

## Anti-Harassment, Anti-Bullying & Prevention of Sexual Harassment Policy

### 1. Summary of Policy

- 1.1 18 St John Street Chambers ('18SJS') is committed to providing a work environment in which all individuals, including members, pupils, mini-pupils, employees, contractors, clients and the public are treated with dignity and respect. Chambers is determined to promote a working environment in which everyone is treated equally and with dignity and can flourish. Accordingly, a copy of this policy and any updates will be made available to every employee, member of chambers, pupil, mini pupils arranged through chambers, and contractors.
- 1.2. The purpose of this policy is to ensure that all members, staff and pupils are treated and treat others with dignity and respect, free from harassment and bullying. All individuals should take the time to ensure they understand what types of behaviour are unacceptable under this policy.
- 1.3 18SJS takes a zero-tolerance approach to any form of harassment and bullying by members, staff and pupils. Chambers will also take reasonable steps to prevent and address bullying and harassment by those who are not a member of Chambers, a member of staff or a pupil in Chambers.
- 1.4 Harassment will not be tolerated or condoned. Employees, members, trainees, work experience placements and others who work at or for Chambers, or with individuals subject to this policy (for example, clients of Chambers) have a right to complain if it occurs.
- 1.5 Bullying, harassment and sexual harassment will normally be regarded as gross misconduct and will lead to disciplinary action under Chambers' Conduct procedures.
- 1.6 Sexual harassment or victimisation of any member of staff, or anyone they come into contact with during the course of their work, is unlawful and 18SJS operates a strict, zero tolerance approach to such behaviour. Any behaviour constituting sexual harassment is a breach of the Equality Act 2010 and will result in disciplinary action up to and including dismissal.
- 1.7 Anyone who is the victim of or witnesses sexual harassment or victimisation under this policy is encouraged to report it and will be fully supported in doing so.

### 2. Definitions

- 2.1 **Harassment** is unlawful under the Equality Act 2010 and will not be tolerated in any form at Chambers.

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Sexual harassment consists of unwanted conduct of a sexual nature / related to gender or sex which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment and/or less favourable treatment for rejecting or refusing to submit to such conduct.

2.2 Section 47 of the Equality Act 2010 also makes it unlawful to discriminate against a tenant by subjecting them to a detriment or pressure to leave chambers or discriminate or victimise a tenant in receiving benefits or facilities from chambers.

2.3 Harassment may include, for example:

- unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- mocking, mimicking or belittling a person's disability;
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- outing or threatening to out someone as gay or lesbian; or
- ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him.

2.4 **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.

- Bullying can take the form of physical, verbal and non-verbal conduct.
  - Bullying may include, by way of example:
    - shouting at, being sarcastic towards, ridiculing or demeaning others;
    - unjustified persistent criticism;
    - belittling someone's opinion;
    - physical or psychological threats;
    - overbearing and intimidating levels of supervision;
    - inappropriate and/or derogatory remarks about someone's performance;
    - abuse of authority or power by those in positions of seniority; or
    - deliberately excluding someone from meetings or communications without good reason.
- Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

2.5 **Judicial bullying** is unacceptable. In the event that any person in 18SJS feels that they have been the victim of this, they are encouraged to raise it with the appropriate individual within chambers. That individual shall, with the consent of those concerned, be empowered by Chambers to seek a meeting with local senior judiciary to discuss such concerns.

2.6 Harassment and bullying may include:

- Verbal or non-verbal physical or visual behaviour.
- A single act or a series of acts.
- Behaviour which has the effect set out above, even if the perpetrator does not intend or realise that it will have this effect, particularly if they should have anticipated or realised that it would have the effect which it had.
- Behaviour which is not directed at the person who find it intimidating, offensive etc.

2.7 Sexual harassment is any unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single act or incident can amount to sexual harassment. The victim does not need to have been the intended target, and behaviour can amount to sexual harassment even if this was not the intention of the person who committed the act.

2.8 Treating someone less favourably because they have submitted or refused to submit to unwanted conduct of a sexual nature, or that is related to gender reassignment or sex, in the past will also amount to sexual harassment.

- 2.9 Examples of behaviour which amounts to sexual harassment may include:
- Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless)
  - Unwanted physical conduct or "horseplay", including touching, pinching, pushing and grabbing (however innocent the intention).
  - Sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
  - Repeated intimations or suggestions for sexual activity after it has been made clear that such suggestions are unwelcome;
  - Offensive communications, including emails, texts or social media posts.
  - Suggestive remarks, tasteless jokes or any comments which cause offence or ridicule
- 2.10 **Victimisation** is treating a person less favourably because they have raised, or been involved in raising, or are thought to be going to raise issues of equality or harassment under the Equality Act 2010.
- 2.11 Victimisation is closely related to and often follows sexual harassment. It is defined as subjecting a person to a detriment because they have done, are suspected of doing or intending to do, any of the following protected acts:
- Alleging a breach of the Equality Act 2010
  - Providing evidence in connection with an alleged breach of the Equality Act 2010
  - Exercising their right to take legal action for breaches of the Equality Act 2010.
- 2.12 Examples of victimisation may include:
- Excluding someone because they have raised a grievance about sexual harassment, either personally or on behalf of a victim;
  - Failing to promote someone because they accompanied another staff member to a grievance meeting;
  - Dismissing someone because they gave evidence or made a complaint on behalf of another staff member;
- 2.13 Chambers is committed to ensuring, as best it can, that no-one who makes an allegation of harassment in good faith should be subjected to any detriment as a result. Any victimisation of a complainant, witness or anyone else involved in the investigation may result in disciplinary action being taken under the Conduct and Capability procedure contained in this Handbook.
- 2.14 Victimisation is also unlawful under the Equality Act 2010.



- 2.15 When contemplating disciplinary action for breach of this policy Chambers will take full account of any aggravating circumstances, such as abuse of a position of authority or particular characteristics of the victim.

### **3. Application of this Policy**

- 3.1 This policy applies to all members, pupils, staff members, volunteers, agency workers, self-employed contractors and consultants working as part of the business, whether on-site or anywhere we operate.
- 3.2 A copy of this policy will be published on Chamber's website, to draw the policy to the attention of clients and visitors.

### **4. Responsibilities**

- 4.1 The Chambers Harassment Officer(s) have overall responsibility for compliance with the terms of this policy. Their responsibilities include:
- The receiving, managing and investigation of complaints made under the policy.
  - Reviewing and updating the policy and any related process documents at least annually.
  - Responding to and acting on any staff feedback regarding the policy.
- 4.2 Suggestions for change in policy or process should be reported to a Harassment Officer, an EDO or the CMC.

### **5. Complaints procedure**

- 5.1 Where appropriate, Chambers encourages people who are concerned about bullying and harassment to address behaviour informally and at an early stage. This may be done by approaching the person responsible directly or by involving or seeking advice from a third party, such as a colleague or Chambers' Equality & Diversity Officer ("EDO") or Chambers Harassment Officers – Nicholas Clarke and/or Fiona Holloran. It may be that the person responsible does not appreciate the effect of their behaviour and some concerns can be resolved by simply talking the matter through.
- 5.2 However, Chambers recognises that this will not be possible or appropriate in all cases. Any person who wishes to make a complaint of harassment, sexual harassment or bullying should therefore approach the Chambers Harassment Officer, Chambers Manager, or a member of the CMC in the first instance.
- 5.3 A record of any conversation/correspondence with the complainant and the alleged harasser will be kept by the Harassment Officer. At that stage the Harassment Officer will discuss with the complainant whether they wish to escalate the matter, and the decision of the complainant will be logged. If the complainant does not wish to escalate the complaint the

account and/or correspondence will be regarded as confidential and retained only by the Harassment Officer unless otherwise agreed by the complainant.

- 5.4. A harassment complaint form should be completed by the complainant with the assistance of the Harassment Officer identifying the complainant, the person against whom the complaint is made and the nature and details of the complaint. 'Member of chambers' has the same meaning as in the Complaints Procedure.
- 5.5 Electronic copies of any formal complaints shall be kept in an e-folder which only the Chambers Manager and the Harassment Officer shall be able to access.
- 5.6 Harassment, including sexual harassment is misconduct and, for members, is also a breach of the Bar Standards Board ("BSB") handbook. Bullying is also misconduct. They therefore may result in disciplinary action being taken.
- 5.7 All complaints should be investigated by the chairman of the CMC and another member of chambers of the opposite sex to the chairperson selected by the chairperson and, if deemed appropriate, any other member of chambers or staff member selected by the two investigating members ("the Panel"). Regard should be had to the nature of the complaint in making the selection of a third investigating member. If a staff member has received or wishes to receive advice and assistance from the Harassment Officer in connection with the complaint that Officer should not investigate the complaint. Members of the Panel will have equal voting power.
- 5.8 The Panel may call a hearing at which any member/member of staff against whom an allegation is made is entitled to be accompanied by a colleague or chambers' Harassment Officer. Procedures for staff will be those set out in the Disciplinary Policy and Procedures Rules save that the Panel will make a final decision which in turn will be recommended to the CMC.
- 5.9 To protect the interests of the complainant, the person complained against, and any others who may report or be witnesses to incidents of harassment, confidentiality will be maintained throughout any investigatory process to the extent that this is practical and appropriate under the circumstances. However, we have a duty to ensure that 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 the investigating Panel, except where disclosure is required for disciplinary or other remedial processes.
- 5.10 18SJS will consider what steps are appropriate to protect staff while the investigation is ongoing. You may request reasonable changes to your working arrangements during this time, such as adjusted hours.
- 5.11 Where a complaint is judged to be well founded the following actions may be taken by the panel:

- the harasser might be asked whether s/he accepts that the infringement is wrong
- and unacceptable;
- the harasser might be asked to stop their conduct immediately;
- the harasser might be asked to attend a training course to address the cause of the
- problem;
- the harasser might be asked to make a written or oral recognition of harassment
- and/or apology to the complainant;
- upon investigation the complaint may be resolved to be more serious than first
- thought and warrant formal investigation

5.12 Upon the conclusion of the investigation, the Panel will submit a report to the CMC, and a meeting will be arranged to inform you of the outcome and any action resulting from our investigation.

5.13 A copy of the report and findings will be provided to you.

5.14 As a general principle, the decision whether to continue with a complaint, at all stages during the process, is up to you. However, 18SJS has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

## **6. Taking Action**

6.1 Where the Panel considers the allegations to be made out, the matter will be dealt with as a case of possible gross misconduct, and prompt action will be taken to address it, including how to manage any ongoing interactions between the complainant and accused.

## **7. Duty to Report Serious Misconduct for Members**

7.1 Allegations which may amount to serious misconduct may be reported to the BSB under its reporting procedure.

7.2 Members have a duty to inform the BSB if they have reasonable grounds to believe that another member has committed serious misconduct. Guidance for members on their duty to report serious misconduct can be found on the BSB website. Reference to this duty is also contained in Chamber's Grievance & Complaints Procedure.

## **8. Appeals**

8.1 If you are not satisfied with the outcome you may appeal in writing to the Harassment Officer, outlining your full grounds of appeal, within one week of the date on which the decision was provided to you.

8.2 A meeting will be held no later than 2 weeks from the date on which we receive your appeal, to hear the substance of the appeal. Where possible, this will be conducted by a member of senior management who has not had any previous dealings with the case or a member of a

separate chambers. You have the right to be accompanied at this meeting by a colleague or trade union representative.

8.3 A final, binding decision will be issued within 1 week - 2 weeks.

## **9. Confidentiality**

9.1 All records of complaints, including notes to meetings, interviews, results of investigations and other relevant material will be kept confidential by 18SJS, notwithstanding where disclosure is required for disciplinary or other remedial processes.

9.2 We may retain information regarding a complaint as part of an employee's personnel file. All such information will be held in line with our requirements under the UK GDPR and in accordance with our Retention & Disposal Policy.

## **10. Monitoring & Review of this Policy**

10.1 This Policy shall be reviewed on an annual basis, and any updates or amendments shall be posted on Chambers website.

10.2 In order to provide statistics to the CMC for periodic monitoring, records shall be kept of:

- Complaints made either formally or informally, including the identity of the complainants and the nature of the complaints;
- The make-up of the Panel;
- The Panel's recommendations;
- Resolutions.

## **11. Support and Advice under this Policy**

11.1 If you have been a victim of harassment or bullying, you are able to seek the advice of our EDOs/Harassment Officers/Chambers Manager

- The Chambers Manager can be contacted at [ebowie@18sjs.com](mailto:ebowie@18sjs.com).
- The EDOs are Olivia Edwards, Jonathan Cosgrove and Vaughn John.
- The Harassment Officers are Nicholas Clarke and Fiona Holloran.

11.2 You are also able to nominate a companion if you wish to make a complaint under the grievance and complaints policy.

## **12. External Support**

12.1 The Bar Council has a helpline which puts you through to a member of the Bar Council's equality and diversity team who are responsible for issues including harassment at the Bar.

- The Bar Council equality and diversity helpline: [0207 611 1321](tel:02076111321)
- Email: [equality@barcouncil.org.uk](mailto:equality@barcouncil.org.uk)



ST JOHN STREET  
CHAMBERS

- Wellbeing at the Bar (resources for Barristers' wellbeing; sources of advice and support) <https://www.wellbeingatthebar.org.uk/> Assistance Programme <https://www.wellbeingatthebar.org.uk/ap/#>
- Lawcare (free and confidential helpline for lawyers, providing wellbeing and mental health support), T: 0800 2796888