
7 KBW LIMITED
GRIEVANCE PROCEDURE

1 ABOUT THIS PROCEDURE

- 1.1 We consider it important that all members of Chambers, employees, pupils and mini-pupils have access to a procedure to help deal with any grievances they may have fairly and without unreasonable delay. The purpose of this Grievance Procedure is to set out how grievances should be raised and how they will be investigated and addressed.
- 1.2 This procedure does not form part of any contract of employment or other contract to provide services.

2 WHO DOES THIS PROCEDURE APPLY TO?

- 2.1 This procedure applies to all members of Chambers, pupils, mini-pupils, Chambers' employees and applicants for positions in Chambers.

3 WHO IS RESPONSIBLE FOR THIS PROCEDURE?

- 3.1 The Management Committee has overall responsibility for the effective operation of this Grievance Procedure.
- 3.2 The Management Committee has appointed Anna Gotts and James Goudkamp as "**Grievance Officers**". The Grievance Officers have day-to-day responsibility for this procedure and any questions or difficulties with this procedure should be referred to them in the first instance.
- 3.3 This Grievance Procedure is reviewed every two years by the Equality and Diversity Committee but may be amended at any time.

4 SCOPE OF THIS PROCEDURE

- 4.1 Issues that could cause grievances may include:
- 4.1.1 the allocation and distribution of work;
 - 4.1.2 the terms and conditions of engagement / employment;
 - 4.1.3 health and safety;
 - 4.1.4 work relations;
 - 4.1.5 bullying and harassment;
 - 4.1.6 new working practices;
 - 4.1.7 working environment;
 - 4.1.8 organisational change; and
 - 4.1.9 discrimination.
- 4.2 This Grievance Procedure should not be used by employees to complain about dismissal or disciplinary action against them. Any complaints by employees relating to any disciplinary action against them will be dealt with under the 7 King's Bench Walk Disciplinary Policy and Procedure and should be raised in accordance the appeal

process under that Policy and Procedure.

- 4.3 Chambers also has a separate Anti-harassment Policy that may be useful if you have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.
- 4.4 Complaints from members of the public concerning the service received from members, pupils or employees will be dealt with in accordance with Chambers' Complaints Procedure.
- 4.5 All of Chambers' policies and procedures can be found on Chambers' website and in Chambers' Policies folder in SharePoint.

5 RAISING GRIEVANCES INFORMALLY

- 5.1 Most grievances can be resolved quickly and informally through discussion either directly with the person or persons concerned, or with the assistance of other members of Chambers or staff.
- 5.2 If a potential complainant does not wish to discuss the matter directly with the person or persons concerned, they should raise it in the first instance with a member of Chambers' Management Committee or with the members of Chambers appointed at the relevant time to act as "**Informal Advisers**" to potential complainants (currently Stephen Kenny KC and Rebecca Sabben-Clare KC).
- 5.3 Informal assistance may also be sought from: (a) for complaints by or about clerks or other employees, the Senior Clerk or Deputy Senior Clerks;); (b) for complaints by or about any employee, the Management Committee member responsible for employment matters;; or (c) for complaints by or about pupils, the appropriate pupil supervisor, alternatively Harry Wright, Julia Gibbon or the head of the Pupillage Committee.
- 5.4 Individuals with grievances who do not wish to pursue informal resolution options or who have exhausted such options may choose to make a formal complaint in accordance with the formal procedure below.

6 FORMAL WRITTEN GRIEVANCES

- 6.1 All formal grievances should be put in writing and submitted to the Grievance Officers, indicating that it is a formal grievance. If the grievance concerns one or both Grievance Officers, it should instead be submitted to Gavin Kealey KC as the head of Chambers' Management Committee, who will appoint another member of Chambers to replace such person in the handling of the complaint.
- 6.2 The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved. In some situations, the Grievance Officers may ask for further information.

7 INVESTIGATIONS

- 7.1 It is likely to be necessary for the Grievance Officers to carry out an investigation into any formal grievance. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the complainant and any witnesses, and/or reviewing relevant

documents.

- 7.2 The complainant must co-operate fully and promptly in any investigation. This will include providing the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.
- 7.3 Where the Grievance Officers consider it appropriate to do so, an investigation may be initiated before holding a grievance meeting.
- 7.4 In other cases, a grievance meeting may be held before deciding what investigation (if any) to carry out. In such cases, a further grievance meeting will be held with the complainant after the investigation is complete and before any decision is reached.

8 RIGHT TO BE ACCOMPANIED

- 8.1 The complainant may bring a companion to any grievance meeting or appeal meeting under this procedure. The companion may be either a colleague or (if the complainant is an employee) a trade union representative. The complainant must advise the Grievance Officers of the identity of the companion in good time before the meeting.
- 8.2 At the meeting, the companion may make representations and ask questions but should not answer questions on the complainant's behalf. The complainant may talk privately with the companion at any time during the meeting.
- 8.3 Acting as a companion is voluntary. Any employee who agrees to act as a companion will be allowed reasonable time off from duties to do so.
- 8.4 The Grievance Officers may, at their discretion, allow a complainant to bring a companion who is not a colleague or trade union representative (for example, a family member) if this will help overcome a disability, or if the complainant has difficulty understanding English. This will not include an external professional legal representative.

9 GRIEVANCE MEETINGS

- 9.1 A grievance meeting will normally take place within one week of receiving a written grievance.
- 9.2 The complainant and the companion (if any) should make every effort to attend grievance meetings. If the complainant or the companion cannot attend at the time specified, the Grievance Officers should be informed immediately and will try, within reason, to agree an alternative time.
- 9.3 The purpose of a grievance meeting is to enable the complainant to explain the grievance and express a view as to how it should be resolved, and to assist the Grievance Officers to reach a decision based on the available evidence and the representations made.
- 9.4 After an initial grievance meeting, the Grievance Officers may carry out further investigations and hold further grievance meetings as they consider appropriate. Such meetings will be arranged without unreasonable delay.
- 9.5 The Grievance Officers will write to the complainant, usually within one week of the final grievance meeting, to advise of the outcome of the grievance and of any further

action that they intend to take to resolve the grievance. The Grievance Officers will also remind the complainant of the right of appeal. Where appropriate, the Grievance Officers may hold a meeting to provide this information in person.

10 APPEALS

- 10.1 The complainant is entitled to appeal in writing to the Head of Chambers if they feel that their grievance has not been satisfactorily resolved. Any appeal should be made within one week of receiving the decision and should state the full grounds of their appeal.
- 10.2 An appeal meeting will normally be held within five working days of receiving the written appeal. Where practicable, the appeal hearing will be conducted by a senior member of Chambers appointed by the Head of Chambers, who has not been previously involved in the case and is senior to the individual(s) who conducted the previous meeting. They may ask anyone previously involved to be present. The complainant has the right to bring a colleague or trade union representative to the appeal meeting (see paragraph 8).
- 10.3 The member of Chambers appointed to conduct the appeal hearing will confirm his or her final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

11 RECORDS

- 11.1 The Grievance Officers (for complaints against members of Chambers) or the Management Committee member responsible for employment matters (for complaints against employees) will retain a confidential record of any written complaints, any decisions taken in connection with them, and any notes or other documents compiled during the grievance process. These will be processed in accordance with Chambers' Data Protection Policy.

12. FURTHER SOURCES OF INFORMATION / ASSISTANCE

- 12.1 Members and clerks are also made aware that:
 - 12.1.1 The Bar Council's Appointments Service enables the Bar Council's members and external parties to ask the Chair of the Bar to appoint a barrister to act as an arbitrator, mediator or expert in respect of a dispute between themselves, and one or more other parties.
 - 12.1.2 Opportunities for support and counselling are provided by associations and groups for women lawyers, members of minority ethnic groups, disabled people, lesbians or gay men, and pupils and confidential advice is available from the Equality and Diversity Officers at the Bar Council / BSB. Any member requiring contact details for such organisations may obtain them from the Bar Council's / BSB's Equality and Diversity Officers.
 - 12.1.3 The TalktoSpot.com online platform provides a means of confidentially recording and (if required) reporting instances of bullying, harassment and inappropriate behaviour at the Bar. Further details are available from the Bar Council and from Chambers' Equality and Diversity Committee.

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