

CHAMBERS INTERNAL COMPLAINTS PROCEDURE (Appendix 5C)

The Internal Complaints Officer

1. The Internal Complaints Officer is a member of Chambers Management Committee (“ManCom”) and is appointed to this role by a decision of the newly elected ManCom at its first meeting.
2. The term of office for the Internal Complaints Officer (ICO) shall be for as long as the ManCom which appointed him or her exists. For the avoidance of doubt, no person shall be eligible to serve two consecutive terms as ICO.
3. The role of the ICO shall also include:
 - 3.1. dealing with all complaints received, including the following:
 - 3.1.1. receiving all Internal complaints;
 - 3.1.2. acknowledging all Internal complaints;
 - 3.1.3. taking steps to ensure that all internal complaints are investigated promptly and fairly;
 - 3.1.4. bringing to the attention of ManCom any serious complaints received since the last ManCom meeting;
 - 3.1.5. ensuring that a proper written File is kept of all Internal Complaint Forms (MF 5/6), and the outcome of those complaints;
 - 3.1.6. liaising with the complainant and if appropriate ManCom as to the progress of the investigations and the outcome of the complaint.
 - 3.2. within two months of the ICO’s appointment, ensuring that all barristers are provided with Chambers Internal Complaints Procedure, an Internal Complaint Form (MF 5/6) and the Identity of the Internal Complaints Officer.
 - 3.3. within two months of the ICO’s appointment, ensuring that all Chambers Staff are provided with and are familiar with Chambers Internal Complaints Procedure and the Internal Complaint Form (MF 5/6).

The Duties of the Internal Complaints Officer

4. Upon receipt of an internal complaint, whether made by an employee, a pupil or a member of chambers, the ICO shall as soon as practicable (and in any event within 21 days) acknowledge receipt of the complaint, bring the complaint to the attention of the person complained of (the respondent) and take steps to investigate the matter.
5. The ICO shall have the discretion, depending of the nature of the complaint to resolve the matter in one of the following ways:
 - 5.1. If, having notified the respondent of the nature of the complaint, the complaint is not disputed and the complainant is satisfied that no further action than a formal record of the complaint is required, to conclude the investigation at that stage.
 - 5.2. With the agreement of both the complainant and the respondent arrange and chair a meeting with the intention of resolving the matter by agreement.
 - 5.3. In the case of a complaint against a pupil to discuss the matter with their pupil supervisor and, if appropriate, and with the agreement of both the complainant and the respondent pupil, arrange and chair a meeting with the intention of resolving the matter by agreement. The pupil’s supervisor should be present at any such meeting.
 - 5.4. In the event of a very serious complaint being made, or a matter failing to be resolved in accordance with 5.1 or 5.2 or 5.3, to bring the complaint to the attention of Head of Chambers and/or the management committee as soon as practicable, prior to any further action being taken so that consideration can be given to the most appropriate form of action to be taken.

6. In the event that a matter is referred to Head of Chambers and or ManCom they will have the discretion to deal with the matter in one of the following ways: 6.1. to request the ICO to attempt to resolve the matter in accordance with 5.1 or 5.2 or 5.3. 6.2. In the case of a serious complaint against a member of staff to invoke chambers disciplinary procedures. 6.3. In the case of a serious complaint against a member of chambers, Head of Chambers will write to the respondent notifying them of the complaint and giving them 14 days to respond in writing. 6.4. If the substance of a complaint made under 6.3 is accepted, the procedure set out at either paragraph 5.2 above or paragraph 7 below will be followed.

6.5. If the substance of a complaint made under 6.3 is not accepted, or only partially accepted, the ICO will initiate a full investigation. For the purpose of such investigation: 6.5.1. The ICO may appoint up to 3 investigators who must be members of chambers of not less than 10 years call to assist with enquires. 6.5.2. In carrying out their investigations each investigator must keep a contemporaneous record of any interviews held with members of staff or chambers or pupils. 6.5.3. It will be the duty of each investigator to deal with the investigation fairly, expeditiously and to the best of their ability. 6.5.4. The respondent shall be entitled to see all records produced in accordance with paragraph 6.5.2. 6.5.5. The respondent must be given reasonable opportunity to consider any written evidence and be given a reasonable opportunity to respond if they wish to do so either in writing or at a meeting with the investigators before the investigation is concluded. 6.5.6. At the conclusion of the investigation the ICO shall prepare a summary of the evidence and their conclusions arising therefrom, along with recommendations as to the resolution of the matter. Such report shall be made available to: 6.5.6.1. ManCom, 6.5.6.2. the complainant, and 6.5.6.3. the respondent. 6.5.7. If all parties at 6.5.6 are in agreement with the recommendations of the ICO this will be recorded and such agreement will be signed by the complainant, the respondent and Head of Chambers on behalf of ManCom. If the matter is not resolved by agreement then any party referred to at 6.5.6 may call a EGM to consider how chambers should proceed.

7. The ICO and Head of Chambers will recommend to ManCom that the matter be resolved by: 7.1.1. no further action; or 7.1.2. a referral to the Bar Standards Committee; and/or

7.1.3. members of chambers be notified and chambers convene a meeting to determine whether or not the member of chambers should be asked to leave chambers.

8. The ICO shall keep a record of all internal complaints lodged, and shall record the outcome of all investigations. Where a matter is resolved in accordance with paragraph 5.1 the ICO shall note the outcome and sign and date the complaint form. Where a matter is resolved in accordance with 5.2 the ICO shall note the agreed outcome and the ICO, the complainant and the respondent shall sign and date the form. Where a matter is resolved in accordance with 7 the ICO the head of chambers shall both sign and date the recommendation to the management committee.

Pupils

9. If a pupil wishes to raise any complaint, difficulty or grievance the following grievance procedure may be operated in the alternative.

10. The pupil is encouraged to raise any problems with his/her pupil supervisor or mentor. If the pupil does not wish to raise concerns with one of those s/he can approach any member of the pupillage committee.

11. The pupil will also, as part of the Induction, be given the number of the Bar Council's pupillage advice line (0207 242 0082).

PUPIL GRIEVANCE PROCEDURE

Instigation

An approach or complaint shall be made in the first instance to the Complainant's pupil supervisor, if appropriate, or to any member of the Pupillage Committee.

Action to be Taken

If the approach or complaint is made to the Complainant's pupil supervisor, he or she may, with the consent of the Complainant, deal with the matter informally. Otherwise, the matter shall be referred to the Pupillage Committee.

If the approach or complaint is made to any member of the Pupillage Committee, the said member may, with the consent of the Complainant, deal with the matter informally. Otherwise, the said member shall deal with the matter formally, as follows:

- (i) within 7 days of the approach or complaint being made, convene a meeting of the Head of Chambers and the Pupillage Committee to discuss the matter and decide what, if any, further investigative steps or actions need to be taken; and
- (ii) within 7 days of the above meeting the Pupillage Committee shall:
 - (a) produce written findings; and
 - (b) produce a written course of action to be taken, if any; and
 - (c) provide a copy of both (a) and (b) above to the complainant