

## **COMPLAINTS AND GRIEVANCE PROCEDURE FOR CHAMBERS**

### **SCOPE**

1. This procedure covers: members of chambers, pupils of chambers, mini-pupils, chambers' employees, and applications 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. The process for dealing with complaints of harassment is set out in Chambers Harassment & Bullying Policy. Complaints from members of the public concerning barristers or the employees of barristers will be dealt with as set out in Chambers Client Complaint Procedure.
2. These 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.
3. Chambers recognises the wellbeing of all individuals is paramount and key to a healthy and successfully working chambers.
4. Chambers has a Duty of Care to anyone to ensure that any individual bringing or involved in any complaint or grievance is looked after and dealt with fairly and with confidentiality. No bias is given to either party in any complaint brought.
5. A copy of the Procedure and Process Flow chart (see Appendix A.1), will be given to all members, staff, pupils, and mini-pupils (doing 5 days or more) in chambers and a copy kept in the Library. Pupils doing 4 days or less will be told of the procedure by their Pupil Supervisor. A copy is available upon request for any clients or general public relating to paragraph 1 above by calling Chambers on: 0114-275-1223.

### **CONFIDENTIALITY**

6. Chambers recognises that victims of harassment may find it difficult to come forward with a complaint and they understand that recipients and alleged person(s) may be particularly concerned about confidentiality and the affect that a complaint may have on career advancement. To protect the interests of the complainant, the person complained against, and any others who may report or be witnesses to incidents of harassment, confidentiality will be maintained through any investigatory process to the extent that is practical and appropriate under the circumstances.
7. All records of complaints, including notes of meetings, interviews, results of investigations and other relevant material will be kept confidential by chambers expect where disclosure is required for disciplinary or other remedial processes.

### **INFORMAL COMPLAINTS**

8. Chambers recognises complaints may arise between individuals which need resolving and this procedure sets out the informal route for them to undertake this. The majority of incidents remain

informal complaints as they are minor, however some are too serious and need to become formal without going through the informal stage. Chambers recognises this also and takes these matters seriously, see the Harassment & Bullying Policy paragraph 33 onwards.

9. If you are not sure you have a complaint or an incident has occurred but wish to discuss it through with someone independent then please speak to either the two appointed Officers in Chambers to deal with matters of this nature: the Head of Complaints Panel (HoCP), Michael Cane-Soothill ([m.cane-soothill@bankhousechambers.co.uk](mailto:m.cane-soothill@bankhousechambers.co.uk)) or the Equality & Diversity Officer (EDO), Kath Goddard QC (email: [k.goddard@bankhousechambers.co.uk](mailto:k.goddard@bankhousechambers.co.uk)). They will be able to support and assist you with any concerns.
10. If you have discussed the above incident with either of the two appointed Chambers' Officers above in paragraph 9 or are sure it is in an incident which gives rise to a complaint occurs, the recipient should communicate their disapproval and objections immediately to the person acting in such a way as to give rise to the complaint and request the person to stop the behaviour or conduct.
11. If the behaviour or incident does not stop or if the recipient is uncomfortable about addressing the person acting in a way as to give rise to the complaint directly, they should bring their concerns to the attention of one of the two appointed Officers in Chambers noted in paragraph 9. Chambers will provide advice or support as requested speedily and in confidence. They will work with both parties to resolve the matter.
12. This will be taken seriously and dealt with promptly, sensitively, confidentially with the aim to swiftly resolve the matter to a satisfactory manner. Chambers has put in place a number of options for resolving problems. A non-adversarial approach will be adopted.
13. As stated in paragraph 8 the majority if not all incidents are expected to be resolved in this manner, however, if you feel you do not get the necessary recourse and/or the issues still continue then you can take it further and make a formal complaint.

## **FORMAL COMPLAINTS**

14. Complaints will be dealt with promptly in accordance with this procedure. A formal complaint other than one of harassment (which is dealt with under the Harassment & Bullying Policy) 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.
15. Where the recipient subject to the behaviour which gives rise to the complaint does not wish to pursue the informal resolution options or has exhausted such options, they may make a formal complaint to the HoCP or EDO in writing giving dates, times, incidents, witnesses and all information available.
16. Within one week of receipt of the complaint, an investigation of the allegation will be made and completed within 14 days unless there are good reasons for delay.
17. The HoCP will set up a Complaints Panel with THREE other members plus themselves and the EDO from a selection of SEVEN other members to hear the complaint depending on the nature and availability. If any individuals are involved, members on the panel can be excused from hearing the complaint and will not undertake investigation.
18. Investigations will be concluded in accordance with standards of natural justice. All parties to the complaint should be permitted to be accompanied by a colleague or friend at any hearing.

19. If the complaint is upheld, appropriate remedial action will be taken according to the disciplinary procedure set out in the written constitution (Article 99) for barristers and in the disciplinary procedure for employees. In addition to the formal process the action may include any of the following:
  - a. Formal Apology
  - b. Counselling for the recipient
  - c. Written warning
  - d. Re-training
  - e. Change of work assignment
  - f. Report to the BSB recommending the removal of pupil supervisor status;
  - g. Suspension or discharge of member or employee
  - h. Referral to Professional Conduct Committee (PCC)
20. In addition to the above sanctions that may be imposed on a member or an employee by chambers as part of a complaint resolution, members of chambers who engage in harassment may be liable for damages in the event of a civil lawsuit or may face further sanctions imposed by the Bar Council's Professional Conduct and Complaints Committee.

## **REMEDIAL ACTION**

21. The recipient 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.
22. 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 written report on all formal complaints and on the outcome will be made to the Head of Chambers/Management Committee and records will be retained on their file kept safe as stated in 'Confidentiality' on page one.

## **APPEAL PROCESS**

23. In all cases the person about whom the complaint has been made may appeal the decision of the Complaints Panel and/or the recommended line of action. Provision for an appeal for staff is made in the Staff Disciplinary Procedure. For pupils and barristers an appeal may be made in writing within 7 working days to the Head of Complaints who will convene an Appeal Panel of THREE members of Chambers who have had no previous involvement in the complaint. The Appeal Panel will hear from the investigator and from the recipient and the person about whom the complaint has been made.
24. The decision of the Appeal Panel is final except in circumstances which may lead to a Member being expelled from Chambers. In these circumstances the decision of the Appeal Panel will be treated as a Report of a Disciplinary Panel and referred to an Extraordinary General Meeting (EGM) in accordance with the Articles of Association/Constitution (see Articles 15 to 24).
25. These matters can be reported to the Bar Council, Bar Standards Board, Inns of Court, Police see Harassment & Bullying Policy under '*Further Avenues of Redress for an Individual experiencing Harassment*' paragraph's 45 to 50 onwards for further information on the BSB Rules.

## **MONITORING & REVIEW OF POLICY**

26. This procedure will be reviewed on a no less than an Annual Basis and updated as required. All data will be anonymised for any regulatory body requiring reports as stated by the Articles/Constitution and agreed by the Management Committee.
27. Any updates and reviews to be made by the HoCP or EDO as appointed by the Management Committee. Appendix A.0 lists all Adoptions and amendments of this Procedure (not attached with this web version).
28. Formal Adoption of this Procedure to be made and reviewed by the Management Committee. Appendix A.0 shows formal signatory and evidence of adoption of latest versions (not attached with this web version).

September 2022

Signed by Gurdial Singh – Head of Chambers

Next Review Date: September 2023