

INTERNAL COMPLAINTS POLICY AND PROCEDURE FOR 2 KING'S BENCH WALK

POLICY

1. Barristers and staff at 2 King's Bench Walk aim to provide a quality service at all times. We recognise however that occasionally mistakes will happen and that these can cause inconvenience and upset. Our policy aims to ensure that:
 - a. Our solicitors and clients are provided with a procedure that enables them to make a complaint or raise a concern;
 - b. All complaints are handled quickly and efficiently;
 - c. Our solicitors and clients feel that the complaint had been handled properly;
 - d. The outcome of the complaint satisfies the complainant;
 - e. Where concerns and complaints highlight problems with our service, these are properly addressed;
 - f. Complaints are monitored so that we can ensure that the same concerns do not reoccur.

Informal complaints

2. Professional and lay clients, suppliers and other customers can raise an informal complaint with anyone in chambers. An informal complaint is an expression of dissatisfaction with some aspect of our service without the customer stating that s/he wants to make a formal complaint.
3. Staff and barristers need to be alert to informal complaint which may be something said by the customer but may also be evidenced by a silence, an expression of irritation or frustration and/or a raising and quickening of the voice.
4. Because a client does not make a formal complaint this does not mean that s/he will not become a customer at risk. It is often easier for a client to take their business elsewhere than to deal with a complaints process – especially one that involves a barrister or a key member of staff.
5. If a customer indicates or expresses dissatisfaction with our service the person dealing with the customer must take primary responsibility for the problem, apologise and try to sort out whatever has gone wrong. The informal complaint should then be reported to the Commercial Director or the Business Development Director who will look into the matter and take steps to try and resolve it and/or make an appropriate adjustment to our service.
6. Informal complaints are recorded and monitored by the Senior Clerk. Internal Informal complaints are also recorded.

Formal Complaints

7. Formal complaints raised in writing in person or over the phone should be referred to the Senior Clerk or Office Manager. This includes professional complaints received by barristers.
8. If the complaint is about the Senior Clerk/Office Manager it will be referred to The Head of chambers, Timothy Mousley Q.C.

Our Procedure

9. The person who is the subject of the complaint will be informed immediately and provided with the details of the complaint. They will be asked for initial comments to establish whether the complainant is justified in making a complaint. If the matter is disputed then the person concerned will be informed that:
 - a. the complaint will be/has been acknowledged
 - b. further details of the complaint may be provided
 - c. an investigation will take place involving the Head of Chambers or a member of the complaints panel.
10. The Senior Clerk/Office Manager will aim to contact the complainant within 24 hours to:
 - a. acknowledge the complaint
 - b. find out what remedy the complainant is seeking
 - c. get any further details
 - d. inform the complainant of the procedure
 - e. inform the complaint of who will be involved
 - f. resolve the problem quickly if possible
11. If we can resolve the matter following an initial investigation and full consultation with the person who is the subject of the complaint, the Senior Clerk/Office Manager will contact the complainant to let her/him know what has happened and what we are proposing to do.

12. If the complaint is serious and/or the matter has not been resolved, a complaint against a barrister will be referred to the complaints panel which is headed by Timothy Mousley Q.C., Head of Chambers.
13. The Head of Chambers may conduct the investigation into the complaint or he may delegate the responsibility to another member of the panel. If the Head of Chambers is the subject of the complaint, then the Deputy Head or a nominated Q.C. will take over this responsibility.
14. Within 14 days of receiving a complaint a member of the panel will be appointed to investigate it and will contact the complainant. This person will inform the complainant:
 - a. that s/he had been appointed
 - b. that s/he will reply to the complaint within 14 days or s/he will arrange an alternative date for getting back to the complainant
 - c. the nature and scope of her/his investigation
15. The complainant will be offered the opportunity to provide further information.

The Investigation

16. The investigation will include a meeting with the person(s) about whom the complaint has been made or, if the person is unable to attend a meeting within reasonable period, a written account of what took place which may be followed up with a meeting or telephone call.
17. Any witnesses or persons with related information will be interviewed by the Investigator and/or written accounts of what happened will be requested.
18. If there is the possibility that the complaint may result in a claim against a barrister, then the insurers (Bar Mutual Indemnity Fund Limited) must be informed as soon as possible.
19. The investigator will prepare a concise written report as soon as possible. The investigator may discuss the report's conclusions with the Head of Chambers and/or the Senior Clerk if appropriate.
20. The investigator will discuss the report's conclusion with the person(s) about whom the complaint has been made prior to responding to the complainant.
21. If the investigator upholds the complaint s/he will recommend a line of action to resolve the matter with a view to preventing any reoccurrence. This could include:

- a. An apology from the individual(s) and/or from Chambers
 - b. Further training or supervision
 - c. A gesture of apology
 - d. Rehabilitation/support
 - e. Disciplinary action
 - f. Referral to the CMC (see Constitution procedures for suspension & expulsion).
 - g. Compensation from the individual or from Chambers
 - h. Report to the police.
22. Disciplinary action may be taken against a member of staff in line with the staff disciplinary policy.
23. If the investigator recommends a line of action which is not agreed by the pupil(s) or barrister(s) about whom the complaint has been made the matter will be referred to a special meeting of the CMC. Unless there is an appeal (see below) the decision of the CMC will be final.

Appeal Process

24. In all cases the person(s) about whom the complaint has been made may appeal the decision of the investigator and/or the recommended line of action.
25. Provision for an appeal for staff is made in the staff disciplinary procedure.
26. For pupils and barristers an appeal may be made in writing within 7 days working days to the Head of Chambers or Deputy Head of Chambers who will convene a two or three person appeal panel of senior members of chambers who have had no previous involvement in the complaint.
27. The appeal panel will hear from the investigator and from the person(s) about whom the complaint has been made.
28. 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 EGM.

Contacting the Complainant

29. The investigator will contact the complainant to let her/him know the outcome of the investigation.

30. If the complaint is found to be unjustified the panel member will explain why s/he will be alerted to the complaints procedure operated by the Bar Standards Board. (If the content of the complaint may constitute a breach of the Professional Code of Conduct of the Bar of England and Wales a client can pursue a complaint directly with the BSB by downloading a copy of the complaints pack from: www.barstandardsboard.org.uk or telephoning 020 7611 1444 to request a hard copy. Clients can also write to the Bar Standards Board at Complaints Department, Bar Standards Board, 289-293 High Holborn, London WC1V 7HZ).
31. If the complaint is justified, the investigator will contact the complainant and apologise and explain what remedial action, including compensatory measures where appropriate, is proposed.

Confidentiality

32. All conversation and documents relating to a complaint will be treated as confidential and will be relayed only to those who need to know. This could include the Head of Chambers, members of the CMC, the person complained about, relevant members of the complaints panel and anyone called as a witness to the investigation.

Monitoring and reporting

33. All formal and informal complaints will be recorded by the Senior Clerk. Each year statistics on complaints and the nature of the complaints are collated together on an anonymous basis. This information is reported to the Chambers Management Committee and circulated to all staff and barristers with a view to improving our services.