

## Complaints Procedure<sup>1</sup>

1. Members of chambers aim to give you a good service at all times. However if you have a complaint you are invited to let us know as soon as possible. It is not necessary to involve solicitors in order to make your complaint but you are free to do so should you wish.

### **Is the Complaint one that is Intended to Activate the 3 New Square Complaints Procedure?**

2. It is hard to define the term “complaint” in an all-encompassing way that allows for all the many possible types of grievance that could occur. Some complaints are not intended (or not yet intended) to activate formal mechanisms for their resolution. Often the best way of resolving complaints is simply to speak directly to the person concerned and put the point to them. You are at liberty to do this without risk of activating this procedure.
3. To help distinguish between which kind of complaint you are making, please specify whether or not you are making a complaint that is seeking to activate the 3 New Square Complaints Procedure.

### **Complaints Made by Telephone**

4. You may wish to make a complaint in writing and, if so, please follow the procedure in paragraphs 7 and 8 below. However, if you would rather speak on the telephone about your complaint then please:
  - (a) telephone the barrister concerned with the matter (whether the complaint is about the barrister or the staff acting on his behalf) and tell them at the start of the call that you are seeking to activate the 3 New Square Complaints Procedure, or
  - (b) if (highly exceptionally) there is any doubt as to who to contact, please telephone chambers on 0207 405 1111 and they will direct you to the relevant barrister. Please also state at the start of the call that you are seeking to activate the 3 New Square Complaints Procedure.

The person you speak to as a result of (a) or (b) above will pass your contact details on to one or more senior member(s) of Chambers and/or staff who are in a position to deal with your complaint (“the Appointed Person(s)”) and will ask them to return your call within 3 working days. The Appointed Person(s) will not include any person you are complaining about.

5. The Appointed Person(s) will call you and make a note of the details of your complaint and what you would like done about it. They will discuss your concerns with you and aim to resolve them. If the matter is resolved they will record the outcome, check that you are satisfied with the outcome and record that you are satisfied. You may also wish to record the outcome of the telephone discussion in writing.
6. If your complaint is not resolved on the telephone you will be invited to write to Chambers about it within the next 14 days so it can be investigated formally.

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<sup>1</sup> Based on one of the Bar Standards Board’s model complaints procedures.

### Complaints made in Writing

7. Please give the following details:

- (a) Your name and address and the name and address of the client(s) on whose behalf you are writing (if different); and
- (b) Which member(s) of Chambers or staff you are complaining about;
- (c) Whether or not you are seeking to activate the 3 New Square Complaints Procedure.
- (d) The detail of the complaint and
- (e) What you would like done about it.

8. Please address your letter to:

- (a) If you have followed the telephone procedure in paragraphs 4-6 above AND are writing within 14 days in accordance with paragraph 7, the Appointed Person(s).
- (b) If you have not first followed the telephone procedure in paragraphs 4-6 above OR have followed the telephone procedure but are not writing within 14 days in accordance with paragraph 7, then:
  - (i) please address your letter to the barrister concerned with the matter (whether the complaint is about the barrister or the staff acting on his behalf) or
  - (ii) if (highly exceptionally) there is any doubt as to who to address your letter to, please telephone chambers on 0207 405 1111 and they will assist you to obtain the name of the relevant barrister to whom you should address your complaint. Please also state at the start of the call that you are seeking to activate the 3 New Square Complaints Procedure.

In all cases, clearly mark both the letter and the envelope “Complaints Procedure” and address it to 3 New Square, Lincoln’s Inn, London. WC2A 3RS. We shall, where possible, acknowledge receipt of your complaint within three working days and provide you with details of how your complaint will be dealt with. **Please note that we do not accept complaints by e-mail, unless you have first spoken to the person identified in 8(a) or (b) above and they have specifically agreed to receive the complaint in this way.**

10. If you have not first followed the telephone procedure outlined in paragraphs 4-6 above (or are not writing within 14 days in accordance with paragraph 6 above), the person receiving the letter as a result of 8(b)(i) or (ii) above will pass your contact details on to one or more senior members of Chambers and/or staff who are in a position to deal with your complaint (“the Appointed Person(s)”). The Appointed Person(s) will not include any person you are complaining about.

11. The Appointed Person(s) will write to you as soon as possible to let you know they have been appointed and that they will aim to reply to your complaint within 14 days. If they find (either at this stage or later on) that they are not going to be able

to reply within 14 days they will set a new date for their reply and inform you. Their reply will set out:

- (a) The nature and scope of their investigation;
- (b) Their conclusion on each complaint and the basis for their conclusion; and
- (c) If they find that you are justified in your complaint, their proposals for resolving the complaint.

#### **Protection Against Conflicts of Interest**

12. Members of chambers frequently appear in cases against each other. The Complaints Procedure above (whereby the complaint is made, in the first instance, to the person concerned) helps to avoid the situation whereby a complaint is inadvertently sent to a person who has a material conflict of interest. Chambers will have appropriate regard to material conflicts of interest when dealing with your complaint.

#### **Confidentiality**

13. All confidential conversations and documents relating to a complaint that has activated the 3 New Square Complaints Procedure will be treated with an appropriate level of confidentiality and will be disclosed only to the extent that is necessary. Disclosure will be made to (subject to any material conflicts of interest) the Head of Chambers, members of our management committee, the Senior Clerk and/or to anyone involved in the complaint and its investigation. Such people will include the barrister member or staff who you have complained about and the Appointed Person(s). The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions. For the avoidance of doubt, the person complained about may need to disclose information in order to obtain advice, notify insurers or do other reasonable acts in order to protect their position. If you have any questions about confidentiality (or any other issues) please raise them during the complaints procedure set out above.

#### **Records**

14. As part of our commitment to client care we make a written record of any complaint that has activated the 3 New Square Complaints Procedure and retain relevant documents and correspondence generated by the complaint for a period of six years. Our management committee and/or Senior Clerk may inspect an anonymised record regularly with a view to improving services.

#### **This Policy**

15. This policy is amended from time to time, please check the Chambers website ([www.3newsquare.co.uk](http://www.3newsquare.co.uk)) for the latest version of the policy.

#### **The Legal Ombudsman, the Bar Standards Board and this Policy**

16. 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. The time limits are:

- (a) Six years from the date of the act/omission

- (b) Three years from the date that the complainant should reasonably have known there were grounds for complaint (if the act/omission took place before the 6 October 2010 or was more than six years ago)
  - (c) 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).
17. The Ombudsman can extend the time limit in exceptional circumstances. Chambers must therefore 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.
18. 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 Chambers' investigation should contact the Bar Standards Board rather than the Legal Ombudsman.
19. It should be noted that it may not always be possible to investigate a complaint brought by a non-client. This is because the ability of Chambers 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, Chambers will make an initial assessment of the complaint and if they feel that the issues raised cannot be satisfactorily resolved through the Chambers complaints process they will refer you to the Bar Standards Board.

#### **Complaints to the Legal Ombudsman and/or the Bar Standards Board**

20. If you are unhappy with the outcome of our investigation and you fall within their jurisdiction 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. The Ombudsman is not able to consider your complaint until it has first been investigated by Chambers. Please note the timeframe for referral of complaints to the Ombudsman as set out above.

You can write to them at:

Legal Ombudsman  
PO Box 6806,  
Wolverhampton  
WV1 9WJ

Telephone number: 0300 555 0333  
Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

21. If you are not the 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

Telephone number: 0207 6111 444  
Website : [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

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