

Making a Complaint

Our aim is always to give good service. However, if you have a complaint about some aspect of the service that you have received, you should please let us know as soon as possible. It is not necessary to involve solicitors to make your complaint. 4-5 GIS is fully committed to ensuring that all users of the complaints procedure are treated fairly, with respect and without discrimination based on race, gender, sexual orientation, disability, age, religion or belief. All references to “complaints” include complaints about service or the professional conduct and competence of Counsel.

- Against a barrister by a professional client
- Against a barrister by a lay client
- Against a member of staff by a professional or lay client

Introduction

You should note that The Legal Ombudsman, (the independent complaints body for service complaints about lawyers), have a time limit for all complaints. Their rules clearly state.

Ordinarily, you can ask us [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: Six years of the problem happening; or Three years from when you found out about it; and*
3. *You are referring your complaint to us within six months of your service provider’s final response.*

The Legal Ombudsman also insists that, in nearly all cases, 4-5 GIS investigates any complaint that you may make before they do. 4-5 GIS has regard to the Legal Ombudsman’s time frame when deciding whether we can investigate your complaint. Accordingly, 4-5 GIS will also only deal with complaints that fall into the above category. The Legal Ombudsman will also only deal with complaints from consumers. This means that only complaints from a barrister’s clients are within their jurisdiction. You should also note that it is not always possible for 4-5 GIS satisfactorily to investigate complaints brought by non-clients. We will usually try to do so, but in such circumstances any non-clients dissatisfied with the outcome of 4-5 GIS’s investigation will be directed towards the Bar Standards Board rather than the Legal Ombudsman. Contact details of both are on page [5] of the document entitled Complaints Procedure.

Time limit for making complaints

It is important that you let us have your complaint as soon as possible after the date of the event you want to complain about. This is so that we can investigate your complaint promptly, in the interests of fairness to all those concerned. To investigate your complaint, **you must submit details of your complaint**. If you have difficulty or require assistance in the completion of this you should inform us.

Types of complaint that we can investigate

“Professional misconduct” is when a barrister has broken the rules set out in the Bar Standards Board’s “Code of Conduct”. The code of Conduct contains the rules which apply to barristers as members of their profession. It is published by the

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Bar Standards Board, and you can find a copy on their website (www.barstandardsboard.org.uk). Breach of the Code of Conduct is a disciplinary offence, and we will usually refer complaints that cover professional misconduct to the Bar Standards Board to investigate whether a disciplinary offence capable of punishment has been committed. "Inadequate professional service" is when a barrister's services have fallen significantly below the standard you are entitled to expect. We will always investigate complaints about the service provided to you by any of our barristers. Sometimes a complaint covers both professional misconduct and inadequate professional service, but provided you tell us what your complaint is about, you will not need to specify which of these two types of your complaint is. We will then decide whether we can properly investigate all aspects of your complaint. Please note that if we determine a "conduct" complaint we decide matters to the civil standard of proof ("on the balance of probabilities" or "more likely than not"), for conduct that occurs after April 1st 2019. The criminal standard (i.e. beyond reasonable doubt) will continue to be applied to alleged professional misconduct that occurred before that date.

Types of complaint that we cannot investigate.

There are some types of complaint, which we cannot investigate, and there are others where our powers of investigation are limited. These are:

- (i). Generally, we cannot investigate your complaint if it alleges professional negligence by the barrister. This is particularly so when your complaint cannot simply or easily be determined on paper, for example when it is complex and/or the facts are in dispute between you and your barrister and/or expert evidence is required to assist in resolution and/or your barrister disputes most or all your allegations and/or your compensation claim is excessive. If, however, the conduct you are complaining about amounts to only low-level professional negligence it can be dealt with.
- (ii). 4-5 GIS cannot investigate your complaint if it is about your barrister's professional judgement in the decisions made during a case.
- iii). Private life: Generally, we cannot investigate your complaint if it concerns a barrister's private life. This could include any private debts owed by the barrister unless there is a serious breach of a Court order.

Making your complaint

You can make your complaint:

- Informally, by telephone; or
- Formally by submitting in writing details of your complaint.

INFORMAL COMPLAINT

If you prefer, you can make your complaint informally by telephoning 020 7404 5252 and asking for the details of the complaint to be taken by a member of staff over the phone.

- (i) If your complaint is about a barrister or a member of staff, please telephone the Senior Clerk who deals with our informal complaints process; The Senior Clerk will make a note of the details of your complaint and what action/remedy you require. She will discuss your concerns with you and aim to resolve them informally having discussed the matter with those concerned. If the matter is resolved we will record the outcome, check that you are satisfied and record the fact that you are satisfied.

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(ii). If your complaint is about the Senior Clerk, please telephone the Head of Chambers on the number above.

If your complaint is not resolved informally by telephone, you will be invited to write to us about it within 14 days in order that it can be investigated formally. If the Senior Clerk considers that the complaint is sufficiently serious that is inappropriate to be dealt with informally, the Senior Clerk will invite the complainant to put their complaint in writing within 14 days.

FORMAL COMPLAINTS

The preferred choice is to receive complaints in writing (either hard copy or e-mail to emartin@4-5.co.uk) to maintain an audit trail. If you wish to pursue your complaint, please address your letter to:

The Senior Clerk
4-5 Gray's Inn Square
Gray's Inn Square
London WC1R 5AH

Your envelope should be marked "Private & Confidential - Complaint".

The complaint should include the following details:

- (1) the name, address, contact telephone number and (if correspondence by email is acceptable to the Complainant) the e-mail address of the Complainant.
- (2) the name(s) of the barrister(s) or member(s) of staff about whom the complaint is made.
- (3) the detail of the complaint.
- (4) any relevant supporting documentation.
- (5) details of what (if anything) the complainant would like to be done about the complaint.

We will acknowledge receipt of your complaint within two working days. When submitting please explain the nature of your complaint as clearly and concisely as you can. By making a written complaint to 4-5 GIS, you are agreeing to the investigation of your complaint in accordance with the procedures and terms set out below.

INVESTIGATION PROCEDURE

A KC will chair the Complaints Panel. This is made up of senior MoCs and a senior member of staff. Within 3 working days of receipt of your Complaint Details, the Chairman of the Complaints Panel will appoint a member of the Complaints Panel ("the Investigator") to investigate it. If your complaint is against the Chairman of the Complaints Panel, the Investigator will be appointed by The Head of Chambers. The Investigator will not be the person you are complaining about. The Investigator will write to you within 5 working days after receipt of your written complaint to let you know he/she has been appointed. The Investigator will carry out an investigation of your complaint and will report on your complaint within 30 working days of Chambers receiving your complaint. If the investigation is delayed, the Investigator will set a new date for the completion of the investigation and will inform you of that date, but, you should have a considered response within 30 working days (and hopefully a maximum of 40 working days) of receipt of your written complaint. The Investigator's report will set out:

- (i). the nature and scope of the investigation.
- (ii). the conclusion that the Investigator has reached on each matter of complaint and the reasons for that conclusion; and

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(iii). If your complaint has been found to be justified, proposals for resolving it. During the investigation, the Investigator may need to disclose the fact of your complaint, and the details of it, to:

- (i). the person or persons about whom you have complained; and
- (ii). those whom he feels can assist him in any investigation of facts relevant to your complaint.

The Investigator will not, however, disclose the fact of your complaint or the details of it to anyone unless he decides that it is necessary to do so in the interests of a full and fair investigation. The Investigator will not be able to hear oral evidence either in support of your complaint or in response to it. Any request made for information, and any response to such a request, will be made in writing and a record retained. The Investigator's report will be sent to you, to the Chairman of the Complaints Panel, and to the person you complained about. 4-5 GIS does not have the power to impose upon its members compliance with any proposals which may be made by the Investigator for a resolution of your complaint. However, we shall use our best endeavours to ensure that such proposals are in fact complied with.

Confidentiality

Save about the Investigation Procedure set out above, disclosure of the fact of your complaint and the details and outcome of it will be restricted to

- (i) the Chair of the Complaints Panel
- (ii) members of the Complaints Management Committee

All people to whom your complaint is disclosed will keep the fact of your complaint and the details of it, and all conversations and documents relating to it, strictly confidential.

As part of 4-5 Gray's Inn Square's ongoing commitment to client care, a written record is made by the Senior Clerk of every complaint and is kept in the Complaints File. The record shall record:

- (1) the name of the barrister against whom the complaint was made.
- (2) the identity of the complainant and, in the case of a solicitor complainant, the firm's name and address.
- (3) a summary of the complaint.
- (4) the identity of all barristers and members of staff who were involved in investigating the complaint.
- (5) all steps taken to resolve the complaint.
- the outcome of the dispute; and
- (6) copies of all correspondence, including electronic mail, and all other documents generated in response to the complaint.
- (7) The records and copies of each complaint shall be kept for six years from the resolution of the complaint.

REPORTING OF COMPLAINTS

The Senior Clerk (in her capacity as the person responsible for the administration of the procedure) shall report at least quarterly to the Head of Chambers on the number of complaints received, the subject areas of the complaints and the outcomes. The complaints shall be reviewed for trends and possible training issues.

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Complaints to the Legal Ombudsman

4-5 Gray's Inn Square hope that should a complaint be necessary, and you are a client of a 4-5 GIS barrister, unhappy with the outcome of the investigation, you may take up your complaint with the Legal Ombudsman. The Legal Ombudsman is the independent body for complaints about lawyers, at the conclusion of our consideration of your complaint. As stated, the Legal Ombudsman is not usually able to consider your complaint until it has first been investigated by Chambers. Please note that the Legal Ombudsman has a strict time limit on complaints as referred to above.

You can write to them at: -

Legal Ombudsman
PO Box 6806
Wolverhampton
WV1 9WJ

Email: www.legalombudsman.org.uk/contact-us/

All potential complainants should be aware that the Legal Ombudsman has two-time limits both of which must be complied with. Firstly, all complaints to the Legal Ombudsman must be made within twelve months from the complaint first being raised with Chambers. Secondly, all complaints to the Legal Ombudsman must be made within six months from the Complainant receiving a final response from Chambers having initiated the complaint.

If you are not the 4-5 GIS barrister's client and are unhappy with the outcome of our investigation, then please contact the Bar Standards Board at:

FAO:

Corporate Support Manager
Bar Standards Board
289-293 High Holborn
London WC1V 7HZ
DX: 240 LDE

Email: servicecomplaints@barstandardsboard.org.uk

Please note when contacting the BSB you should provide:

- i) Your contact details.
- ii) A concise account of your concerns.
- iii) The names of the people involved; and
- iv) An indication of how you think your complaint could be resolved.

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