

Hon. President: The Rt Hon Baroness Carr, Lady Chief Justice of England and Wales

## COMPLAINTS HANDLING POLICY

1. Whilst the Professional Negligence Bar Association ('the Association') strives to maintain high standards of service, there may be occasions when an individual is dissatisfied with the service it provides such that s/he wishes to make a complaint. In these circumstances, we invite the individual making the complaint ('the complainant') to bring the matter to the attention of the Executive Committee of the Association as soon as possible, and s/he will be given a copy of this Policy.
2. This Policy sets out the process by which the Association will handle and resolve any such complaint.

### FIRST STAGE: INFORMAL COMPLAINT

3. Where a complainant is dissatisfied with some aspect of the service provided by or on behalf of the Association and makes (or wishes to make) an informal complaint, s/he will be invited first to raise it with a member of the Executive Committee directly, or to email the administration team (presently Annie Girling, [info@pnba.co.uk](mailto:info@pnba.co.uk)).
4. Following receipt of an email to the administration team, or other notification of an informal complaint, the matter shall be dealt with by telephone in the first instance by either the Secretary of the Association or the Vice Chair of the Association. The complainant will also be told that, if s/he prefers, s/he may make a formal complaint in writing, thereby bypassing the informal stage. In those circumstances, paragraphs 10 to 12 of this Policy will apply.
5. Where an informal complaint is made and dealt with by telephone, a note of the complaint shall be made. It shall record:
  - i) The name and address of the complainant;
  - ii) The person against whom the complaint is made;

- iii) The detail of the complaint; and
  - iv) What the complainant believes should be done about her/his complaint.
6. The person dealing with the complaint should suggest that the complainant may wish to make her/his own note of the telephone conversation.
  7. The complaint may be resolved during the telephone call. When that occurs, the person dealing with the complaint shall record the outcome on the note of complaint referred to in paragraph 5 above.
  8. The complainant will be asked whether s/he is content with the outcome of the complaint. If s/he is, that fact will be recorded.
  9. If the complainant is not content with the outcome, s/he will be invited to put the complaint formally in writing within 14 days of the telephone call so that it may be investigated by a Complaints Committee, pursuant to paragraphs 10 to 12 of this Policy. The complainant shall also be informed that s/he may complain to the Bar Standards Board (if applicable) instead of formally to the Association.

## **SECOND STAGE: FORMAL COMPLAINT**

10. A formal complaint made in writing shall, as soon as it is received, be put before:
  - i) The Chair; or
  - ii) In the Chair's absence, a King's Counsel who is a member of the Executive Committee ('the Deputy').
11. After reviewing the complaint, the Chair (or the Deputy) shall constitute a Complaints Committee ('CC') to deal with the complaint. The CC shall be made up of five members of the Executive Committee, to include the Chair (or the Deputy in the event of the Chair's continued absence), one (other) King's Counsel, two junior practitioners, and the Association's Equality and Diversity Officer ('EDO'). If the complaint relates to a member of the CC, that person may not be appointed to hear the complaint. The CC shall have power to co-opt other members as required.
12. Once a CC is constituted, a formal complaint will be dealt with as follows:
  - iii) The CC will aim to write to the complainant within 14 days of receipt of the complaint by the Association, in order to acknowledge receipt and inform her/him that this Policy is being followed.
  - iv) The CC will aim to meet within 21 days thereafter to determine whether it is feasible to complete both its investigation of the complaint and its

report on the complaint within a further 21 days. If the CC determines that that is not possible, the CC shall set a realistic timetable for the completion of the investigation and report.

- v) The CC will aim, promptly after its meeting, to write to the complainant informing her/him that the CC will complete its investigation and prepare its report within 21 days or according to such other timetable as has been set by the CC.
- vi) The CC will then investigate the complaint. Whilst the methods of investigation may be determined by the CC taking into account the circumstances of the particular complaint, the investigation should include speaking to any member of the Executive Committee or Association complained against, and any other people identified as having something relevant to contribute; reviewing all relevant documents; and, if necessary, reverting to the complainant for further information and clarification.
- vii) If, during the course of an investigation, the CC determines that adherence to the timetable previously set is not possible, then the complainant shall be informed of this promptly, together with the new anticipated timetable for completing the investigation and report.
- viii) The CC shall prepare a report to conclude its investigation. The report shall be sent to the complainant and any member of the Executive Committee or Association complained against. The report shall set out the matters referred to at paragraph 12(iv) of this Policy, the nature and scope of the investigations carried out in respect of each complaint, the conclusions reached, and the reasons for those conclusions. Where a complaint is found to be justified, proposals for resolution will be included. Where appropriate, reference to the Bar Standards Board's complaints procedures shall also be included.

## **CONFIDENTIALITY**

13. All conversations and documents relating to a complaint shall be treated as confidential, save to the extent that disclosure is necessary for the proper investigation and resolution of the complaint, or is required by law. Disclosure may therefore, if necessary, be made to the Officers of the Association, the members of the Executive Committee, anyone involved in the complaint and its investigation (including the CC, the member of the Executive Committee or Association complained about, and any other individual of whom enquiries need to be made for the purpose of the investigation). Disclosure may also be made to the Officers of the Association and members of the Executive Committee, if appropriate on an anonymised basis, for the purposes of considering and improving governance.

## **RECORD-KEEPING**

14. After the first stage of any complaint, the person dealing with the complaint (the Secretary or the Vice Chair) shall ensure that the note of the complaint is placed on the Association's complaints file.
15. After the second stage of any complaint, the CC shall ensure that the following documents are placed on the Association's complaints file:
  - ix) The complainant's written complaint;
  - x) The CC's report;
  - xi) All records of communications to and from the complainant.

## **REVIEW OF RECORDS**

16. The Association's complaints file shall be inspected and reviewed annually by the Chair with a view to maintaining a high standard of service to members of the Association.

## **BAR STANDARDS BOARD**

17. Complaints about conduct may be made to the Bar Standards Board. Further details can be found at [www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk). The telephone number is: 020 7611 1444.

## **AMENDMENTS**

18. The Chair may, in conjunction with the EDO, the Officers of the Association and/or the Executive Committee, update this Policy as necessary.
19. The updated version of the Policy shall be published on the Association's website ([pnba.co.uk](http://pnba.co.uk)) as soon as practicable.

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