

# ***Complaints procedure***

Our aim is to provide you with the best possible service from both barristers and clerks. However, if you have a complaint you are invited to let us know as soon as possible. If you are not the solicitor who instructed the barrister concerned, you may like to discuss your complaint with the solicitor in the first instance, but there is no requirement to do so.

## ***Three Stone Complaints Procedure***

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. If you are not the solicitor who instructed the barrister concerned, you may like to discuss your complaint with the solicitor in the first instance, but there is no requirement to do so. It is not necessary to involve solicitors in order to make your complaint but you are free to do so should you wish.
2. 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).
3. 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.
4. 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. Please note that the Bar Standards Board has a time limit of twelve months from the date of the conduct of which complaint is made.

5. 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 satisfactorily to 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 it is felt that the issues raised cannot be satisfactorily resolved through the Chambers' complaints process you will be referred to the Bar Standards Board.

### **Complaints made by Telephone**

6. You may wish to make a complaint in writing and, if so, please follow the procedure in paragraphs 9 and 10 below. However, if you would rather speak on the telephone about your complaint then please telephone the barrister concerned or (if the complaint is about a member of staff) the Senior Clerk, Justin Brown. If the complaint is about Justin Brown please ask to speak either to Justin Brown or to John McDonnell in the first instance.
7. Please inform the person you contact that you are making a complaint under the Complaints Procedure. A note will be taken of the details of your complaint and what you would like to be done about it. Your concerns will be discussed fully with you in an attempt to resolve them. If the matter is resolved the outcome will be recorded, having ensured beforehand that you are satisfied with the outcome. You may also wish to record the outcome of the telephone discussion in writing.
8. If your complaint is not resolved on the telephone you will be invited to write to us about it within the next 14 days so it can be investigated formally.

### **Complaints made in Writing**

9. When making a complaint in writing please give the following details:
  - (a) your name and address;
  - (b) which member(s) of Chambers or member(s) of staff you are complaining about;
  - (c) the details of the complaint; and
  - (d) what you would like done about it.
10. Please address your letter to John McDonnell QC, Three Stone, 3 Stone Buildings, Lincoln's Inn, London WC2A 3XL and head the letter "Complaints Procedure". We will, where possible, acknowledge receipt of your complaint within 48 hours and provide you with details of how your complaint will be dealt with.
11. We have a panel headed by John McDonnell QC and made up of experienced members of Chambers and a senior member of staff, one of

whom will consider your written complaint. A list of nominated persons on the panel is set out below.

12. Within 14 days of your letter being received the head of the panel or his deputy in his absence will appoint himself or another 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.
13. The person appointed to investigate will write to you as soon as possible to let you know of the appointment and confirm that you will receive a reply to your complaint within 14 days. If that later turns out not to be possible you will be informed within 14 days anyway of a new date for the reply to your complaint.
14. The reply will set out:
  - (a) the nature and scope of his/her investigation;
  - (b) the conclusion on each complaint and the basis for that conclusion; and
  - (c) if it is found that you are justified in your complaint, the proposals for resolving the complaint.

### **Alternative Dispute Resolution (ADR)**

15. Alternative complaints bodies (such as ProMediate at <http://www.promediate.co.uk/>) exist which are competent to deal with complaints about legal services should the client and we agree to use such a scheme. If it is not possible to settle your complaint using our internal complaints process set out above, we will confirm to you in writing whether we are prepared to submit to an alternative dispute resolution procedure operated by such a body.
16. You should be aware that the timeframe for referral of complaints to alternative complaints bodies will be different to the time limits for contacting the Legal Ombudsman set out in paragraph 2 above.

### **Confidentiality**

17. 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, and to any one involved in the complaint and its investigation. Such people will include the barrister or member of staff who you have complained about, the head or relevant senior member of the panel and the person who investigates the complaint. 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**

18. Three Stone is making real efforts towards being an example of what an Equal Opportunities Chambers should be like and we will ensure that allegations and complaints of any kind, including those that flow from discrimination or harassment, will be dealt with under this procedure too.
19. As part of our commitment both to client care and generally we make a written record of any Complaint and its outcome so that by regular inspection of that record we can do our best to continue to improve our services.

## **Complaints to the Legal Ombudsman**

20. If you are unhappy with the outcome of our investigation and you fall within their jurisdiction you may also 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 Legal 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 in paragraph 2 above. You can write to them at:

### **Legal Ombudsman**

PO Box 6806

Wolverhampton WV1 9WJ

Tel: 0300 555 0333

Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

## **Complaints to the Bar Standards Board**

21. In the event that the Legal Ombudsman does not have jurisdiction to consider your complaint (because you are not a client), if you are unhappy with the outcome of our investigation you may then take up your complaint with the Bar Standards Board. You can write to them at:

Complaints Department

Bar Standards Board

289-293 High Holborn

London WC1V 7HZ

Tel: 020 7611 1444

Fax: 020 7831 9217

Email: [complaints@barstandardsbord.org.uk](mailto:complaints@barstandardsbord.org.uk)

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

**Nominated Persons on the Panel and contact details**

**Head of Chambers**

John McDonnell QC

Tel: 020 7242 4937

**Senior Clerk**

Justin Brown

Tel: 020 7242 4937

Email: [clerks@3stone.law](mailto:clerks@3stone.law)

**Equal Opportunities Officer**

Stuart Cutting

Tel: 020 7242 4937

**Panel Members**

David Lord QC

Tel: 020 7242 4937

Stephen Lloyd

Tel: 020 7242 4937

Robert Hantusch

Tel: 020 7242 4937

Francis Moraes

Tel: 020 7242 4937