

Equality & Diversity Harassment and Bullying Policy

INTRODUCTION

- 1 Three Raymond Buildings is committed to providing a work environment in which all members of chambers, staff, pupils, clients and the public are treated and treat others with dignity and respect, safe from harassment, bullying, and victimisation. Three Raymond Buildings is committed to promoting a work environment in which everyone is treated equally and with dignity and can flourish. This policy falls within the remit of our Equality, Diversity and Inclusion Committee (EDICom), with amendments assigned to a Harassment & Bullying Review Group with members comprising Ailsa Williamson, Genevieve Woods, Jessica Hocking and Ella Crine (barristers), Alison Marshall and Christina Charalambous (staff).
- 2 The purpose of this policy is to set a framework for raising and responding to complaints of harassment, sexual harassment, and bullying. Harassment, bullying or victimisation of any member, pupil, member of staff, or anyone they encounter during the course of their work, can be unlawful and will not be tolerated.
- 3 This policy covers all those working in chambers, visiting chambers and providing services to chambers. This policy applies directly to members of chambers, pupils, officers, employees, and anyone else for whom Three Raymond Buildings is a place of work. It also relates to conduct by solicitors, contractors and other people we work with.
- 4 Harassment and bullying can occur both in the workplace, when working outside the workplace or at work related events. In recognition of this fact, this policy applies equally to conduct "at work" as it does to conduct when attending court or other hearings, attending meetings and participating in meetings over Teams or Zoom or similar, during business trips, work-related events, and social functions (such as networking events), or outside working hours (for example, via social media).
- 5 Where third parties we work with breach this policy then action can be taken, including raising the matter with their employer and/or applicable regulatory body, cancellation of contracts and/or ceasing to work with or for individuals or organisations.
- 6 It is not necessary for a complaint to be made in order for action to be taken under this policy. Three Raymond Buildings recognises that victims of bullying and harassment often do not feel able to come forward and make a formal or informal complaint. Maintaining a safe and respectful work environment is the responsibility of everyone in chambers. That said, Three Raymond Buildings encourages anyone who is a victim of, or witness to, harassment, bullying, or victimisation to report it in accordance with this policy. This enables Three Raymond

Buildings to take appropriate action, provide support, and take steps to ensure future harassment, bullying, or victimisation does not occur.

- 7 Three Raymond Buildings endeavours to deal with any complaint of harassment, bullying, or victimisation promptly and without undue delay. There may be circumstances in which delays are unavoidable and / or unforeseeable. Three Raymond Buildings endeavours to keep you informed of any such delays and updated as to the progress of any complaint.
- 8 Written complaints of harassment, bullying, or victimisation will be placed on personnel files along with a record of any decisions taken, any appeal, the outcome of any appeal, and any notes or other documents compiled during the process. Three Raymond Buildings will try, insofar as is practicable and appropriate, to maintain the confidentiality of any proceedings and records relating to those proceedings. Individuals involved in the process or who are in receipt of decisions, records, and documents pertaining to it are also expected to keep the process and outcome confidential.
- 9 If you have any difficulty at any stage of the process because of a disability or because English is not your first language, you should ask **Donna Garner** for assistance.
- 10 This policy does not form part of any contract of employment or any other contract to provide services. Three Raymond Buildings may amend this policy at any time and at its absolute discretion. Three Raymond Buildings may also deviate or depart from this policy if, in its absolute discretion, it is deemed appropriate to do so given the particular circumstances.

HARASSMENT

- 11 Harassment in any form will not be tolerated at Three Raymond Buildings which will always take such allegations seriously and investigate them and take appropriate action in response. What constitutes appropriate action will depend on the particular circumstances.
- 12 Harassment is any unwanted physical, verbal or non-verbal conduct related to a person's actual or perceived sex, race, colour, nationality, ethnic or national origins, disability (past or present), gender identity (including gender reassignment), religion or belief, sexual orientation, marital status, marriage or civil partnership, pregnancy or maternity, or age, which has the purpose or effect of either violating an individual's dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive. Harassment is unacceptable even if it does not fall within any of these categories.
- 13 A single incident may amount to harassment, as well as the cumulative effect of smaller incidents. A person may be the victim of harassment even if they are not the intended target. Behaviour does not need to be intentional to amount to harassment.
- 14 The following may amount to harassment:
 - racist, sexist, homophobic, transphobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief, or gender;
 - against the person's wishes, disclosing or threatening to disclose someone's sexual orientation or gender identity;
 - knowingly misgendering someone;
 - offensive emails, text messages or social media content;
 - mocking, mimicking or belittling a person's disability (past, present, or perceived);
 - exclusion from social networking and activities or other forms of isolation; and
 - physical assault.

This list is not intended to be exhaustive list, but rather indicative of the types of behaviour which might amount to harassment.

- 15 Three Raymond Buildings encourages anyone who is a victim of, or witness to, harassment to raise a complaint so that we might investigate the behaviour complained of and take appropriate action.
- 16 Members of chambers and staff are prohibited from engaging in intimate or sexual relationships with pupils (be they 12 month pupils, "third six"/probationary tenants or mini pupils). This is due to the obvious power imbalance between pupils in relation to staff / members of chambers.

SEXUAL HARASSMENT

- 17 Sexual harassment is a specific form of harassment which is typically defined as unwelcome sexual advances or other unwanted physical, verbal or non-verbal conduct of a sexual nature that has the purpose or effect of either violating an individual's dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive.
- 18 As with ordinary harassment, a single incident may amount to sexual harassment, as well as the cumulative effect of smaller incidents, and a person may be the victim of sexual harassment even if they are not the intended target.
- 19 The following may amount to sexual harassment:
- unwelcome sexual advances;
 - unwanted or intrusive physical conduct, including touching, pinching, pushing and grabbing;
 - making sexual jokes, suggestive gestures or remarks;
 - asking intrusive questions about a person's private or sex life or a person discussing their own sex life;
 - spreading rumours of a sexual nature about a person;
 - making promises in return for sexual favours;
 - unwanted or derogatory comments about a person's clothing, physical attributes, or appearance;
 - sending or displaying or showing pornographic photographs, inappropriate images, or inappropriate drawings;
 - sending emails, text messages, or other instant messages with material or content of a sexual nature; and
 - unwanted social invitations for dates or physical intimacy.

This list is not intended to be exhaustive list, but rather indicative of the types of behaviour which might amount to sexual harassment.

- 20 Three Raymond Buildings encourages anyone who is a victim of, or witness to, sexual harassment to raise a complaint so that we might investigate the behaviour complained of and take appropriate action.

PREVENTION OF HARASSMENT

- 21 Three Raymond Buildings will take the following steps to prevent harassment in the workplace:

- make it clear to all those who work with Three Raymond Buildings that harassment will not be tolerated (e.g. by providing a copy of this policy);
 - inform all new joiners at Three Raymond Buildings of the level of conduct expected;
 - require all those who work at Three Raymond Buildings to read this policy;
 - provide training for members, pupils, and staff to raise awareness of rights related to sexual harassment and awareness of this policy;
 - provide specific training to those with managerial and/or supervisory responsibilities to support them in dealing with complaints of harassment; and
 - carry out risk assessments to identify circumstances which may lead to, or may leave individuals vulnerable to, harassment;
 - regularly review and update any risk assessment which it undertakes to identify areas of risk, including but not limited to sexual harassment risks, such reviews to be conducted at least annually and after any incidents involving bullying and harassment. This will be the responsibility of the Harassment & Bullying Review Group as detailed in item 1 above;
 - monitor and review the effectiveness of this policy and the steps taken by engaging with members, pupils, and staff through 1-2-1s, surveys, and/or exit interviews; and
 - regularly review this policy.
- 22 All members of chambers, pupils, officers, employees, and anyone else for whom Three Raymond Buildings is a place of work are responsible for:
- familiarising themselves with this policy and reviewing it whenever reminded to do so;
 - attending any training provided by Three Raymond Buildings on matters covered by this policy as far as practicable;

BULLYING

- 23 Bullying in any form will not be tolerated at Three Raymond Buildings which will always take such allegations seriously and investigate them and take appropriate action in response. What constitutes appropriate action will depend on the particular circumstances.
- 24 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. In the context of bullying, power does not always mean being a position of authority but can include both physical strength and the power to coerce through fear or intimidation.
- 25 Examples of bullying may include:
- Shouting at someone;
 - Being sarcastic towards, 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
- 26 A resource on the Wellbeing at the Bar website (see Useful Resources below) outlines other examples of potentially bullying behaviours:
- An unreasonable exchange outside court;
 - Unreasonable pressure to concede a point or accept an offer during negotiations;

- Unwanted physical contact;
- Unwelcome remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip, slander;
- Isolation or non-cooperation and exclusion from social activities;
- Improper pressure to take on work you cannot accommodate;
- Improper pressure to reduce fees;
- Personal intrusion through pestering, spying or stalking;
- Failure to safeguard confidential information;
- Shouting and/or directed angry outbursts either in front of others or one to one;
- Setting unrealistic deadlines;
- Persistent unwarranted criticism; and
- Personal insults.

If a barrister has been bullied by a judge, the behaviour may include:

- Shouting at them;
- Deliberately saying things to humiliate them;
- Asking them to justify themselves in circumstances that are unfair;
- Calling them names;
- Calling into question their professionalism in circumstances that are unfair;
- Accusing them of incompetence in circumstances that are unfair;
- Using various facial expressions to demean or intimidate them;
- Setting unrealistic time frames;
- Making them work through lunch breaks;
- Refusing to give them time to formulate an argument or response in circumstances where it is unfair to do so.

Whilst judicial conduct falls outside chambers' jurisdiction, where a complaint is made about a judge under this policy, the complainant will be supported including by way of representation where required and with the harassment or bullying being raised with the appropriate leadership judge and or the Judicial Conduct Investigation Office should the complainant wish to pursue such a course.

RAISING A COMPLAINT

- 27 If you are being harassed or bullied or you witness harassment of bullying, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their conduct and behaviour is not welcome and how it makes you feel or how you believe it may make another feel. Complaints of harassment or bullying may also be raised informally with one of the members of chambers nominated by the EDI committee (currently **Genevieve Woods and Ella Crine**). Alternatively, members can contact the Chair of the EDI Committee, one or both of the Joint Heads of Chambers or another senior member of chambers.
- 28 If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should raise it in any event or you can initially contact one of the members

of chambers nominated by the EDI committee (currently **Genevieve Woods and Ella Crine**) informally for advice.

- 29 If raising a complaint informally is not appropriate, or the informal process has been unsuccessful, you should consider raising a complaint via the formal process set out below.
- 30 Formal complaints should be made under the appropriate Three Raymond Buildings grievance procedure. Formal complaints should be made in writing and set out as much detail as possible of the conduct in question, including the name of the harasser or bully, the nature of the harassment and bullying, the date(s) and time(s) at which it occurred, the names of any witnesses, and any action that has been taken thus far in an attempt to stop it from occurring, if any, e.g. raising it informally. Where such a complaint involves an allegation of bullying or harassment one of the EDI committee nominated members will be appointed to act as the single point of contact throughout the process.
- 31 Harassment or bullying is misconduct for employees or a breach of the Bar Code of Conduct for barristers. Where appropriate complaints may be need to be reported to the Bar Standards Board (including self-reports if complaints are made against a barrister). In some cases the harassment or bullying may amount to criminal conduct which may be shared the police. If the harassment or bullying involves a third party which does not work for Chambers it may be appropriate to report the conduct to the third party's employer, for example. Where the outcome of a grievance process or other investigation finds that harassment or bullying may have occurred by someone working for Chambers this will be dealt with under the appropriate Three Raymond Buildings disciplinary procedure.

VICTIMISATION

- 32 Chambers is committed to ensuring that no-one who makes an allegation of harassment or bullying 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 be viewed as a disciplinary matter. This includes instances where a complaint of harassment or bullying is not upheld.
- 33 Examples of victimisation may include:
- denying someone an opportunity;
 - excluding someone from work or social events;
 - refusing to promote someone;
 - refusing to grant a discretionary bonus or performance-related award; or
 - termination a person's employment or imposing another disciplinary consequence,

in each case, because it is suspected or known that they have or intend to make a complaint regarding harassment or bullying or have or intend to act as a witness in connection with a complaint of harassment or bullying.

This list is not intended to be exhaustive list, but rather indicative of the types of behaviour which might amount to sexual harassment.

GENERAL

- 34 A failure to uphold a complaint will not of itself imply that the complainant has been disbelieved or found to be acting in bad faith.
- 35 This policy will be published on the chambers website. A copy is provided to all those for whom chambers constitutes a working environment, including members of chambers, pupils, employees, temporary workers, those who provide services to chambers such as contract cleaners, accountants and IT consultants, and mini pupils and work experience students.
- 36 Third parties such as instructing solicitors will be signposted to the policy on our chambers website.

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

Barristers, staff and pupils can also access guidance and support on a range of matters from the relevant section of the Wellbeing at the Bar service [Mental Health & Wellbeing - Wellbeing at the Bar](#)