

## HARASSMENT & BULLYING POLICY

1. Bank House Chambers is committed to providing a work environment in which everyone, whether staff, members of chambers, pupils, clients or any other individual is treated with dignity and respect and free from harassment, intimidation and other forms of bullying at work.

### SCOPE OF THE POLICY

2. This policy applies to all members of Chambers, employees, pupils and mini- pupils and all those for whom Chambers constitutes a working environment.
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 social activities organised by Chambers).

### DEFINITION OF HARASSMENT & BULLYING.

4. Harassment is any form of unwanted physical, verbal or non-verbal conduct which has the purpose or effect of, affecting a persons' dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Such conduct is commonly related to **sex, sexual orientation, marital or civil partner status, gender reassignment, race, religion or belief, colour, nationality, ethnic or national origin, disability, pregnancy or maternity or age.**
5. Harassment generally arises where an individual has made it clear that they find certain behaviour unwelcome and that behaviour has continued unchanged. Harassment can also arise as a result of a single incident provided it is sufficiently serious. It is important to remember that even though the conduct may only be unwanted or offensive to one individual it can still amount to harassment. Individuals who believe they are being subjected to harassment should not hesitate to use the procedures set out below.

6. All individuals should consider whether their actions could be offensive to others. Examples of harassment might include:

- a. unwanted physical contact, ranging from touching or brushing against another employee's body to assault or coercing sexual relations;
- b. suggestive looks, staring or leering;
- c. unwelcome sexual behaviour such as advances, propositions or pressure for sexual activity;
- d. continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
- e. offensive or intimidating comments;
- f. asking intrusive questions about a person's sex life, or discussing anyone's sex life, including your own;
- g. suggestions that sexual favours may further an individual's career or that refusal of sexual favours may hinder it;
- h. the display of pictures including on a computer screen, objects or written materials that may be considered pornographic or offensive to particular ethnic or religious groups;
- i. unwanted conduct or conduct that has the purpose or effect of violating an individuals' dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment on the grounds of their sex, race, sexual orientation, disability, religion or age including abuse or insults about appearance or dress;
- j. insensitive jokes or pranks, offensive remarks or ridicule;
- k. shunning an individual, for example, by deliberately excluding him or her from conversation;
- l. dealing with inappropriate or inadequately with claims of harassment.

7. The list is not exhaustive and other behaviour may constitute harassment.

8. Examples of sexual harassment within Chambers include:

- a. A pupil supervisor invites a pupil on a date promising to support his or her application for tenancy if they accept the invitation;
- b. Following a failed romance, a member of chambers spreads rumours about another members of chambers' sexual preferences;
- c. A member of chambers asks an openly gay clerk whether he has ever had sex with a woman, making the clerk feel embarrassed.

9. Bullying means offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power intended to undermine, humiliate, denigrate or injure a colleague. Bullying does

not include legitimate and constructive criticism of your performance or behaviour, an occasionally raised voice, or an argument. Examples of bullying include ridiculing or demeaning others, particularly junior individuals, overbearing supervision and unjustifiably excluding individuals from meetings/communications.

10. There is no single definition of what amounts to bullying but it can include amongst other actions:
  - a. A threat of physical violence or actual physical violence
  - b. Unfairly picking on someone
  - c. Imposing unrealistic targets or work expectations
  - d. Abuse of authority in dealing with an individual
  - e. Making unpleasant remarks or jokes about a person
  - f. Playing practical jokes on an individual or taking, hiding or damaging their personal property
  - g. Requiring new employees to undertake a new employee initiation ceremony or similar degrading expectation
11. This policy covers harassment or bullying which occurs both in the workplace itself and in settings outside the workplace, such as business trips, events or social functions, Training courses, seminars, client parties, drinks or dinners with colleagues or clients organised for or on behalf of Bank House Chambers on or off our premises.
12. The essence of all harassment is that it is unwelcome conduct which is reasonably considered by the recipient to be offensive or is reasonably perceived as hostile or threatening; conduct which has been welcomed in the past may become unwanted.

## **HARASSMENT POLICY**

13. Harassment is unlawful under the Equality Act 2010 and will not be tolerated in any form at Bank House Chambers. As listed in the section above, Harassment takes many forms.
14. Disciplinary action will be taken against any member or employee of Bank House Chambers found to have harassed a colleague or other person while on Chambers' premises or in the course of activities connected with the work of Chambers.
15. Breach of this policy will be dealt with under the Disciplinary Procedure and, in serious cases, may be treated as gross misconduct leading to summary dismissal for staff and reporting to the BSB for members of chambers.
16. All members of Chambers, pupils, employees, temporary workers, those who provide services to Chambers such as contract cleaners, accountants and IT consultants, mini-pupils and work-experience students have a right to complain if they are subject to harassment.
17. Bank House Chambers is committed to ensuring that no one who brings forward a harassment concern in good faith is subject to any form of reprisal. The raising of such a

complaint will not have any adverse consequences for the complainant, particularly in relation to tenancy and promotion decisions.

### **RESOLVING COMPLAINTS OF HARASSMENT (INFORMAL PROCEDURE)**

18. If you consider that you are being bullied or harassed, you should initially attempt to resolve the problem informally, explaining clearly to the person responsible that the behaviour in question is not welcome and that it offends you or makes you uncomfortable. If this is too difficult or embarrassing for you to do on your own, you should seek support from a staff colleague or Pupil Supervisor or Member of Chambers to enable the Harasser to stop his behaviour.
19. If the harasser does not stop or if the recipient is uncomfortable about addressing the harasser directly, they should bring their concerns to either the attention of the Head of the Chambers Appointed Complaints Panel, Mike Cane-Soothill (email: [m.cane-soothill@bankhousechambers.co.uk](mailto:m.cane-soothill@bankhousechambers.co.uk)) or the Chambers Appointed Equality Diversity Officer, Kath Goddard QC (email: [k.goddard@bankhousechambers.co.uk](mailto:k.goddard@bankhousechambers.co.uk)) who will deal with the matter confidentially. Alternatively, they may pursue an informal resolution in accordance with Chambers' Grievance Procedure. In either case, the matter will be dealt with sensitively and discreetly.
20. If you are in any doubt about as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then in the first instance you should approach your Pupillage Supervisor, if the potential harasser is your Pupillage Supervisor/Direct Reportee if a pupil or another Member of Chambers if a member then as stated in the above paragraph confidentially approach Mike Cane-Soothill or Kath Goddard QC. They will be able to advise you as to how the matter should be dealt with.
21. This complaint even though informal should still be logged by Chambers and shown as resolved. This information is anonymised and reported to the Management Committee and will be required by the BSB. Any further training needs, updates to policies, monitoring of individual's, changes to roles as action points can then be shown within Chambers to alleviate any further examples of this type of behaviour.
22. If the conduct continues or if it is not appropriate to resolve it informally, you should follow the formal procedure set out below.

### **RESOLVING COMPLAINTS OF HARASSMENT (FORMAL PROCEDURE)**

23. The informal procedure may not be appropriate due to the nature of the harassment or bullying or because you do not feel able to talk directly to the person creating the problem. In these cases or where the informal procedure has been unsuccessful, you should raise your

complaint in writing with Michael Cane-Soothill or Kath Goddard QC (contact details mentioned above), whose roles it is to achieve a solution wherever possible and to respect the confidentiality of all concerned. See paragraph below for details of the information required to be included in your written complaint.

24. As a general principle, the decision to progress a complaint rests with you. However, as a Chambers we take this behaviour seriously and have a duty to protect all at Bank House Chambers and we may pursue a complaint independently if we consider it is appropriate to do so in all the circumstances.

25. If you wish to make a formal complaint, you should write to Michael Cane-Soothill or Kath Goddard QC setting out full details of the unwanted conduct. These details should include the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) when the harassment or bullying occurred, the names of any witnesses and any action taken so far to attempt to stop the harassment or bullying.

#### **26. Formal Procedure: Investigation**

- a. Complaints will be managed in a timely and confidential manner via an independent investigation by the Complaints Panel to establish full details of what happened. Your name and the name of the alleged harasser will not be divulged other than on a “need to know” basis to those individuals involved in the investigation. At the outset, the Complaints Panel (made up of eight Members with five selected to hear the complaint) with suitable experience and with no prior involvement in the complaint will be appointed and a timetable will be set down and communicated to all parties. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.
- b. Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily, whether reporting lines or other case arrangements should be altered pending the outcome of the investigation.
- c. As part of the investigation, the Complaints Panel will meet with you to hear your account of the events leading to your complaint. You have the right to be accompanied by a colleague or a representative of your choice. The Panel will also meet with the alleged harasser or bully who may also be accompanied by a colleague or representative of their choice. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

- d. At the conclusion of the investigation, the Complaints Panel will submit a report to the Senior Panel member, Michael Cane-Soothill and the Equality Diversity Officer, Kath Goddard QC who will report their finding back to you within two weeks of your complaint first being reported. A copy of the Panel's Report will be provided to you and to the alleged harasser.
- e. If the Panel finds that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. The findings will be dealt with under our disciplinary procedure. Even where a complaint is not upheld, (for example, where evidence is inconclusive), consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed. Examples of appropriate remedial actions by Chambers where upheld will be taken. These may include any of the following:
  - i. formal apology;
  - ii. counselling;
  - iii. written warning;
  - iv. change of work assignment;
  - v. report to the relevant Inn recommending the removal of pupil supervisor status;
  - vi. suspension or discharge of an employee;
  - vii. referral to the Professional Conduct Committee (PCC).

### **27. Formal Procedure: Appeal**

- a. If you are not satisfied with the outcome of the investigation, you have the right to appeal the decision within 14 days of being notified of the outcome. You should submit your full written grounds of appeal to Michael Cane-Soothill or Kath Goddard QC. They will nominate another member to hear your appeal. Where practicable this will be someone senior to the person who originally considered the complaint or arrangements for an external individual can be arranged. The person hearing your appeal will meet with you to discuss your appeal. You may be accompanied by a colleague or a representative of your choice. You will be notified of the outcome of the appeal within seven days of this meeting. This is the final stage of the formal procedure.

### **28. Protection for those making complaints or assisting with an investigation**

- a. Individuals who, in good faith, make complaints under this policy will be protected from intimidation or victimisation in connection with their involvement. If you have been subjected to any such intimidation or victimisation you may raise a complaint in writing under this procedure or the grievance procedure. Individuals who, after investigation, are found to have provided information falsely and in

bad faith will, however, be subject to action under the disciplinary procedure.

## **29. Confidentiality**

- a. Confidentiality is very important throughout all parts of this procedure. It is the responsibility of everyone involved in the procedure to respect the high level of confidentiality that is required. Breach of confidentiality may give rise to disciplinary action under our disciplinary procedure.

## **MONITORING AND REVIEW OF POLICY**

30. Equality & Diversity Officer and Head of Complaints Officer are in conjunction with the Management Board, will be responsible for reviewing this policy from a legislative and operational perspective.

31. This Policy is to be reviewed on an Annual Basis. The above Officers have responsibility for ensuring that anybody who may be involved with investigations or administrative tasks carried out under this policy receives appropriate training to assist them with these duties.

## **PUPIL SUPERVISORS AND PUPILS**

32. 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.

33. 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.

## **FURTHER AVENUES OF REDRESS FOR AN INDIVIDUAL EXPERIENCING HARASSMENT**

34. If informal methods or Bank House Chambers' Grievance Procedure fails to resolve the matter, or if the harassment complained of is of a more serious nature to begin with, one or more of the following methods of resolution may be appropriate:

- a. initiation of the Bar Council's mediation procedure through the Bar Council's Appointments Service.;
- b. a complaint to the relevant Inns Students' Officer about a sponsor or pupil supervisor;

- c. a complaint to the Bar Standards Board where the alleged harasser is a barrister;
- d. action in the county court or employment tribunal alleging harassment as a form of unlawful direct discrimination; and/or
- e. reporting the matter to the police where an act of harassment is a criminal offence e.g. assault or intentional harassment.

## **GENERAL**

35. Bank House Chambers provides a copy of this policy to all those for whom Chambers constitutes a working environment.

36. Any breaches of standard following a Complaint by individuals at Bank House Chambers is reported to the Management Committee and the relevant Regulatory Bodies.

Jan 2023

Date Approved: 31<sup>st</sup> January 2023

Name: Gurdial Singh  
Head of Chambers

Next Review Date: 31<sup>st</sup> January 2024