

7 KBW Limited Anti-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 members of Chambers, employees, pupils, clients, and others temporarily in Chambers (such as mini-pupils and those providing services to Chambers). This Anti-Harassment Policy is a central plank of Chambers' commitment and will be applied rigorously.
- (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 or bullying.
- (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 or bullying.
- (5) Chambers is committed to ensuring that no one who makes an allegation of harassment or bullying in good faith is subjected to any form of retaliation or victimisation 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 defined in section 26 of the Equality Act 2010.
- (2) Harassment is any form of unwanted physical, verbal, or non-verbal conduct related to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation which has the purpose 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). A single incident can amount to harassment.
- (3) Harassment also arises where:
 - (a) a person engages in unwanted conduct of a sexual nature (sexual harassment) towards another person and the conduct has the purpose or effect referred to at (2) above;
 - (b) a person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex, which has the purpose or effect referred to at (2) 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.
- (4) In deciding whether conduct has the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, regard must be had to: (i) the perception of that person; (ii) the other circumstances of the case; and (iii) whether it is reasonable for the conduct to have that effect. There is, therefore, a spectrum of conduct that can properly be described as harassment and, in any given

case, an analysis is required – not only of the factual event which took place – but also of the alleged perpetrator’s intention and the victim’s perception of that event. Depending on the particular circumstances, it may – for example – be harassment for a person to engage in conduct:

- (a) which is unwanted by the recipient and perceived as hostile or threatening;
 - (b) which gives rise to a hostile or threatening work environment;
 - (c) 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.
- (5) The following are examples of types of behaviour which may amount to harassment. Further examples of inappropriate behaviour are identified in the Bar Council’s Equality and Diversity Guides: Discrimination, Harassment, Bullying and Inappropriate Behaviours: Information for Barristers, and on the 'Wellbeing at the Bar' website.
- (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. What is Bullying?

- (1) Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined, or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.
- (2) Bullying may include overbearing and intimidating levels of supervision or inappropriate derogatory remarks about someone's performance. However, legitimate, reasonable, and constructive criticism of a person's performance or behaviour, or reasonable instructions given in the course of a person's work / engagement / employment, will not amount to bullying on their own.

5. 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 may also be a criminal offence for a person to pursue a course of conduct which amounts to harassment and which s/he knows or ought to know amounts to harassment of the other, under the Protection from Harassment Act 1997. Harassment is also misconduct for employees and a breach of the Bar Standards Board (BSB) Handbook for Members. Disciplinary action will be taken against any member or employee of Chambers found to have harassed or bullied 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 or bullying in good faith is subjected to any form of retaliation or victimisation as a result. Any form of retaliation or victimisation towards a complainant, witness, or anyone else involved in the investigation of a complaint, will be viewed as a disciplinary matter.

6. Resolving Complaints of Harassment or Bullying

- (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 or witness harassment or bullying. As set out below, a complaint may be made informally or formally under Chambers' Grievance Procedure.
- (2) When an incident of harassment or bullying occurs, the recipient (or witness) should clearly communicate their disapproval and objections immediately to the person responsible if they feel able to do so, and request that they stop.
- (3) If the harassment or bullying does not stop, or if the recipient (or witness) is uncomfortable about addressing the person responsible directly, s/he is encouraged to bring their concerns to the attention of an Equality and Diversity Officer. Alternatively, s/he may pursue an informal resolution in accordance with paragraph 5 of Chambers' Grievance Procedure. In either case, the matter will be dealt with sensitively and discreetly.
- (4) If the recipient (or witness) is not certain whether an incident or series of incidents amounts to harassment or bullying, they should initially contact an Equality and Diversity Officer informally for confidential advice.

- (5) Where the recipient (or witness) does not wish to pursue the informal resolution options or has exhausted such options, s/he may make a formal complaint in accordance with paragraph 6 of Chambers' Grievance Procedure.
- (6) If an allegation of harassment or bullying 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) prohibiting someone from drinking alcohol at Chambers' events;
 - (f) reporting a member to the relevant Inn and/or recommending the removal of pupil supervisor status;
 - (g) the suspension or discharge of an employee;
 - (h) 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.

7. 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.

8. Further Avenues of Redress for an Individual Experiencing Harassment or Bullying

- (1) If informal methods or Chambers' Grievance Procedure fails to resolve the matter, or if the harassment or bullying 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 mediation through the Bar Council's Appointments Service;
 - (b) a complaint to the relevant Inn's Students' Officer about a sponsor or pupil supervisor; and/or
 - (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*". The BSB provides guidance on the reasons for and scope of the reporting obligation, as well as how to make a report, in the Handbook (gC97-gC99) and in separate BSB guidance available on its website.
- (2) 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. In particular, pupils and

members may wish to consult the 'Wellbeing at the Bar' website¹ and the Bar Council's Equality and Diversity Guides: Discrimination, Harassment, Bullying and Inappropriate Behaviours: Information for Barristers.²

8. General

- (1) A copy of this policy is available on Chambers' website. It is also available in Chambers' Policies folder in SharePoint.
- (2) This policy will be reviewed every two years.

Rev. July 2023

¹ <https://www.wellbeingatthebar.org.uk/problems/bullying-barristers/>

² <https://www.barcouncilethics.co.uk/documents/discrimination-harassment-bullying-and-inappropriate-behaviours/>