

## 4 New Square Complaints Procedure for clients

### Introduction

1. 4 New Square (**4NS**, "**Chambers**") is committed to providing the highest standards of client service at all times. However if you are dissatisfied with the service you have received, you are invited to let us know as soon as possible so we can offer assistance and try to resolve the matter.
2. This document sets out the details of our complaints procedure for clients. Clients may also contact the Legal Ombudsman Service, an independent body which deals with complaints about lawyers. However, they will only investigate a matter after it has been investigated by Chambers. We therefore encourage you to contact us in the first instance so that we have an opportunity to resolve the matter.
3. In addition, you are entitled to bring your complaint to the Legal Ombudsman if you have not received an outcome from Chambers within eight weeks of your written complaint.
4. In exceptional circumstances, we may be able to investigate complaints referred to us by individuals who are not clients and this will depend on the circumstances. In general, those who not clients should contact the Bar Standards Board (**BSB**) details of which are at the end of this document.
5. As recommended by the Bar Standards Board (**BSB**), the 4NS Complaints Procedure follows the procedure of the Legal Ombudsman.

### Scope of the 4NS Complaints Procedure

6. Similarly to the scope of the Legal Ombudsman, the 4NS complaints procedure is restricted to complaints that relate to service only. Chambers will not investigate misconduct or negligence allegations. Notwithstanding, where a negligence or misconduct complaint include allegations of poor service, the poor service element will be investigated by Chambers.
7. Service matters that are in scope (and this follows the Legal Ombudsman' scope) are:
  1. Costs information was deficient
  2. Costs were excessive
  3. Potential data protection breach or breach of confidentiality
  4. Delay or failure to progress
  5. Discrimination
  6. Failure to advise
  7. Failure to follow instructions
  8. Failure to keep complainant informed of progress
  9. Failure to keep papers safe

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10. Failure to investigate complaint internally (which is why we have this process in place)

## Timing of the complaint

8. Chambers will not ordinarily deal with complaints outside of the Legal Ombudsman timeframes which are as follows:
9. The act or omission, or when the complainant should reasonably have known there was cause for complaint, must have been after 5 October 2010; and
10. The complainant must make the complaint no later than six years from the act/omission, or three years from when the complainant should reasonably have known; and

## How to make a complaint to 4NS

### 1. Contact Chambers CEO, Lizzy Stewart

11. The 4NS CEO, Lizzy Stewart is the nominated person within Chambers to deal with complaints and she is first point of contact unless the complaint relates to her, in which case the point of contact is the Head of Chambers, Nicolas Bacon KC.
12. You may contact the CEO directly via email or telephone. Should you contact by email, a time will be arranged that is convenient to discuss the matter with you. Lizzy Stewart's contact details are as follows:

Telephone: +442078222032

Email: [l.stewart@4newsquare.com](mailto:l.stewart@4newsquare.com)

Address: Mrs L Stewart  
4 New Square Chambers  
Lincoln's Inn  
London  
WC2A 3RJ

13. Chambers is committed to resolving matters as effectively as possible and to resolving the matter with you at this stage.
14. However, if you feel your complaint is not resolved, you will be invited to submit a written complaint.

### 2. Written complaint

15. Written complaints can be submitted via post or email and should be addressed to the CEO or in the event the complaint involves the CEO, the Head of Chambers and submitted as soon as possible. The head of Chambers email address is as

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follows and please refer above for the remaining contact details: relevant contact details are as follows:

Nicholas Bacon KC: n.bacon@4newsquare.com

16. The following details should be included in your written complaint:

1. Your name and address
2. The individual/s your complaint concerns
3. Details of your complaint
4. What you would like to happen to resolve your complaint
5. Your preferred method of contact (i.e. would you like to be contacted by telephone, email or post)

## Next Steps

17. Following receipt of your letter of complaint, we will send you an acknowledgment as soon as possible to let you know we have received it.

18. Following receipt of a complaint and as soon as possible, we will appoint an investigator internally to investigate your complaint. In respect of complaints about barristers, the investigator will be a senior member of Chambers who has been appointed to the Chambers Complaints Panel which is a panel of senior members who have been appropriately trained in dealing with complaints. Complaints concerning staff members will ordinarily be investigated by an appropriate senior member of staff except where the complaint concerns a senior member of staff, in which case the matter will be investigated by a member of the Complaints Panel.

## Investigator's first letter

19. Once appointed, the investigator will write to you as soon as possible. The investigator's first letter will:

1. Inform the you that they are appointed as investigator.
2. If not already known, confirm your preferred method of communication.
3. Request confirmation from you that their understanding of your complaint is accurate.
4. Consider whether the complaint falls within the scope of the 4NSComplaints Procedure. It may be necessary to obtain further information or clarification from you to make this determination, or the answer may be clear from the complaint as made.
5. Confirm the outcome you are seeking.

6. If allegations of professional negligence or misconduct have been raised or if the complaint is outside of Chambers' scope for other reasons, you will be informed that the 4 New Square Complaints Procedure is not appropriate and will be provided an explanation. In such circumstances, you will be referred to the Legal Ombudsman Service who may investigate the matter (non-clients will be referred to the BSB as the Legal Ombudsman Service only deals with client complaints).
7. Where possible, inform you that a written report will be provided to you within 28 days. If more than 28 days is required to complete the investigation and send the report or that subsequently becomes apparent, you will be informed and provided with a realistic timeframe.
8. Where further information has been requested, the investigator will provide you with a realistic timeframe for completion of the report once they have received the further information requested from you.

## **Authority to make complaint and conflicts check**

9. The Legal Ombudsman Service will normally only deal with complaints made by clients. Therefore, in most cases Chambers will only deal with complaints brought by clients but this will be considered on a case-by-case basis. It may be appropriate for Chambers to investigate a non-client complaint if it is a simple and straight forward such as a complaint regarding discourtesy.
10. If you are making the complaint and are not the client, instructions and authority to proceed with the investigation will need to be sought from the client at the outset.
11. We will also consider whether there any conflicts that prevent Chambers investigating the matter and will inform you if this is the case.

## **Informing the individual who is the subject of the complaint**

12. At the outset, the investigator will inform the individual who is the subject of the complaint:
  1. that the complaint has been made which they are investigating;
  2. details of the complaint made; and
  3. details of the investigation process.
13. A response will be sought from the individual who is the subject of the complaint.

## **Requests for further information**

14. If a further information or clarification is requested from you, you will receive an acknowledgment letter confirming receipt of that response as soon as possible following receipt. The investigator will confirm within this letter when they expect to send their report to you.

## The Investigation

15. Unless the investigator has informed you that additional time is required, the investigator will have **28 days from the date of their initial letter to you** or from the date any requested further information is received by the investigator, to conduct the investigation and send the final report to you.
16. The investigator will adopt a similar approach to that applied by the Legal Ombudsman when determining whether a complaint is made out, namely, in the opinion of the investigator, what is fair and reasonable in all the circumstances of the case.
17. In determining what is fair and reasonable, a similar approach to that of the Legal Ombudsman will be taken which is (bearing in mind that the Legal Ombudsman is not bound by this):
  1. what decision a court might make;
  2. the relevant Approved Regulator's (BSB) rules of conduct at the time of the act/omission; and
  3. what the Ombudsman considers to have been good practice at the time of the act/omission.

## Investigation report

18. The investigation report will set out:
  1. a summary of the complaint made and the outcome you are seeking;
  2. the nature and scope of the investigation;
  3. the conclusion on each complaint and the basis for that conclusion; and
  4. if the investigator finds that the complaint is justified, proposals for resolving the complaint.
19. The final report will also be provided to the individual who is the subject of the complaint, the Head of Chambers and CEO.

## Resolutions

20. The investigator may determine the following resolutions:
  1. the complaint is not upheld;
  2. the complaint is upheld and in such instances the investigator may determine one of the following resolutions:
    - a. an apology is given to you;

- b. a reduction in fees is charged; and/or
  - c. appropriate training should be undertaken.
21. Subject to any appeal, the resolution determined by the investigator will be binding on the individual about whom the complaint was made.

## Appeal process

22. If you are dissatisfied with the outcome of the investigation, you can submit an appeal request in writing to the Head of Chambers or CEO within 28 days of receiving the final investigation report.
23. If an appeal request is made, as soon as possible after the request is received, the Head of Chambers (or appointed deputy) will appoint two members of the Complaints Panel (which as set out above comprises senior members who are internally appointed to investigate complaints) to the Appeal Panel. Neither of the members appointed to the Appeal Panel will have been involved in the original investigation.
24. Within three days of appointment, the Appeal Panel will contact each party to the appeal in writing.
25. An appeal will be limited to a review of the procedure and outcome of the complaints process unless the appeal panel considers that it is necessary to undertake a fresh investigation of the complaint. Otherwise, the appeal panel will not consider any evidence which was not considered during the original investigation.
26. The person appealing the decision should provide written reasons within 14 days of being contacted by the appeal panel. Those reasons will be copied to the other party or parties, who must provide a written response within 14 days.
27. Thereafter, the appeal panel will produce a written decision within 28 days.
28. The appeal panel may extend time limits either at its own discretion or at the request of a party.

## Confidentiality

29. Throughout the investigation and after it has concluded, all correspondence and documents will be kept confidential and stored in accordance with 4 New Square's Information Security and Data Privacy policies.
30. Disclosure of any details of an investigation will only be made as far as necessary for the purposes of:

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1. the investigation and resolution of the complaint;
2. internal Chambers review for the purposes of improving practice (anonymised where necessary);
3. complying with monitoring/auditing requests from the Bar Standards Board (anonymised where necessary); and
4. disclosure to the Head of Chambers, Chambers Management Committee, the CEO and anyone involved in the complaint and its investigation, including the individual/s about whom the complaint is made.

## Record Keeping

31. Chambers will keep records relating to complaints for 16 years from the date of resolution of the complaint. Absent any suggestion of knowing wrongdoing or concealment, the long stop limitation period in respect of most types of 'professional negligence' claims is 15 years from the date of the relevant breach of duty. One year is added to the retention period to account for any potential procedural delays. This retention period is in line with Chambers Data Privacy policies and the UK GDPR 2018. The bases for this retention period are following:
- the client's express consent at the point of instructions;
  - retention is in the interests of justice;
  - both the complainant and the subject of the complaint may require the documentation in future in the event legal proceedings are brought;
  - the long stop limitation period for professional negligence claims is 15 years; and
  - to allow the subject of the complaint to comply with their obligation under rC108 of the BSB Handbook.

## Review, Monitoring and Audit

32. Chambers complaints file will be inspected regularly by management (Head of Chambers, CEO and Chambers Management Committee). Papers should be anonymised for this purpose where necessary.
33. The CEO will report annually to the Chambers Management Committee on the number of complaints received, the subject area of the complaints and any trends, training or regulatory needs identified. All such reports should be anonymised.

## Complaints to the Legal Ombudsman Service or Bar Standards Board

34. If, at the conclusion our investigation you are unhappy with the outcome and your complaint falls within their scope, you may submit a complaint to the Legal Ombudsman Service.

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35. Please note that the Legal Ombudsman Service is not able to consider your complaint until the matter has first been investigated by Chambers.
36. You must submit your complaint to the Legal Ombudsman Service within six months of receiving the outcome of the 4NS Complaints Procedure. The Legal Ombudsman Service only deals with client complaints and so if you are not a client, you should contact the BSB.
37. In addition, you will be entitled to take your complaint to the Legal Ombudsman Service if you do not receive a final response from Chambers within eight weeks of your initial complaint.
38. Please refer to the section above entitled "Timing of Complaints" for further details as to the relevant timings limitation in respect of complaints the Legal Ombudsman Service will investigate. Please note that the Legal Ombudsman Service can extend timing limitations in exceptional circumstances.
39. Those clients who are able to complain to the Legal Ombudsman Service are as follows:
1. Individuals;
  2. Businesses or enterprises that are micro-enterprises within the meaning of Article 1 and Article 2(1) and (3) of the Annex to Commission Recommendation 2003/361/EC (broadly businesses or enterprises with fewer than 10 employees and turnover or assets not exceeding €2 million);
  3. Charities with an annual income net of tax of less than £1 million;
  4. Clubs, associations or organisations, the affairs of which are managed by its members or a committee of its members, with an annual income net of tax of less than £1 million;
  5. Trustees of trusts with an asset value of less than £1 million; and
  6. Personal representatives or beneficiaries of the estates of persons who, before they died, had not referred the complaint to the Legal Ombudsman.
40. You can write to the Legal Ombudsman at:
- Legal Ombudsman  
PO Box 6167  
Slough  
SL1 0EH  
Telephone number: 0300 555 0333  
Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)
41. More information about the Legal Ombudsman is available on their website:  
<http://www.legalombudsman.org.uk/>

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42. If you are unhappy with the outcome of the investigation, alternative complaints bodies as approved by the Chartered Trading Standards Institute also exist which are competent to deal with complaints about legal services, should you and the barrister both wish to use such a scheme. If you wish to use your chosen ADR provider, please contact us to discuss this, including time limits for contacting your chosen ADR. Please also note that if mediation is used, neither you nor the barrister is required to accept the proposed resolution. If mediation does not resolve the complaint, you may still make a complaint to the Legal Ombudsman (provided you fall within their jurisdiction and you do so within the time limit).
43. If you are not a client and are unhappy with the outcome of our investigation then please contact the Bar Standards Board at:

Bar Standards Board  
Contact and Assessment Team  
289-293 High Holborn  
London  
WC1V 7JZ