

Anti-harassment Policy



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1.

The aim of this policy is to promote and provide a safe environment for everyone who is associated with Chambers, or may come into contact with its members or staff, ensuring they can work without hindrance, achieve their potential, socialise with dignity and respect from others, and flourish professionally.

2.

Chambers aims to achieve this through:

- offering guidance as to what is and is not unacceptable behaviour in chambers;
 - taking appropriate practical steps to reduce the chances of harassment, bullying or other inappropriate behaviour occurring;
 - providing an effective, appropriate and user-friendly system for raising concerns about inappropriate behaviour;
 - taking effective steps to address incidents of inappropriate behaviour and to deal with perpetrators of the same in an appropriate, fair and proportionate way;
 - offering practical support for those who feel they may have been targeted by inappropriate behaviour; and
 - ensuring ongoing review, reappraisal and improvement of the policy for maximum efficacy.
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3.

This policy applies to and may be used by all who work in or at Chambers, including:

- Members of chambers;
 - Pupils;
 - Clerks;
 - Staff;
 - Mini-pupils and work-experience students; and
 - Clients.
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4.

All persons shall be treated equally and fairly under this policy regardless of seniority or lack of it.

5.

In relation to employees of Guildhall Chambers, this policy should be read in conjunction with the Grievance Policy which takes precedence and with all other policies guiding behaviour in Chambers as shall be found on the Chambers intranet from time to time. This policy does not form part of any employee's contract of employment (or of any contract with any contractor) and Chambers may amend it at any time or depart from it where considered appropriate.

6.

This policy applies to all Chambers - or Bar - related situations and events, including but not limited to:

- the working day in chambers;
 - at Court – including the robing room and the courtroom itself;
 - chambers' social events;
 - chambers' marketing events;
 - Circuit events;
 - Bar messes;
 - Bar Association events;
 - Inns of Court events; and
 - the aftermath of any such events.
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7.

This policy covers all forms of harassment, bullying and inappropriate behaviour.

8.

Any type of harassment, bullying and inappropriate behaviour is unacceptable at Guildhall Chambers.

9.

Our policy is to

- offer guidance as to the type of behaviour which may be considered inappropriate;
- take appropriate practical steps to reduce or prevent the chances of such behaviour occurring;
- resolve, informally and without blame, genuine misunderstandings and disagreements about whether such behaviour has occurred;
- provide an effective and user-friendly system for raising concerns about objectionable behaviour;
- take effective steps to address incidents of such behaviour and to deal with perpetrators of the same in a fair and proportionate way;
- offer practical support for those who feel they have been affected by such behaviour; and
- ensure ongoing review of the policy.

10.

Unlawful harassment is defined by the Equality Act 2010 as unwanted conduct of a sexual nature or that is related to age, disability, gender reassignment, race, religion or belief, sex, and/or sexual orientation, which has the purpose or effect of violating another's dignity or creating a degrading, offensive, humiliating, intimidating or hostile environment for them. In considering whether conduct has this effect, it is necessary to take into account all of the circumstances, the perception of the other person and whether it is reasonable for the conduct to have had that effect. It is also harassment to treat someone less favourably as a result of their acceptance or rejection of unwanted conduct of a sexual nature or that is related to gender reassignment or sex.

11.

Unlawful harassment does not require a course of conduct – an isolated incident can amount to unlawful harassment.

12.

That a person may not have intended their conduct to be offensive does not preclude it from amounting to unlawful harassment.

13.

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

14.

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 of intimidation.

15.

Inappropriate behaviour can include physical, verbal and non-verbal conduct. Examples of inappropriate behaviour may include:

- 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
- Jokes, or derogatory or stereotypical remarks related to age, disability, gender reassignment, race, religion or belief, sex and/or sexual orientation.
- Outing or threatening to out someone as gay, lesbian, transgender or any form of LGBTQI+
- Knowingly and inappropriately 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 or 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, provide work opportunities or career advancement, or suggesting that refusing such may lead to less favourable treatment, the loss of work opportunities or damage career advancement
- Displaying or sending or pornographic or sexually suggestive pictures or written material
- Initiating or continuing sexual contact with someone who is unable, for example through drink, to give truly informed consent
- Sexual and physical assault
- Dealing with complaints of harassment inappropriately or inadequately.

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

16.

When considering whether a comment or action is appropriate or inappropriate the following questions may assist:

- Would you say or do it to someone of a different sex/gender to the person you are addressing?
- Would you say or do it to someone of the same level of seniority as yourself?
- Would you want someone else to say or do it to your spouse, child or sibling?
- If in doubt, don't do it.

17.

Chambers has EDOs who, with the ED committee, have primary responsibility for the implementation of this policy and to whom anyone with any concerns regarding inappropriate behaviour and/or this policy can turn to for advice or information.

Challenging Inappropriate Behaviour, Harassment and Bullying

18.

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

19.

Anyone who witnesses such behaviour directed at another, including hearing harassing or bullying comments, is encouraged, wherever they can, to challenge it at the time rather than let it pass.

20.

Anyone who witnesses such behaviour directed at another, including hearing harassing or bullying comments, is encouraged to bring it to the attention one of the EDOs as set out below.

21.

Anyone who learns of such behaviour by another should encourage those involved to raise a concern with the one of the EDOs, informally or formally, as set out below.

22.

Any barrister who has reasonable grounds to believe that there has been sexual or other harassment by another barrister also has a professional duty to report it to the Bar Standards Board. 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. 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, the Head of Chambers or the Chambers EDOs. Guidance from the BSB, and a link to a form which can be used to report the misconduct to the BSB, can be found here: <https://www.barstandardsboard.org.uk/for-barristers/reporting-serious-misconduct.html> and/or advice can be obtained from the BSB by calling them on 0207 611 1444 or from the Bar Council by calling their Ethical Queries Helpline on 0207 611 1307.

23.

Chambers will provide regular anti-harassment training which all members of Chambers and all staff will be expected to attend at least once every three years. Members of staff with a management function and senior members of Chambers including the Head of Chambers, members of the management committee, the EDOs, and those responsible for pupillage arrangements will be expected to attend at least once every two years. Nobody will act as a pupillage supervisor without having attended the training in the last two years.

Raising Concerns

24.

Anyone who has been the target of inappropriate behaviour and anyone who has witnessed or learnt of such behaviour by another, is strongly encouraged to raise their concerns formally or informally within Chambers in order that appropriate support can be provided, and appropriate, proportionate action taken.

25.

Chambers recognises that it takes courage to raise a concern about someone's conduct and aims to make it easy and as stress-free as possible to do so.

26.

Concerns about someone's behaviour can be raised formally or informally. Advice and support can be sought informally or anonymously.

27.

Whether a concern is raised formally, informally or anonymously, the EDO (or other person) with whom it is raised shall

- respond promptly
 - ensure confidentiality
 - listen to and discuss the concern
 - explain Chambers' Dignity at Work policy and procedures
 - discuss what outcome the person raising the concern would ideally like
 - discuss which Chambers' process – formal or informal - would be the most appropriate to achieve that outcome
 - explain what support Chambers can provide to the person raising the concern, or anyone else who appears to have been affected by the conduct in question
 - discuss the BSB reporting requirement
 - agree a way forward that the person raising the concern is happy with, in so far as is possible.
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Raising a Concern Informally

28.

Concerns can be raised informally with either EDO or anyone on the ED committee, with a team head, or with the Head of Chambers by speaking to them in person, calling them or emailing them. A pupil may raise a concern informally with her or his supervisor or mentor. Those wishing to raise a concern should not feel in any way constrained as to which of these individuals they choose to approach but should simply choose the individual they feel most comfortable talking to about their concern.

29.

Alternatively, concerns may be raised with any trusted member of Chambers or staff who must then seek advice from one of the EDOs or from the Bar Council Helpline.

30.

Where the concerning conduct is particularly serious, including a repeated series of incidents or including any incident involving any form of assault, the EDO or other person to whom it has been reported shall encourage the person raising the concern to raise it formally.

31.

Any person raising a concern informally is welcome to have a friend with them for any discussions regarding their concern.

32.

Possible outcomes from raising a concern informally could include (but are not limited to), by way of example

- simply providing emotional support or guidance to any person who needs it
- the Head of Chambers or EDO meeting with the person whose behaviour was reported to advise them their behaviour was inappropriate, to explain why it was unwelcome and to inform them that if further similar incidents are reported the consequences might be a formal investigation
- arrangements being made so that the person about whom the concern was raised, and the target of their alleged behaviour are not clerked into the same cases
- the person about whose behaviour concern was raised agreeing not to attend Chambers/Bar social functions for a period, or not to consume alcohol at such events
- the person about whose behaviour concern was raised agreeing to attend a harassment training course
- involving Head of Chambers, head of practice group or Chief Executive, for further advice, support or action
- making a BSB report on behalf of the person raising the concern, or assisting them in making such a report
- support in lodging a complaint with the Judicial Conduct Investigations Office, if the concern relates to the conduct of a judge
- support in lodging a complaint with the Solicitors' Regulatory Authority, if the concern relates to the conduct of a solicitor
- support in accessing alcohol misuse advice
- support in accessing counselling
- ongoing monitoring of the person whose behaviour caused concern
- ongoing support for anyone involved who may benefit from it.

33.

The person who raised the concern will be kept informed of the outcome of any action taken, and a record will be kept.

Anonymous Advice and Support

34.

Advice and support can be sought anonymously, by reporting via the EDO portal on the Chambers intranet. Friendly and supportive advice and information will be provided promptly by one of the EDOs. They will not know, or be able to find out, the identity of the person making contact unless that person chooses to tell them.

35.

Alternatively, advice can be sought anonymously from the confidential Bar Council E&D Helpline on 0207 611 1426 or through advisors authorised under a BSB waiver scheme.

Raising a Concern Formally

36.

Anyone (other than employees of Guildhall Chambers) wishing to raise a concern formally should do so to the EDOs, who will refer the matter to the Head of Chambers. The individual raising the concern should make clear that the concern is being raised formally pursuant to this policy.

How concerns raised formally will be dealt with

Concerns raised about the behaviour of members of Chambers or pupils

37.

The Head of Chambers will appoint an appropriate trained person to investigate the concern in a timely, thorough, impartial, objective, sensitive and confidential manner (the "Investigating Officer")

38.

The Head of Chambers will appoint a panel of a minimum of two persons and a maximum of three persons, to determine what action should be taken in light of the information produced by the investigation ("the Panel"). All members of the Panel should have undergone appropriate harassment training.

39.

In so far as is possible, the Investigating Officer and the Panel should be individuals who do not have a personal relationship with either the person about whom the concern has been raised, or the individual raising the concern.

40.

The EDO, in consultation with the investigating officer, will consider any request that the person raising the concern, or the target of the conduct in question, make for changes to their own working arrangements during the investigation. For example, changes to their duties or working hours so as to avoid or minimise contact between the person raising the concern and the subject of the investigation. The Head of Chambers, or in their absence the EDO, in consultation with the investigating officer, may bar any contact between the subject of the investigation and the person raising the concern while the investigation is being carried out, where appropriate.

41.

At the end of the investigation, the Investigating Officer will prepare a report setting out the Panel's conclusions for the Head of Chambers. The Panel shall decide upon an appropriate and proportionate outcome, including any action to be taken for implementation by the Head of Chambers.

42.

Any action taken as part of the outcome should be appropriate and proportionate. It might include an outcome of the sort set out at paragraph 31 above, any sanction up to and including suspension from Chambers or, in the most serious cases, expulsion under the Expulsion Procedure as set out in the Constitution.

43.

Where the investigation has provided reasonable grounds to believe that serious professional misconduct has occurred, a recommendation should be made to the Head of Chambers/Management Committee by the Panel that reporting to the BSB should be considered.

44.

If the person raising the concern or the person about whom the concern is raised is not satisfied with the outcome, he or she can appeal the outcome to the Head of Chambers, and must indicate their intention to do so, setting out brief grounds in writing to the Head of Chambers within 14 days of being notified of decision of the Panel.

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45.

The appeal will be a review and not a re-hearing of the concern, although the person raising the concern, the person about whom the concern is raised, and a member of the Panel who made the determination will be entitled to make oral or written submissions to the Head of Chambers. The Head of Chambers will be at liberty to take whatever steps

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46.

If, (i) no appeal is requested; or (ii) following the appeal, the Panel's recommendation that the matters complained of amounted to serious misconduct is upheld; and/or (iii) the conclusion on appeal is that there was serious misconduct, the Head of Chambers should consider and make a determination as to whether the matter should be reported to the BSB.

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47.

If it is determined that a report should be made to the BSB, the Head of Chambers will consider whether to await the outcome of the report to the BSB prior to taking any action pursuant to the internal outcome or not. Interim measures – of the type set out in paragraph 39 above, or up to and including suspension or expulsion – may be imposed or continued pending the BSB's determination if the Head of Chambers determines that it would be appropriate in all the circumstances to do so.

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48.

Where Chambers decides not to make a report to the BSB, no pressure shall be put on any person affected by the inappropriate behaviour not to make a report to the BSB themselves.

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Concerns raised about the behaviour of employees of Guildhall Chambers

49.

Any concern raised about an employee of Chambers shall be dealt with in accordance with Chambers' Grievance and Disciplinary Processes as available on the intranet.

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50.

Paragraphs 24 – 27 above apply.

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51.

Where the concern is about someone other than a member or employee, such as a contractor, client, service user, supplier or visitor, Chambers will consider what action may be appropriate to protect anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person.

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52.

The Head of Chambers will decide the appropriate method of investigation of any such concern. Where the investigation has provided reasonable grounds to believe that serious professional misconduct has occurred by a professional visitor to Chambers, if appropriate a report will be made to that person's professional body.

53.

Whether or not such a report is made, the Head of Chambers will take such action as may be appropriate in response to the concern, with a particular view to ensure the outcomes mentioned in paragraphs 55 to 57 below. This might include speaking or writing to the person and/or their superior about their behaviour, or, where appropriate, banning them from the premises, from Chambers' social events or terminating a contract with them.

The conclusion of the formal process in all cases

54.

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.

55.

Whatever the findings of the investigation, the Head of Chambers or Chambers' Management Committee will consider how best to manage any ongoing professional relationship between the parties involved. It may be appropriate to arrange some form of mediation and/or counselling.

56.

A written report of the outcome of any investigation/appeal/decision to report will be given to the person who raised the concern, the target of the alleged harassment or bullying (if different) and the subject of the investigation, if they so wish.

Further Considerations when a Concern is Raised (Whether Formally or Informally)

57.

Where the conduct in question may amount to a criminal offence, further advice and support specific to this will be offered to be provided by an appropriately qualified EDO with the support of the Head of the Employment Team and the Head of the Crime Team as appropriate.

58.

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether providing support to any persons or involved in any investigation, is responsible for observing the highest level of confidentiality. A breach of confidentiality may itself amount to serious professional misconduct. Details must only be disclosed where absolutely necessary, and with the prior consent of the person(s) involved where at all possible.

59.

All persons shall be treated equally and fairly under this policy. In particular, a person's seniority shall have no bearing whatsoever on how they are treated; nor shall their personal relationship to any particular member of Chambers or staff.

60.

Anyone who raises a concern in good faith or provides information pertinent to a concern raised by another, or makes a report to the BSB, shall be protected against receiving detrimental treatment as a result. Victimisation of anyone who raises a concern or is involved in the investigation of a concern which has been raised, or who makes a BSB report, shall be dealt with as a serious disciplinary matter.

61.

Anyone who deliberately provides false information or otherwise acts in bad faith, whether under an informal process or within a formal process, including as part of an investigation, may be dealt with under Chambers disciplinary procedures as appropriate.

Pupils

62.

Pupils shall be introduced to the EDOs and ED committee as part of their induction on arrival in Chambers and shall meet them again during their first six months. Thereafter a member of the ED committee shall make contact with the pupil from time to time, to offer advice and support.

63.

At their induction session or at another appropriate time around the start of their pupillage, pupils shall be provided with a copy of this policy, contact details for the ED committee members and details as to how to access the anonymous advice system. An EDO shall explain this policy to them and participate in a private and confidential question and answer session with the pupils in order to give them the opportunity to ask any questions and discuss chambers' practices in a comfortable environment.

64.

Where a pupil has any concern about any perceived harassment, bullying or inappropriate behaviour they may raise that concern informally with their pupil supervisor if they feel comfortable doing so or a member of the ED committee. Alternatively they may use the formal process as set out above.

65.

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.

66.

If any pupil has a concern and does not feel comfortable raising it via the procedures set out herein, they are invited to call the confidential Bar Council Pupil Advice and Support team: See <https://www.barcouncil.org.uk/becoming-a-barrister/i-am-a-pupil-barrister/pupils-helpline.html>

67.

Pupils will routinely be given the opportunity, shortly after taking tenancy, to raise any concerns regarding inappropriate behaviour, harassment or bullying which took place during their pupillage which they did not feel able to raise at the time.

Judicial Conduct

68.

Where there is concern regarding the conduct of a judge, Chambers can provide advice and support from a Team Head or EDO through the informal process or the anonymous advice system as set out above. Alternatively, advice can be secured from the Bar Council's confidential E&D helpline 0207 611 1426

69.

Where appropriate, a formal complaint should be made to the Judicial Conduct Investigations Office and Chambers can provide advice and support in relation to this.

Additional Practical Steps to Reduce Harassment, Bullying and Inappropriate Behaviour

70.

Recognising that inappropriate behaviour is more common at events where alcohol is served, Chambers shall:

- consider the possibility of non-alcoholic/daytime networking events where appropriate
 - seek to ensure that a good range of soft drinks is readily available at all Chambers functions where alcohol is served, that soft drinks are promoted equally to alcoholic drinks and that soft drinks are as easily available to all as alcoholic drinks;
 - seek to ensure that an appropriate quantity of food, bearing in mind the expected consumption of alcohol, is served at all Chambers functions where alcohol is served;
 - any person considered by the Head of Chambers or any Head of Team to have consumed too much alcohol at an event or otherwise to have misbehaved at an event shall be asked to leave the event and it is expected that they shall do so promptly and quietly;
 - any person who, in the view of the Head of Chambers or the head of their practice group, consumed too much alcohol or otherwise misbehaved at an event may be asked not to attend a future event.
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Promotion

71.

This policy shall be actively promoted by Head of Chambers and all members of the management committee.

72.

This policy shall be available and easily accessible on the Chambers intranet.

73.

This policy shall be circulated by email around the whole of Chambers at least annually and usually shortly prior to the start of the Christmas party season.

74.

A copy of this policy shall be provided to all new members of chambers, pupils and members of staff as part of their induction process.

Efficacy & Feedback

75.

As part of Chambers' efforts to address harassment, bullying and inappropriate behaviour as effectively as possible, the EDOs will review this policy at least once every two years and may carry out confidential /anonymous soundings and surveys from time to time to assess the efficacy of this policy.

76.

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 the ED committee and will be treated confidentially if so requested.