

3 DJB

COMPLAINTS PROCEDURE

Your right to complain and how to complain

- 1) Our aim is 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.
- 2) Experience tells us that, frequently, potential complaints can be resolved informally. They may have arisen through a misunderstanding or be capable of remedy without initiating the full complaints procedure. We encourage you to take up a potential complaint with the individual concerned in the first instance. If the matter cannot be resolved to your satisfaction in this way, it is open to you to make a formal complaint.
- 3) A formal complaint will only be considered if it is raised within 12 months from the date of the act/omission complained of, unless the complaint is sufficiently serious to justify further consideration, or there are exceptional circumstances which would justify further consideration of the complaint despite the lapse of time since the matters complained of.
- 4) The existence of this procedure does not prevent 3DJB from refusing to investigate clearly unjustified complaints.
- 5) It should also 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.

- 6) Complaints can be made about any aspect of the service provided by members of Chambers or staff, including the handling of the complainant's personal data (a data protection complaint). If your complaint or elements of your complaint relates to professional misconduct or professional negligence then it may be that it is not appropriate for Chambers to resolve it or those particular aspects of it. You will be informed if it is considered that your complaint is wholly or partially inappropriate for our Procedure.
- 7) Any complaint which involves an allegation of professional negligence or any other possible claim on the Bar Mutual Indemnity Fund Limited ("BMIF") will be reported to the BMIF by the subject of the complaint even though the complaint is being investigated by Chambers.

Complaints Made by Telephone

- 8) You may wish to make a complaint in writing and, if so, please follow the procedure in paragraph 12 below. However, if you would rather speak on the telephone about your complaint then please telephone the individual nominated under the Chambers Complaints Procedure to deal with complaints. This will be a member of the Complaints Committee or (if the complaint is about a member of staff) the Senior Clerk. If no member of the Complaints Committee or the Senior Clerk are available, you will be informed to whom you should speak.
- 9) If the complaint is about the Senior Clerk, please telephone one of the Deputy Heads of Chambers. If the complaint is about one of the Deputy Heads of Chambers, please telephone the Head of Chambers.
- 10) The person you contact will make a note of the details of your complaint and what you would like to have done about it. If the matter is relatively straightforward it may be possible to resolve the matter by making some enquiries and calling you back. If the matter is resolved they will record the outcome, check that you are satisfied with the outcome and record that you are satisfied. The person responsible for dealing with your complaint will make a note of the complaint and

how it was resolved, and send a copy to you. You may also wish to record the outcome of the telephone discussion in writing.

- 11) If your complaint cannot be resolved on the telephone you will be invited to write to us about it so it can be further investigated.

Complaints made in Writing

- 12) Please give the following details, either by letter or by email sent to ComplaintsCommittee@3djb.co.uk:
 - i) Your name and address;
 - ii) Which member(s) of Chambers you are complaining about;
 - iii) The detail of the complaint; and
 - iv) What you would like done about it.
- 13) Please address your email/letter to the Deputy Head of Chambers.
- 14) We will, where possible, acknowledge receipt of your complaint within two days, and in any event promptly, and provide you with details of how your complaint will be dealt with. We will provide you with a complaint form for you to use if you wish, to help you to set out your complaint. Alternatively, you may make your complaint by telephone, letter or email, as set out above.
- 15) Our Chambers has a panel made up of experienced members of Chambers, which considers any written complaint. Within 14 days of your letter being received the head of the panel or their deputy in their absence will appoint a member of the panel to investigate it. Following their investigation, your complaint will be considered by the Complaints Committee as a whole. If your complaint is against the head of the panel, the next most senior member of the panel will investigate it. In any case, the person appointed will be someone other than the person you are complaining about.

- 16) The person appointed to investigate will write to you within 7 days of their appointment to let you know they have been appointed. Within 35 days of such appointment, the person appointed will investigate your complaint and reply to it. If they find later that they are not going to be able to reply within 35 days they will set a new date for the reply and inform you.
- 17) The reply will set out:
- i) The nature and scope of her investigation;
 - ii) The conclusions on each complaint and the basis for such conclusions;
and
 - iii) If they find that you are justified in your complaint, proposals for resolving the complaint.
- 18) In the event of the person appointed upholding the complaint, they may direct (a) that an apology be given and/or (b) that there should be a reduction in fees charged and/or (c) that appropriate training should be undertaken and that direction will be binding on the member of Chambers or member of staff about whom the complaint was made; and in any event, whether the complaint is upheld or not, they may recommend that any aspect of Chambers' procedure be reviewed by the Management Committee of Chambers.

Confidentiality

- 19) All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. Disclosure will be to the Head of Chambers, Deputy Heads of Chambers, and to anyone involved in the complaint and its investigation. Such people will include the barrister member or staff about whom you have complained, the Head of Chambers or relevant senior member of the panel, the person who investigates the complaint, and the members of the Complaints Committee who consider the complaint under paragraph 15 above. The Bar Standards Board is entitled to

inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.

Our Policy

- 20) As part of our commitment to client care we make a written record of any complaint and retain all documents and correspondence generated by the complaint for a period of six years. Our Management Committee inspects an anonymised record annually with a view to improving services.

Complaints to the Legal Ombudsman

- 21) We hope you are satisfied with our complaints procedure, but if you are unhappy with the outcome of our investigation and you fall within their jurisdiction (please see paragraph 25 below, in this regard) you may take up your complaint with the Legal Ombudsman, (the independent complaints body for complaints about lawyers). The Ombudsman is not usually 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 at 22 below, and in particular please note that you must refer any complaint to the Legal Ombudsman within 6 months of receiving a final response from the chambers complaints procedure.
- 22) Please note that the Legal Ombudsman 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 about which you are complaining.
 - b) Three years from the date that you should reasonably have known there were grounds for complaint (if the act/omission took place before 6 October 2010 or was more than six years ago)
 - c) Within six months of you receiving a final response from the chambers complaints procedure, 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 you remained dissatisfied and the provision of full contact details for the Ombudsman and a warning that your complaint must be referred to them within six months.) A final response from the chambers complaints procedure is the later of (i) the resolution by telephone referred to at paragraph 10 above, or (ii) the written reply referred to at paragraphs 16-17 above.

- 23) The Ombudsman can extend the time limit in exceptional circumstances.
- 24) Chambers will have regard to that timeframe when deciding whether we are able to investigate your complaint. Chambers will not therefore usually deal with complaints that fall outside of the Legal Ombudsman's time limits.
- 25) Contact details for the Legal Ombudsman are as follows:

Legal Ombudsman

PO Box 6806,

Wolverhampton

WV1 9WJ

Telephone number: 0300 555 0333

Email: enquiries@legalombudsman.org.uk

Complaints to the Bar Standards Board

- 26) 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.
- 27) Please note that there may be occasions when Chambers does not feel it is possible to investigate a complaint made by a non-client at all, and if, having made

an initial assessment of the complaint, Chambers considers that the issues raised cannot be satisfactorily resolved through the Chambers complaints process you will be referred to the Bar Standards Board.

28) Contact details for the Bar Standards Board are as follows:

Bar Standards Board

Professional Conduct Department

289-293 High Holborn

London

WC1V 7JZ

Telephone number: 0207 6111 444

Website : www.barstandardsboard.org.uk

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