



Chambers of John McDonnell QC

3 Stone Buildings  
Lincoln's Inn  
London WC2A 3XL  
Tel: +44 (0)20 7242 4937  
Fax: +44 (0)20 7405 3896  
DX: 52 London - Chancery Lane  
[clerks@threestone.law](mailto:clerks@threestone.law)  
[threestone.law](http://threestone.law)

## **GRIEVANCE PROCEDURE**

This procedure covers members of chambers; pupils of chambers; mini-pupils; chambers' employees and applicants for positions in chambers. This procedure is applicable to any complaint, grievance or dispute including but not limited to complaints of unfair discrimination or harassment. Complaints from members of the public concerning barristers or the employees of barristers, will be dealt with in accordance with PCC requirements (see Bar Council website).

Chambers are committed to providing a working environment in which all individuals including members, pupils, mini-pupils, employees, clients and the public are treated with dignity, respect and fairness. No one will be victimised or suffer a detriment because they raise a complaint or grievance in good faith under this procedure.

A copy of the procedure, which includes names of the nominated persons for responding to formal and informal complaints and grievances, is on chambers' website and will be provided, on request, to all members, staff, pupils and mini-pupils.

Confidentiality will be maintained as far as possible and appropriate in the circumstances.

### **Formal Procedures**

Complaints will be dealt with promptly in accordance with this procedure. A formal complaint must be made as soon as reasonably possible and in any event within six months of the act being complained of, or within six months of the end of any informal action taken, save in exceptional circumstances. A formal complaint, which should be made in writing, will be acknowledged by the Head of Chambers within seven days of receipt. Any investigation should be completed within 28 days of receipt, unless there are good reasons for delay. Investigations should be conducted in accordance with standards of natural justice. Where possible, two members of chambers not directly involved in the complaint should undertake the investigation. All parties to the complaint should be permitted to be accompanied by a colleague or friend at any hearing.

The complainant will receive a written response on the outcome of the complaint with a clear indication of the action chambers will take if the complaint is upheld. Solutions which rely on changes to working arrangements which may unreasonably disadvantage the complainant should be avoided as this could amount to victimisation.

If the formal grievance or complaint is found to have substance appropriate steps in the circumstances will be taken to remedy the problem. A brief confidential report on all formal

complaints and on the outcome will be made to the Head of Chambers and records will be retained for a period of one year from the conclusion of the case with a discretion to keep longer if necessary.

### **Informal Procedures**

Complaints of grievances are more easily resolved if dealt with at an early stage. Individuals with complaints or grievances are recommended to seek the assistance of one of the Equality and Diversity Officers who will, as far as possible, give confidential advice and assistance.

Pupils are encouraged to discuss any grievances which they may have during their pupillage with their pupil-supervisors. In some cases this may not be possible or appropriate and the pupil should then approach the Equality and Diversity Officers. If resolution of the complaint is not possible, the pupil should set out the complaint in writing to the Head of Chambers for investigation.

If a member of chambers has a complaint about a clerking matter, in the first instance they should attempt to resolve it with the Senior Clerk or seek the assistance of the Head of Chambers or the Equality and Diversity Officers. Any other issue may be raised with the Head of Chambers and/or the Management Committee and/or the Equality and Diversity Officers. If resolution of the complaint is not possible through these informal channels, the complaint should be referred in writing to the Head of Chambers as set out above.

Chambers' staff are encouraged to raise any matter about which they are unhappy in respect of their overall treatment within chambers with the Senior Clerk in the first instance. Where it is inappropriate to raise the matter with the Senior Clerk, the matter can be referred to the Management Committee and/ or the Head of Chambers and/or the Equality and Diversity Officers. If informal resolution of the complaint or grievance is not possible or appropriate, a formal complaint should be referred in writing to the Head of Chambers as set out above. Employees have a statutory right to be accompanied at all grievance hearings.

Where a barrister, pupil or chambers employee is disabled there is a duty to consider a reasonable adjustment to this policy. A request for a reasonable adjustment should be made to the Equality and Diversity Officers.

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