

3PB Chambers' Complaints Procedure

Effective: 30 January 2010

Introduction

1. Our aim is to give you a good service at all times. However if you have a complaint will you please let us know about it as soon as possible.

Time limit for making complaints

2. In common with the Bar Standards Board we are not, in general, able to deal with complaints unless they are made within six months of the date when the work the subject of complaint has been done. If we do not receive your complaint within 6 months of the act or omission complained of, but receive it at a later date, we shall first have to consider whether we are able to act upon it.

In considering whether to act on a complaint received later than 6 months after the act or omission complained of, we shall bear in mind (i) the seriousness of the complaint, and (ii) whether or not there exist exceptional circumstances which justify consideration of your complaint despite such a lapse of time.

If we do not receive your complaint within 6 months of the act or omission complained of we may conclude that we cannot act upon it and we therefore ask not only that you let us have your complaint as soon as possible, but that you tell us about it within the period of 6 months referred to above in any event.

The types of complaint that we can consider

3. We are limited in the types of complaint about barristers which we can entertain.

We can consider complaints of two types (i) professional misconduct, and (ii) inadequate professional service ("IPS").

Professional misconduct is when a barrister has broken the rules set out in the Bar Standards Board ("BSB") "Code of Conduct", which you can find on the BSB's website.

IPS is when a barrister's service has fallen significantly below the expected standard.

Some complaints come under both types but provided you tell us what your complaint is about, you do not need to specify which type your complaint is.

The types of complaint that we cannot consider

4. We are very limited in the way in which we can deal with complaints of certain types, and there are certain types of complaint which we cannot deal with at all. In limiting the types of complaint which we can deal with, we follow the approach of the BSB which is set out on its website.

The types of complaint which we cannot deal with, or which we can deal with only in a limited way or in limited circumstances are as follows:

(i). Professional Negligence and Professional Judgment: We cannot deal with a complaint of professional negligence unless it comprises no more than a complaint of IPS and amounts only to minor negligence. We cannot deal with a complaint about a barrister's professional judgment about the law or the facts of your case.

(ii). Private Life: We cannot deal with a complaint about a barrister's private life, save in exceptional circumstances.

(iii). Private Debts: We cannot usually deal with a complaint concerning a debt owed by a barrister to a member of the public. If a barrister has not complied with a Court order, we may be able to deal with the matter.

Complaints made by Telephone

5. You may wish to make a complaint in writing; if so, please follow the procedure in paragraph 7 below.

If you would rather speak on the telephone then please call the barrister concerned or, if the complaint is about a member of staff, the Head of Clerking, Stephen Clark. If the complaint is about the Head of Clerking, please telephone the Head of Chambers, Richard Tyson.

When the purpose of your call is to raise a matter of complaint, we would ask that you make that fact clear.

The person you contact will make a note of the details of your complaint and what you would like done about it. S/he will discuss your concerns with you and aim to resolve them. If the matter is resolved s/he will record the outcome, check that you are satisfied with the outcome and record that you are satisfied. You may wish to record the outcome of the telephone discussion in writing, yourself.

6. If your complaint is not resolved on the telephone you will be invited to write to us about it within the next 14 days in order that it can be investigated formally.

Complaints made in Writing

7. When the purpose of writing to Chambers is to raise a matter of complaint, we would ask that you make that fact clear.

We would also ask

(i). that you make use of our Complaints Form, which is at the end of this document; and

(ii). that you explain the nature of your complaint in the space provided. as clearly and concisely as you can.

If you do not use the Complaints Form, please ensure that you give the following details: Your name and address, which member(s) of chambers you are complaining about; the detail of the complaint; and, what you would like done about it.

Please address your letter to the Chairman of the Executive Committee at 3 Paper Buildings, Temple, London EC4Y 7EU

8. Our chambers has a panel, headed by the Chairman of the Executive Committee and made up of experienced members of chambers and a senior member of staff, which considers any written complaint.

Within 14 days of your complaint being received the head of the panel or his deputy in his absence will appoint a member of the panel to investigate it. If your complaint is against the head of the panel it will be investigated by the next most senior member of the panel. In any case, the person appointed will be someone other than the person you are complaining about.

9. The person appointed to investigate your complaint will write to you as soon as possible to let you know s/he has been appointed and that s/he will reply to your complaint within 14 days. If s/he finds later that s/he is not going to be able to reply within 14 days s/he will set a new date for her/his reply and inform you of that new date.

Her/his reply will set out:

- The nature and scope of her/his investigation;
- Her/his conclusion on each complaint and the basis for her/his conclusion; and
- If s/he finds that you are justified in your complaint, her/his proposals for resolving it.

Confidentiality

10. All conversations and documents relating to your complaint will be treated as confidential and will be disclosed only to the extent that disclosure is necessary.

Disclosure will be to the Head of Chambers, members of our Executive Committee (solely for the purposes of paragraph 11 below) and anyone involved in the complaint and the investigation of it.

Those involved in the complaint and its investigation will include the barrister or member of staff you have complained about, the head or relevant senior member of the panel to whom you have reported your complaint and the person whose job it is to investigate it.

Our Policy

11. As part of our commitment to client care we make a written record of any complaint. Our Executive Committee inspects the record regularly with a view to improving the service we offer.

Complaints to the Bar Standards Board (The Bar Council's regulatory arm)

12. We hope that you will use our procedure. However if you would rather not do so or are unhappy with the outcome you do have the choice of taking up your complaint with the BSB. You can write to them at:

Complaints Department
The Bar Standards Board
289-293 High Holborn
London WC1V 7HZ
Tel: 020 7611 1444
Fax: 020 7831 9217
E-mail: Complaints@BarStandardsBoard.org.uk