

Essex Court Chambers Grievance Procedure

Scope of procedure

1. This procedure covers Members of Chambers, pupils, mini-pupils, applicants for pupillage, mini-pupillage or tenancy. It does not apply to employees for whom the grievance procedure is contained in their employee handbook. It does not apply to complaints made by clients concerning barristers or employees.

Statement of policy

2. Essex Court Chambers is committed to providing a working environment in which everyone is 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.

Notification of procedure

3. A copy of this procedure, which includes the names of people who have been nominated to respond to formal and informal complaints and grievances, will be given to all Members, staff, pupils and mini-pupils, and a copy will be kept available on the Chambers intranet.

Confidentiality

4. Confidentiality will be maintained as far as possible and appropriate. All records of complaints, including notes of meetings, interviews, results of investigations and other relevant material will be kept confidential by Chambers, except where disclosure is required by law or for disciplinary or other remedial processes.

Informal procedures

5. Complaints are more easily resolved if dealt with at an early stage. If you have a complaint or grievance, you are recommended in the first instance to seek the informal assistance of one of the following people who will, as far as possible, provide confidential advice and assistance:

- For pupils: your pupil supervisor and/or the head of the pupillage committee (Louise Hutton KC).
- For complaints about clerking: the Senior Clerk (Joe Ferrigno).
- For complaints about harassment or equality and diversity: the Equality and Diversity Officer (Anna Dilnot KC).
- In any case, the nominated member who has agreed to provide such advice and assistance (Charles Ciumei KC).

If the complaint cannot be resolved informally, or if you prefer to use a formal procedure, the matter may be pursued by making a formal complaint.

Formal procedures

How to make a formal complaint

6. Formal complaints should be made in writing to the Head(s) of Chambers.

When to make a formal complaint

7. A formal complaint should be made as soon as reasonably possible. Unless there are exceptional circumstances, it must be made no later than six months after the act which is being complained about, or (if informal action is taken first) within six months of the end of the informal action.

What will happen when a formal complaint is received

8. The receipt of a formal complaint will be acknowledged in writing within 7 days.

Both the complainant and the person who is the subject of the complaint should be made aware of this policy before any investigation begins.

Support from a senior member of chambers will be offered to both parties, in order to ensure their physical and mental well being is considered at all stages of the investigation process.

Investigations into formal complaints

9. Unless there are good reasons for delay, investigations into complaints of harassment should be completed within 14 days after the complaint was received, and investigations into other complaints should be completed within 28 days after the complaint was received.

10. The Head(s) of Chambers will appoint two Members of Chambers to investigate a complaint. Where possible the Members appointed to carry out the investigation will not be directly involved in the matters complained of and will not have been involved in any informal complaint.

11. The investigation must be carried out fairly. If any interviews or hearings are held, the complainant and any person who is the subject of the complaint may be accompanied by a colleague or friend.

Conclusion of formal complaints

12. At the conclusion of the investigation, the Members who have investigated the complaint will report to the Head(s) of Chambers on their conclusions about the complaint and any action they recommend be taken to rectify it. The Head(s) of Chambers will have the final decision on what action should be taken.

13. If a complaint is found to have substance and is upheld, appropriate steps must be taken to rectify the problem. Solutions which rely on changes to working arrangements that might unreasonably disadvantage the complainant must be avoided, because they might amount to victimisation.

14. The complainant will be provided with a written response on the outcome of the complaint and, where the complaint is upheld, with a clear indication of the action Chambers will take in response.

15. Records (which are confidential, as set out above) will be retained for a period of one year, and may be retained for longer if necessary.

Explanatory note

This policy largely follows the model complaints or grievance procedures for Chambers, which was formerly adopted.

Adopted November 2012. Revised: January 2019. Revised: May 2023 Revised Feb 2024