

5RB

Complaints Policy

1. Our aim is to give clients a good service at all times and to deal with both clients and non-clients with fairness and reasonable courtesy. 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. This document sets out the policy and procedures that we will normally follow in dealing with a complaint. It may be departed from in an appropriate case.

How to complain

3. Minor complaints such as matters of discourtesy or the like may be best made by telephone or in person, either to the barrister concerned or to the Senior Clerk. You should state the nature of your complaint and what you would like done about it. We will aim to resolve telephone complaints promptly and informally.
4. For complaints other than minor ones, and for all complaints of failure in professional service, it will be appropriate to set the complaint out in writing. Equally, if you have made a complaint by telephone or in person which has not been resolved to your satisfaction, the next step will be to set it out in writing. Once that is done, we will investigate the complaint formally.
5. When making a written complaint it will help us to deal with your complaint if you provide the following details:

Your name and address;

Which barrister or staff member you are complaining about;

The capacity in which you are complaining (as a client, or on behalf of one, or otherwise);

The detail of the complaint; and

What you would like done about it.

6. Please address your letter to one of the Heads of Chambers (at the time of writing, Desmond Browne QC or Matthew Nicklin QC) at 5RB, 5 Gray's Inn Square, Gray's Inn, London, WC1R 5AH.

Timing

7. Please make any complaint promptly, as delay may make it harder to investigate and establish the facts. We may decline to investigate a complaint which is made more than 12 months after the act or omission complained about, without good reason for the delay. See below for the time limits on any action by the Legal Ombudsman.

Dealing with your complaint

8. We will aim to acknowledge receipt of your complaint within 48 hours and provide you with details of how your complaint will be dealt with.
9. A person will be appointed to investigate the complaint. We have a panel headed by the senior Head of Chambers and made up of experienced members of Chambers and

5RB

a senior member of staff. Within 14 days of your written complaint the head of the panel or their deputy will appoint a panel member to investigate. If your complaint is against the head of panel, the next most senior panel member will investigate it. In any case, the person appointed will be someone other than the person you are complaining about.

10. The person appointed to investigate will write to you as soon as possible to let you know he or she has been appointed and that they will reply to your complaint within 14 days. If he or she finds later 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. The reply will set out:

The nature and scope of their investigation;

The conclusion on each complaint and the basis for his/her conclusion; and

If he or she finds that you are justified in your complaint, his/her proposal for resolving the complaint.

Confidentiality

11. All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary for the purposes of carrying out the investigation into your complaint. Disclosure will be to the heads of Chambers, members of our management committee and to anyone involved in the complaint and its investigation, as necessary. Such people will include the barrister member or 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, the regulator of barristers, is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.
12. If you are not a client of the barrister about whom you are complaining, then their duties of client confidentiality may restrict the disclosure of information to you.
13. If you are complaining on behalf of a client of a barrister, we may require you to provide proof that the client has authorised you to do so, before client confidential or privileged information is disclosed to you.

Taking it further

14. If you are unhappy with the outcome of our investigation you may take it to another regulatory body. Which body has power to deal with your complaint depends on whether you are complaining as a client of a 5RB barrister, or in some other role.
15. If you are a client you can take up your complaint with the Legal Ombudsman (<http://www.legalombudsman.org.uk>), the independent complaints body for complaints about lawyers' services. You can write to the Ombudsman at:

Legal Ombudsman

PO Box 6806

Wolverhampton WV1 9WJ

Telephone number 0300 555 0333

E-mail enquiries@legalombudsman.org.uk.

5RB

16. There is advice about submitting a complaint to the Legal Ombudsman – including fact sheets - on the website.
- Once you have made a complaint to us, we have up to eight weeks to respond. If you aren't happy with our final response, or we haven't responded within the eight weeks, you can then ask the Legal Ombudsman to look at it.
 - Ordinarily, you can ask the Legal Ombudsman to look at your complaint if it meets all three of the steps below:
 - (1) The problem or when you found out about it, happened after 5 October 2010; and
 - (2) You are referring your complaint to the Legal Ombudsman within either of the following:
 - o Six years of the problem happening; or
 - o Three years from when you found out about it; and
 - You are referring your complaint to the Legal Ombudsman within six months of our final response. Our final response will tell you that we have nothing further to say in our response to your complaint and, if you are still unhappy with the reply, to contact the Legal Ombudsman.

If your complaint does not meet these time limits the Legal Ombudsman may not be able to investigate it.

17. If you are not a client then the Legal Ombudsman is unlikely to be able to deal with your complaint. If your complaint relates to the conduct of a barrister, you may be able to complain to the Bar Standards Board, the independent regulator of barristers. You can write to them at:

Bar Standards Board Professional Conduct Department

289-293 High Holborn

London WC1V 7JZ

Telephone number: 020 7611 1444

Details of how to complain are provide on the BSB's website:

www.barstandardsboard.org.uk/complaints-and-professional-conduct/making-a-complaint.