

Anti-Harassment and Respect Policy

1. This policy covers all aspects of chambers' life whether you are working in chambers, working remotely/virtually, visiting chambers, on a business development trip abroad, at chambers' social events and/or providing services to our chambers. It covers, amongst others, tenants, pupils, third-six pupils, squatters, mini-pupils and persons on work experience or placement, members of staff, consultants, other contractors such as cleaners, instructing solicitors and clients.
2. Chambers is committed to providing a working environment free from harassment in which all individuals, clients and the public are treated with dignity and respect. Gatehouse Chambers is determined to promote a working environment in which everyone is treated equally and with dignity and can flourish. Chambers does not tolerate discrimination on any grounds in the selection, treatment or conduct of any of its members, pupils, staff or others. This Anti-Harassment and Respect Policy is a central plank of Chambers' commitment to the foregoing principles and will be applied rigorously.
3. Harassment in any form will not be tolerated at Chambers. A single incident can amount to harassment. Harassment is any unwanted conduct, whether physical, verbal or non-verbal, that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Unlawful harassment may involve unwanted conduct related to age; disability; gender re-assignment; race; religion or belief; sex; or sexual orientation. Harassment may include (but is not limited to):
 - a. Conduct which is unwanted by the recipient and perceived as hostile or threatening;
 - b. Conduct which gives rise to a hostile or threatening work environment;
 - c. Conduct which creates an atmosphere in which it is feared that rejection or submission will be used as a basis for decisions which have an impact on the recipient at work: for example, as a basis for decisions as to the allocation of work as between members of chambers, as to a decision on whether to offer tenancy to a pupil, or as to a decision as to whether to offer a promotion to a member of staff.
4. The following are examples of specific types of behaviour which may amount to harassment (whether or not intended as such by the person carrying out the behaviour):
 - a. Physical or sexual assault including unwanted physical conduct or "horseplay", such as touching, pinching, pushing and grabbing;
 - b. Requests for sexual favours in return for career advancement;
 - c. Unnecessary physical contact;
 - d. Exclusion from social networks and activities or other forms of isolation;

- e. Bullying (such as deliberately singling someone out to receive too much or too little work; aggressive demeanour i.e. shouting or swearing when requiring work to be done; overbearing supervision and unproductive criticism; being made the subject of practical jokes or initiation rites)(this is not intended to be an exhaustive list);
 - f. Compromising suggestions or invitations, such as continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - g. Suggestive remarks or looks;
 - h. Racist, sexist, anti-LGBTQI+ or ageist jokes, or derogatory or stereotypical remarks about those of a particular ethnic or religious group, gender, gender identity or sexual orientation;
 - i. 'Outing' or threatening to 'out' someone as, for example: gay, lesbian, transgender or any form of LGBTQI+;
 - j. Mocking, mimicking or belittling a person's disability;
 - k. Display of offensive materials, including on a computer screen, mobile phone or other electronic device with a display function;
 - l. Tasteless jokes or verbal abuse, including any sent by email or instant messaging application;
 - m. Offensive remarks or ridicule, including use of unwanted "nicknames";
 - n. Dealing inappropriately or inadequately with complaints of harassment.
5. Harassment (as defined in s 26 of the Equality Act 2010) is unlawful under the Equality Act 2010. In addition to the above unwanted conduct, it can arise where a person engages in any kind of unwanted sexual behaviour (or gender reassignment or sex related behaviour).
 6. All complaints of harassment will be dealt with by a procedure that is independent, objective, sensitive and fair and which provides both for a supporter for the person making the complaint and a mentor for the person being complained about.

If you are being harassed: informal steps

7. Complaints of harassment may be raised informally in the first instance by contacting the Harassment Complaints Administrator or, in their absence, the Chief Executive, who will then allocate the complaint to a Counsellor; unless the person complained about is the Chief Executive, in which case the matter can be raised with one of our Heads of Chambers.
8. The purpose of the informal process is to find a practical way to resolve a situation which has upset someone before it becomes contentious or necessitates a formal process. Anyone about whose conduct a concern is raised can be provided with support by the allocated Counsellor in dealing with the concern, should they so wish;

alternatively, they can be provided with support by a different Counsellor, if they prefer.

If you are being harassed: formal steps

9. Formal complaints in relation to staff/employee conduct should be made under chambers' Harassment Complaints Procedure, a copy of which is available from the Harassment Complaints Administrator.
10. We will investigate formal complaints. The investigation will be conducted by a Harassment Complaints Officer with appropriate training and no prior involvement in the complaint and individuals not involved in the complaint or the investigation will not be told about it.
11. Harassment is misconduct or gross misconduct for employees or a breach of the Bar Code of Conduct for barristers.
 - a. As for staff/employees: Complaints which are upheld under the Grievance procedure will be dealt with under chambers' Disciplinary procedure.
 - b. As for barristers: Complaints which are upheld may amount to serious misconduct by a barrister and may be dealt with under chambers' Constitution and/or reported to the BSB under its reporting procedure.
12. Chambers is committed to ensuring that no one who makes an allegation of harassment 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 dealt with as a disciplinary matter and/or misconduct and/or serious misconduct.
13. A copy of this policy is provided to all those for whom chambers constitutes a working environment, including members of chambers, pupils, third-six pupils, squatters, practice managers and other employees, temporary workers, those who provide services to chambers such as contract cleaners, accountants and IT consultants, and mini-pupils and persons on work experience or placement.

Chambers' Harassment Complaints Procedure

Our Policy

We pride ourselves on a culture of mutual respect and dignity for all persons and do not tolerate harassment or bullying.



However, if you feel that you have been the subject of harassment or bullying by a barrister or member of staff at our chambers then we would prefer to know straight away, so that we can try to do something to rectify the matter immediately, if that is possible. If we are not able to resolve matters, we understand that you may feel that you would prefer to make a formal Harassment Complaint. We take feedback, complaints and the investigation of them seriously.

We recognise that it is important that all Harassment Complaints are dealt with promptly, sensitively and in a manner which addresses the issues raised in accordance with our procedures and professional obligations.

Our Harassment Complaints Procedure deals with issues covered by our Anti-Harassment and Respect Policy. Insofar as a complaint relates to services issues you may have experienced, we have a separate Complaints procedure. It is also not usually appropriate for chambers to deal with allegations of professional negligence or serious misconduct under the Code of Conduct. In so far as your complaint raises issues of professional negligence the Barrister is required to report the same to their professional indemnity insurers who may elect to deal with it themselves. In so far as a complaint relates to misconduct we may suggest that it be referred to the Bar Standards Board.

Equality, Diversity and Inclusion Committee

We have an Equality, Diversity and Inclusion Committee whose responsibilities include overseeing the Harassment Complaints Procedure and which reports to the Chambers Management Committee, which acts on behalf of Barristers at our chambers.

The Harassment Complaints Officers are experienced barristers who investigate (in rotation subject to adjustment for seniority, conflicts regarding previous decisions or similar factors) any formal Harassment Complaint allocated to them with independence, professionalism and objectivity.

The Harassment Complaints Administrator is a senior member of staff who handles all correspondence for complaints, ensuring that all timescales are met, and maintains records of complaints and all related correspondence.

The Counsellors are experienced barristers who have received appropriate training in the handling of informal complaints and who will provide support to and a resolution for those raising an informal complaint.

The Committee is responsible for ensuring that we have a clear, robust, fair and transparent Harassment Complaints procedure with clear timescales and which is adhered to. They determine what lessons can be learnt from informal and formal Harassment Complaints made to chambers and make recommendations to the Chambers Management Committee on improvements which could be made to the processes, procedures and support offered by Hardwicke to staff, members and clients alike.

Harassment complaints made by telephone

You may wish to make a Harassment Complaint in writing and, if so, please follow the formal procedure below. However, if you would rather speak to someone on the telephone about your Harassment Complaint then please telephone the Harassment Complaints Administrator or, in their absence, the Chief Executive. If the complaint is about the Chief Executive, please telephone one of the Heads of Chambers. All the contact details are provided at the end of this Procedure document.

The person you contact will make a note of the details of your Harassment Complaint and what you would like to have done about it. Harassment Complaints can be dealt with formally under our Harassment Complaints procedure or more informally. It is your choice how to proceed. Once you have spoken to someone our Harassment Complaints Administrator will email you with details of the complaints procedure for formal Harassment Complaints and, if you have expressed an interest in dealing with the matter informally, the name and contact details of a Counsellor who will deal with the matter informally. If you elect to proceed on an informal basis that Counsellor will discuss your concerns with you and aim to resolve them (which may or may not involve the Counsellor contacting the person complained about, taking into account your preference). Possible outcomes from raising a concern informally could include, for example:

- providing advice and support as appropriate to anyone who feels they may benefit from it
- signposting support services to any person who may wish to access them, for example, counselling or alcohol misuse agencies
- agreeing terms on which any person involved may attend future Chambers events
- arranging for any person involved to attend an anti-harassment training course
- monitoring the situation going forwards
- discussing with the other party the objectional behaviour in question so as to allow them to apologise for any offence and modify their behaviour for the future

If the matter is resolved, the Harassment Complaints Administrator will record the outcome, check that you are satisfied with the outcome and record that you are satisfied. You may also wish to record the outcome of any telephone discussion(s) in writing.

If your Harassment Complaint is not resolved to your satisfaction informally, you will be invited to write to us about it so it can be investigated formally. The fact that you have initially elected to proceed on an informal basis will have no bearing on and certainly will not prejudice the handling of your harassment complaint formally under our Harassment Complaints procedure.

Formal harassment complaints made in writing

Please make your Harassment Complaint by letter or email to the Harassment Complaints Administrator who will have the initial responsibility for handling your complaint. If your complaint is about the Harassment Complaints Administrator and you feel uncomfortable about addressing it directly to them, in the first instance, then please send it by letter or email to the Chief Executive.

It would be helpful if you could include the following information so we can deal with your Harassment Complaint as effectively as possible:

- Your contact details including name, address and, if applicable, email address;
- Whether you are a member of staff, barrister, pupil, mini-pupil or other work experience person, client, instructing solicitor or had/have some other role;
- The name of the Barrister or member of staff you are complaining about;
- The nature of the Harassment Complaint, giving details, if possible, of what happened or did not happen and what the Barrister or member of staff did or did not do;
- What steps you would like to see taken to resolve your Harassment Complaint.

Once your formal Harassment Complaint has been received, the Harassment Complaints Administrator will explain to you how it will be handled. We try to keep this process flexible to take account of different circumstances. In principle, it will work as follows.

We will aim to acknowledge receipt of your Harassment Complaint within 4 days of receipt, or sooner, and provide you with details of how your Harassment Complaint will be dealt with. You may be asked to provide further information if it is required. Within 14 days of acknowledging receipt of your Harassment Complaint, we will write to inform you which Harassment Complaints Officer has been appointed and the date by which we aim to send you their response, after a thorough investigation. This would normally be within 14 days of the Harassment Complaints Officer being appointed. If this is likely to be delayed for some reason, we will write to you to explain this and also the new date for their response. Their response will set out:

- The nature and scope of their investigation;
- Their conclusion on the Harassment Complaint and the basis for their conclusion; and
- If they find that you are justified in your Harassment Complaint, their proposals for resolving the Harassment Complaint.

If you are not satisfied with the conclusion reached by the Harassment Complaints Officer, you will be offered the opportunity to ask for a review of that decision by one of the Heads of Chambers or another suitably senior member of chambers.

Confidentiality

In line with BSB guidance, all conversations and documents shall be confidential and disclosed only to the extent necessary. They may be disclosed only to the complainant, the Barrister or member of staff complained about, the Heads of Chambers, the Chair of our EDI Committee or relevant senior member of the Committee, the Harassment Complaints Officer, the Harassment Complaints Administrator (or substitute if absent), the Chief Executive, the Chambers Management Committee (for monitoring purposes) and any other individual with whom enquiries need to be made for the purpose of the investigation.

Record keeping

As part of our commitment to client care, we make a written record of any Harassment Complaint and retain all documents and correspondence generated by the complaint for a period of (at least) six years, with due regard to our obligation under GDPR.

Contact details

The primary contact for Harassment Complaints about any barrister or member staff (except the Chief Executive) is:

Harassment Complaints Administrator

Zoe Mellor
complaints@gatehouselaw.co.uk
+44 (0)20 7242 2523

Chief Executive

Amanda Illing
amanda.illing@gatehouselaw.co.uk
+44 (0)20 7242 2523

or, if the complaint is about the Chief Executive, please contact one of:

Joint Heads of Chambers

Charles Bagot KC
Charles.bagotkc@gatehouselaw.co.uk



and

Brie Stevens-Hoare KC
brie@gatehouselaw.co.uk

Gatehouse Chambers
1 Lady Hale Gate
London WC1X 8BS

Bar Standards Board
Professional Conduct Department
289-293 High Holborn
London
WC1V 7HZ
Telephone number: 0207 6111 444
Website: www.barstandardsboard.org.uk

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