options available to them

2.2.2. Members should only deal only deal with matters for clients that they feel competent to deal with and that they know they have the capacity to deal with. It will be important to liaise with the clerking team to ensure that matters are correctly distributed.

2.3. Non – discrimination

- 2.3.1. Members have a duty to not withhold services for discriminatory reasons (See rules II.C3.R14)
- 2.3.2. As such the Cab Rank rule still applies (See rules II.C3.R15 and R16)

2.4. Conflicts of interest

- 2.4.1. Members of Chambers have a duty to avoid conflicts of interest. Therefore prior to accepting any instructions they must check that there are no potential conflicts.
- 2.4.2. There are two types of Conflict:
 - a. Own interest conflicts that arise where:
 - the personal or commercial interests of Chambers or a member of Chambers conflict with our duty to act in the best interests of a client in their matter or a related matter, or
 - there is a significant risk that the personal or commercial interests of Chambers or a member of chambers will conflict with our duty to act in the best interests of a client in their matter or a related matter

We can never act where there is an own interest conflict with a new or existing client.
 - b. Client conflict arise where a member of chambers owes separate duties to act in the best interests of two or more current clients in relation to the same or related matters and:
 - those duties conflict, or
 - there is a significant risk that those duties may conflict
- 2.4.3. There will be cases where two members from our Chambers are representing opposite sides. In these cases firewalls are put in place with regards to client confidentiality to ensure that any potential conflict is avoided.

3. Costs & Payments

3.1. Explaining Costs

- 3.1.1. Failure to provide adequate costs information is a very common cause of client complaints across the sector.
- 3.1.2. Discussions on costs and funding must be held before accepting instructions.
- 3.1.3. With public access clients' discussions on costs and funding options may occur either at an initial review meeting with the client or during an earlier telephone discussion. All discussions on costs will be confirmed in writing.
- 3.1.4. The relevant standard terms and conditions will give further details to the client.
- 3.1.5. These terms will also inform clients about:
 - their right to challenge or complain about your bill, and
 - the circumstances in which they may be liable to pay interest on an unpaid bill

3.2. Informed decisions

- 3.2.1. While provided in general terms the following principles are particularly important when dealing with public access clients.
- 3.2.2. To meet the principles of the BSB Code of Conduct it is expected that clients must be in a position to make informed decisions about:
- the services they need
 - how their matter will be handled, and
 - the options available to them
- 3.2.3. To be able to do so the client will need to be able to appreciate how much our services will probably cost and the potential outcomes of the matter (including their cost impact).
- 3.2.4. If the client has a solicitor then we should check that this discussion has been held with the client. Where we are working with a public access client then it is the member's responsibility to ensure that this is discussed with the client.
- 3.2.5. You have a duty to explain whether any costs or funding issues give rise to any limitations or conditions on what you can do for the client.

4. Referrals and Undertakings

4.1. Introductions & Referrals

- 4.1.1. Members are not allowed to pay or receive referral fees.

4.2. Undertakings

- 4.2.1. In the simplest terms, an undertaking is a legally binding promise by a Barrister (or Solicitor). More specifically, an undertaking is:
- a statement, given orally or in writing (whether or not it includes the word 'undertake' or 'undertaking')
 - made in the course of practice or outside the course of practice but in the capacity of a barrister
 - to someone who reasonably places reliance on it
 - that the barrister will do something or cause something to be done, or refrain from doing something
- 4.2.2. If you give an undertaking it is your responsibility to comply with this within the agreed timescale or within a reasonable period of time.
- 4.2.3. You should ensure that your insurance will cover you in respect of any liability that may be incurred in respect of giving an undertaking.

5. Complaints

5.1. Complaints Policies & Procedures (See also Complaints Policy)

5.1.1. Complaints, including complaints about bills and those relating to equality and diversity, are handled in accordance with our complaints policy. Anyone working with Chambers has an obligation to ensure complaints are handled properly.

5.1.2. We will:

- tell clients in writing at the outset of their right to complain to the Legal Ombudsman (LeO) and how to do so (our client care note contains this information so you must ensure that all clients receive this before you begin work on their matter)
- manage any complaints promptly
- respond to any enquiries in relation to a complaint fairly, openly and effectively
- comply with our complaints policy

6. Regulation

6.1. Bar Standards Board Code of Conduct

6.1.1. Members provide services that are regulated by the Bar Standards Board (BSB). Our standard terms provide details of how the services to be provided are regulated by the BSB and how this affects protections available to them.

6.1.2. Chambers client care information and our terms of business should be used by all members. This contains information on regulations.

6.1.3. Members must comply with the law and with the BSB Code of Conduct when deciding whether to act or to terminate instructions.

6.1.4. This means they must not:

- Refuse to, or cease to, act without good reason
- act for a client when there are reasonable grounds for believing that the instructions are affected by duress or undue influence, unless we are satisfied that they represent the client's wishes
- discriminate unlawfully when accepting or refusing instructions

6.2. Confidentiality

6.2.1. We all have a legal and regulatory duty to protect clients' confidential information. The protection of confidential information is a fundamental feature of our relationship with clients. This duty continues after the end of the retainer and even after the death of the client.

6.2.2. Anyone working with Chambers owes a duty of confidentiality to all clients. Everyone must keep the affairs of clients confidential (including bills) unless:

- disclosure is required or permitted by law (e.g. under the Proceeds of Crime Act 2002—see our Anti-money laundering policy), or
- the client consents

6.3. Equality and diversity (See also our Equality & Diversity policy)

- 6.3.1. We encourage equality of opportunity and respect for diversity in our relationships with clients and others.
- 6.3.2. We will not discriminate unlawfully or victimise or harass anyone, including clients, and we will provide services to clients in a way that respects diversity. Members must not discriminate unlawfully when accepting or refusing instructions (see Accepting or refusing instructions and ceasing to act above).
- 6.3.3. This means that we will not discriminate on the grounds of:
- Age
 - Disability
 - Gender
 - gender reassignment
 - marriage and civil directorship
 - pregnancy and maternity
 - race
 - religion or belief
 - sexual orientation
- 6.3.4. We will make reasonable adjustments to ensure that disabled clients are not placed at a substantial disadvantage and will not pass on the costs of adjustments to these clients; see Vulnerable clients above)