



## COMPLAINTS PROCEDURE

1. Our aim is to give you high quality advice and service at all times. However, if you have a complaint about some aspect of the service that you have received, you should let us know as soon as possible. It is not necessary to involve solicitors in order to make your complaint. 3PB is fully committed to ensuring that all users of the complaints procedure are treated fairly, with respect and without discrimination based on race, gender, sexual orientation, disability, age, religion or belief.
2. We aim to constantly improve our client service, so we take such feedback very seriously and listen to it carefully. Naturally we hope to retain a good working relationship with you, so we will do all we can to find a solution in each situation.

### Introduction

3. You should note that The Legal Ombudsman, (the independent complaints body for service complaints about lawyers), have a time limit for all complaints. Their rules clearly state;

*Ordinarily, you can ask us to look at your complaint if it meets all three of the steps below: 1. The problem or when you found out about it, happened after 5 October 2010; and 2. You are referring your complaint to the Legal Ombudsman within either of the following: o Six years of the problem happening; or o Three years from when you found out about it; and 3. You are referring your complaint to us within six months of your service provider's final response. I*

*If you are unsure about this change, please call The Legal Ombudsman on 0300 555 0333.*

The Legal Ombudsman also insists that, in virtually all cases, 3PB investigates any complaint that you may make before he does. 3PB had regard to the Legal

Ombudsman's time frame when deciding whether we are able to investigate your complaint. Accordingly, 3PB will also only deal with complaints that fall into the above category. The Legal Ombudsman will also only deal with complaints from consumers. This means that only complaints from barrister's clients are within his jurisdiction.

### Time limit for making complaints

It is important that you let us have your complaint as soon as possible after the date of the event you want to complain about. This is so that we can investigate your complaint promptly, in the interests of fairness to all those concerned. To investigate your complaint, **you must fill in the Complaint Form on page 8 of this document.** If you have difficulty or require assistance in the completion of this form you should inform us.

### Types of complaint that we can investigate

4. "Professional misconduct" is when a barrister has broken the rules set out in the Bar Standards Board's "Code of Conduct". The Code of Conduct contains the rules which apply to barristers as members of their profession. It is published by the Bar Standards Board and you can find a copy on their website ([www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)). Breach of the Code of Conduct is a disciplinary offence, and we will usually refer complaints that cover professional misconduct to the Bar Standards Board to investigate whether a disciplinary offence capable of punishment has been committed.  
  
"Inadequate professional service" is when a barrister's services have fallen significantly below the standard you are entitled to expect. We will always investigate complaints about the service provided to you by any of our barristers.

Sometimes a complaint covers both professional misconduct and inadequate professional service, but, provided you tell us what your complaint is about, you will not need to specify which of these two types your complaint is. We will then decide whether we can properly investigate all aspects of your complaint. Please note that if we determine a "conduct" complaint we decide matters to the criminal standard, i.e. beyond reasonable

doubt. When we determine a "service" complaint we decide matters to the civil standard, i.e. on the balance of probabilities.

### Types of complaint that we cannot investigate

5. There are some types of complaint, which we cannot investigate, and there are others where our powers of investigation are limited. These are:
  - (i). Generally, we cannot investigate your complaint if it alleges professional negligence by the barrister. This is particularly so when your complaint cannot simply or easily be determined on paper, for example when it is complex and/or the facts are in dispute between you and your barrister and/or expert evidence is required to assist in resolution and/or your barrister disputes most or all of your allegations and/or your compensation claim is over our limit of £5,000.
  - (ii). We cannot investigate your complaint if it is about your barrister's professional judgement in the decisions made during a case.
  - (iii). Private life: Generally, we cannot investigate your complaint if it concerns a barrister's private life. This could include any private debts owed by the barrister, unless there is a serious breach of a Court order.

### Making your complaint

6. You can make your complaint:
  - 6.1. Informally, by telephone; or
  - 6.2. Formally by completing our Complaint Form

### Informal complaint

7. It is an audit requirement for the complaints form (on page 8) to be completed. If you prefer, you can make your complaint informally by telephone.
  - (i) If your complaint is about a barrister or a member of staff, please telephone the Director of Operations, James Thornton, (020 7583 8055) who deals with our informal complaints process;
  - (ii) If your complaint is about the Director of Operations himself, please telephone Simon Astill, Chief Executive (020 7583 8055).

Our Director of Operations will make a note of the details of your complaint and what action/remedy you require. He will discuss your concerns with you and aim to

resolve them informally having discussed the matter with all concerned. If the matter is resolved we will record the outcome, check that you are satisfied and record the fact that you are satisfied.

8. If your complaint is not resolved informally by telephone, you will be invited to write to us about it at the earliest opportunity in order that it can be investigated formally.

#### **Formal complaints**

9. We can only investigate complaints formally **once you have completed the Complaints Form** on page 8. The preferred choice is to receive complaints in writing (either hard copy and e-mail) so as to maintain an audit trail. If you wish to pursue your complaint, please address your letter to "Mr. James Thornton, Director of Operations, 3 Paper Buildings, Temple, London EC4Y 7EU". Your envelope should be marked "**PRIVATE & CONFIDENTIAL**" and include a copy of the Complaints Form filled out in full.
10. We will acknowledge receipt of your complaint within two working days.
11. When using the Complaints Form (a copy of which is at the end of this document) please explain the nature of your complaint in the space provided as clearly and concisely as you can. This must be returned by you to us within 7 days of the date it was sent to you.

By making a written complaint to 3PB, you are agreeing to the investigation of your complaint in accordance with the procedures and terms set out below.

#### **Investigation Procedure**

12. Adam Feest QC chairs 3PB's Complaints Panel. This is made up of senior experienced members of Chambers and senior members of staff. Within 3 working days of receipt of your Complaint Form, the Chairman of the Complaints Panel will appoint a member of the Complaints Panel ("the Investigator") to investigate it.

13. If your complaint is against the Chairman of the Complaints Panel, the Investigator will be appointed by The Head of Chambers.
14. The Investigator will not be the person you are complaining about. The Investigator will write to you by 5 working days after receipt of your Complaint Form to let you know he/she has been appointed.
15. The Investigator will carry out an investigation of your complaint and will report on your complaint within 30 working days of Chambers receiving your Complaint Form. If the investigation is delayed, the Investigator will set a new date for the completion of the investigation and will inform you of that date, but in any event, you should have a considered response within 30 working days (and hopefully a maximum of 40 working days) of receipt of your Complaint Form.
16. The Investigator's report will set out:
  - (i). The nature and scope of the investigation;
  - (ii). The conclusion that the Investigator has reached on each matter of complaint and the reasons for that conclusion; and
  - (iii). If your complaint has been found to be justified, proposals for resolving it.
17. During the course of the investigation, the Investigator may need to disclose the fact of your complaint, and the details of it to:
  - (i). The person or persons about whom you have complained; and
  - (ii). Those whom he feels can assist him in any investigation of facts relevant to your complaint.

The Investigator will not, however, disclose the fact of your complaint or the details of it to anyone unless he decides that it is necessary to do so in the interests of a full and fair investigation.
18. The Investigator does not have the power to hear oral evidence either in support of your complaint or in response to it. Any request he may make for information, and any response to such a request will be made in writing and a record retained.

19. The Investigator's report will be sent to you, to the Chairman of our Complaints Panel, and to the person you complained about. A copy will also be sent to the Director of Operations, whose job it is to keep a record of all matters concerning your complaint.
20. 3PB does not have the power to impose upon its member's compliance with any proposals which may be made by the Investigator for a resolution of your complaint. However, we shall use our best endeavours to ensure that such proposals are in fact complied with.

#### **Involvement of the Bar Mutual Indemnity Fund (BMIF)**

21. In the event that professional negligence is alleged at any point against a barrister, s/he is obliged to inform their insurers, the Bar Mutual Indemnity Fund (BMIF) immediately and follow their instructions. If the BMIF wishes to take over conduct of the matter, the member must comply with that request and ensure that all correspondence and other documentation is sent to it. The panel member/Investigator will inform you of the action taken and your complaint will be handled by the BMIF from that point.

#### **Confidentiality**

22. Save with regard to the Investigation Procedure set out above, disclosure of the fact of your complaint and the details and outcome of it will be restricted to
  - (i). The Chair of the Complaints Panel
  - (ii). The Director of Operations; and
  - (iii). The members of 3PB's Policy Committee for monitoring and quality control purposes.
23. All persons to whom your complaint is disclosed pursuant to the above will keep the fact of your complaint and the details of it, and all conversations and documents relating to it, strictly confidential.

## **Complaints to the Legal Ombudsman**

24. If you are a client of a 3PB barrister and unhappy with the outcome of the investigation 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. As stated above, the Legal Ombudsman is not able to consider your complaint until it has first been investigated by Chambers. Please note that the Legal Ombudsman has a strict time limit on complaints as referred to above.

You can write to them at:

*The Office of the Legal Ombudsman,*

*PO Box 6806*

*Wolverhampton WV1 9WJ.*

*Tel: 0300 555 0333*

*Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)*

If you are not the 3PB's barrister's client and are unhappy with the outcome of our investigation, then please contact the Bar Standards Board at:

Bar Standards Board

Professional Conduct Department

289-293 High Holborn

London WC1V 7JZ.

Tel: 0207 611 1444

Website: [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

**3PB COMPLAINTS PROCEDURE  
COMPLAINT FORM**

**TO BE COMPLETED BY THE CLIENT**

Please use this form if you want to make a complaint about a Member of 3PB Barristers' Chambers ("Chambers").

Before you complete this form, please read our Chambers' Complaints Procedure ("If You Wish to Make a Complaint") which you can find on the Contacts page of our website. Our website is at [www.3pb.co.uk](http://www.3pb.co.uk)

Please note:

- (i) There is a **time limit** for making complaints, please see page 1 of the guidance for full details; and
- (ii). There are some types of complaint, which we cannot investigate. These are explained in the Complaints Procedure.

Please sign your name at the end of this form. By doing so you will be confirming that you have read and agreed to our Complaints Procedure.

**1. Details of the person making the complaint:**

Title:

Full name:

Address:

E-mail address:

**2. If you are making this complaint on behalf of someone else:**

Please complete this section, giving your details. Please also attach a letter of authority signed by the person on whose behalf you are complaining.

Title:

Full name:

Address:

E-mail address:

Please state the capacity in which you are making the complaint:

**3. Name of the barrister you wish to complain about:**

**4. Name of the case:**

Please give the name of the case in which the barrister you are complaining about acted:

If the case was the subject of Court proceedings, please give the following:

The name of the case as shown in the Court papers:

The name of the Court:

The Claim Number or other identifying Court number:

**5. Who was the barrister you are complaining about acting for:**

Please delete as appropriate:

You

Another person involved in the case

A person not involved in the case

If the barrister was acting for someone other than you, please give the name of the person he was acting for:

**6. Is the case continuing?**

Please delete as appropriate:

Yes

No

**7. Is the barrister you are complaining about still instructed to act in the case?**

Please delete as appropriate:

Yes

No

8. If the barrister you are complaining about is no longer acting in the case, when did he/she cease to act?

9. Date of matter complained about:

On what date did the matter you are complaining about take place? If you are complaining about a series of matters, please give the date of each matter you are complaining about.

10. Facts and matters giving rise to your complaint:

Please state briefly the facts and matters which give rise to your complaint. Please continue on a separate sheet if necessary.

**11. Your complaint:**

Based upon the facts and matters set out above, what is your complaint? Please continue on a separate sheet if necessary.

**12. Resolving your complaint: What would put things right for you?**

How would you like your complaint to be resolved?

Please place a tick by any of the following which apply:

Explanation

Apology

Reduction or refund of fees.

If you have ticked "Reduction or refund of fees", please explain the basis upon which you are seeking a reduction of refund:

Or something else? Please explain what other remedy you seek.

## DECLARATION

I have read the Complaints Procedure before completing this form.

I have completed all sections of this form.

I agree that this form and any documents which I have provided or shall in future provide for the purpose of or in the course of the investigation of my complaint, may be shown to:

- (1). The barrister I am complaining about.
- (2). Any other person who needs to see them.

Provided that if they are shown to these people in this way, they will only be shown to them in accordance with the Complaints Procedure.

The information given in this form is true.

Signed \_\_\_\_\_

Date \_\_\_\_\_