Building Futures Together

Complaints Handling Procedure

Reference:	Complaints Policy
Revision Number:	39
Revision Date:	November 2026
Next Review Date:	November 2027
Policy Owner:	R.D.Gould FRICS, Partner
Approved By:	S.E.White MRICS, Managing Partner

Barker

1. Introduction

Barker Associates is committed to providing a professional, responsive and high-quality service. If you are dissatisfied with any aspect of the service we have provided, this procedure explains how you can raise your concerns and how we will investigate and respond to them.

For the purposes of this procedure, a complaint is any expression of dissatisfaction about the standard of our service, our actions or a lack of action by Barker Associates, whether or not the matter is described as a formal complaint.

This procedure applies to complaints from clients and from other persons who claim an interest in, or may be affected by, the professional services provided by Barker Associates.

2. Making a Complaint

Complaints may be made in writing, by email, by telephone or in person.

Complaints should be directed to:

R.D. Gould FRICS, Partner

Barker Associates
Majesty House
Avenue West
Skyline 120
Braintree
Essex
CM77 7AA
Telephone: 0330 441 6930
Email: rgould@barker-associates.co.uk

Where a complaint is made orally, we will make a written record of the complaint and may ask you to confirm that this accurately reflects your concerns.

Please provide as much information as possible, including:

- your name and contact details;
- the project, property or instruction concerned;
- the nature of your complaint;
- relevant dates, correspondence or supporting information; and
- what you would like us to do to resolve the matter.

If the person named above has been directly involved in the matter complained about, or is otherwise unable to provide an independent review, the complaint will be allocated to another appropriately senior person within Barker Associates.

3. Acknowledgement

We will acknowledge your complaint in writing within **seven working days** of receiving it.

Our acknowledgement will:

- confirm our understanding of the matters raised;
- identify the person responsible for investigating the complaint;
- provide a copy of this Complaints Handling Procedure;
- invite you to clarify or comment on our understanding of the complaint; and
- explain what will happen next.

We will establish a single point of contact wherever practicable so that communications are managed consistently throughout the process.

4. Investigation and Response

We will investigate your complaint fairly, openly and objectively. The investigation may include:

- reviewing the relevant appointment, Terms of Engagement and project records;
- considering correspondence, reports, drawings, meeting records and other relevant information;
- speaking with the member or members of staff involved;
- seeking additional information or clarification from you; and
- obtaining appropriate internal, insurance, legal or independent professional advice.

We will provide a written response within **twenty-eight working days** of receiving sufficient information to understand and investigate the complaint.

Our response will explain:

- the matters considered during the investigation;
- our findings and conclusions;
- whether the complaint is upheld in full, upheld in part or not upheld;
- any action that has been or will be taken; and
- how you may request a further review if you remain dissatisfied.

If we cannot provide a full response within twenty-eight working days, we will explain the reason for the delay and confirm when we expect to provide our response.

5. Further Review

If you are dissatisfied with our response or with the way in which your complaint has been handled, you may request a further review by:

S.E. White MRICS, Managing Partner

Barker Associates
Majesty House
Avenue West
Skyline 120
Braintree
Essex
CM77 7AA
Telephone: 0330 441 6930
Email: mail@barker-associates.co.uk

The further review will be undertaken separately from the initial investigation. Wherever practicable, it will be conducted by a person who has not been directly involved in the professional services or circumstances giving rise to the complaint.

We will contact you within **fourteen working days** of receiving your request to inform you of the conclusion of the review. If additional time is required, we will explain the reason and confirm when you can expect our response.

The further-review response will confirm whether Barker Associates' internal complaints procedure has been concluded and will explain any external resolution options available.

6. Complaints Relating to Architectural Services

Where a complaint relates to architectural services provided by our RIBA Chartered Practice, concerns may initially be considered by the lead architect for the project.

Where appropriate, the complaint may then be referred to the RIBA member designated as the client contact at the outset of the project before progressing to the senior review described in section 5.

If the complaint remains unresolved after Barker Associates' internal procedure has been concluded:

- a client may refer a contractual dispute to the dispute-resolution provisions set out in the relevant professional appointment; or
- a person who considers that the conduct of a RIBA member or RIBA Chartered Practice may have breached the applicable RIBA Code may contact the RIBA Professional Standards team.

The RIBA professional-conduct process considers professional conduct and compliance with its Codes. It does not provide compensation or determine civil liability.

RIBA Professional Standards

Email: professionalstandards@riba.org

Website: RIBA complaints and professional standards

7. Alternative Dispute Resolution

If your complaint has not been resolved after Barker Associates' internal complaints procedure has been completed, you may be entitled to refer it to an independent Alternative Dispute Resolution provider.

7.1 Consumer complaints

For complaints made by a consumer, Barker Associates' nominated RICS-approved consumer redress provider is:

Centre for Effective Dispute Resolution (CEDR)

100 St Paul's Churchyard

London

EC4M 8BU

Telephone: 020 7536 6000

Email: info@cedr.com

Website: CEDR dispute resolution services

Access to Barker Associates' nominated consumer ADR service is free of charge to the consumer.

The availability of ADR, the eligibility of a complaint and any applicable referral period will be determined in accordance with the provider's current scheme rules.

7.2 Business-to-business disputes

Where the complaint concerns a business-to-business appointment or contractual dispute, the appropriate resolution process will normally be the process set out in the relevant appointment or Terms of Engagement.

Depending upon the appointment and the nature of the dispute, this may include negotiation, mediation, adjudication, arbitration or another agreed form of dispute resolution.

Relevant services may include:

RICS Dispute Resolution Service

Access RICS dispute-resolution services

Royal Institute of British Architects

Access RIBA professional standards and complaints information

Chartered Institute of Arbitrators

Access CIArb dispute-resolution services

The appropriate mechanism will depend upon the contractual terms, nature of the services and circumstances of the dispute.

Nothing in this procedure prevents a complainant from contacting RICS, RIBA, the Architects Registration Board or another statutory or professional body where they consider this appropriate.

8. Professional Indemnity Insurance

On receipt of a complaint, Barker Associates will consider whether the circumstances should be notified to its professional indemnity insurers or insurance broker in accordance with the terms of the current insurance policy.

The investigation and response will be managed in a way that does not prejudice Barker Associates' insurance position. No admission of liability, offer of settlement or other commitment affecting the firm's legal or insurance position will be made without appropriate authority.

Where a complaint includes an allegation of professional negligence, financial loss or a potential legal claim, Barker Associates may need to consult its insurers, insurance broker or legal advisers before providing a substantive response.

9. Confidentiality and Data Protection

Complaints will be handled sensitively and, so far as reasonably practicable, confidentially.

Personal information will be processed in accordance with applicable data-protection legislation and Barker Associates' privacy and information-management requirements.

Before releasing project or personal information, Barker Associates may undertake appropriate identity and authority checks. Information will only be provided to a complainant, representative or third party where there is a lawful and appropriate basis for doing so.

Information may need to be shared with Barker Associates' insurers, insurance broker, legal advisers, professional advisers, ADR provider or regulatory and professional bodies where this is necessary to investigate or respond to the complaint or to comply with legal, insurance or professional obligations.

10. Complaints Register and Record Keeping

All complaints will be recorded in Barker Associates' Complaints Register.

The register will include, as appropriate:

- the date the complaint was received;
- the complainant and project concerned;
- the nature of the complaint;
- the person responsible for the investigation;
- relevant response and review dates;
- the outcome of the complaint;
- any corrective action or improvement identified;
- any referral to insurers, advisers or an external body; and
- the date the complaint was closed.

Relevant correspondence and investigation records will be retained in accordance with Barker Associates' document-retention, data-protection and professional indemnity insurance requirements.

11. Monitoring and Learning

Barker Associates will periodically review complaints and their outcomes to identify:

recurring issues or trends;

- improvements to services, systems or procedures;
- amendments required to standard appointments or Terms of Engagement;
- corrective or preventive actions;
- staff training and continuing professional development requirements; and
- any changes required to this Complaints Handling Procedure.

Learning from complaints will be shared internally where appropriate, while maintaining the confidentiality of those involved.

12. Staff Awareness and Policy Review

This procedure will be made available to relevant employees and consultants. Staff will receive appropriate guidance or training to help them recognise, record and escalate complaints correctly.

This procedure will be reviewed at least annually and sooner where there is:

- a material change to applicable legislation;
- a change to RICS, RIBA or other relevant professional requirements;
- a change to Barker Associates' nominated ADR provider;
- a material change to professional indemnity insurance requirements; or
- learning from a complaint that indicates that the procedure should be revised.

Evidence of the review, including the reviewer, approval date and resulting changes, will be retained.

Contact Details

Head Office
Majesty House
Avenue West
Skyline 120
Braintree
CM77 7AA

0330 441 6930
mail@barker-associates.co.uk
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