



Kenworthy's
Chambers

Annex (a)

KENWORTHY'S CHAMBERS POLICY AGAINST HARASSMENT

Kenworthys chambers anti harassment policy will not tolerate or condone any form of harassment to employees, members of chambers, pupils and others temporarily in chambers such as mini-pupils. This relates to all unwelcomed conduct, which is offensive to the recipient. Chambers prohibits any behaviour which causes offence or distress. If anyone is subjected to such behaviour they will have a right to complain. Disciplinary action will be taken against any member or employee of chambers found to have harassed a colleague or other person in the conduct of their work.

1. This policy includes the outlawing of harassment which Chambers recognises as being forms of discrimination. Examples of behaviour which may amount to harassment when related to a person's sex, sexual orientation, gender reassignment, marital or civil partnership status, colour, race, nationality (including citizenship) or ethnic or national origin or on the grounds of disability, religion or age:

- Suggesting that sexual favours may in some way further a person's career or that refusing sexual favours may damage it.
- Compromising suggestions or invitations.
- Display of pornographic or offensive material including on computer screens.
- Offensive remarks or ridicule.
- Jokes or abuse including any sent by email.
- Exclusion from social networks and activities.
- Bullying
- Physical assault
- Dealing inappropriately with complaints or harassment

2. Harassment on any of the grounds mentioned above is a considered to be particular form of discrimination which will not be tolerated. It is conduct which is unwanted and a characteristic of it is that it undermines the victim's dignity at work and can create a hostile or humiliating working environment not only for the victim but for the rest of the



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employees. Barristers and employees have a personal responsibility to behave in a manner which is not offensive to others.

Section 5 of the Public Order Act 1986 creates a criminal offence where a person uses:

- (a) threatening or abusive or insulting words or behaviour or disorderly behaviour; or (b) displays any writing sign or other visible representation which is threatening or insulting within the hearing or sight of a person likely to be caused harassment, alarm or distress.

Communication

Copy of this policy will be provided to all members, employees and pupils in chambers. Briefings will also be conducted at least annually to all staff and members by the Equal Opportunities and Diversity Officer. Any member or staff unable to attend such briefings will be copied the documentation to be read, sign and date as acknowledgement.

Raising a Complaint

Any member, employee, pupil or mini pupil in Chambers experiencing harassment will be encouraged to raise a complaint and bring it to the attention of the appropriate person. If any member or employee witness's behaviour which contravenes the harassment policy should take immediate action and express such behaviour as being unacceptable, otherwise failure to do so could be interpreted as condoning the same.

Informal Complaint

The recipient of any form of harassment should inform the harasser of their disapproval immediately and request them to stop.

If the harasser does not stop or the recipient feels uncomfortable raising a complaint directly, they should raise the concerns with Chambers Equality and Diversity Officer and or Practice Manager.

Advice and any support will be provided and necessary actions to resolve the matter. It will be dealt with in confidence and in a timely manner, normally within one week of the informal complaint.



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Formal Complaint

A formal complaint may be raised in accordance with Chambers Grievance Procedure and a formal investigation will take place.

- A formal complaint should be made in writing. Within one week of the formal complaint an investigation of the allegation will be made and completed within 14 days, unless there are good reasons for delay.
- Investigations will be conducted in accordance with standards of natural justice, where possible two members of chambers not directly involved in the complaint should be permitted to be accompanied by a colleague or friend at any hearing.

If the allegation is upheld a number of remedial actions may be taken:-

- Formal Apology
- Written Warning
- Counselling
- Change of work assignment
- Suspension or discharge
- Referral to PCC
- Referral to Inn if Member is Pupil Supervisor – recommending removal of status

In addition to the sanction that may be imposed on a member of an employee by chambers as part of a complaint resolution, members of chambers who engage in harassment may be liable for damages in the event of a civil lawsuit or may face further sanctions imposed by the Bar Council's Professional Complaints Committee, or, in a very serious case, criminal sanctions.

Confidentiality

Confidentiality will be maintained throughout any investigatory process where it is practicable and appropriate, to protect the interests of the complainant, the person complained against, and any others who may report or be witnesses to incidents of harassment. All records and minutes, notes etc. must be kept confidential except when disclosure is required.

Victimisation

Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint would be viewed as a disciplinary matter. The raising of such a complaint



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will not have any adverse consequences for the complainant. Particularly in relation to tenancy and promotion decisions.

*******Chambers has a duty to ensure Harassment does not recur*****.**

This Chambers Equality and Diversity Officer is responsible for the monitoring and effectiveness of this policy which must be reviewed (May annually).

Further Avenues of Redress for an Individual Experiencing Harassment

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

- If a complaint is not resolved within Chambers a further avenue of appeal to an external independent individual may be considered. The individual should have experience in equal opportunities
- raise a complaint with the relevant Inns Students' Officer about a sponsor or pupil supervisor. The Inns' complaints process will determine the outcome of such complaints;
- complaint to the Bar Council's Professional Conduct and Complaints Committee where the alleged harasser is a barrister;
- take action in the county court or employment tribunal alleging harassment as a form of unlawful direct discrimination;
- report this matter to the police where an act of harassment is a criminal offence e.g. assault or intentional harassment.
- through the Bar Council's Equality and Diversity Advisers seek 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 Equality and Diversity Advisers 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. The confidential helpline number (a direct dial number) is 0207 611 1310