



REGULATING BARRISTERS

Feedback & Service Complaints Policy

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If you would like a version of this document in hard copy, or in an alternative format,

Please contact ServiceComplaints@barstandardsboard.org.uk or
telephone 020 7611 1444

1. Introduction

- 1.1. The Bar Standards Board (BSB) is responsible for regulating barristers and specialised legal services businesses in England and Wales in the public interest.
- 1.2. We are committed to providing a high quality, transparent and accessible service to everyone we deal with. All feedback is valuable as it helps us improve our services.
- 1.3. We would like to know when we do something well, or if you have a suggestion about something we could do better.
- 1.4. We know that things can sometimes go wrong. If our services have not met your expectations, or caused concern or frustration, we want to know so that we can investigate and, where something has gone wrong, apologise, put things right (if possible) and learn from any mistakes.
- 1.5. When complaints are made about the service we have provided, we will handle those service complaints with independence and fairness, transparently, and consistently.

2. Aims.

- 2.1. This policy has three aims:

- To offer a way for you to give feedback, or complain about the service we have provided;
- To help us to respond swiftly and efficiently to your feedback; and
- To help us monitor feedback so that we can improve our services or performance.

3. Reasonable Adjustments

- 3.1. We want to ensure that everyone can communicate with us, whether to give feedback or to complain. The BSB is committed to ensuring that any person with a disability, health condition and/or additional needs who uses or seeks to use our services is not disadvantaged in accessing our services. To this end, the BSB will make reasonable adjustments. Full details can be found in our [Reasonable Adjustments Policy¹](#).
- 3.2. We will discuss your specific requirements regarding your request for reasonable adjustments in order to agree a suitable adjustment in the circumstances. If you have already had a request for reasonable adjustments agreed by another team in the BSB, please inform us of that when you first contact us about giving feedback or making a service complaint.

¹ <https://www.barstandardsboard.org.uk/static/0a1b5d7d-91d7-4072-9d69a0fd15525b5d/d8c1b55f-3e7d-4abc-9d569e222c784da6/BSB-Reasonable-Adjustments-Policy.pdf>

3.3. The following non-exhaustive list includes some of the types of reasonable adjustment that we may make:

- Provision of auxiliary aids;
- Provision of information in appropriate alternative formats (e.g. large print, Braille, etc);
- Extension of time limits (where it is lawful to do so);
- Provision of information/documents on coloured paper;
- Use of email or telephone in preference to hard copy letters;
- Use of plain English;
- Communication through a representative or an intermediary;
- Arranging meetings in rooms which have appropriate facilities;
- Rest/comfort breaks in meetings; and
- Provision for assistance dogs.

4. Feedback.

4.1. We welcome comments and feedback. If you want to tell us about our service, we encourage you to contact us whether that is to:

- provide feedback about a member of staff;
- offer suggestions for improvements to our services;
- share a positive experience you have had with us or make a complaint; or
- pass on comments about our publications, website or services.

4.2. You can provide feedback directly to anyone you are dealing with, or have dealt with, at the BSB or if you prefer you can send it to the Governance Team:

FAO: Governance Team
Bar Standards Board
289-293 High Holborn
London, WC1V 7HZ
DX: 240 LDE

Email: ServiceComplaints@barstandardsboard.org.uk
Phone: 020 7611 1444

5. Complaints.

What is a service complaint?

5.1. A service complaint is any expression of dissatisfaction about how we have provided a service to you.

5.2. This policy and procedure cannot be used to review or change the outcome of a regulatory decision, or to dispute the policies and procedures we follow in the

exercise of our regulatory functions. This includes decisions on reports made about the conduct of barristers.

5.3. Here are some examples of the types of complaint that we can deal with under this policy:

- mistakes;
- lack of care or attention;
- discrimination or unfair treatment;
- rudeness;
- failing to explain things clearly or providing misleading information; or
- unreasonable delays.

5.4. Complaints about how we have processed a person's personal data (data protection complaints) are managed through a separate process – see the [Procedure for data subjects to exercise their rights or make data protection complaints](#)².

5.5. Complaints about the BSB's Director General or Board members are managed through a separate process and should be sent to the attention of the Head of Governance, to the Service Complaints inbox:

ServiceComplaints@barstandardsboard.org.uk.

5.6. We cannot consider the following complaints under this policy:

- Reports about a barrister's conduct - for these please visit the '[reporting concerns about barristers](#)³' section on our website.
- Complaints or appeals about regulatory decisions including decisions made by the Board, its standing committees or bodies or roles with delegated authority to make such decisions including BSB staff. A service complaint is not a means by which you can seek to change the outcome of a regulatory decision, or to dispute the process we followed to make that decision, but we will give information about an appropriate review or appeal process if one exists.
- Complaints previously considered by us under this policy about the same or substantially similar issues, unless there is new evidence not originally available to you or to us.
- Service complaints that we consider are malicious or vexatious or that we consider to be entirely without merit.
- Service complaints made by third parties without clear authority to act on behalf of the complainant or the person we have previously been dealing with.

5.7. Where we consider that a complaint is malicious or vexatious or entirely without merit (ie that there is no reasonable basis for considering that the complaint may be

² <https://www.barstandardsboard.org.uk/static/31407018-d875-4e20-b9f9ff822a917a44/565c8c17-b274-400c-ace2ba0021ac4b15/Procedure-on-Data-Subjects-Rights-and-Complaints.pdf>

³ <https://www.barstandardsboard.org.uk/for-the-public/reporting-concerns.html>

upheld), we may ask one of the BSB's Independent Reviewers to review the complaint and to advise us whether an investigation is necessary or we can decline to deal with the complaint.

Who can complain?

- 5.8. Service complaints can be made by anyone who has come into contact with the BSB but if you are making a complaint on someone else's behalf, we will need their permission to engage with you. This can be provided by sending us a letter of authority from the individual who you are representing.

When can a service complaint be made?

- 5.9. Investigations of service complaints generally require a detailed understanding of the actions and communications that happened at the time of the event, so complaints should be made as soon as possible after the event occurs. This enables us to consider, investigate and act on any issues raised in the best way possible.
- 5.10. We normally expect you to make a service complaint to us within three months of the incident complained of. We may make exceptions for complaints made outside the three-month time limit where there are good reasons for the delay.

Complaints about discrimination.

- 5.11. We are committed to identifying and remedying any instance of discrimination. If a service complaint includes issues of alleged discrimination, we may seek guidance from our Equality and Access to Justice Team or a suitably qualified person independent of the BSB before responding to the complaint. We may need your permission to do this.
- 5.12. We are committed to meeting our duties under the [Equality Act 2010](#)⁴ and we seek to ensure that we promote equality in all that we do. We do not tolerate any form of discrimination – including that based on protected characteristics: sex, race, disability, religion and belief, age, sexual orientation, marital status, pregnancy and maternity, and gender reassignment. We do not tolerate victimisation or harassment.
- 5.13. For more information on different types of discrimination and the activities the BSB carries out to address equality and diversity, please see the [website](#)⁵.

Complaints Process

- 5.14. Service complaints can be addressed to the person you have been dealing with, or to the Governance Team who keep records of all formal complaints. The address is:

⁴ <https://www.legislation.gov.uk/ukpga/2010/15/contents>

⁵ <https://www.barstandardsboard.org.uk/about-us/equality-and-diversity.html>

FAO: Governance Team
Bar Standards Board
289-293 High Holborn
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DX: 240 LDE

Email: ServiceComplaints@barstandardsboard.org.uk
Phone: 020 7611 1444

- 5.15. Before we deal with your complaint, we will log it for monitoring and management information purposes.

Responses to service complaints

- 5.16. We will appoint someone to deal with your complaint who has the appropriate level of expertise needed to investigate your complaint (known as the “Investigating Officer”). They will usually be independent of the team which you are complaining about. They will have the authority to discuss the complaint with the relevant staff and to access the relevant documents. We will acknowledge your complaint and advise you when we expect to respond.
- 5.17. We normally respond to service complaints within 20 working days of the date we receive the complaint. However, it can sometimes take longer, particularly where the issues are complex or we need to seek advice. We will let you know if the investigation of your complaint is going to take longer than the normal 20 working days and, if so, when you can expect a response. We will look at all the evidence and talk to those staff who were involved to find out what happened and why. We will then send you a response in writing letting you know how we investigated the complaint, what we found and what we propose to do. This may include explaining or apologising, and letting you know what improvements we intend to make when these are necessary. This response will usually be the end of the process.

Review

- 5.18. If you are dissatisfied with how we have managed your service complaint, you can request a review. We will review service complaints where there has been a procedural flaw in our initial investigation, or where there is new evidence which was not available at the time of our initial investigation. We will not review the outcome of a service complaint merely because you are dissatisfied with our findings or our response.
- 5.19. If we agree to review the outcome, you will normally be informed of our conclusion of the review within 20 working days from when we accepted the request. If the reviewer is unable to respond within 20 days, they will let you know and will give you a revised date for the response.

5.20. Please refer to the diagram setting out what we do at the end of this document.

6. How you can help us to help you.

- 6.1. To handle and investigate feedback and complaints effectively, we ask for your full cooperation, so that we can fully understand any concerns and deal with the issues you have raised.
- 6.2. We will not tolerate abusive language or behaviour directed at our staff and will take appropriate action if we consider someone's behaviour is unacceptable in line with internal guidance and policies. This could involve us taking a decision not to consider your service complaint.

7. How we use your personal data

- 7.1 Whenever you provide us with your personal data (i.e. information about you), we shall only use that data in accordance with our privacy notice. Our privacy notice can be found at: <https://www.barstandardsboard.org.uk/footer-items/privacy-statement/>. Our privacy notice explains what we do with your personal data, whether we share your personal data with third parties and also the length of time which we will hold your personal data.
- 7.2 Please ensure that any personal data which you send to us is: (1) accurate insofar as you are aware; and (2) directly relevant to your complaint.
- 7.3 Any personal data relating to a person may be requested by that person using a subject access request under the UK General Data Protection Regulation and Data Protection Act 2018.

8 Accountability & Learning.

- 8.1 We monitor all the feedback that we receive and in particular, the outcomes of complaints. Anonymised statistics about the number and type of service complaints received are reviewed annually by our Governance, Risk and Audit Committee with a report on business improvements put in place as a result of complaints and feedback.
- 8.2 Directors and managers are responsible for ensuring their teams are open to feedback and complaints and that any learning is used to improve the BSB's services.

Complaint received and logged

Initial response sent including; Investigating Officer (normally a member of staff independent of the team complained about); and expected timeframe (normally 20 working days).

Investigation

The Investigating Officer conducts an investigation into the complaint and determines what, if any, action or remedies are required.

Full response sent (normally 20 working days).

Our response will detail what we did, our findings and any remedy (including internal lessons learnt) as appropriate.

Closed

Complaint file closed, lessons learned recommendations implemented and file stored as per our retention policy.

Request for review (procedural flaw or new evidence submitted)

Complainant requests a review of our findings.

Appendix A - Other BSB 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 and advise you of any review or appeal options.

Comments about the conduct of our Board or Committee members or the Director General.

Please contact the Head of Governance.

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ServiceComplaints@barstandardsboard.org.uk

Reports about barristers

If you have concerns about the conduct of a barrister, the following processes are available:
If the barrister *is, or was acting for you*, and you are not satisfied with their service you should contact the [Legal Ombudsman](#).

Website: www.LegalOmbudsman.org.uk
Telephone: 0300 555 0333
Post: Legal Ombudsman
PO Box 15870
Tamworth B77 9LE
Email: enquiries@legalombudsman.org.uk

If the barrister *is not or was not acting for you* and you want to complain about their conduct you should contact the Contact and Assessment Team.

Website: [Reporting concerns about barristers](#)⁶
Telephone: Contact and Assessment Team - 020 7611 1444
Post: Contact and Assessment Team
Bar Standards Board
289-293 High Holborn
London WC1V 7HZ
Email: contactus@barstandardsboard.org.uk

⁶ <https://www.barstandardsboard.org.uk/for-the-public/reporting-concerns.html>