

**BAR  
STANDARDS  
BOARD**

REGULATING BARRISTERS

**BSB Service Complaints Policy and Procedure**

How to raise a concern and make a complaint about the services provided by the Bar Standards Board

**If you need this document in an alternative format, please contact us:**

Email: [contactus@barstandardsboard.org.uk](mailto:contactus@barstandardsboard.org.uk)

Telephone: 020 7611 1444

Write to us at: Bar Standards Board  
289-293 High Holborn  
London  
WC1V 7HZ  
DX: 240 LDE

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Also available to staff members is Appendix C – Procedural guidance for managers

## Foreword

The Bar Standards Board (BSB) is responsible for regulating barristers in England and Wales.

We know that, as in any organisation, things can sometimes go wrong. We want you to tell us if this happens, so that we can put things right if at all possible and learn from any mistakes. This policy sets out our approach and procedures for handling complaints about the services provided by the BSB.

# 1. Introduction

## Aims

1.1 The policy and procedure has three main aims:-

- To offer a user-friendly way for you to complain about the service we have provided;
- To provide us with a procedure that allows us to respond swiftly and efficiently to your complaint; and
- To help us monitor our complaints so that we can identify areas where our service may not be satisfactory and improve our performance.

## What is a service complaint?

1.2 A complaint is any expression of dissatisfaction about how we have, or have not provided a service to you. This policy and procedure cannot be used to review or change the outcome of a regulatory decision, including decisions on complaints made about the conduct of barristers.

1.3 Please note that we try to publish clear service standards in most cases within our procedural guidance, published on the website. This gives details of what you can expect in terms of the type of advice we are able to give, and the responses you can expect, as well as the applicable timelines we aim to work within. Responses to service complaints will take these service standards into account.

1.4 Examples of the types of complaint covered by this policy are, but not limited to:

- treating someone unfairly or rudely;
- failing to explain things clearly; or
- causing unreasonable delays.

## Who can complain?

1.5 Complaints can be made by, or on behalf of, anyone who comes into contact with a member of BSB staff. We will investigate all complaints fairly and effectively, and deal with the issues arising from these as quickly as possible taking into consideration any applicable service standards published by the BSB which can be found on the website.

## When can a complaint be made?

1.6 Because the investigation of service complaints generally relies on detailed understanding of the communications and actions that happened at the time of the event, complaints should be made as soon as possible after the event occurs. This enables us to appropriately consider, investigate and act on any issues raised.

1.7 We will consider complaints made to us within three months of the incident complained of or within three months after the closure of the relevant case, whichever is later. We may make exceptions for complaints made outside the three-month time limit where there are potential discrimination aspects, or there are reasonable grounds for the delay, for example illness or where the complainant becomes aware of the actions about which he or she is complaining after the expiry of the three-month period.

## Complaints about discrimination

1.8 We are committed to identifying and remedying any instance of unlawful discrimination. Complaints involving any suspected discrimination are dealt with under this policy, and advice may be sought from our specialist Equality and Diversity Team, or the HR Department.

- 1.9 We are committed to meeting our duties under the Equality Act 2010 and we have an overarching equality aim to ensure that we “promote equality in all that we do”.
- 1.10 We do not tolerate any form of discrimination based on any protected characteristic, they are: sex, race, disability, religion, age, sexual orientation, marital status, pregnancy and maternity and gender reassignment.
- 1.11 Discrimination occurs when an individual or a group of people are treated less favourably based on their protected characteristic. Discrimination can occur in many forms this may be directly or indirectly or in the form of harassment or victimisation. For more information on different types of discrimination and the activities the BSB carries out to address equality and diversity, please see the website under [About Us/Equality and Diversity](#).

### **What is not covered in this policy?**

- 1.12 We will not consider the following complaints under this policy:
  - complaints against barristers; for these, please visit our **concerns about a barrister section** on the BSB website at <https://www.barstandardsboard.org.uk/complaints-and-professional-conduct/concerns-about-a-barrister/>;
  - complaints, comments or queries **about a regulatory decision**, including both decisions made by the Board or Committees and BSB staff members. We will not be able to change the outcome of regulatory decisions made by the BSB through the Service Complaints Procedure, but where appropriate we will advise complainants to use the appropriate decision review process, as listed on the appropriate sections of the website;
  - complaints previously made and considered by us under this policy about the same issue, or where there is evidence to suggest that a complaint is malicious or vexatious; or
  - complaints made by a third party/representative without the authority of the person we have previously been dealing with and who is directly affected by the service which we have provided.

## **2. Resolving concerns quickly**

- 2.1 In the first instance, we would expect any concerns about our service to have been raised directly with the individual(s) concerned, wherever possible, as soon as they arise. In most cases a service complaint can be dealt with quickly and informally to the satisfaction of all parties, if raised with the person concerned.
- 2.2 If you would prefer to try to resolve your complaint informally with the team manager, please ask to speak to them. Contact details can be found on our website [here](#), or by calling the Contact Us central phone number
- 2.3 If we decide that your complaint falls within one or more of the categories set out in section 1.12 we will explain this to you within 20 working days.

## **3. Making a formal service complaint**

### **How to make a complaint**

- 3.1 If attempts to resolve your concerns informally have not been successful, or you would like to formally register your complaint, the following process should be used.
- 3.2 We will correspond with you in your preferred format, although we encourage formal complaints to be put in writing wherever possible. There is a form available on our website ([linked here](#)) and at Annex B of this document which you can use to send us your complaint and contact details. It is helpful if you use the form but you do not need to do so.

In all cases, please provide your contact details, a concise account of your concerns, the names of the people involved, and an indication of how you think your complaint could be resolved.

- 3.3 All formal complaints are administered and allocated by our Business Support Team. You can send your complaint to the person you have been corresponding with, or to following central address:-

**FAO: Business Manager**

Bar Standards Board  
289-293 High Holborn  
London WC1V 7HZ

DX: 240 LDE

Email: [servicecomplaints@barstandardsboard.org.uk](mailto:servicecomplaints@barstandardsboard.org.uk)

- 3.4 Under our document retention policy we will retain records of a complaint for 3 years after it is closed. However we may keep records for longer if there is a business or other good reason for doing so.

#### **What the BSB expects from complainants**

- 3.5 In order to handle and investigate your complaint effectively, we ask that you engage with us in a constructive manner in order to help us understand your concerns and deal with the issues.
- 3.6 BSB staff have the right to work in a safe environment and should not have to tolerate abusive language or behaviour. The BSB has published a Dignity at Work Policy for its staff members and short statement ([linked here](#)) and will take action if a complainant behaves in a way that we consider to be bullying or harassing.

#### **4. What happens to a complaint?**

- 4.1 Complaints are acknowledged, and logged by a central team so that service information can be shared appropriately and the process monitored. This means we can deal with your complaint in a consistent, flexible and fair way.
- 4.2 An investigating officer will be appointed by the central team to deal with your complaint. The investigating officer is usually the line manager within the team, another member of staff with expertise in the area of concern or a more senior officer.
- 4.3 You can expect a full response within 20 working days of the BSB receiving your complaint. If, exceptionally, this is not possible, we will contact you to explain the reasons for the delay and provide you with a new target response date.
- 4.4 If the Investigating Officer concludes that there is evidence to show that your complaint is justified either in whole, or in part, we will write to you inform you of this. Your complaint will be recorded as either **Upheld** or **Partially upheld** and will result in one or more of the following remedies: -
- a full acknowledgement and explanation of any poor service;
  - an apology;
  - appropriate action to rectify the situation; and/or
  - appropriate action to improve our services.

- 4.5 If the investigating officer concludes that there is insufficient, evidence that you have received a poor service we will explain in writing why this conclusion has been reached and your complaint will be recorded as **Not Upheld**.

## **Reviews**

- 4.6 If you are not satisfied with the response received from the BSB, you can ask for the matter to be reviewed, stating the reasons you are not satisfied. Please write back to the investigating officer or to the Business Support Team (address in paragraph 3.3). The central Business Support Team will assign a different, usually more senior officer to review your complainant stage two. There is a final review stage whereby we will ask a Director or the Director General to review your complaint if you are still dissatisfied.
- 4.7 You can expect a full response at each stage within 20 working days of the BSB receiving your request for review. If, exceptionally this is not possible, we will contact you to explain the reasons for the delay and provide a new target response date.

## **5. Learning and accountability**

### **Reporting**

- 5.1 The BSB monitors its Service Complaints policy and process. Outcomes and results are reviewed by the BSB's Senior Management Team, to ensure that any lessons learnt are properly shared across the organisation and, where appropriate, improvements are made.
- 5.2 The BSB's Governance, Risk and Audit Committee receive an annual report about complaints made under this policy and any business improvements put in place as a result of the complaints.

### **Accountability**

- 5.3 Performance information including the outcomes of complaints and the number received will be published on our website annually in an anonymised form.
- 5.4 Directors and managers are responsible for ensuring their teams understand and follow the complaints process, and that learning is taken and used to improve the BSB's service provision.
- 5.5 The Board is responsible for ensuring that the organisation has an appropriate complaints process in place and that it is followed.

### **Open information**

- 5.6 The Bar Standards Board is committed to general principles of openness and transparency. We are working towards publishing and making available as much information as possible. However complaints information often includes personal and confidential information which we may not be able to release into the public domain. Any personal data relating to a person may be requested by that person using a subject access request under the Data Protection Act 1998.

## Appendix A – Signposting to alternative processes

### Review of regulatory decisions

Reviews and appeals against regulatory decisions have separate processes which are listed and detailed on the BSB website according to the type of decision made.

If you have an issue with the outcome of a regulatory decision, please use the contact details within the correspondence you have received to contact the department which made the decision. They will be able to explain the rationale for the decision or advise you of any review or appeal options.

### Comments about a Board or Committee Member

Please contact the relevant Board or Committee secretary, listed on the website: <https://www.barstandardsboard.org.uk/about-bar-standards-board/how-we-do-it/our-committees/>

### Complaints against barristers

If you have concerns about the conduct of a barrister the following processes are available:

**If the barrister *is* acting for you** and you are not satisfied with their service you should contact the **Legal Ombudsman**.

Website: [www.LegalOmbudsman.org.uk](http://www.LegalOmbudsman.org.uk)  
Telephone: 0300 555 0333  
Post: Legal Ombudsman  
PO Box 15870  
Tamworth  
B77 9LE  
Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

• **If the barrister *is not* acting for you** and you want to complain about their conduct you should contact the Professional Conduct Department: .

Website: [How to complain against a barrister](#)  
Telephone: Complaints Information Line - 020 7611 1444  
Post: Professional Conduct Department  
Bar Standards Board  
4th Floor  
289-293 High Holborn  
London  
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