

Anti-Bullying and Harassment Policy

General Statement

1. Doughty Street Chambers ('DSC') is committed to providing a working environment in which all individuals including staff, tenants, associate tenants, academic experts, mini-pupils, pupils, work experience students, clients and other visitors are treated with equality, dignity, and respect.
2. This policy applies to all DSC staff, tenants, associate tenants, academic experts, and pupils ('the DSC Community').
3. Chambers will not tolerate or condone any form of bullying, harassment (including sexual harassment) and/or victimisation, including in relation to any of the other characteristics set out in the **Equality and Diversity** policy. Chambers is committed to taking all necessary steps to ensure that no-one in the groups set out in the paragraph above is subject to bullying and harassment. harassment. Harassment.
4. The aim of this policy is to help prevent the occurrence of bullying, harassment, and/or victimisation in the workplace, and to provide guidance on how to resolve complaints both informally and formally should such behaviour occur. A person concerned about a suspected breach of this policy is encouraged to raise the issue at an early stage, as this is more likely to result in a satisfactory resolution. If left unresolved, the bullying or harassment may escalate to the point where the situation becomes much more difficult to deal with effectively.
5. Anyone in Chambers has the right to raise concerns with the Head of People in Chambers in relation to the conduct of members of Chambers or staff which they consider to be contrary to the bullying and harassment policy, irrespective of whether they are the recipients of the bullying or harassment. Anyone who witnesses behaviour which they consider contravenes the bullying and harassment policy should take immediate action to indicate that such behaviour is unacceptable or to raise their concerns through the relevant procedures as failure to do so could be interpreted as condoning such behaviour.
6. In line with our Code of Conduct we expect our barristers and staff to treat all those they have contact with during the course of their professional lives, such as court staff, in a way that accords with this policy.
7. The policy applies in all premises where the business of Chambers is conducted; to all Chambers-related activities at any other site; and at any social, business, or other function at which conduct, or comments may have an effect on Chambers or relationships within Chambers.

Legislation

8. Chambers recognises that harassment can be a criminal offence and be unlawful under the Protection from Harassment Act 1997, the Equality Act 2010, the Human Rights Act 1998, and other legislation.
9. Chambers also recognises its duty to take "reasonable steps" to protect its employees from sexual harassment under the Worker Protection (Amendment of Equality Act 2010) Act 2023.

10. See here for technical guidance from the Equality & Human Rights Commission: [Sexual harassment and harassment at work: technical guidance](#)

Definitions

Bullying

11. Bullying is inappropriate, offensive behaviour, which is often an abuse of power or position. It can be direct or indirect, either verbal, physical or otherwise, conducted by one or more persons against another or others in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. There is no legal or statutory definition of bullying. However, it can take the form of someone exercising power over another person through a negative act or acts that undermine(s) the individual personally and/or professionally. The Advisory, Conciliation and Arbitration Service (ACAS) describes bullying as unwanted behaviour from a person or group that is either offensive, intimidating, malicious or insulting, or an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

Bullying might:

- a. be a regular pattern of behaviour or a one-off incident
- b. happen face-to-face, on social media, in emails or calls
- c. happen at work or in other work-related situations
- d. not always be obvious or noticed by others

Examples of bullying

- a. constantly criticising someone's work
- b. spreading malicious rumours about someone
- c. constantly putting someone down in meetings
- d. deliberately giving someone a heavier workload than everyone else
- e. excluding someone from team social events
- f. putting humiliating, offensive, or threatening comments or photos on social media

Harassment

12. Harassment is a technical term defined in the Equality Act 2010 (s. 26) as being "...unwanted conduct, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual."
13. Sexual harassment is defined as "unwanted conduct of a sexual nature which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that individual. It also includes situations in which an individual is treated less favourably because they have rejected sexual conduct or submitted to it." (s.26 of the Equality Act 2010).

Chambers prohibits any behaviour which causes offence or distress to another, and which is perceived by that person as relating to or arising from a protected characteristic as set out in the Equality and Diversity policy or is of a sexual nature and where it is reasonable that the conduct

would have that effect. Harassment may take a variety of forms and includes behaviour:

- a. which is unwanted by the recipient and is reasonably perceived by the recipient as threatening.
- b. which causes a hostile or threatening working environment.

14. The following are examples of behaviour which may amount to harassment:

- a. physical assault, including sexual assault;
- b. demands or requests for sexual favours in return for career advancement;
- c. unnecessary physical contact;
- d. Any unwanted conduct related to a protected characteristic under the Equality and Diversity policy;
- e. Any kind of unwanted sexual behaviour
- f. Less favourable treatment arising out of unwanted conduct that is either sexual in nature or related to gender identity or gender expression;
- g. exclusion from social networks and activities;
- h. isolation;
- i. bullying;
- j. compromising suggestions or invitations;
- k. suggestive remarks or looks;
- l. display of offensive materials, including on computer screen;
- m. tasteless jokes or verbal abuse, including any sent by email;
- n. offensive remarks or ridicule; and
- o. dealing inappropriately with complaints of harassment.

Examples of personal harassment

15. Personal harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one person towards another and examples of harassment include:

- a. insensitive jokes and pranks
- b. lewd or abusive comments
- c. deliberate exclusion from conversations
- d. displaying abusive or offensive writing or material
- e. abusive, threatening, or insulting words or behaviour
- f. name-calling
- g. picking on someone or setting them up to fail
- h. exclusion or victimisation
- i. undermining their contribution/position
- j. demanding a greater work output than is reasonably feasible
- k. blocking promotion or other development/advancement.

16. These examples are not exhaustive, and these behaviours can sometimes also sometimes be classified as bullying. Disciplinary action at the appropriate level will be taken against any member of the DSC Community committing any form of personal harassment.

Examples of sexual harassment

17. Sexual harassment can take place in many forms within the workplace and can go undetected

for a period of time where employees do not understand that particular behaviour is classed as sexual harassment. Sexual harassment is unwanted behaviour related to sex, or of a sexual nature, by one employee towards another and examples of sexual harassment include:

- a. lewd or abusive comments of a sexual nature such as regarding an individual's appearance or body
 - b. unwelcome touching of a sexual nature
 - c. displaying sexually suggestive or sexually offensive writing or material
 - d. asking questions of a sexual nature
 - e. sexual propositions or advances, whether made in writing or verbally.
18. Sexual harassment can also take place where a person is treated less favourably because they have rejected, or submitted to, the unwanted conduct that is related to sex or is of a sexual nature.

Third party harassment

19. DSC operates a zero-tolerance policy in relation to harassment perpetrated against one of its employees and any member of the DSC Community by a third party, such as a professional or lay client or other visitor to DSC (including those who provide services to Chambers such as contract cleaners, accountants, and IT consultants). All employees and other members of the DSC Community are encouraged to report any and all instances of harassment that involve a third party in line with our reporting procedure, as outlined below. In addition to this, DSC will endeavour to take all reasonable steps to deter and prevent any form of harassment from third parties taking place including carrying out risk assessments where appropriate.
20. Chambers recognises that:
- a. a person can be harassed by behaviour which is not directed at them but at another person; and
 - b. a single incident may constitute harassment if it is sufficiently serious.

Victimisation

21. The legal definition of victimisation is set out in s. 27 of the Equality Act 2010. It provides that victimisation takes place where one person treats another badly because he or she in good faith has done a "protected act," for example taken or supported any action taken for the purpose of the Act, including in relation to any alleged breach of its provisions. It also provides that victimisation takes place where one person treats another badly because he or she is suspected of having done this or of intending to do this.

Examples of victimisation

22. Victimisation takes place when an employee is treated unfavourably as a direct result of raising a genuine complaint of discrimination or harassment. Furthermore, any employee who supports or assists another employee to raise a complaint is also subjected to victimisation if they are treated unfavourably.

Responsibilities

Individual responsibilities

23. DSC requires all members of the DSC Community to behave appropriately and professionally throughout the working day, including at events outside of working hours which are classed as work-related such as social events. They should not engage in discriminatory, harassing, or aggressive behaviour towards any other person at any time and ensure that their behaviour is not contrary to this policy; supporting and positively promoting the maintenance of a work environment which is free from bullying and harassment and/or victimisation. Any form of harassment or victimisation may lead to disciplinary action up to and including dismissal/expulsion if it is committed:
- a. in a work situation
 - b. during any situation related to work, such as a social event
 - c. against a colleague or other person connected to the employer outside of a work situation, including on social media
 - d. against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.
24. A breach of this policy by will be treated as a disciplinary manner for both staff and barristers.

DSC Management responsibilities

25. DSC will be responsible for ensuring all members of the DSC Community including senior barristers and staff and those within management positions, are aware of the rules and policies relating to the prevention of harassing and bullying behaviour at work and during work-related social events. We will promote a professional and positive workplace whereby managers are alert and proactively identify areas of risk and incidents of harassment, sexual harassment, and bullying. We will also take into account aggravating factors, such as abuse of power over a more junior colleague, when deciding what disciplinary action to take. Where an incident is witnessed, or a complaint is made under this policy, DSC will take prompt action to deal with this matter. All incidents will be deemed serious and dealt within in a sensitive and confidential manner.
26. Senior staff and members of the Management Board have special responsibilities for ensuring the effective implementation of the policy, namely:
- a. To ensure that everyone appreciates the problem of harassment and their individual responsibility to prevent bullying and harassment occurring.
 - b. To prevent bullying and harassment, by actively promoting awareness of this policy.
 - c. To investigate every complaint of bullying and harassment, as detailed below.
 - d. To take appropriate remedial measures to respond to any substantiated allegations of bullying and harassment.
 - e. To provide support and time off (where appropriate) e those who are experiencing bullying or harassment of any kind.
 - f.

Complaint Processes

How to raise a Bullying or Harassment concern

27. DSC staff should refer to the [Employee Handbook](#) Part 5C **and below** to raise their concerns.
28. DSC Associate Tenants, Tenants, Academic Experts & Pupils should refer to [the Dispute Resolution for Barristers Policy](#) to raise their concerns about another barrister.
29. Chambers will, in appropriate cases, refer allegations of bullying and/or harassment to the Bar Standards Board, a barrister's Inn of Court and/or the police.
30. Breaches of this policy by a researcher or assistant who works directly for a member of chambers may lead to a decision by the Management Board that they may no longer work in Chambers.
31. If your complaint involves sexual harassment against a third party, please see **below** on how to raise your complaint.
32. You *may* raise your concerns informally (see below) in the first instance. In some cases, modifications to each step may be made where this is practically required to ensure the raised concerns are considered and responded to in a timely fashion.
33. Chambers will provide training for senior staff and Management Board members to ensure they are equipped to perform these responsibilities.
34. All staff will receive training in how to keep the work environment free of bullying and harassment and how to deal with it should it occur. The same will be offered within Chambers to all barristers and pupils.

Informal method

35. We recognise that complaints of personal harassment can sometimes be of a sensitive or intimate nature and that it may not be comfortable for you to raise the issue through formal procedures. In these circumstances you may wish to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. Alternatively, barristers can get support via [Talk to Spot](#).
36. If appropriate, you may wish to make it clear to the person harassing you, on an informal basis, that their behaviour is unwelcome and ask them to stop. If you feel unable to do this verbally then you may wish to do so by email, and your confidential helper or [Talk to Spot](#) could assist you in this.

Formal method for Staff and for complaints against Staff

37. Where the informal approach is inappropriate or fails, you should bring the matter to the attention of the Head of People as a formal written complaint and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:
 - a. the name of the alleged harasser

- b. the nature of the alleged harassment
- c. the dates and times when the alleged harassment occurred
- d. the names of any witnesses
- e. any action already taken by you to stop the alleged harassment.

Where it is not possible to make the formal complaint to the above-named person, for example where they are the alleged harasser, we would encourage you to raise your complaint to with the Chambers Equality & Diversity Officer ('EDO') or the CEO.

38. On receipt of a formal complaint, we will take action to separate you from the alleged harasser, if appropriate, to enable an uninterrupted investigation to take place. If the person is an employee, this may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.
39. On conclusion of the investigation, which we will aim to complete within seven working days of the meeting with you, a report of the findings will be submitted to the manager/practice lead relevant/senior clerk who will hold the grievance meeting.
40. You will be invited to attend a meeting, at a reasonable time and location, to discuss the matter once the person hearing the grievance has had opportunity to read the report. You have the right to be accompanied at such a meeting by a colleague and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.
41. You will be able to put your case forward at the meeting and the manager/practice lead will explain the outcome of the investigation. You have a right to appeal the outcome, which is to be made to *the* CEO within five working days of receiving the outcome.
42. If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary procedure up to and including dismissal, as set out in the Staff Handbook at 11b.

Formal method for everyone in relation to complaints of sexual harassment against Third Parties

43. Where the informal approach is inappropriate or fails, you should bring the matter to the attention of the Head of People as a formal written complaint and your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:
 - a. the name of the alleged harasser
 - b. the nature of the alleged harassment
 - c. the dates and times when the alleged harassment occurred
 - d. the names of any witnesses

- e. any action already taken by you to stop the alleged harassment.
44. Upon receiving the complaint, DSC will take the following immediate actions:
- a. **Ensure Safety:** by taking steps to ensure the safety and well-being of the complainant. This may include temporary changes in work assignments or schedules to prevent contact with the alleged harasser.
 - b. Talking to the person who has made a complaint
 - c. **Document the Complaint:** by ensuring that all details of the complaint are captured accurately and confidentially, and any physical evidence is secured.
 - d. Notify the third-party investigator about the complaint.
45. The Head of People, in consultation with the complaints panel, will choose the investigator.
46. DSC will then appoint a suitable investigator with the relevant understanding of employment law, experience of handling sexual harassment cases and understands the importance of confidentiality and impartiality throughout the process who will be provided with the following:
- a. A summary of the complaint
 - b. The names and roles of the parties involved
 - c. Any initial evidence collected
 - d. Relevant company policies and procedures
47. On conclusion of the investigation, which we will aim to complete the report and recommendation within fourteen working days of the receipt of the complaint.
48. If we find that the allegation is well-founded, we will take steps we deem necessary to remedy this complaint. This can include, but is not limited to:
- A) warning the individual about the inappropriate nature of their behaviour,
 - B) banning the individual from DSC premises,
 - C) reporting the individual's actions to the police.

Communicating the Policy

49. A copy of this policy will be provided to all members of the DSC Community as well as mini-pupils, work experience students, temporary workers, and those who provide services to Chambers where appropriate (such as contract cleaners, accountants, and IT consultants). It will also be available on Teams for internal use and will be specifically highlighted on Chambers' website for external users.
50. The DSC Community will be alerted every time this policy is updated.

External Support

EAP (Employer Assistance Programme) Service

51. You can call the Employee Assistance Programme on 0808 196 2016. Free counselling sessions are included with the employee assistance programme if you would like to talk to a counsellor. You can also access the service through the Digital Platform using this link.

Speak to the Bar Council

52. Email the Equality and Diversity team in confidence for support and advice about bullying or harassment issues. This is available to all members of the profession, staff, and members of chambers, employed barristers, pupils, and Bar students.
53. Email: equality@barcouncil.org.uk for advice; you can also request a callback.

Report what you see

54. If you have witnessed an incident or inappropriate behaviour, or someone has disclosed something to you, you can also make a record as a witness. Make an anonymous record on **Talk to Spot** as a witness or third party to an incident or speak to the Bar Council **Equality and Diversity team helpline**. Even if you do not want to raise a complaint, you can still help the Bar Council to understand of the types of inappropriate behaviour barristers face.

Confidentiality and Records

55. Chambers recognises that a recipient of bullying or harassment may find it difficult to come forward with a complaint and they understand that recipients and alleged bullies/harassers may be particularly concerned about confidentiality and the effect that a complaint may have on career advancement. To protect the interests of the complainant, the person complained against, and any others who may report or be witnesses to incidents of bullying or harassment, confidentiality will be maintained throughout any investigatory process to the extent that this is practical and appropriate under the circumstances. However, Chambers has a duty to ensure that bullying or 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, legal, monitoring, internal review, or other remedial processes.

Monitoring

56. The outcome of every informal and formal complaint of bullying and harassment will be reviewed annually by the Chief Executive and reported to the Management Board (the latter in an anonymised form) to determine whether there are changes that need to be made to this policy or other systemic issues to be addressed within Chambers.

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November 2020
January 2021
July 2021
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