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. Compliance with this procedure is compulsory.

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, harassment, sexual harassment, and other inappropriate behaviour;

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, harassment, sexual harassment, or other inappropriate behaviour or wish to report an incident of bullying, harassment, sexual harassment, or other inappropriate behaviour 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.

4.6 We take all complaints seriously, whether they are raised formally or informally, and will deal with them in a timely manner and with sensitivity to all parties. We will not prejudge anyone before they have had a chance to tell us what has happened in their own words. We will always assume a grievance has been raised in good faith unless there is evidence to the contrary.

5 RAISING GRIEVANCES INFORMALLY

5.1 Most grievances can be resolved quickly and informally through discussion with the person or persons concerned, either directly or with the assistance of other members of Chambers or staff. Every effort will be made to resolve grievances raised informally as quickly as possible and to the satisfaction of all concerned.

5.2 If a potential complainant does not wish to discuss the matter directly with the person or persons concerned, they can raise it in the first instance with a Grievance Officer or an Equality and Diversity Officer[1].

5.3 Informal assistance may also be sought from: (a) for complaints by or about clerks or other employees, one of the Joint 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 Patrick Devine, Alice Osman or the head of the Pupillage Committee.

5.4 While the informal grievance procedure is intended to be flexible, the following general principles should be followed unless there is good reason not to do so:

5.4.1 Informal grievances should be resolved as quickly as possible, but in any event usually within three weeks from the time the grievance is first raised.

[1] Chambers' Equality and Diversity Officers are: Jawdat Kurshid KC, John Bignall, Jessica Sutherland, Andrew Pearson, Henry Ashwell, Sophie Hepburn and Gary Rose.

5.4.2 The person raising the informal grievance should be provided adequate opportunity to explain the grievance in their own words and the resolution that they are seeking.

5.4.3 The person against whom the informal grievance is raised should be informed of the nature and detail of the grievance raised against them and be provided adequate opportunity to respond.

5.4.4 The persons involved in the informal grievance should endeavour to reach a mutually agreeable resolution of the grievance with or without the informal assistance of other members of Chambers or staff.

5.4.5 Any member of Chambers or staff who agrees to become involved in providing informal assistance pursuant to paragraphs 5.2 and/or 5.3 above, or otherwise, should take steps to facilitate and give effect to the above procedures and to ensure that informal grievances are resolved within the timeframe envisaged at paragraph 5.4.1 above. If the informal grievance has not been resolved in that timeframe, s/he should report the fact that an informal grievance has been raised to a member of Chambers' Management Committee (without revealing any confidential details of the informal grievance), and that its resolution is taking more than three weeks so that the Management Committee can consider whether any steps should be taken to expedite the resolution of the informal grievance. The person raising the informal grievance should be informed of the report to Chambers' Management Committee before it is made and should be reassured that no confidential information about the grievance will be shared by the person making the report.

5.5 Individuals with grievances who do not wish to pursue informal resolution options or who have exhausted such options may choose to raise a formal grievance in accordance with the procedure below. A complaint can always be escalated if informal action is not considered to be effective.

6 FORMAL WRITTEN GRIEVANCES

6.1 The formal grievance procedure is set out at paragraphs 6 to 10 below.

6.2 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 Noel Casey 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.

6.3 The written grievance should contain a brief description of the nature of the complaint, including any relevant facts, dates, and names of individuals involved. It should also identify how the complainant would like the grievance to be resolved. 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 extent 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 (see paragraph 9 below).

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/or before any decision is reached.

7.5 The investigations into any formal grievance will ensure that the person against whom the grievance is raised has adequate opportunity to understand the grievance raised against them and to respond appropriately including in relation to the resolution sought by the complainant.

7.6 We will provide appropriate support to anyone who raises a grievance or is the subject of a grievance, recognising the adverse impact this type of process can have.

7.7 Any individual who requires any reasonable adjustments during the grievance process should raise this with the person(s) who will be conducting the meeting(s) in sufficient time for them to make any arrangements necessary.

7.8 We will treat all parties fairly and will hear all sides before any decisions are made. We expect any grievances to be raised as soon as possible after the events referred to, while memories are fresh. This ensures that matters can be dealt with as quickly as possible, for the benefit of all parties.

7.9 It is the responsibility of the people involved in a grievance to ensure that the matters discussed remain confidential. However, there may be situations in which it is necessary to provide information to others to ensure that the grievance is handled effectively and fairly, and that those who might be impacted by it are duly informed. Inappropriate access to, or disclosure of, personal or sensitive personal data whether (verbally or in writing) constitutes a data breach and must be reported as a GDPR breach.

7.10 If a complaint or grievance is found to be deliberately false, mischievous or vexatious, we will take this very seriously and it will be considered as misconduct. This may result in disciplinary action against the person who raised the grievance or complaint.

7.11 If one of the parties involved raises a further grievance during an existing grievance or disciplinary process, we may either:

- Suspend the existing process whilst the new grievance is handled, or
- Handle the new grievance concurrently.

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.

8.5 Chambers also recognises that in the course of an investigation it may be appropriate for the subject of a grievance to be accompanied in precisely the same way. Paragraphs 8.1 to 8.4 above apply to the subject of a grievance who is asked to attend an investigatory meeting.

9 GRIEVANCE MEETINGS

9.1 A grievance meeting will normally take place between the complainant and the Grievance Officers 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. Meetings will also be organised with the person against whom the grievance is raised (who may be accompanied by a companion in accordance with paragraph 8.5 above).

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.

9.6 If the grievance is about another individual within Chambers, they will also receive a letter confirming the outcome. The Grievance Officers will also remind them of the right of appeal. Grievance and disciplinary processes are both confidential and are separate processes. A complainant does not have the right to know the details of any disciplinary process against another member, although they may be informed that it is taking place and may be called as a witness.

9.7 We will make all reasonable efforts to ensure that the formal grievance procedure is concluded within 12 weeks of when the complaint is first raised (not including any appeal).

10 APPEALS

10.1 The complainant is entitled to appeal in writing to the head of Chambers' Management Committee if they feel that their grievance has not been satisfactorily resolved. If the person against whom the complaint is made is in Chambers, they too have a right of appeal to the head of Chambers' Management Committee. 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 hearing 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' Management Committee, who has not been previously involved in the case and is senior to the individual(s) who conducted the previous meeting(s). They may ask anyone previously involved to be present, including the complainant and the person against whom the complaint was made. The appellant has the right to bring a colleague or trade union representative to the appeal meeting (see paragraph 8).

10.3 During the meeting, the appellant will be given an opportunity to put forward any concerns that they have about the original decision-making process and outcomes, and to raise any new evidence that is relevant to the grievance and was not available at the grievance meeting(s). Other relevant persons will also be given an opportunity to be heard. The purpose of the appeal meeting is to clarify whether the procedure that the Grievance Officers followed was fair, and/or that the decisions taken and/or actions recommended were fair. To that end, the appellant may not use the appeal meeting to request a complete rehearing of the issues raised, nor to present new evidence that was available prior to the appeal and/or is not directly connected to the complaint.

10.4 No-one may record the meeting, either obviously or covertly.

10.5 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, members of the LGTBQ+ community, and pupils and confidential advice is available from 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, sexual harassment and inappropriate behaviour at the Bar. Further details are available from the Bar Council and from Chambers' Equality and Diversity Committee.

12.1.4 Barristers who are the subject of complaints or disciplinary procedures may seek advice from the Bar complaints advisory scheme.

12.1.5 Barristers can use the Bar's assistance programme for confidential advice and support including access to counselling.

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