

HARASSMENT POLICY

1. Statement of Policy

- 1.1 Chambers is committed to providing a working environment in which all individuals including tenants, pupils, mini-pupils, employees, applicants for pupillage, tenancy or any other position, professional and lay clients, visitors and the public are treated with dignity, respect and fairness. Chambers aims to promote a working environment which is conducive to the professional growth of its members and employees and to the promotion of equality and opportunity.
- 1.2 Chambers will not tolerate any form of harassment and will take all necessary steps to ensure that those identified within paragraph 1.1 are not subjected to this. Harassment constitutes professional misconduct and is prohibited by paragraph 305 Bar Council's Code of Conduct. Harassment because of race, colour, ethnic or national origin, nationality, sex, sexual orientation, pregnancy or maternity, marital status, civil partnership status, disability, age, gender reassignment, religion or belief (i.e. protected characteristics) is unlawful under the Equality Act 2010.

2. Scope of the Policy

- 2.1 This policy applies to members and employees of Chambers, pupils and mini-pupils.
- 2.2 The policy is applicable to:
- (i) all premises where Chambers' business is conducted;
 - (ii) all Chambers' related activities performed at any site away from Chambers;

- (iii) any social, business or other function where conduct or comments may have an effect on Chambers or relationships within Chambers.

3. Definition of Harassment

3.1 Harassment is any form of unwanted conduct which has the aim or effect of diminishing a person's dignity or creating a humiliating or offensive environment for that person. The fact that one person may be able to ignore or deal comfortably with certain behaviour does not mean that it is acceptable if directed at another. A single incident may constitute harassment if it is sufficiently serious. The motive or intention of the perpetrator is normally irrelevant.

3.2 Examples of behaviour which may amount to harassment based on sex, race, disability, religion or sexual orientation include:

- physical assault, including sexual assault;
- demands for sexual favours in return for career advancement;
- unnecessary physical contact;
- exclusion from social networks and activities;
- isolation;
- bullying;
- compromising suggestions or invitations;
- suggestive remarks or looks;
- display of offensive materials, including on computer screen;

- tasteless jokes or verbal abuse;
- offensive remarks or ridicule;
- dealing inappropriately with complaints of harassment.

This list is not-exhaustive.

4. Prohibition against Harassment

4.1 For the avoidance of doubt, Chambers prohibits Harassment.

4.2 Disciplinary action will be taken against any individual specified within paragraph 2.1 found to have harassed any other individual or group of individuals within Chambers including tenants, pupils, mini-pupils, employees, applicants for pupillage, tenancy or any other position, professional and lay clients, visitors and the public or any other person during the conduct of their work or as otherwise specified within paragraph 2.2.

5. Resolving Complaints of Harassment

5.1 Chambers is committed to providing a supportive environment in which to resolve all complaints and issues relating to harassment. A number of options specified within paragraphs 5.6 and 5.7 have been implemented for this purpose. A non-adversarial approach will be adopted.

5.2 A recipient of harassment is encouraged to raise a complaint at an early stage preferably through the informal procedure as outlined within paragraph 5.6. In so doing this is more likely to resolve the complaint with a satisfactory outcome. If left unresolved, the harassment may escalate into a situation that can no longer be resolved effectively and/or with a satisfactory outcome for all involved.

5.3 Any individual has the right to bring to the attention of an appropriate person any behaviour which they have witnessed or are made aware of and consider to be in contravention of this policy. This is irrespective of whether they are the recipient of the said harassment. All such persons will remain anonymous and the complaint treated confidentially. Further, a failure to report or take immediate action in relation to any alleged harassment could be interpreted as condoning such behaviour.

5.4 Chambers recognises that a recipient of harassment may find it difficult to come forward with either an informal or formal complaint. Further, both recipients and alleged harassers may be concerned about the confidentiality of any complaint. There may be implications for personal and professional relationships inside and outside Chambers including issues of career advancement for all parties. To protect the interests of the complainant, the individual complained against, and any other person who may report or be witness to any incidents of harassment, confidentiality will be maintained throughout any investigatory process to the extent that this is reasonably practicable and appropriate under the circumstances. This is, however, subject to Chamber's overriding duty to ensure that the harassment does not re-occur. All records of complaints, including notes to 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 and again subject to Chamber's overriding duty to ensure that the harassment does not re-occur.

5.5 Chambers is committed to ensuring that there will be no form of reprisal for;

- (i) any person who may report, be witness to, or involved in any formal or informal investigation relating to any incidents of harassment in good faith, or,

- (ii) any person that is the subject of either a formal or informal investigation of harassment where an allegation of harassment is not upheld.

Chambers aims to ensure that no adverse implications will result from raising a complaint, particularly in relation to career advancement. Any victimisation of those identified within paragraphs 5.5(i) and (ii) will be viewed as a disciplinary matter.

5.6 Informal Resolution: a number of avenues may be taken in order to resolve a complaint informally;

- (i) When an incident of harassment occurs, the recipient should communicate their disapproval and objections immediately, or as soon as possible thereafter to the harasser and request that the behaviour ceases.
- (ii) Alternatively, the recipient may prefer to communicate their disapproval and objections immediately or as soon as possible thereafter to a member of the Management Committee or a designated advisor (and/or pupil supervisor if applicable) [see paragraph 5.8 & appendix 1]. This individual will;
- provide the recipient with advice and support;
 - will undertake any informal investigation necessary to resolve the matter speedily and in confidence, including approaching the harasser privately and requesting, on behalf of the recipient, that the behaviour ceases;
 - ensure that any informal investigation is undertaken and completed within 14 days of receipt of the complaint, or as soon as is reasonably practicable. There must be a good reason for any delay.

5.7 Formal Complaints Resolution:

- (i) In the event that the recipient does not wish to pursue the informal resolution option or has exhausted such avenues, they may make a formal complaint to a member of the Management Committee or a designated advisor (and/or pupil supervisor if applicable) [see paragraph 5.8 & appendix 1].
- (ii) A formal complaint should be made in writing setting out the allegations, immediately or as soon as possible thereafter, subject to utilising the informal complaints procedure. A formal investigation will be undertaken and completed within 14 days of receipt of the complaint, or as soon as is reasonably practicable. Again there must be a good reason for any delay.
- (iii) Where possible, the formal investigation will be conducted by a panel of at least two members of Chambers who have no conflict of interest in relation to the complaint. All parties to the complaint have the right to make representations and/or be independently represented and/or be accompanied by a colleague or friend at any hearing.
- (iv) If a formal complaint cannot or is not resolved internally within Chambers or one or both parties are unhappy with the outcome, a further avenue of appeal to an external independent individual may be considered. This individual should have expertise in equal opportunities and have no direct relationship to any person within Chambers either professionally or personally. Further avenues of redress may be sought through independent organisations [see appendix 2].
- (v) If the allegation of harassment is upheld, appropriate remedial action will be taken. This may include any of the following;

- formal apology

- counselling
 - written warning
 - change of work assignment
 - report to the relevant Inn recommending the removal of pupil supervisor status
 - suspension or discharge from Chambers
 - referral to the Bar Council’s Conduct Committee [see appendix 2]. This may result in further sanctions imposed by the CC.
- (vi) In addition to any of the aforesaid sanctions that may be imposed, those guilty of harassment may be liable for damages in the event of a civil lawsuit. Action can be taken either in the County Court or Employment Tribunal alleging harassment as a form of unlawful discrimination. If the harassment is capable of amounting to a criminal offence, eg, rape, indecent or physical assault, the victim should be encouraged to report any such incident(s) to the police.
- (vii) The standard of proof to be applied in a formal investigation is “beyond all reasonable doubt”. This is the standard applied by the Conduct Committee in relation to complaints alleging professional misconduct by a barrister. Recipients of harassment may feel that this standard is too stringent. However, protection must not only be afforded to those subjected to such behaviour but also to those who may be wrongly accused of harassing. If a formal allegation of harassment is upheld against an individual the implications for that person could be adverse to both his/her professional and personal life. In many cases it is likely that the process of formally investigating allegations of harassment will result in the behaviour ceasing.

5.8 **Designated advisors:** a male and female advisor will be nominated and elected, in accordance with the procedure adopted for elections to the Management Committee as set out in Chamber's constitution. (Any nominated individual may simultaneously act as the "equal opportunities designated advisor").

6. Access to and Implementation of the Policy

6.1 A copy of this policy will be provided to all members and employees of Chambers, including pupils. Upon receipt, the policy should be carefully read, and an opportunity will be given to clarify any areas of ambiguity or concern at quarterly departmental and staff meetings.

6.2 The availability of this policy will be communicated to mini-pupils and all applicants for pupillage, tenancy and any other position.

6.3 A copy of the policy will be available on request by all those specified within paragraph 6.2 as well as professional and lay clients, visitors and any other member of the public. In the event that the policy is ambiguous or requires clarification, any of the aforesaid individuals/groups may approach one of the designated advisors, either in writing or personally.

6.4 The policy, where reasonably practicable, will be positively promoted on Chambers web-site and/or in Chamber's brochures.

6.5 The policy, and appendices are to be updated annually by Chambers pupil under the direction and supervision of their pupil supervisor, subject to final approval by the Management Committee. This should not only ensure the currency and accuracy of the law, but take into account the relevancy and practicality of (i) the scope of the policy, (ii) the definition & prohibition against harassment, (iii) the informal & formal complaints procedure, and (iv) access to & implementation of the policy.

Appendix 1

**to be updated annually by Chambers' pupil to ensure that all information contained within this appendix is accurate and of practical use.*

Management Committee & Designated Advisors

Roger Farley QC (Head of Chambers) (called 1974)

Timothy Willitts (Treasurer) (called 1989)

Richard Hartley (Senior Representative) (called 1985)

Martin Callery (Middle Representative) (called 1997)

Rebecca Gregg (Junior Representative) (called 2003)

Sam Keeling Roberts (Secretary) (Called 2005)

Female designated advisor: Samantha Openshaw (Called 2005)

Male designated advisor: Nicholas Flannagan (Called 2004)

Appendix 2

**to be updated annually by Chambers' pupil to ensure that all information contained within this appendix is accurate and of practical use.*

Independent Avenues of Redress

In addition to Chambers internal procedures there are a number of other avenues of redress. These include;

- raising a complaint with the relevant Inns Students' Officer about a sponsor or pupil supervisor. The Inns' complaint process will determine the outcome of such complaints.

Lincoln's Inn

Student Department
Treasury Office
Lincoln's Inn
LONDON
WC2A 3TL
Tel: 0207 405 1393

Gray's Inn

Education Department
8 South Square
Gray's Inn
LONDON
WC1R 5ET
Tel: 0207 458 7800

Inner Temple

Education & Training Department
Treasurer's Office
Inner Temple
LONDON

Middle Temple

Student's Department
Treasury Office
Middle Temple Lane
LONDON

EC4Y 7DB

Tel: 0207 797 8250

EC4Y 9AT

Tel: 0207 427 4800

- a complaint directly to the Bar Standards Board where the alleged discriminator is a barrister:

289/293 High Holborn

LONDON

WC1V 7HZ

Telephone: 0207 611 1444

Fax: 0207 851 9217

Website: www.barstandardsboard.org.uk

- seek the confidential advice from the Bar Councils' Equality and Diversity Advisors. They can be approached in confidence by any recipient of harassment or by any member of chambers responding to a complaint of harassment.

Pamela Bhalla and Angela Campbell

Bar Councils' Equality and Diversity Advisors

289/293 High Holborn

London

WC1V 7HZ

Telephone: 0207 611 1310

Fax: 0207 831 9217

DX: 240 LDE

Further sources of help :Taken from Annexe A to the Code for Equality and Diversity

Important Websites and contact Addresses

Commission for Racial Equality - www.cre.gov.uk

Equal Opportunities Commission - www.eoc.org.uk

Disability Rights Commission - <http://www.drc-gb.org>

Judicial Studies Board - www.jsboard.co.uk/index.htm

Judicial Studies Board- Equal Treatment Bench Book-
<http://www.jsboard.co.uk/etac>

National Association for Mental Health (MIND)- www.mind.org.uk/

Royal National Institute for deaf and hard of hearing people
<http://www.rnid.org.uk/>

Deaf Lawyers UK – www.deaflawyers.org.uk

Royal National Institute of the Blind -
<http://www.rnib.org.uk/xpedio/groups/public/documents/code/InternetHome.hcsp>

Employer's Forum on Disability- efd@employers-forum.co.uk

Centre for Accessible Environments- www.cae.org.uk

Codes of Practice

Commission for Racial Equality-
<http://www.cre.gov.uk/gdpract/eop.html>

Equal Opportunities Commission- code of practice on equal pay-
http://www.eoc.org.uk/cseng/legislation/law_code_of_practice.pdf

Code of Practice on sex discrimination-
http://www.eoc.org.uk/cseng/legislation/law_code_of_practice_-_sex_discrimination.asp

Disability Rights Commission- all codes of practice- <http://www.drc-gb.org/thelaw/practice.asp>

Advisory and Conciliation and Arbitration Service- all codes of practice- http://www.acas.org.uk/a_z/codes_of_practice.html

The Bar Code of Conduct –

<http://www.barcouncil.org.uk/document.asp?documentid=173&languageid=1&highlight=code%20of%20conduct>

Relevant Benchmark Data may be Found on the Following Websites:

Bar Council Education Website-
<http://www.legaleducation.org.uk/Main/>

Office of National Statistics for census data by ethnic origin- from the 2001 Census- <http://www.statistics.gov.uk/cci/nugget.asp?id=395>

The Pupillage Funding And Advertising Requirements 2003, Annex R-
<http://www.barcouncil.org.uk/document.asp?languageid=1&documentid=1608#ParaLink>

Bar Council Information on arbitration and conciliation:-
<http://www.barcouncil.org.uk/document.asp?documentid=109&languageid=1&highlight=arbitration>

DTI- “Resolving Disputes: A New Approach in the Workplace”-
www.dti.gov.uk/er/resolvingdisputes.htm

Practice Management guidelines-

<http://www.barcouncil.org.uk/document.asp?documentid=2330&languageid=1&highlight=practice%20management%20guidelines>

<u>ORGANISATION</u>	CONTACT NAME, ADDRESS, AND TELEPHONE
The Commission for Racial Equality, (CRE).	<p>Mr Trevor Phillips Chair, St. Dunstan's House Borough High Street London SE1 1GZ.</p> <p>Tel- 0207 939 0000 (switchboard). Fax- 0207 939 0001 (general).</p>
The Equal Opportunities Commission (EOC)	<p>MS Julie Mellor Chair Arndale House Arndale Centre Manchester M4 3EQ.</p> <p>Tel- 0161 833 9244 (switchboard) Email- info@eoc.org.uk (general)</p>
The Disability Rights Commission (DRC)	<p>DRC Helpline FREEPOST MID02164 Stratford upon Avon CV37 9BR</p> <p>Telephone: 08457 622 633</p>

	<p>Textphone: 08457 622 644 (You can speak to an operator at any time between 8am and 8pm, Monday to Friday)</p>
<p>Society of Asian Lawyers (SAL)</p>	<p>Society of Asian Lawyers c/o Mr Aamir Khan Richards Butler Beaufort House 15 St Botolph Street, London EC3A 7EE</p> <p>Tel- 020 7772 5994 Fax-0207 539 5319</p>
<p>Association of Women Barristers (AWB)</p>	<p>Angela Campbell c/o Association of Women Barristers 289-293 High Holborn London WC1V 7HZ DX: 240 LDE</p>
<p>Association of Muslim Lawyers (AML)</p>	<p>Student Officer The Association of Muslim Lawyers PO Box 148 High Wycombe Bucks HP13 5WJ</p> <p>Tel: 01494-526-955 E-mail: aml@aml.org.uk</p>

Bar Lesbian and Gay Group (BLAGG)	Mr Stuart Wright PO BOX 18459 London, EC1M 3 AU.
South East Circuit Minorities Committee	C/O Karl King Hardwicke Building New Square, Lincoln's Inn, London, WC2A 3UP.
The Society of Black Lawyers	C/O Peter Herbert Tooks Court Chambers Chambers of Michael Mansfield QC 8 Warner Yard Warner Street London EC1R 5EY DX 68 Chancery Lane Telephone 020 7841 6100 Facsimile 020 7841 6199
The Department of Trade and Industry (DTI)	DTI Publications Orderline ADMAIL 528 London SW1W 8YT. Tel- 0870 150 2500 Fax- 0870 150 2333.
Law Care for Barristers in England and Wales (for confidential help and advice call the free phone number)	Law Care PO Box 6 Porthmadug Gwynedd

	LL49 9ZE. Tel- 0800 018 4299 www.lawcare.org.uk
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