

HARASSMENT AND BULLYING POLICY

1. Statement of policy

- a. Chambers is committed to providing a working environment in which all individuals including members, pupils, mini-pupils, employees, clients and the public are treated with dignity and respect. Chambers is determined to promote a working environment in which everyone is treated equally and with dignity, and can flourish.
- b. Chambers will not tolerate any form of harassment or bullying, and will take all necessary steps to ensure that nobody is subjected to harassment or bullying.

2. Application of the policy

- a. This policy applies to all people for whom Chambers constitutes a working environment, including members, employees, clerks, pupils, mini-pupils, work experience students, temporary workers, those who provide services to Chambers such as contract cleaners, accountants and IT consultants.
- b. The policy applies to:
 - (1) All premises where Chambers' business is conducted;
 - (2) All Chambers' related activities performed at any other site away from Chambers' premises; and
 - (3) Any social, business or other function where conduct or comments may have an effect on Chambers or relationships within Chambers.

3. Definition of harassment

- a. There is a spectrum of conduct that can be properly described as harassment. As a guide, the Equality Act 2020 describes harassment as unwanted conduct which has the purpose or effect of violating the victim's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim. A single incident can constitute harassment.
- b. Harassment includes any unwanted conduct related to sex, disability, gender re-assignment, religion or belief, sexual orientation or age. Such behaviour may take many forms, including:
 - Conduct which is unwanted by the recipient and perceived as hostile;

- Conduct which gives rise to a hostile or threatening work environment;
 - Conduct which creates an atmosphere in which it is feared that rejection or submission will be used as a basis for decisions which have an impact on the recipient at work, such as an allocation of work or tenancy decision.
- c. The following are example of behaviour, which may amount to harassment:
- Sexist, suggestive or sexual comments, “jokes” or “banter”;
 - Sexual innuendo;
 - Sexist, sexual or offensive comments regarding someone’s appearance;
 - Overly personal comments or over-familiar behaviour, including questions about someone’s relationships, sex life or gender identity;
 - Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - Racist, sexist, anti-LGBTQI+ or ageist jokes, or derogatory or stereotypical remarks about those of a particular ethnic or religious group, gender, gender identity or sexual orientation;
 - Outing or threatening to out someone as gay, lesbian, transgender or any form of LGBTQI+;
 - Knowingly mis-gendering someone;
 - Offensive or intimidating comments or gestures;
 - Insensitive jokes or pranks;
 - Mocking, mimicking or belittling a person’s disability;
 - Exclusion from social networks and activities, or other forms of isolation;
 - Staring or inappropriate/suggestive looks;
 - Invading someone’s personal space;
 - Sexual or offensive gestures;
 - Inappropriate sexual advances or repeated unwelcome sexual advances;

- Inappropriate or unwelcome physical contact;
 - Suggesting that sexual favours or a sexual relationship may result in favourable treatment, providing work opportunities or career advancement, or suggesting that refusing such may lead to less favourable treatment, the loss of work opportunities or damage to career advancement;
 - Displaying or sending pornographic or sexually suggestive pictures or written material;
 - Initiating or continuing sexual contact with someone who is unable, for example because of intoxication, to give truly informed consent;
 - Sexual and physical assault;
 - Dealing inappropriately or inadequately with complaints of harassment.
- d. Harassment is unlawful under the Equality Act 2010. In addition to the above unwanted conduct, it can arise where a person engages in any kind of unwanted sexual behaviour) or gender reassignment or sex related behaviour).
- e. Harassment is misconduct for employees or a breach of the Bar Code of Conduct for barristers. Barristers are reminded that they have a duty to report harassment to the Bar Standards Board.
- f. Allegations of harassment will be dealt with under Chambers' disciplinary procedure.

4. Definition of bullying

- a. Examples of bullying may include:
- Shouting at someone;
 - Being sarcastic towards, ridiculing or demeaning someone;
 - Overbearing or intimidating levels of supervision;
 - Inappropriate and/or derogatory remarks about someone's performance;
 - Abuse of authority or power by those in positions of seniority;
 - Deliberately excluding someone from meetings or communications without good reason.

5. Communication of this policy

- a. A copy of this policy will be made available on Chambers' website for all those for whom Chambers constitutes a working environment, including members, employees, clerks, pupils, mini-pupils, work experience students, temporary workers, those who provide services to Chambers such as contract cleaners, accountants and IT consultants.
- b. If necessary, a briefing will be provided so that all members and employees are aware of behaviour which is unacceptable within the working environment, and are aware of this policy, procedures for making complaints against and assistance available.

6. Complaints of harassment or bullying

- a. A person experiencing harassment or bullying is encouraged to raise a complaint at an early stage, as this is more likely to result in a satisfactory resolution.
- b. Any person may bring to the attention of an appropriate person any behaviour which they consider to be contrary to this policy, irrespective of whether they are the recipients of the inappropriate behaviour.
- c. Chambers is committed to providing a supportive environment in which to address and resolve allegations of harassment or bullying. Chambers offers both informal and formal resolution options. In all cases, a non-adversarial approach will be adopted.
- d. Determining whether unlawful harassment has taken place involves an objective and a subjective element. Analysis will be made of both the factual event which took place, but also of both the alleged perpetrator's intention and the complainant's perception of that event. Even if the alleged perpetrator's intention was not to harass or cause offence, where their conduct has had this effect, appropriate action will be taken.

e. Informal Complaint Resolution

- (1) Complaints of harassment or bullying may be raised informally in the first instance with Chambers' Equality and Diversity Officer(s), the Head of Chambers or another senior member of Chambers.
- (2) Chambers will provide advice or support as requested and will undertake any investigation necessary to resolve the matter, speedily and in confidence.
- (3) Within one week of the receipt of the informal complaint an investigation will be made, if necessary, and the person to whom the complaint was reported will agree an appropriate response.

f. Formal Complaint Resolution

- (1) A formal complaint should be made in writing to Chambers' Equality and Diversity Officer(s) or the Head of Chambers.
- (2) Within one week of the receipt of the complaint an investigation of the allegation will be commenced. Such investigation shall be completed within 14 days, unless there are good reasons for delay. Investigations will be conducted in accordance with standards of natural justice, and will be carried out by not less than two members of Chambers who are not directly involved in the complaint, and who are, ideally, members of Chambers' Equality and Diversity Committee.
- (3) At every stage of the investigation process, the complainant and the alleged perpetrator will have the opportunity to state their case. The complainant and the alleged perpetrator may be accompanied by a colleague or friend at any hearing.
- (4) Where the alleged perpetrator is an employee or contractor engaged by Chambers, Chambers reserves the right to suspend the alleged perpetrator during the course of the investigation if the allegation made against them amounts to gross misconduct.
- (5) If the complainant's allegation is upheld, appropriate remedial actions will be taken. This may include any of the following;
 - Requiring the perpetrator to make a formal apology;
 - Requiring the perpetrator to undertake counselling and/or providing counselling to the complainant;
 - Giving a verbal or written warning to the perpetrator in accordance with Chambers' Disciplinary Rules;
 - Dismissing the perpetrator in accordance with Chambers' Disciplinary Rules or otherwise requiring the perpetrator to permanently leave Chambers;
 - Changing the perpetrator's work assignment;
 - Reporting the perpetrator to their relevant Inn of Court and/or recommending the removal of pupil supervisor status;
 - Reporting the perpetrator to the Bar Standards Board in accordance with rules C65, C66 and/or C96.2 of the Handbook.

- g. In addition, to the sanction that may be imposed by Chambers as part of a complaint resolution, the perpetrator may be liable for damages in the event of a civil lawsuit or may face further sanctions imposed by the Bar Standards Board, or, in a very serious case, criminal sanctions.

7. Confidentiality

- a. Chambers recognises that a victim may find it difficult to come forward with a complaint, and that victims and alleged perpetrators may be particularly concerned about confidentiality and the effect that a complaint may have on career advancement.
- b. To protect the interests of the complainant, the alleged perpetrator, and any others who may report or be witnesses to incidents of harassment, confidentiality will be maintained throughout any investigatory process, to the extent that this is practical and appropriate under the circumstances.
- c. All records of complaints, including notes of meetings, interviews, results of investigations and other relevant material will be kept confidential by Chambers, except where disclosure is required for disciplinary or other remedial processes.

8. Victimisation

- a. Chambers is committed to ensuring that no-one who makes an allegation of harassment or bullying in good faith should be subjected to any detriment as a result. Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint will be viewed as a disciplinary matter.

9. Pupil Supervisors

- a. Pupillage is a period of professional training. Chambers regards it as inappropriate for a sexual relationship to develop between a pupil supervisor or any other member or employee of chambers, and a pupil.
- b. No member of Chambers may participate in decisions concerning a pupil where they are or have been in a relationship with that pupil.

10. Further resources

- a. Confidential advice in relation to harassment, bullying and inappropriate behaviour can be sought at any time from the confidential Bar Council E&D Helpline on 0207 611 1426.

- b. Inappropriate incidents at work may also be reported contemporaneously through the TalktoSpot.com platform, or the Spot app.
- c. Complaints in respect of members of the judiciary may be reported to the Judicial Conduct Investigations Office. Complaints should preferably be lodged within three months of the incident.

This policy was adopted at a Chambers' meeting on 26 January 2023, and will be reviewed in January 2024.