

## 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 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.

It should be noted that it we are unlikely to be able to investigate a complaint brought by a non-client, for example, where a member of Chambers has appeared on the opposing side to you and you wish to make a complaint about them. This is because our ability 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.

We are also unlikely to investigate complaints which essentially involve a complaint that the client disagrees with the barrister's legal judgement on the law or facts of the case or the barrister's professional judgement about how a case should be presented to court. This is because to do so would require the investigator to put their legal judgement above the barrister's and would amount to the provision of a "second opinion". This does not prevent you from pursuing the matter with the Legal Ombudsman and we provide details below about how this can be done.

### **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; including when and how it arose and what you would like done about it.**

6. Please address your complaint to either the Senior Clerk (Andrew Love) or one of the Joint Heads of Chambers at 5RB, 5 Gray's Inn Square, Gray's Inn, London, WC1R 5AH. If making a complaint by email, please send it to [clerks@5rb.com](mailto:clerks@5rb.com)
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 5 days of receipt.
9. Once acknowledged, your complaint will be initially assessed by an experienced member of Chambers.
10. If the complaint is assessed as not being a matter that falls within the remit of our Complaints Procedure, we will write to you not later than 14 days after our acknowledgment, setting out the reasons why that is the case and explain what further steps may be available to you.
11. If the complaint is assessed as falling within the remit of our Complaints Procedure, we will write to you within 21 days of your original communication explaining who has been appointed to investigate the matter further. The person appointed to investigate will subsequently write to you as soon as is possible to both confirm their appointment and to advise you whether they require any additional information from you at that time. Subject to the size and scale of the complaint and the consequential investigation, they will also provide the likely timescale required to consider and respond to the complaint.
12. Upon conclusion of their investigation, you will receive a written explanation as to their conclusion on your 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

13. 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 Joint 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 member whom 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.
14. If you are not a client of the barrister about whom you are complaining, then the duty of client confidentiality may restrict the disclosure of information to you.
15. 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

16. 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.
17. If you are a client you can take up your complaint with the Legal Ombudsman (<http://www.legalombudsman.org.uk>), the independent body for complaints about lawyers' services. You can write to the Ombudsman at:

Legal Ombudsman

PO Box 6167

Slough SL1 0EH

Telephone number 0300 555 0333

E-mail [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk).

18. There is advice about submitting a complaint to the Legal Ombudsman, including fact sheets on their website - <http://www.legalombudsman.org.uk/>

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. The Legal Ombudsman expects complaints to be made to them within one year of the date of the act or omission about which you are concerned or within one year of you realising there was a concern. You must also refer your concerns to the Legal Ombudsman within six months of our final response to you.

19. 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:

<https://www.barstandardsboard.org.uk/for-the-public/reporting-concerns.html>