



The Bar Council



ADR Resolutions
Management Consultancy

Model grievance policy

- Purpose:** To assist barristers' chambers to fulfil their obligations to their employees and, where they are Authorised Education and Training Organisations, to their pupil barristers
- Scope of application:** Those who are responsible for employees in chambers and pupillage in Authorised Education and Training Organisations at the self-employed Bar
- Issued by:** Chambers Management Panel
- First issued:** September 2024
- Last reviewed:** September 2024
- Status and effect:** **Please see the notice at end of this document. This is not "guidance" for the purposes of the BSB Handbook I6.4.**

The Bar Council's Chambers Management Panel has worked with [ADR Resolutions LLP](#) to produce the following template grievance policy for barristers' chambers.

The policy is designed to help barristers' chambers fulfil their legal obligations to their employees. It can also be adapted by Authorised Education and Training Organisations who take on self-employed pupils, to ensure they are compliant with their regulatory obligations.

A summary of the relevant obligations can be found [on the policies and procedures for chambers webpage](#). It is recommended that you familiarise yourself with the relevant requirements.

This document has been prepared in good faith and does not constitute legal advice. It is therefore recommended that you instruct a solicitor or [a direct access barrister](#) specialising in employment law to review the final version of it before submitting it for approval and adoption by your management committee or otherwise.

Important Notice

This document has been prepared by the Bar Council to assist barristers on matters of professional conduct and ethics. **It is not “guidance” for the purposes of the BSB Handbook I6.4, and neither the BSB nor a disciplinary tribunal nor the Legal Ombudsman is bound by any views or advice expressed in it.** It does not comprise – and cannot be relied on as giving – legal advice. It has been prepared in good faith, but neither the Bar Council nor any of the individuals responsible for or involved in its preparation accept any responsibility or liability for anything done in reliance on it. For fuller information as to the status and effect of this document, please see [important information and disclaimer](#).

Grievance policy

Our commitment

We are committed to creating an inclusive and positive environment in which everyone considers they are being treated fairly and equitably. This includes encouraging the early reporting and resolution of work-related grievances or complaints, so that they can be resolved as quickly as possible.

If you are unhappy about the treatment that you have received whilst [employed/undertaking your pupillage] with [name of chambers], we encourage informal resolution in the first instance. This means that, where you feel comfortable doing so, we ask that you talk to the person involved and attempt to resolve your problem with them directly. You can talk to the [title of person responsible for handling HR issues/pupillage in chambers] for advice.

If you do not feel comfortable with addressing the problem directly, or your complaint is serious enough to warrant formal action, this policy explains how you can raise a formal grievance.

We take all complaints seriously, whether they are raised formally or informally. We won't prejudge anyone before they have had a chance to tell us what has happened in their own words.

We know that raising a formal grievance – or being the subject of a grievance – can be difficult. We will always try to establish the facts and resolve grievances as quickly as possible.

This policy is not part of your [employment contract/pupillage agreement], and we can change it at any time. If you have any questions, please talk to [title of person responsible for handling HR issues/pupillage in chambers].

What and who is this policy for?

This grievance policy describes the process for raising a formal grievance. Where the issue is in relation to harassment, bullying or victimisation, an individual should refer to our **dignity at work policy**.

Note for author: a dignity at work policy is also known as a harassment, bullying and inappropriate behaviour policy, or an acceptable behaviour policy. You can

find [guidance on discrimination, harassment, bullying, and inappropriate behaviours](#) on our Ethics and Practice Hub, [alongside a template policy](#).

The policy applies to all our [employees/pupil barristers]. In this policy:

- 'We'/'us' refers to [name of chambers]
- 'You' means all [employees/pupil barristers] of [name of chambers]
- ['Manager'/'Supervisor'] means all those who have responsibility for you

Key principles

Good faith

We will always assume a grievance has been raised in good faith unless there is evidence to the contrary, and all grievances raised (whether formally or informally) will be treated seriously, in a timely manner and with sensitivity to all parties.

Informal resolution as default

Every effort will be made to resolve grievances as quickly as possible and to the satisfaction of all concerned. In most cases, minor issues are often handled most effectively through informal discussion and action. We encourage using an informal approach to resolve issues wherever possible, as this is often the quickest way to make someone aware that their behaviour has caused concern, and to give them a chance to explain their side and/or change their behaviour. A complaint can always be escalated if informal action is not effective.

Support to all parties

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. Sources of support are outlined at the end of this policy under 'Further information and support'.

Fairness

We will treat all parties fairly and will hear all sides before any judgements 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.

Confidentiality

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 your 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 to the [title of person responsible for handling GDPR issues]. It may also constitute a disciplinary offence which we may deal with under our **disciplinary policy**.

Note for author: you can find a model disciplinary policy on our [Ethics and Practice Hub](#).

[For pupil barristers: inappropriate access to, or disclosure of, personal data may also constitute misconduct under the [Bar Standards Board Handbook](#) and you may therefore need to consider whether you have a duty to report your actions to them. You can seek confidential guidance on the relevant provisions for the [Bar Council's Ethical Enquiries Team](#), who are contactable on 020 7611 1307.]

Spurious complaints and grievances

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, under our **disciplinary policy**.

[For pupil barristers: making a deliberately false, mischievous or vexatious complaint or grievance may also constitute misconduct under the [Bar Standards Board Handbook](#) and you may therefore need to consider whether you have a duty to report your actions to them. You can seek confidential guidance on the relevant provisions for [the Bar Council's Ethical Enquiries Team](#), who are contactable on 020 7611 1307.]

Raising your concerns – the informal procedure

Informal resolution

We encourage everyone to try and resolve their concerns informally. Many of the issues that arise at work can be resolved effectively through informal and amicable conversations between the individuals concerned. This also means that they can be dealt with quickly.

When attempting to resolve a grievance informally, you should be clear on the issues that you are raising and share them as constructively as possible. Consider your preferred outcome in advance and emphasise it to the person with whom you are speaking.

Where you agree specific actions or recommendations to resolve your grievance informally, you should follow them up in writing within five working days. This will ensure that all parties are clear on how to proceed. It will also act as a useful record if you feel that your informal complaint has not been taken seriously, or has been left unresolved, and you would like to escalate to a formal grievance.

If your complaint is about your [manager/supervisor], you can talk to [title of the person to whom the employee or pupil would escalate the issue with] or [title of person responsible for handling HR issues/pupillage in chambers]. You should try to avoid speaking to anyone else, as this would breach the confidentiality of the other party.

Mediation

Mediation is a confidential form of alternative resolution and is entirely optional to all parties. It involves an independent, impartial, trained mediator who helps two or more parties to reach a solution which is suitable for everyone.

The aim of mediation is to restore and maintain the working relationship where possible. This means the focus is on working together to find a way to move forward, not determining who was right or wrong in the past. Mediation can be used at any stage in a dispute but is usually most effective before positions become entrenched. It is an informal resolution process but can sometimes be effective as an outcome of a formal complaint.

Where a complaint relates to two or more people and relationships have deteriorated or broken down, we will offer mediation. A mediator won't judge, take sides, or tell anyone what to do. Any agreement will come from you and the other party. They

are there as a go-between, to facilitate the discussion and to help you have a constructive conversation and rebuild your working relationship, but they are not responsible for the outcome.

Mediation works best when introduced at an early stage and will be used only where all the involved parties agree. If you wish to try mediation, contact [title of person responsible for handling HR issues/pupillage in chambers]. If you have already raised a formal grievance, we can put this on hold for a reasonable period of time while mediation takes place.

Note for author: It is recommended that you include a section on mediation as an alternative form of dispute resolution in your grievance policy for employees. Whether you choose to include a similar section in your policy for pupil barristers is entirely a matter for you.

Raising a grievance – the formal procedure

If you have tried to resolve your complaint informally but feel that it has been left unresolved, or your complaint is serious enough to warrant immediate formal action, you can raise a grievance with [title of person responsible for handling HR issues/pupillage in chambers].

Your grievance will be resolved through the process outlined below. They may be adapted to take account of the circumstances and/or nature of the grievance.

Raising your grievance

If raise a formal grievance, you must submit a written summary of your complaints to your [manager/supervisor]. If the complaint relates to your [manager/supervisor], you should write to [title of the person to whom the employee or pupil would escalate the issue with] or [title of person responsible for handling HR issues/pupillage in chambers] instead.

Your submission must include the following information:

- An explanation of what your complaint is about, with supporting evidence (e.g. dates, times, names of witnesses, etc)
- Where applicable, any steps you have taken to try and resolve your complaint informally

- How you would like the grievance to be resolved e.g. your preferred outcome or remedy

The individual to whom you write (the '**Grievance Manager**') will acknowledge your submission, usually within five working days.

Meeting to discuss your grievance

Once they have received your grievance, the Grievance Manager will send you an invitation to attend a meeting to discuss it with them within five working days. If this is not possible for any reason, they will keep you informed and arrange for the meeting to take place as soon as practicable.

If they are not conducting the meeting themselves, the [title of person responsible for handling HR issues in chambers] will be present during the meeting to advise on the process, policy and procedure. The Grievance Manager may record the meeting with the consent of those in attendance, to ensure that accurate notes can be taken. They may also appoint another person in chambers to attend the meeting to take a summary note of the key issues and the outcomes that have been reached.

You and, where applicable, the person accompanying you, may not record the meeting, either obviously or covertly.

During the meeting, you will be invited to explain what has happened, how it has impacted you, and how you think the issues that you have experienced should be resolved. The Grievance Manager may ask further questions to help them understand your complaint and check that they have all the relevant information.

There are occasions on which it may become evident during the grievance meeting that further investigation is required. In these circumstances, the Grievance Manager will adjourn the meeting and notify you when they are ready to reconvene. Any adjournments will be for no longer than is necessary to ensure that your grievance is handled fairly and proportionately.

You should take all reasonable steps to attend the grievance meeting. If you, or the person who be accompanying you, can't make the date that the Grievance Manager has proposed, you may suggest an alternative one. You should set out the reasons for your request in writing and the date that you suggest should be within five working days of the one proposed by the Grievance Manager. The Grievance Manager will then consider your request and confirm whether they can accommodate it.

Where you fail to attend a grievance meeting more than once and without compelling reasons, then the Grievance Manager may hold it in your absence. They will inform you of their intention to do so in writing and will share the outcome with you in writing thereafter.

Being accompanied at grievance meetings

Any individual who is involved in a formal grievance process may be accompanied at any relevant meetings by a neutral colleague [for employees: or by a full-time trade union representative], but not by anyone acting in a legal capacity.

You do not have to be accompanied but, if you do wish to be, you must also notify the person who will be conducting the meeting at least two working days in advance of the meeting. You must provide them with details of who will be there and in what capacity and allow them sufficient time to make any arrangements necessary.

During the meeting, the person that you have chosen to accompany you can lend you their support, or take a more active role by:

- Summarising or explaining your position, and
- Asking questions or seeking clarification on your behalf.

However, they will not be permitted to answer any questions that are put to you by the person who is conducting the meeting.

Note for author: Where an employee raises a grievance relating to a duty owed by chambers (as their employer) to them, they have a statutory right to be accompanied by a trade union representative, work colleague, or support worker at any meeting they attend during a grievance procedure. This would apply, for example, where their complaint is that chambers is not honouring their contract of employment or is in breach of legislation.

Reasonable adjustments

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

Establishing the facts and investigating your grievance

If your complaint is simple and the facts are clear from your formal grievance submission, the Grievance Manager may not need to carry out a formal investigation, or it may be possible to gather the facts and then move straight to a grievance meeting to resolve your complaint as quickly as possible. However, in some cases, further investigation may be needed.

If further investigation is necessary, this may be carried out by the Grievance Manager. Alternatively, we may appoint another person in chambers who is not connected with your case or an external investigator (the '**Investigator**') to conduct the investigation. The decision on who will investigate and hear your grievance will be made by [title of person responsible for handling HR issues/pupillage in chambers].

The investigation will be conducted as quickly as possible and in as confidential a manner as possible. You will be given an opportunity to tell the Grievance Manager or Investigator who they should approach for more information. In most cases this will include both you and, where applicable, the person(s) against whom your grievance has been raised. However, there may be others who are able to provide supplementary evidence.

The Grievance Manager or Investigator may then obtain written statements from the relevant parties and/or meet with them to hear their version of events and provide them with an opportunity to challenge the information that others have included in their statements.

Note for author: it is good practice to provide copies of the written statements to the person that the grievance has been raised against. In exceptional circumstances, statements can be anonymised and/or substituted for a summary, but you should not guarantee that the identities of individuals will remain confidential as you may be a legal requirement to disclose them.

Once they have concluded their investigation, the Grievance Manager or Investigator will produce a report and make a recommendation, taking account of all the evidence. They will share this information with the individual raising the grievance and, where applicable, with the person to whom the grievance is against.

Deciding and communicating the outcome

Following the grievance meeting and any investigation, the Grievance Manager will review the evidence and determine an outcome. The outcome could be that your grievance is one of the following:

- Upheld (i.e. fully justified)
- Not upheld (i.e. not justified)
- Partially upheld (in this case they will explain which elements are upheld and which are not)

The Grievance Manager will communicate their decision to you, in writing, after meeting with you to discuss your grievance. Where possible, this will be within ten working days of the meeting, but how quickly they are able to produce a written summary will depend on the circumstances and it may take longer.

In their letter to you, the Grievance Manager will summarise the points that have been covered during your meeting(s) with them and the details of any investigations that have taken place. They will also inform you of the outcome and state what action, if any, will be taken to resolve your grievance. The letter will also set out your right to appeal if you are not happy with the decision that the Grievance Manager has come to and/or the actions they have suggested.

If your grievance is about another individual within chambers, they will also receive a letter confirming the outcome. Our grievance and disciplinary procedures are both confidential and are separate processes. If you make a complaint that results in formal disciplinary action against another employee, you do not have the right to know the details of that process, although you may be informed that it is taking place and may be called as a witness. Depending on the outcome of the disciplinary process, we may inform you of any aspects that relate directly to your grievance (for example, where we recommend that mediation should be offered to both parties to restore their working relationship).

Appealing the decision

You have the right to appeal against the outcome of your formal grievance if you are not content with the decision and/or the action to be taken.

The purpose of an appeal is to review the grievance decision and not to re-hear the grievance or consider the whole matter afresh. For example, suitable grounds for an

appeal could be based on the process that the Grievance Manager followed to make their decision, or that the decision was unreasonable under the circumstances.

If you wish to make an appeal, you should do so in writing and within five working days of you receiving the grievance outcomes letter from the Grievance Manager. If you do not lodge an appeal within five working days, you will be deemed to have accepted the decision of the Grievance Manager and will have no further right to challenge it thereafter.

Your submission should explain which parts of the letter you believe are wrong and why you disagree with them. You should not include additional evidence unless you can demonstrate it is relevant to the grounds for appeal and was not available during the grievance meeting or, where applicable, investigation.

You should submit your appeal to the [title(s) of senior leaders within chambers who have been given responsibility for handling disciplinary appeals]. If the complaint relates to the [title(s) of senior leaders within chambers who have been given responsibility for handling disciplinary appeals], you should write to the [title(s) of alternative senior leaders within chambers who have been given responsibility for handling disciplinary appeals] instead (the 'Appeal Manager').

Note for author: ideally, you should appoint different people to handle each stage of the grievance process i.e. the grievance meeting, investigation, and appeal.

Once they have received your appeal, the Appeal Manager will send you an invitation to attend an appeal meeting with them within five working days. If this is not possible for any reason, they will keep you informed and arrange for the meeting to take place as soon as practicable.

Depending on their involvement in the grievance process to date, the [title of person responsible for handling HR issues in chambers] may be present during the meeting to advise on the process, policy and procedure. The Appeal Manager may record the meeting with the consent of those in attendance, to ensure that accurate notes can be taken.

You and, where applicable, the person accompanying you, may not record the meeting, either obviously or covertly.

During the meeting, the Appeal Manager will give you an opportunity to put forward any concerns that you have about the original decision-making process and outcomes, and to raise any new evidence that is relevant to your grievance and was not available during the investigation or grievance meeting. The purpose of the appeal meeting is to clarify whether the procedure that the Grievance Manager and/or Investigator followed was fair, and/or that the decision taken and/or actions recommended by the Grievance Manager were fair. To that end, you may not use the appeal meeting to request a complete re-hearing of the issues raised, nor to present new evidence that was available prior to your appeal and/or is not directly connected to your complaint.

The Appeal Manager will consider your appeal and either provide you with a verbal decision at the end of your appeal meeting, or as soon as practicable thereafter. They will also confirm their decision, in writing, within two working days of having relayed it to you.

The Appeal Manager's decision will be final and will take one of three forms:

- Upheld (i.e. the procedure and/or outcomes were fair)
- Overturned (i.e. the procedure and/or outcomes were not fair)
- Partially upheld (in this case they will explain which elements are upheld and which are not)

Timescales

We encourage all our [employees/pupil barristers] to resolve issues in good time and [whilst in employment/during their pupillage]. Anyone who is the subject of a complaint should be made aware of it as soon as possible after the event giving rise to the complaint, so that they have an opportunity to respond before memories fade.

Any grievances raised under the informal or formal stages of this policy should be raised within six months of the incident arising. In most cases a grievance will be out of time if raised after six months and as such it will not be progressed unless there are extenuating circumstances.

If you wish to raise a grievance after you leave chambers, you should do so within three months of your departure date. Any grievances received more than three months after you leave your employment will not be progressed.

We want to resolve grievances as quickly as reasonably possible, for the benefit of all parties involved. If you or a person involved in your grievance are absent due to

sickness during the process for more than one week, we will review the circumstances. Depending on the likely length of the absence, we may continue the process in your/their absence to the best of our ability. If this arises we will seek alternative ways for you/them to be involved, as appropriate to the circumstances.

Overlapping grievance and disciplinary cases

If you raise a grievance during an existing grievance or disciplinary process, we may either:

- Suspend the existing process whilst the Grievance Manager handles your grievance, or
- Handle your grievance concurrently.

Our decision will depend on the circumstances, and we will therefore determine the best approach to take on a case-by-case basis.

Further information and support

We recognise that experiencing making a formal complaint or being on the receiving end of allegations concerning your conduct or behaviour can be difficult and stressful.

[Our confidential Employee Assistance Programme/The [Assistance Programme advertised by the Bar Council, Legal Practice Management Association, and Institute of Barristers' Clerks](#) is available to their respective members, including pupil barristers, and] is available 24 hours a day and can provide support if you are anxious, stressed or want to talk to someone independent.

You can find additional guidance on what to do if you experience or witness any unwanted behaviour in our **Dignity at work policy**. If you are appointed to carry out an investigation, you can find guidance on your responsibilities in [our [Guidance for Investigators/the Bar Council's Guidance on Conducting an Investigation in Chambers](#)].

If you have any questions about this policy, you can contact the [title of person responsible for handling HR issues/pupillage in chambers].

Version control

Version	Description of update	Updated by	Date
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1.0	Approved by [e.g. Chambers Management Committee]		[e.g. Sept 2024]
[e.g. 2.0]	[e.g. Revised at paragraphs 10 and 11 to refer to new legislation]	[e.g Chambers Director]	[e.g. Dec 2025]