

## Harassment Policy

### **Statement of policy**

Chambers is committed to providing a working environment in which all individuals including Members, pupils, min-pupils, employees, clients and the public are treated with dignity and respect. Chambers aims to promote a working environment, which is conducive to the professional growth of its Members and employees and to the promotion of equality of opportunity.

Chambers will not tolerate any form of harassment and will take all necessary steps to ensure that its Members and employees are not subject to harassment. Harassment constitutes professional misconduct and is prohibited by the Bar Council's Code of Conduct. Harassment on the grounds of sex, race or disability is unlawful under the Sex Discrimination Act 1976 and the Disability Discrimination Act 1995.

### **Scope of the policy**

This policy applies to all Members and employees of Chambers, to pupils and to mini-pupils. The policy applies to:

- Chambers business at Zenith Chambers, 10 Park Square, Leeds;
- all Chambers' related activities performed at any other site away from 10 Park Square, Leeds;
- any social, business or other function where conduct or comments may have an effect on Chambers or relationships with Chambers.

### **What is harassment?**

The essence of all harassment is that it is unwelcome conduct which is offensive to the recipient. The test is a subjective one 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 directed at another.

Chambers prohibits any behaviour which causes offence or distress to another and which is perceived by that person as relating to or arising from her/his race, religion, political belief, sex, sexual orientation or disability and which constitutes less favourable treatment on such grounds.

### **Resolving complaints of harassment**

Chambers is committed to providing a supportive environment in which to resolve problems of harassment.

#### **Informal resolution options**

1. When an incident occurs, the recipient should communicate their disapproval and objections immediately and request the harasser to stop.

2. If the harassment does not stop or if the recipient is uncomfortable about addressing the harasser directly, he or she should bring the concern:
  - (a) if an employee, to the Practice Director or to David Bradshaw, as the designated Management Committee representative;
  - (b) if a Member of Chambers or pupil, to the Secretary of the Management Committee;
  - (c) if the complaint is related to the Secretary, to the Treasurer of the Management Committee.

Chambers will provide advice or support as requested and will undertake any investigation necessary to resolve the matter speedily and in confidence. Within one week of the receipt of the informal complaint an investigation will be made, if necessary.

### **Formal complaints resolution**

1. Where the person subject to harassment does not wish to pursue the informal resolution options or has exhausted such options, they may make a formal complaint to the individual identified as above.
2. Where the person complained against is a member of staff, the Chambers staff disciplinary procedures shall be implemented.
3. Where the person complained against is a Member of Chambers, an investigation will be conducted by two appointed members of the Management Committee.
4. The investigation will be completed within 14 days of the receipt of the written complaint. All parties to the complaint may be accompanied by a colleague or friend at any hearing.
5. If the allegation of harassment is upheld in accordance with the 'civil' standard of proof, appropriate remedial action will be taken.

This may include any of the following:

- \* formal apology;
  - \* written warning;
  - \* report to the relevant Inn recommending the removal of pupil master/mistress status;
  - \* suspension or discharge of Member;
  - \* referral to Professional Conduct Committee (PCC).
6. If the outcome of the investigation is challenged, either party may appeal to the Head of Chambers whose decision will be final and binding upon both parties.

### **Raising a complaint**

A person experiencing harassment is encouraged to raise a complaint at an early stage, preferably through the informal procedure. Raising a complaint at an early stage is more likely to result in a satisfactory resolution. If left unresolved, the harassment may

escalate to the point where the situation becomes much more difficult to deal with effectively.

Any Member, employee, pupil in Chambers has the right to bring to the attention of an appropriate person any behaviour which they consider to be contrary to the harassment policy, irrespective of whether they are the recipient of the harassment or not.

### **Confidentiality**

Chambers recognises that a recipient of harassment may find it difficult to come forward with a complaint and they understand that recipients and alleged harassers may be particularly concerned about confidentiality. Accordingly, 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 harassment does not recur. All records of complaints, including notes to meetings, interviews, results of investigation and other relevant material, will be kept confidential by Chambers, except where disclosure is required for disciplinary or other remedial processes.

Chambers is committed to ensuring that no one who brings forward a harassment issue in good faith is subject to any form of reprisal.

### **Pupil masters**

Pupillage is a period of professional training and Chambers regards it as inappropriate for a sexual relationship to develop between a pupil master/ mistress, any other Member or employee of Chambers and a pupil. No Member of Chambers may participate in decisions concerning a pupil where they are, or have been, in a relationship with that pupil.

### **Further avenues of redress for an individual experiencing harassment**

In addition to Chambers' procedures, there are a number of other avenues of redress. These include:

- raising a complaint with the relevant Inn's Students' Officer about a pupil master or mistress. The Inns' complaints process will determine the outcome of such complaints;
- complaining to the Bar Council's Professional Conduct and Complaints Committee;
- reporting the matter to the police where an act of harassment is a criminal offence;
- through the Bar Council's Equal Opportunities Officers seeking the assistance of the Bar Council's Mediation Panel members. Their role is to advise the complainant and, with his or her permission, seek to mediate between the complainant and the alleged harasser. The Panel can be approached in confidence and will aim to achieve an end to the conduct complained of without necessarily finding fault or blame and without the imposition of sanctions.

The Bar Council's Equal Opportunities Officers are available at the Bar Council to offer advice **in confidence** to any recipient of harassment or to any Member of Chambers responding to a complaint of harassment.

**Further sources of help**

Organisation	Contact Name, Address & telephone
The African Caribbean and Asian Lawyers Group (ACA)	Jerry Garvey Administrator The Law Society The Law Society House 114 Chancery Lane LONDON WC2A 1PL  Tel = 0171 320 5873
The Association of Women Barristers (AWB)	Sheila Foley Secretary Chambers of Isaac Jacob Ground Floor 3 Paper Buildings LONDON EC4Y 7EU  Tel = 0171 797 7000
Society of Asian Lawyers (SAL)	K Shah Administrator 12 Michleham Down Woodside Park LONDON N12 7JM  Tel = 0181 446 4614
Society of Black Lawyers (SBL)	Chief Executive Officer Room 9, Winchester House 11 Cranmer Road Kennington Park LONDON SW9 6EJ  Tel = 0171 735 6592
Women Against Sexual Harassment	312 The Chandlery 50 Westminster Bridge Road LONDON SE1 7QY  Tel = 0171 721 7592