

7 King's Bench Walk Harassment Policy

1. Statement of Policy

- (1) Chambers is committed to providing a working environment in which all individuals are treated with dignity and respect and which is free from victimisation, bullying and harassment for all its members, employees, pupils, clients and others temporarily in Chambers (such as mini-pupils and those providing services to Chambers).
- (2) Chambers recognises the harmful effects that victimisation, bullying and other forms of harassment can have upon individuals and is committed to preventing the stress, humiliation and intimidation which can arise from such acts.
- (3) Chambers will not tolerate or condone any form of harassment.
- (4) All members of Chambers, pupils, employees and others temporarily in Chambers (such as clients, mini-pupils and those providing services to Chambers) have a right to complain if they are subject to harassment.
- (5) Chambers is committed to ensuring that no one who makes an allegation of harassment in good faith is subjected to any detriment as a result. The raising of such a complaint will not have any adverse consequences for the complainant, including in relation to allocation of work, tenancy and promotion decisions.

2. Scope of this Policy

- (1) This policy applies to all members of Chambers, employees, pupils and mini-pupils and all those for whom Chambers constitutes a working environment (including those visiting Chambers and/or providing services to Chambers).

- (2) It applies to all premises where Chambers' business is conducted and during the course of all activities connected with the work of Chambers (including social activities organised by Chambers).

3. Definition of Harassment

- (1) Harassment is any form of unwanted conduct related to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation which has the aim, or effect, of violating a person's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment for that person (or, in some cases, a witness to the conduct).
- (2) Harassment also arises where:
 - (a) a person engages in unwanted conduct of a sexual nature towards another person and the conduct has one or other of the aims or effects identified at (1) above;
 - (b) a person engages in unwanted conduct of a sexual nature (or related to gender reassignment or sex) which has one or other of the aims or effects identified at (1) above and, because the recipient rejected (or submitted to) that conduct, that person treats the recipient less favourably than if they had not rejected or submitted to it.
- (3) Harassment may take many forms including:
 - (a) physical or sexual assault;
 - (b) requests for sexual favours in return for career advancement;
 - (c) unnecessary physical contact;
 - (d) exclusion from social networks and activities or other forms of isolation;

- (e) bullying or verbal abuse;
- (f) compromising suggestions or invitations;
- (g) suggestive remarks or looks;
- (h) display of offensive materials, including on a computer screen;
- (i) tasteless jokes or verbal abuse, including any sent by email;
- (j) offensive remarks or ridicule;
- (k) dealing inappropriately or inadequately with complaints of harassment.

4. Harassment Policy

- (1) Any form of conduct which has the aim or effect of creating a humiliating or offensive environment for another person or violating a person's dignity is unacceptable in these Chambers and will not be tolerated or condoned.
- (2) Harassment is unlawful under the Equality Act 2010. It is also misconduct for employees and a breach of the BSB Handbook for Members. Disciplinary action will be taken against any member or employee of Chambers found to have harassed a colleague or other person while on Chambers' premises or in the course of activities connected with the work of Chambers.
- (3) Chambers is committed to ensuring that no one who makes an allegation of harassment in good faith is 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.

5. Resolving Complaints of Harassment

- (1) All members of Chambers, pupils, employees and others temporarily in Chambers (such as clients, mini-pupils and those providing services to Chambers) have a right to complain if they are subject to harassment. As set

out below, a complaint may be made informally or formally under Chambers' Grievance Procedure.

- (2) When an incident of harassment occurs, the recipient should communicate their disapproval and objections immediately to the harasser, if they feel able to do so, and request the harasser to stop.
- (3) If the harasser does not stop or if the recipient is uncomfortable about addressing the harasser directly, he or she is encouraged to bring their concerns to the attention of an Equality and Diversity Officer. Alternatively, he or she may pursue an informal resolution in accordance with paragraph 3 of Chambers' Grievance Procedure. In either case, the matter will be dealt with sensitively and discreetly.
- (4) Where the person subject to harassment does not wish to pursue the informal resolution options or has exhausted such options, he or she may make a formal complaint in accordance with paragraph 4 of Chambers' Grievance Procedure.
- (5) If an allegation of harassment is upheld, appropriate remedial actions will be taken. These may include any of the following:
 - (a) a formal apology;
 - (b) counselling;
 - (c) a written warning;
 - (d) a change of work assignment;
 - (e) reporting a member to the relevant Inn and/or recommending the removal of pupil supervisor status;
 - (f) the suspension or discharge of an employee;

- (g) reporting a member to the BSB where there are reasonable grounds to believe that there has been “*serious misconduct*” in accordance with BSB Rules, rC66.

6. Pupil Supervisors and Pupils

- (1) It is inappropriate for any member of chambers or employee to engage in a sexual relationship with any person who is, or is expected to become, a pupil in Chambers.
- (2) Without derogation from the foregoing, any member of Chambers or employee who is or has engaged in a sexual relationship with any person who is or is applying or is expected to become a pupil in Chambers should play no part (whether formal or informal) in any decision-taking with respect to that person.

7. Further Avenues of Redress for an Individual Experiencing Harassment

- (1) If informal methods or Chambers’ Grievance Procedure fails to resolve the matter, or if the harassment complained of is of a more serious nature to begin with, one or more of the following methods of resolution may be appropriate and/or (in some cases) required:
 - (a) initiation of the Bar Council’s Mediation Service in confidence through the Bar Council’s Services team.
 - (b) a complaint to the relevant Inn’s Students’ Officer about a sponsor or pupil supervisor;
 - (c) reporting a member to the BSB (as required by the BSB Rules, rC66) where there are reasonable grounds to believe that there has been “*serious misconduct*”.

- (d) action in the county court or employment tribunal alleging harassment as a form of unlawful direct discrimination; and/or
- (e) reporting the matter to the police where an act of harassment is a criminal offence e.g. assault or intentional harassment.

8. Pupils and members of Chambers can also seek confidential advice in relation to harassment, bullying and other inappropriate behaviour at any time by contacting the Bar Council's Equality and Diversity helpline. In addition, the TalktoSpot.com online platform provides a means of confidentially recording and (if required) reporting instances of bullying, harassment and inappropriate behaviour at the Bar. Further details are available from the Bar Council and from Chambers' Equality and Diversity Officers.

9. General

- (1) A copy of this policy is available on Chambers' website to all those for whom Chambers constitutes a working environment.
- (2) This policy will be reviewed every two years.

Rev. May 2020