

Bullying and Harassment Policy

General Statement

1. Doughty Street Chambers 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. Chambers will not tolerate or condone any form of bullying and harassment, including in relation to any of the other characteristics set out in the Equality and Diversity policy (including actual or perceived, age, disability, gender identity and gender expression, marital or other partnership status, pregnancy and/or maternity, race, religion or belief, sex or sexual orientation (“protected characteristic”). 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.
3. Codes of Conduct also make clear that 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.
4. 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

5. 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.
6. Bullying and harassment can also lead to disciplinary proceedings against barristers involving the Bar Standards Board.
7. **You have a right to complain about bullying and harassment if you encounter it in Chambers. Your complaint will be treated seriously in accordance with the procedures set out in this policy.**

Definition of Bullying

8. 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.
 - a. The following examples may constitute bullying:
 - threats, abuse, teasing, gossip and practical jokes
 - humiliation and ridicule either in private, at meetings or in

front of customers/clients

- name calling, insults, devaluing with reference to age, physical appearance
 - setting impossible deadlines
 - imposing excessive workloads
 - making unjustified criticisms
 - excessive monitoring
 - removing responsibilities
 - allocating menial and pointless tasks
 - withholding information
 - refusing requests for leave, holiday or training.
- b. Specific examples of what homophobia, biphobia and transphobia may look like in the workplace include:
- jokes or banter
 - insults or threats
 - unnecessary and degrading references to someone's sexual orientation, gender identity or their perceived sexual orientation or gender identity
 - excluding someone from activities or social events
 - spreading rumours or gossip including speculating about someone's sexual orientation or gender identity, or outing them
 - asking intrusive questions
- c. It should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it.

Definition of Harassment

9. Harassment is any form of unwanted conduct, which has the purpose, or effect, of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The essence of all harassment is that it is unwelcome conduct, which is offensive to the recipient. Chambers recognises that harassment is a particularly difficult issue because behaviour that one person may be able to ignore or deal with comfortably may nevertheless constitute harassment if directed at another. The recipient's perception plays an important part in deciding whether there has been harassment and the fact that one person may be able to ignore or deal comfortably with certain behaviour does not mean that it is acceptable if it affects another.

10. 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.

11. 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.

12. Chambers recognises that:
 - a. a person can be harassed by behaviour which is not directed at him or her but at another person; and
 - b. a single incident may constitute harassment if it is sufficiently serious.

Individual responsibilities

13. All practitioners, staff and other users of Chambers have a personal responsibility to ensure that their behaviour is not contrary to this policy and to support and positively promote the maintenance of a work environment which is free from bullying and harassment.

Management responsibilities

14. 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.
15. Chambers will provide training for senior staff and Management Board members to ensure they are equipped to perform these responsibilities.
16. 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 barristers and pupils.

Communicating the Policy

17. A copy of this policy will be provided to all new staff, tenants, associate tenants, academic experts, fixed-term tenants, pupils, mini-pupils, work experience students, temporary workers, and those who provide services to chambers (such as contract cleaners, accountants and IT consultants). It will also be available on Teams for internal use and on Chambers' website for the use of external users.

What happens if bullying and harassment occurs?

18. Chambers acknowledges that people may find it difficult to raise concerns about bullying and harassment, especially people in junior positions. Many people just want the bullying or harassment to stop, and an apology. We are committed to providing a supportive environment in which to resolve concerns about bullying and harassment fairly, promptly, with due regard for confidentiality, and without fear of victimisation or retaliation.
19. All barristers have a right and a duty to raise any concerns regarding a fellow barrister's failure to comply with this policy. Chambers is committed to ensuring that no-one who raises an issue under this policy 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 of a complaint will also be viewed as a disciplinary matter.
20. 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
21. Anyone in Chambers has the right to raise concerns with the appropriate senior HR representative 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.

22. Chambers' grievance and disciplinary procedures for members of chambers and the separate procedures for staff together with the Resolution Guideline on Resolving Workplace Issues with staff, encourage informal resolution as appropriate.
23. Even if the person concerned does not wish to raise a formal grievance, the Chief Executive has a discretion to initiate further action under the disciplinary procedures.
24. Breaches of this policy by staff or barristers may result in disciplinary action as set out in the separate disciplinary procedures that apply to staff and barristers.
25. Breaches of this policy by a contractor or supplier may lead to a decision by the Management Board that the applicable contracts be terminated.
26. 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.

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.

27. If a concern is raised by a member of chambers or a member of staff and despite the relevant grievance and disciplinary procedure being followed the parties concerned do not wish to continue working together, consideration will be given to alternative working arrangements, where this is practicable.
28. Where the outcome of Chambers' resolution, disciplinary and/or grievance procedures is to take no action, this should not be taken to imply that the complainant was lying or acted in bad faith. The complainant will continue to receive such advice and support from the designated adviser as they need.

Confidentiality and Records

29. 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

30. 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.

December 2018
November 2020
January 2021
July 2021
Next review due
July 2022

Revision History

| | | |
|---------------|--|---|
| January 2021 | <ul style="list-style-type: none"> Title amended to clarify this policy is for ALL. | Julie Ahadi, Henrietta Hill QC |
| May-July 2021 | <p>OUTy St review suggestions implemented in full:</p> <ul style="list-style-type: none"> Explicit statement prohibiting bullying or harassment on the basis of sexual orientation, gender identity and gender expression, or in relation to any of the other characteristics set out in the Equality and Diversity policy (paragraph 2). Explicit statement prohibiting any behaviour which causes offence or distress to another and which is perceived by that person as relating to or arising from his/her protected characteristic under the Equality and Diversity policy (paragraph 10). Specific examples of what homophobia, biphobia and transphobia may look like in the workplace added (paragraph 8b). Paragraph 11 updated to reflect the Equality Act provision section 26(2) and to address less favourable treatment arising out of the rejection or submission to unwanted conduct and more inclusive wording to replace gender reassignment by adding gender identity and gender expression. | Julie Ahadi, Aswini Weeraratne QC; Henrietta Hill QC; Croner annual review. |