



## ANTI-HARASSMENT POLICY

### **Introduction**

1. St Pauls Chambers is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. St Pauls Chambers is determined to promote a work environment in which everyone is treated equally and with dignity and can flourish. This Anti- Harassment Policy is a central plank of Chamber's commitment and will be applied rigorously.
2. The aim of this policy is to promote and provide a safe environment for everyone who is associated with Chambers or may come into contact with its members or staff, ensuring they can work without hindrance, achieve their potential, socialise with dignity and respect from others, and flourish professionally.
3. St Pauls Chambers aims to achieve this through:
  - offering guidance as to what is and is not unacceptable behaviour in chambers;
  - taking appropriate practical steps to reduce the chances of harassment, bullying or other inappropriate behaviour occurring;
  - providing an effective, appropriate and user-friendly system for raising concerns about inappropriate behaviour;
  - taking effective steps to address incidents of inappropriate behaviour and to deal with perpetrators of the same in an appropriate, fair and proportionate way;
  - offering practical support for those who feel they may have been targeted by inappropriate behaviour; and
  - ensuring ongoing review, reappraisal and improvement of the policy for maximum efficacy.

4. This policy applies to, and may be used by, all who work in, or at, Chambers, including:
  - Members of chambers;
  - Pupils;
  - Clerks; and
  - Staff.
5. All persons shall be treated equally and fairly under this policy.
6. In relation to employees of St Pauls Chambers, this policy should be read in conjunction with the Equality Policy and the Grievance and Disciplinary Procedure [PART 4] in the Staff Handbook, which take precedence.
7. This policy applies to all Chambers - or Bar - related situations and events, including but not limited to:
  - the working day in chambers;
  - at Court – including the robing room and the courtroom itself;
  - chambers social events;
  - chambers marketing events;
  - Circuit events;
  - Bar messes;
  - Bar Association events;
  - Inns of Court events; and
  - the aftermath of any such events.
8. This policy covers all forms of harassment, bullying and inappropriate behaviour. All types of harassment, bullying and inappropriate behaviour are unacceptable at St Pauls Chambers.
9. Unlawful harassment is defined by the *Equality Act 2010* as unwanted conduct of a sexual nature or related to gender, sexual orientation, gender re-assignment, race, religion/belief, age or disability, which has the purpose or effect of violating another's dignity or creating a degrading, offensive, humiliating, intimidating or hostile environment for them. In considering whether conduct has this effect, it is necessary to take into account all of the circumstances, the perception of the other person and whether it is reasonable for the conduct to have had that effect.

10. Unlawful harassment, for the purpose of this policy, does not require a course of conduct – an isolated incident can amount to unlawful harassment.
11. That a person may not have intended their conduct to be offensive does not preclude it from amounting to unlawful harassment.
12. An incident does not have to fulfil the legal definition of “harassment” to be dealt with appropriately under this policy.
13. 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 of intimidation.
14. Inappropriate behaviour can include physical, verbal and non-verbal conduct.

Examples of inappropriate behaviour may include:

- Sexist, suggestive or sexual comments, “jokes”, “banter” or gestures
- Sexual innuendo
- Sexist, sexual or offensive comments regarding someone’s appearance
- Overly personal comments or over-familiar behaviour, including questions about someone’s relationships, sex life or gender identity
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- Racist, sexist, anti-LGBTQIA+ or ageist jokes, or derogatory or stereotypical remarks about those of a particular ethnic or religious group, gender, gender identity or sexual orientation
- Outing or threatening to out someone as gay, lesbian, transgender or any form of LGBTQIA+.
- Knowingly mis gendering someone
- Offensive or intimidating comments or gestures
- Insensitive jokes or pranks
- Mocking, mimicking or belittling a person’s disability
- Exclusion from social networks or activities, or other forms of isolation
- Invading someone’s personal space
- Inappropriate sexual advances or repeated unwelcome sexual advances
  - Inappropriate or unwelcome physical contact

- Suggesting that sexual favours or a sexual relationship may result in favourable treatment, provide work opportunities or career advancement, or suggesting that refusing such may lead to less favourable treatment, the loss of work opportunities or damage career advancement
- Displaying or sending pornographic or sexually suggestive pictures or written material
- Initiating or continuing sexual contact with someone who is unable, for example through drink, to give truly informed consent
- Sexual and physical assault
- Dealing with complaints of harassment inappropriately or inadequately

Examples of bullying may include:

- Shouting at someone
- Being overly sarcastic, ridiculing or demeaning someone
- Overbearing or intimidating levels of supervision
- Inappropriate and/or derogatory remarks about someone's performance
- Abuse of authority or power by those in positions of seniority
- Deliberately excluding someone from meetings or communications without good reason

15. Chambers' Equality and Diversity Officer ("EDO") shall have primary responsibility for the implementation of this policy. Any member of chambers with any concerns regarding inappropriate behaviour and/or this policy can turn to the EDO for advice or information.

16. Chambers' present EDO is Tayo Dasaolu. Her contact details are [td@stpaulschambers.com](mailto:td@stpaulschambers.com).

### **Challenging Inappropriate Behaviour, Harassment and Bullying**

17. Everyone who works at St Pauls Chambers is encouraged to take steps to stop, deter and prevent harassment, bullying and inappropriate behaviour.

18. Anyone who witnesses such behaviour directed at another, including hearing harassing or bullying comments, is encouraged to challenge it rather than let it pass (unless to do so would place themselves in danger).

19. Further, anyone who witnesses such behaviour directed at another, including hearing harassing or bullying comments, is encouraged to bring it to the attention of the EDO or Heads of Chambers as set out below.

20. Further, anyone who learns of such behaviour by another should encourage those involved to raise a concern with the EDO or Heads of Chambers, informally or formally, as set out below.
21. Any barrister who has reasonable grounds to believe that there has been sexual or other harassment by another barrister also has a professional duty to report it to the Bar Standards Board. To fail to do so is a breach of the Code of Conduct, unless they reasonably believe that the misconduct has already been reported to the BSB by someone else. If you are not sure whether an incident should be reported, or has already been reported, you can seek advice from the BSB or Bar Council, or Chambers' EDO and/or the Heads of Chambers.

## **Raising Concerns**

22. Anyone who has been the target of inappropriate behaviour and anyone who has witnessed or learnt of such behaviour by another, is strongly encouraged to raise their concerns formally or informally within Chambers in order that appropriate support can be provided, and appropriate, proportionate action taken.
23. Chambers recognises that it takes courage to raise a concern about someone's conduct and aims to make it easy and as stress-free as possible to do so.
24. Concerns about someone's behaviour can be raised formally or informally. Advice and support can be sought informally or anonymously.
25. Whether a concern is raised formally, informally or anonymously, the EDO shall
  - respond promptly
  - ensure confidentiality
  - listen to and discuss the concern
  - explain Chambers' Anti-Harassment policy and procedures
  - discuss what outcome the person raising the concern would ideally like
  - discuss which Chambers' process – formal or informal - would be the most appropriate to achieve that outcome
  - explain what support Chambers can provide to the person raising the concern, or anyone else who appears to have been affected by the conduct in question
  - discuss the BSB reporting requirement

- agree a way forward that the person raising the concern is happy with, in so far as is possible.

### **Raising a Concern Informally**

26. Concerns can be raised informally with the EDO by speaking to them in person, calling them or emailing them. Those wishing to raise a concern should not feel in any way constrained as to which of these individuals they choose to approach but should simply choose the individual they feel most comfortable talking to about their concern.
27. Alternatively, concerns may be raised with any trusted member of Chambers or staff who must then seek advice from the EDO, Heads of Chambers or from the Bar Council Helpline.
28. Where the concerning conduct is particularly serious, including a repeated series of incidents or including any incident involving any form of assault, the EDO shall encourage the person raising the concern to raise it formally.
29. Any person raising a concern informally is welcome to have support with them for any discussions regarding their concern.
30. Possible outcomes from raising a concern informally could include (but are not limited to), by way of example:
  - simply providing emotional support or guidance to any person who needs it
  - the EDO and/or Heads of Chambers meeting with the person whose behaviour was reported to advise them their behaviour was inappropriate, to explain why it was unwelcome and to inform them that if further similar incidents are reported the consequences might be a formal investigation.
  - arrangements being made so that the person about whom the concern was raised, and the target of their alleged behaviour are not clerked into the same cases
  - the person about whose behaviour concern was raised agreeing not to attend Chambers/Bar social functions for a period, or not to consume alcohol at such events
  - the person about whose behaviour concern was raised agreeing to attend a harassment training course.

- involving Heads of Chambers, head of the practice team or the Senior Clerk, for further advice, support or action
- making a BSB report on behalf of the person raising the concern, or assisting them in making such a report
- support in lodging a complaint with the Judicial Conduct Investigations Office, if the concern relates to the conduct of a judge
- support in lodging a complaint with the Solicitors' Regulatory Authority, if the concern relates to the conduct of a solicitor
- support in accessing alcohol misuse advice
- support in accessing counselling
- ongoing monitoring of the person whose behaviour caused concern

31. The person who raised the concern will be kept informed of the outcome of any action taken, and a record will be kept.

### **Anonymous Advice and Support**

32. Advice can be sought anonymously from:

- a. The confidential Bar Council E&D Helpline on 020 7611 1426 or through advisors authorised under a BSB waiver scheme.
- b. Talk to Spot: <https://www.barcouncil.org.uk/support-for-barristers/equality-diversity-and-inclusion/talk-to-spot.html>

### **Raising a Concern Formally**

33. Anyone (other than employees of St Pauls Chambers) wishing to raise a concern formally should do so to the EDO who will refer the matter to either of the Heads of Chambers. The individual raising the concern should make clear that the concern is being raised formally pursuant to this policy.

#### *Concerns raised about the behaviour of members of St Pauls Chambers*

34. The Heads of Chambers will appoint an appropriate trained person to investigate the concern in a timely, thorough, impartial, objective, sensitive and confidential manner (the "Investigating Officer").

35. The Heads of Chambers will appoint a panel of a minimum of two persons and a maximum of three persons, to determine what action should be taken in light



of the information produced by the investigation (“the Panel”). All members of the Panel should have undergone appropriate harassment training.

36. Where the complaint relates to the Heads of Chambers, the EDO shall deal with appointments under paragraphs 34 and 35 of this policy.
37. In so far as is possible, the Investigating Officer and the Panel should be individuals who do not have an overly personal relationship with either the person about whom the concern has been raised, or the individual raising the concern.
38. The EDO, in consultation with the investigating officer, will consider any request that the person raising the concern, or the target of the conduct in question, make for changes to their own working arrangements during the investigation. For example, changes to their duties or working hours so as to avoid or minimise contact between the person raising the concern and the subject of the investigation. The EDO, in consultation with the investigating officer, may bar any contact between the subject of the investigation and the person raising the concern while the investigation is being carried out, where appropriate.
39. At the end of the investigation, the Investigating Officer will prepare a report setting out the Panel’s conclusions for the Heads of Chambers/Management Committee. The Panel shall decide upon an appropriate and proportionate outcome, including any action to be taken for implementation by the Heads of Chambers/Management Committee.
40. Any action taken as part of the outcome should be appropriate and proportionate. It might include an outcome of the sort set out at paragraph 31 above, any sanction up to and including suspension from Chambers or, in the most serious cases, expulsion under the Expulsion Procedure as set out in Chambers’ Constitution.
41. Where the investigation has provided reasonable grounds to believe that serious professional misconduct has occurred, a recommendation should be made to the Heads of Chambers/Management Committee by the Panel that reporting to the BSB should be considered.
42. If the person raising the concern is not satisfied with the outcome, he or she can appeal the outcome to the Heads of Chambers, and must indicate their



intention to do so, setting out brief grounds in writing to the Heads of Chambers within 14 days of being notified of decision of the Panel.

43. The appeal will be a review and not a re-hearing of the concern, although the person raising the concern, the person about whom the concern is raised, and a member of the Panel who made the determination will be entitled to make oral or written submissions to the Heads of Chambers. The Heads of Chambers will be at liberty to take whatever steps he or she feels is appropriate in order to consider and determine the appeal.
44. If, (i) no appeal is requested; or (ii) following the appeal, the Panel's recommendation that the matters complained of amounted to serious misconduct is upheld; and/or (iii) the conclusion on appeal is that there was serious misconduct, the Heads of Chambers/Management Committee should consider and make a determination as to whether the matter should be reported to the BSB.
45. If it is determined that a report should be made to the BSB, the Heads of Chambers/ Management Committee will consider whether to await the outcome of the report to the BSB prior to taking any action pursuant to the internal outcome or not. Interim measures – of the type set out in paragraph 39 above, or up to and including suspension or expulsion – may be imposed or continued pending the BSB's determination if the Heads of Chambers/Management Committee determines that it would be appropriate in all the circumstances to do so.
46. Where Chambers decides not to make a report to the BSB, no pressure shall be put on any person affected by the inappropriate behaviour not to make a report to the BSB themselves.

#### *Concerns raised about the behaviour of visitors to St Pauls Chambers*

47. Where the concern is about someone other than employee, such as a contractor, client, service user, supplier or visitor, Chambers will consider what action may be appropriate to protect anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person.

48. The Heads of Chambers will decide the appropriate method of investigation of any such concern. Where the investigation has provided reasonable grounds to believe that serious professional misconduct has occurred by a professional visitor to St Pauls Chambers, if appropriate a report will be made to that person's professional body.
49. Whether or not such a report is made, the Heads of Chambers will take such action as may be appropriate in response to the concern, with a particular view to ensure the outcomes mentioned in paragraphs 55 to 57 below. This might include speaking or writing to the person and/or their superior about their behaviour, or, where appropriate, banning them from the premises, from Chambers' social events or terminating a contract with them.

*The conclusion of the formal process in all cases*

50. Following any investigation (whatever its outcome) particular consideration shall be given to steps to reduce the risk of the conduct which caused concern occurring again.
51. Whatever the findings of the investigation, the Heads of Chambers or Chambers' Management Committee will consider how best to manage any ongoing professional relationship between the parties involved. It may be appropriate to arrange some form of mediation and/or counselling.
52. A written report of the outcome of any investigation/appeal/decision to report will be given to the person who raised the concern, the target of the alleged harassment or bullying (if different) and the subject of the investigation, if they so wish.

*Further Considerations when a Concern is Raised (Whether Formally or Informally)*

53. Where the conduct in question may amount to a criminal offence, further advice and support specific to this will be offered to be provided by an appropriately qualified EDO.
54. Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether providing support to any persons or involved in any investigation, is responsible for observing the highest level of confidentiality. A breach of confidentiality may itself amount to serious professional misconduct. Details must only be

disclosed where absolutely necessary, and with the prior consent of the person(s) involved where at all possible.

55. All persons shall be treated equally and fairly under this policy. A person's seniority shall have no bearing whatsoever on how they are treated; nor shall their personal relationship to any particular member of Chambers or staff.
56. Anyone who raises a concern in good faith or provides information pertinent to a concern raised by another, or makes a report to the BSB, shall be protected against receiving less favourable treatment as a result. Victimisation of anyone who raises a concern or is involved in the investigation of a concern which has been raised, or who makes a BSB report, shall be dealt with as a serious disciplinary matter under either the Staff Disciplinary Procedure or Chambers' Expulsion Procedure as appropriate.
57. Anyone who deliberately provides false information or otherwise acts in bad faith, whether under an informal process or within a formal process, including as part of an investigation, may, if a member of staff, be subject to action under Chambers' Staff Disciplinary Procedure; if a member of Chambers, may be subject to further action in accordance with Chambers Constitution.

## **Pupils**

58. Pupils shall be introduced to the EDO upon starting pupillage. Thereafter the EDO will be available to offer advice and support.
59. At their induction session or at another appropriate time around the start of their pupillage, pupils shall be provided with a copy of this policy. The current EDO's contact details are contained within paragraph 16 of this policy.
60. Where a pupil has any concern about any perceived harassment, bullying or inappropriate behaviour they may raise that concern informally with their pupil supervisor if they feel comfortable doing so, or the Director of Pupil Training, or, if they would prefer, the EDO. Alternatively, they may use the formal process as set out above.
61. Where their concern relates to conduct by their pupil supervisor, consideration will be immediately given as to whether it is appropriate to allow them a different pupil supervisor, temporarily or permanently.

62. If any pupil has a concern and does not feel comfortable raising it via the procedures set out herein, they are invited to call the confidential Bar Council Pupil Advice and Support team on 020 7611 1415 or email [pupilhelpline@barcouncil.org.uk](mailto:pupilhelpline@barcouncil.org.uk). Further guidance is provided at: <https://www.barcouncil.org.uk/becoming-a-barrister/pupil-barristers/pupils-helpline.html>
63. Pupils will routinely be given the opportunity, shortly after taking tenancy, to raise any concerns regarding inappropriate behaviour, harassment or bullying which took place during their pupillage which they did not feel able to raise at the time.

### **Judicial Conduct**

64. Where there is concern regarding the conduct of a judge, Chambers can provide advice and support from an EDO through the informal process or the anonymous advice system as set out above. Alternatively, advice can be secured from the Bar Council's confidential E&D helpline 0207 611 1426 and by reading the Bar Council's advice to the bar about bullying by judges: <https://www.barcouncilethics.co.uk/wp-content/uploads/2019/02/Bar-Council-Guides-Judicial-Bullying-February-2019.pdf>
65. Where appropriate, a formal complaint should be made to the Judicial Conduct Investigations Office and Chambers can provide advice and support in relation to this.

### **Policy Review and Promotion**

66. This policy shall be actively promoted by all members of chambers.
67. A copy of this policy shall be provided to all new members of chambers, pupils and members of staff as part of their induction process.
68. Chambers' EDO shall provide a report to the Management Committee annually (or as requested by the Committee) on the efficacy of this policy.
69. This policy shall be carefully reviewed at least every 2 years by the EDO and amended as appropriate.

## Useful Resources

Whether or not you are comfortable raising a concern within Chambers, confidential advice in relation to harassment, bullying and inappropriate behaviour can be sought at any time from the confidential Bar Council E&D Helpline: 020 7611 1426.

You will reach Sam Mercer, who is supportive, knowledgeable and helpful, or a member of her team, and they will provide you with support and advice and discuss your options.

You need not give your name or the names of anyone else involved, or identify your chambers, unless you are comfortable doing so.

**Lawcare** (free and confidential helpline for lawyers, providing wellbeing and mental health support): <https://www.lawcare.org.uk> / 0800 279 6888

**Wellbeing at the Bar** (resources for Barristers' wellbeing; sources of advice and support) - <https://www.wellbeingatthebar.org.uk>

**Bar Council Ethical Enquiries Helpline:** 020 7611 1307

**BSB Information Line:** 020 7611 1444

**Judicial Conduct Investigations Office**

<https://www.complaints.judicialconduct.gov.uk/makeacomplaint/> (note: complaints should preferably be lodged within 3 months of the incident)

You may need to check online for up-to-date web addresses and telephone numbers. *The websites and telephone numbers are correct as of Summer 2024.*