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ANTI-HARASSMENT POLICY

1. Statement of Policy

(1) Chambers is committed to providing a work environment in which all individuals are treated with dignity and respect. Chambers is determined to promote a work environment in which everyone is treated equally and can flourish. This Anti-Harassment Policy is a central plank of Chambers' commitment and will be applied rigorously.

(2) All types of harassment, sexual harassment, bullying and inappropriate behaviour which have the aim or effect of creating a humiliating or offensive environment for another person or violating a person's dignity are unacceptable in these Chambers and will not be tolerated or condoned.

(3) Chambers recognises the harmful effects that harassment, sexual harassment bullying and other inappropriate behaviour can have upon individuals and is committed to preventing the stress, humiliation and intimidation which can arise from such acts.

(4) Our policy is to:

(a) offer guidance as to the type of behaviour which may be considered inappropriate;

(b) take appropriate practical steps to reduce or prevent the chances of such behaviour occurring;

(c) resolve, informally and without blame, genuine misunderstandings and disagreements about whether such behaviour has occurred;

(d) provide an effective and user-friendly system for raising concerns about objectionable behaviour;

(e) take effective steps to address incidents of such behaviour and to deal with perpetrators of the same in a fair and proportionate way;

(f) offer practical support for those who feel they have been affected by such behaviour; and

(g) ensure ongoing review of the Policy.

(5) 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, sexual harassment, bullying, or other inappropriate behaviour.

(6) All persons shall be treated equally and fairly under this Policy regardless of seniority or lack of it.

(7) Chambers is committed to ensuring that no one who makes an allegation of harassment, sexual harassment, bullying or other inappropriate behaviour 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. 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.

2. Scope of this Policy

(1) This Policy covers all forms of harassment, sexual harassment, bullying and inappropriate behaviour.

(2) 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). Compliance with this Policy and with Chambers' Grievance Procedure is compulsory.

(3) It applies to all premises where Chambers' business is conducted and during the course of all activities connected with the work of Chambers (including at Court and at social and marketing activities organised by Chambers and the aftermath of such activities).

3. Definition of Harassment

(1) Harassment is defined in section 26 of the Equality Act 2010.

(2) Harassment is unwanted conduct related to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation which is intended or has the effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment may take many forms including:

(a) Conduct which is unwanted by the recipient and perceived as hostile or threatening;

(b) Conduct which gives rise to a hostile or threatening work environment;

(c) 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.

(3) The following are examples of types of behaviour which may amount to harassment:

(a) Racist, sexist, homophobic, transphobic or ageist jokes;

(b) Derogatory or stereotypical remarks about an ethnic or religious group, religion or belief, or gender;

(c) Disclosing or threatening to disclose someone's sexual orientation or gender identity against their wishes;

(d) Maliciously misgendering someone;

(e) Offensive emails, text messages or social media content;

(f) Mocking, mimicking or belittling a person's (past, present, or perceived) disability;

(g) Exclusion from social networking and activities or other forms of isolation;

(h) Physical assault.

(4) Sexual harassment is unwanted or unwelcome behaviour of a sexual nature which violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for someone. It can be sexual harassment if the behaviour has one of these effects even if it was not intended, or was intended to have one of these effects, even if it did not have that effect.

(5) Examples of sexual harassment include:

(a) Unwelcome sexual advances;

(b) Unwanted or intrusive physical conduct, including touching, pinching, pushing and grabbing;

(c) Making sexual jokes, suggestive gestures or remarks;

(d) Asking intrusive questions about a person's private or sex life, or a person discussing their own sex life;

(e) Spreading rumours of a sexual nature about a person;

(f) Making promises in return for sexual favours;

(g) Unwanted or derogatory comments about a person's clothing, physical attributes, or appearance;

(h) Sending or displaying or showing pornographic content, inappropriate images, or inappropriate drawings;

(i) Sending emails, text messages, or other instant messages with material or content of a sexual nature;

(j) Unwanted social invitations for dates or physical intimacy.

(6) Harassment and sexual harassment are unlawful under the Equality Act 2010, misconduct or gross misconduct for employees or a breach of the Bar Code of Conduct for barristers.

(7) Harassment, including sexual harassment, does not require a course of conduct – an isolated incident can amount to unlawful harassment.

(8) That a person may not have intended their conduct to be offensive does not preclude it from amounting to harassment or sexual harassment.

(9) An incident does not have to fulfil the legal definition of "harassment" to be dealt with appropriately under this Policy.

4. Bullying and Inappropriate Behaviour

(1) Bullying is unwanted behaviour from a person or group that is either

(a) Offensive, intimidating, malicious or insulting;

(b) An abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

(2) Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or calls, at work or in other work-related situations and is not always obvious or noticed by others.

(3) Examples of bullying at work include:

(a) Constantly criticising someone's work;

(b) Overbearing or intimidating levels of supervision;

(c) Spreading malicious rumours about someone;

(d) Constantly putting someone down in meetings;

(e) Deliberately giving someone a heavier workload than everyone else;

(f) Deliberately or repeatedly excluding someone from team social events;

(g) Putting humiliating, offensive or threatening comments or photos on social media.

(4) Bullying is misconduct or gross misconduct for employees and may breach the Bar Code of Conduct for barristers.

(5) Legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to someone in the course of their work or training, will not amount to bullying on their own.

(6) Inappropriate behaviour or incivility is any disrespectful, rude, or discourteous behaviour that violates workplace norms of mutual respect regardless of whether

the intent is malicious. It encompasses both overt and subtle actions, such as yelling, eyerolling, gossiping, or withholding information. Although lower in intensity than bullying, inappropriate behaviour or incivility can impact on wellbeing and morale, decrease confidence and productivity, and foster a toxic environment if left unaddressed.

(7) Examples of inappropriate behaviour could include:

(a) Interrupting others in meetings;

(b) Giving the silent treatment;

(c) Refusing to answer questions;

(d) Using demeaning language;

(e) Sending unpleasant emails;

(f) Belittling comments;

(g) Excluding people from professional camaraderie;

(h) Leaving someone off an email;

(i) Not inviting them to social events;

(j) Failing to pay attention during a discussion;

(k) Gossiping;

(l) Spreading rumours;

(m) Undermining someone's work.

(8) Many of the examples above can also be experienced as bullying or harassment, depending on the context, power dynamics, frequency and intensity of the behaviours or experience.

5. Challenging Harassment, Sexual Harassment, Bullying and Inappropriate Behaviour

(1) Everyone who works at Chambers is encouraged to take steps to stop, deter and prevent harassment, sexual harassment, bullying and inappropriate behaviour.

(2) Anyone who witnesses such behaviour directed at another, including hearing harassing or bullying comments, is encouraged to challenge it rather than let it pass (unless to do so would place themselves at risk).

(3) Anyone who witnesses such behaviour directed at another, including hearing harassing or bullying comments, is encouraged to bring it to the attention of one of Chambers' Equality and Diversity Officers. These are: Jawdat Khurshid KC, John Bignall, Jessica Sutherland, Andrew Pearson, Henry Ashwell, Sophie Hepburn and Gary Rose.

(4) Anyone who learns of such behaviour from another should encourage those involved to raise a concern, informally or formally, as set out below.

(5) Any barrister who has reasonable grounds to believe that there has been serious misconduct by another barrister also has a professional duty to report it to the Bar Standards Board[1] under BSB Rule, rC66.[2] To fail to do so is a breach of the Code of Conduct, unless they reasonably believe that the misconduct has already been reported to the BSB by someone else. Given the importance of identifying and responding to this type of misconduct, the BSB recommends making such a report where there is a reasonable suspicion that it occurred (gC98A).

(6) If you are not sure whether an incident should be reported, or has already been reported, you can seek advice from the BSB or Bar Council, or Chambers' Equality and Diversity Officers.[3] Guidance from the BSB, and a link to a form which can be used to report the misconduct to the BSB, can be found at:

https://www.barstandardsboard.org.uk/static/1e61994f-c558-430b-9c7b7034081df4b7/Reporting-Serious-Misconduct-of-Others.pdf

[1] The duty to report serious misconduct may be satisfied by reporting either to the BSB or to the Bar Council's Commissioner for Conduct (gC98A). A report to the Commissioner for Conduct can be made via Talk to Spot.
[2] The BSB will not take enforcement action against you if you have been the subject of this type of misconduct and you do not report it. The same shall apply in relation to individuals whom the subject has acknowledged as a confidant (gC98A).
[3] See 5(3) above.

(7) Advice can also be obtained from the BSB by calling them on 0207 611 1444 or from the Bar Council by calling their Ethics Helpline on 0207 611 1307. TalktoSpot.com also provides a means of confidentially recording and (if required) reporting instances of bullying, harassment, sexual harassment and inappropriate behaviour at the Bar.

6. Resolving Complaints of Harassment, Sexual Harassment, Bullying and Inappropriate Behaviour

(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, sexual harassment, bullying or other inappropriate behaviour.

(2) Chambers recognises that it takes courage to raise a concern about someone's conduct, particularly where that person is in a position of seniority or authority, and aims to make it easy and as stress-free as possible to do so. As set out below, a complaint may be made informally or formally under Chambers' Grievance Procedure.

(3) When an incident of harassment, sexual harassment, bullying or other inappropriate behaviour 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.

(4) If the harassment, sexual harassment bullying or other inappropriate behaviour 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 one of Chambers' Grievance Officers (currently Anna Gotts and James Goudkamp) or an Equality and Diversity Officer.[4] 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] See 5(3) above.

(5) If the recipient (or witness) is not certain whether an incident or series of incidents amounts to harassment, sexual harassment, bullying or inappropriate behaviour, they should initially contact a Grievance Officer or an Equality and Diversity Officer[5] informally for confidential advice.

(6) 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.

(7) Where the concerning conduct is particularly serious, including a repeated series of incidents or including any incident involving any form of assault, the Grievance Officer or Equality and Diversity Officer shall also encourage the person raising the concern to raise it formally.

(8) If an allegation of harassment, sexual harassment, bullying or other inappropriate behaviour is upheld, appropriate remedial actions will be taken. These may include (but are not limited to) any of the following:

(a) a formal apology;

(b) counselling;

(c) a written warning;

(d) ongoing monitoring of the person whose behaviour caused the concern;

(e) a change of work assignment;

(f) a change of pupil supervisor;

(g) prohibiting someone from drinking alcohol at Chambers' events;

(h) prohibiting someone from attendance at certain events;

(i) prohibiting the appointment of an individual to positions of responsibility;

(j) the person whose behaviour was reported agreeing to attend a bullying, harassment and sexual harassment training course;

(k) reporting a member to the relevant Inn and/or recommending the removal of pupil supervisor status;

(l) the suspension or discharge of an employee;

[5] See 5(3) above.

(m) the suspension or expulsion of a member from Chambers;

(n) reporting a member to the BSB or Commissioner for Conduct on behalf of the person who raised the concern or assisting them in making such a report where there are reasonable grounds to believe that there has been *"serious misconduct"* in accordance with BSB Rules, rC66 (see further below);

(o) if the concern relates to the conduct of a judge, supporting the person who raised the concern to lodge a complaint with the Judicial Conduct Investigations Office;

(p) if the concern relates to the conduct of a solicitor, supporting the person who raised the concern to lodge a complaint with the Solicitors' Regulatory Authority.

(9) Any sanctions imposed must be complied with.

(10) Following any investigation, whatever its outcome, particular consideration shall be given to steps to reduce the risk of the conduct which caused concern occurring again.

7. Pupil Supervisors and Pupils

(1) Members of chambers and staff are prohibited from engaging in romantic or sexual relationships with pupils (be they 12-month pupils, "third six" / probationary tenants, students or mini-pupils). This is due to the obvious power imbalance between pupils and staff / members of 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.

(3) Where a pupil has any concern about any perceived harassment, sexual harassment, bullying or inappropriate behaviour they may raise that concern informally with their pupil supervisor if they feel comfortable doing so, or, if they would prefer, informally or formally under Chambers' Grievance Procedure, as referred to above.

(4) Where their concern relates to conduct by their pupil supervisor, consideration will be immediately given as to whether it is appropriate to allow them a different pupil supervisor, temporarily or permanently.

(5) If any pupil has a concern and does not feel comfortable raising it via the procedures set out herein, they are invited to make a record on Talk to Spot– they can do so anonymously if they wish and receive confidential advice and guidance from the Bar Council. They can also call the confidential Bar Council Pupil Helpline on 02076111415 or email PupilHelpline@BarCouncil.org.uk.

8. Judicial Conduct

(1) Where there is concern regarding the conduct of a judge, Chambers can provide advice and support from an Equality and Diversity Officer[6]. Alternatively, advice can be secured from the Bar Council's ethics enquiries helpline 020 7611 1307 or Ethics@barcouncil.org.uk, or via Talk to Spot. Where appropriate, a formal complaint should be made to the Judicial Conduct Investigations Office. Chambers can provide advice and support in relation to this.

9. Further Avenues of Redress for an Individual Experiencing Harassment, Sexual Harassment, Bullying or Inappropriate Behaviour

(1) If informal methods or Chambers' Grievance Procedure fails to resolve the matter, or if the harassment, sexual harassment, bullying or inappropriate behaviour 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[7] (as required by the BSB Rules, rC66) where there are reasonable grounds to believe that there has been

[6] See 5(3) above.
[7] The duty to report serious misconduct may be satisfied by reporting either to the BSB or to the Bar Council's Commissioner for Conduct (gC98A). A report to the Commissioner for Conduct can be made via Talk to Spot.

"serious misconduct".[8] Given the importance of identifying and responding to this type of misconduct, the BSB recommends making such a report where there is a reasonable suspicion that it occurred (gC98A). 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.

8. Useful Resources

(1) Confidential advice in relation to harassment, bullying and sexual harassment can be sought at any time from the Commissioner for Conduct's team via Talk to Spot. The team is based at the Bar Council and can provide you with support and advice. You don't need to give your name, the names of anyone involved, or identify your chambers, unless you are comfortable doing so: https://www.barcouncil.org.uk/support-for-barristers/equality-diversity-andinclusion/talk-to-spot.html

(2) Victim Support offer emotional support to anyone making or considering making a report to the BSB: victimsupport.org.uk/bar-standards-board-independentsupport-service

(3) LawCare – free and confidential helpline for lawyers, providing wellbeing and mental health support: 0800 279 6888 or lawcare.org.uk

(4) Wellbeing at the Bar – resources, advice and support for barristers, pupils and chambers professionals: wellbeingatthebar.org.uk

(5) Bar Standards Board guidance on reporting requirements: https://www.barstandardsboard.org.uk/for-barristers/reporting-seriousmisconduct.html

(6) The Bar Council ethical enquiries helpline 0207 611 1426 or Ethics@barcouncil.org.uk

(7) Bar Standards Board information for those reporting a concern: https://www.barstandardsboard.org.uk/for-the-public/problems-with-abarrister/reporting-a-concern.html or call 0207 6111 444

[8] The BSB will not take enforcement action against you if you have been the subject of this type of misconduct and you do not report it. The same shall apply in relation to individuals whom the subject has acknowledged as a confidant (gC98A).

(8) Judicial Conduct Investigations Office – complaints should be lodged within 3 months of the incident. Please check online for up-to-date websites and telephone numbers: http://judicialconduct.judiciary.gov.uk/making-a-complaint

9. General

(1) A copy of this Policy is available on Chambers' website. It is also available in Chambers' Policies folder on SharePoint.

(2) All feedback on this Policy – both positive and negative – is welcomed and will be taken into account to inform amendments and improvements. Any feedback or comments can be provided to Chambers' Equality and Diversity Officers[9] and will be treated confidentially if so requested.

(3) This Policy will be reviewed every two years.

Rev. October 2026 (HA)

[9] See 5(3) above.