

WHITESTONE CHAMBERS

Barristers

The logo for Whitestone Chambers, featuring the words "Whitestone" and "Chambers" in a white, sans-serif font, stacked vertically, inside a brown rounded rectangle.

Whitestone
Chambers

Chambers of Lawrence Power

1 Middle Temple

London

EC4Y 9AA

ACCEPTABLE BEHAVIOUR POLICY

(October 2024)

Acceptable behaviour policy

Whitestone Chambers expects that all members, pupils and administrative staff will conduct themselves in a professional manner when interacting with others or when managing colleagues. All members should consider their own behaviour and the impact that this can have on others. Whitestone recognises that personalities and characters differ but, notwithstanding these differences, as a minimum standard all members, pupils and administrative staff are expected to:

- Work co-operatively with others.
- Consider other people's perspectives in order to help reach agreement.
- Establish good working relationships.

Unacceptable behaviour to others

Unacceptable behaviour (including bullying, harassment and victimisation), may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort. Bullying or harassment may be by an individual against an individual or involve groups of people.

Whitestone Chambers defines behaviour as being unacceptable if:

- It is unwanted by the recipient.
- It has the purpose or effect of violating the recipient's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- Having regard to all the circumstances, including the recipient's perception, it was reasonable for the behaviour to have that effect.
- Unacceptable behaviour does not have to be face-to-face, and may take many forms such as written, telephone or e-mail communications or through social media.
- Some examples of unacceptable behaviour are:
 - Aggressive or abusive behaviour, such as shouting or personal insults.
 - Spreading malicious rumours or gossip or insulting someone.
 - Discrimination or harassment when related to a protected characteristic under the Equality Act 2010.
 - Unwanted physical contact.
 - Stalking.
 - Offensive comments/jokes or body language.
 - Publishing, circulating or displaying pornographic, racist, sexually suggestive or otherwise offensive material or pictures.
 - Isolation, deliberate exclusion and/or non co-operation at work.
 - Persistent and unreasonable criticism.
 - Unreasonable demands and impossible targets.
 - Coercion, such as pressure to subscribe to a particular political or religious

belief.

Victimisation

Victimisation is unfavourable treatment of a person ('the victim') to a detriment because they have:

- Brought discrimination (including harassment) proceedings or given evidence or information in connection with such proceedings.
- Done anything other thing in connection with discrimination (including harassment) proceedings.
- Made an allegation (whether expressly or otherwise) of discrimination or harassment.
- Or because it is suspected that the victim has done or intends to do any of these things.

Whitestone Chambers will not tolerate victimisation and a perpetrator will be subject to disciplinary action which may result in action up to and including dismissal or expulsion from the Chambers.

Professional conduct

Whitestone Chambers expects a professional appearance and approach from all members, pupils and administrative staff. This includes, but not limited to:

- Maintaining a business dress code whenever in Chambers. Members, pupils and administrative staff are considered to be ambassadors for the organisation and it is recognised that appearance acts as a visual measure of how the public, clients and partner organisations view Chambers. There is therefore the expectation that members, pupils and administrative staff will not only act professionally in their behaviour but also in their image. Dress must comply with health and safety policies. Clothes must be professional, clean, tidy and a good state of repair. Whitestone Chambers recognises the religious, cultural, disability and pregnancy related requirements of members, pupils and administrative staff in relation to dress or the uniform they wear. These requirements will be handled with sensitivity.
- Talking, acting and behaving in a manner appropriate to a legal and professional setting, includes but is not limited to:
 - Not listening to music in Chambers.
 - Not having personal communications that can impact on other members work, on the telephone or otherwise.
 - Spread malicious rumours or gossip to people inside or outside of Chambers either in person or online.
 - Criticise Chambers, fellow members, instructing solicitors or clients in a public environment.
 - Members should not arrange to meet with mini pupils or work experience students outside of the Chambers or professional setting. Any incidents of unacceptable behaviour concerning a personal relationship at work will be dealt with under this policy.

Social Media

All members, pupils and administrative staff should consider the acceptable behaviour policy when posting online and on social media. It should always be remembered that things written by individuals can affect the reputation and standing of Chambers.

Your use of social media is likely to engage your right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR) which includes the right to hold and express opinions and to receive and impart information and ideas. However, Article 10 is a qualified right which must be balanced against other rights and values protected by the ECHR (such as the rights and reputations of other members of the profession or consumers of barristers' services). The European Court of Human Rights has recognised that lawyers, by virtue of their profession, have a special status which justifies placing certain restrictions on their conduct:

“...the special status of lawyers gives them a central position in the administration of justice as intermediaries between the public and the courts. Such a position explains the usual restrictions on the conduct of members of the Bar... Regard being had to the key role of lawyers in this field, it is legitimate to expect them to contribute to the proper administration of justice, and thus to maintain public confidence therein.”

If you use social media whilst acting in a professional capacity, your conduct could bring into question your compliance with certain Core Duties and Conduct Rules in the BSB Handbook that apply to you when you are practising or otherwise providing legal services.³ These include:

- Core Duty 3: You must act with honesty, and with integrity.
- Core Duty 5: You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession.
- Core Duty 6: You must keep the affairs of each client confidential.
- Core Duty 8: You must not discriminate unlawfully against any person

The BSB warn that, in general terms, any conduct on social media which might be said to be inconsistent with the standards expected of barristers may amount to a breach of the BSB Handbook.

You should therefore at all times consider whether your conduct risks contravening any of the Core Duties and Conduct Rules which apply to you.

In considering a potential breach of the BSB handbook in relation to conduct on social media, the regulator will take into account the following:

1. How a hypothetical, ordinary reasonable person would be likely to respond to your conduct, having regard to the wider context in which it occurred. This will involve an objective assessment based on the “natural and ordinary meaning” of what you post. The social media platform which you use may also be relevant. The views and/or reaction of any individual who reported the conduct to us, while potentially relevant, is unlikely to be determinative.

1. The substance of what you post (including the type of speech engaged, such as whether it is “mere gossip” or contributes to a debate in the public interest. The regulator recognise that political speech is afforded the highest level of protection under Article 10 and is something in which they are unlikely to have a regulatory interest. However, the BSB are likely to have a regulatory interest in conduct which is not afforded the protections guaranteed by Article 10, by virtue of Article 17 ECHR (ie conduct which is aimed at the destruction of the rights and freedoms of others). Case law from the European Court of Human Rights has found that this includes extreme or grave forms of hate speech, a threat of or incitement to violence, xenophobia, racial discrimination, Antisemitism, Islamophobia and Holocaust denial.
2. The manner in which you express your views (including the language used), the mode of publication, and the broader context. While the right to hold a view and say something may be protected by Article 10, if there is something objectionable about the manner in which it is expressed, this could be a potential breach of the BSB Handbook and therefore the BSB have a regulatory interest in your conduct.
3. The impact of your conduct. This may include the impact on individuals or organisations, and/or on public trust and confidence in you or the profession. The purpose behind your conduct may not always be relevant.

The full BSB guidance for barristers using social media can be found here: <https://www.barstandardsboard.org.uk/static/61d13750-880c-4423-a4bf80cf96d3f06c/802d53c2-c9b5-4917-a03c0984e5006cfb/BSB-social-media-guidance-September-2023.pdf>

The BSB guidance on the regulation of non-professional conduct can be found here: <https://www.barstandardsboard.org.uk/static/e803d194-972c-43b4-84bfl62568cee383/60838a0a-904d-4a15-92af9e236b2ed1a2/Guidance-on-the-regulation-of-non-professional-conduct-September-2023.pdf>

Complaints or grievances procedure under this policy

Informal resolution

Except where the alleged behaviour is deemed by the acceptable behaviour officer to be sufficiently serious to warrant an immediate formal investigation, unacceptable behaviour should in the first instance be dealt with at the lowest possible level, ideally through the individual who perceives that they are the recipient of unacceptable behaviour raising and discussing it with the person subjecting them to the behaviour. In many cases, this may resolve the issue without taking any further action and a constructive way of working in the future can be agreed. The Acceptable Behaviour Officer is Mina Heung.

If this approach is not successful or if the individual experiencing the unacceptable behaviour feels unable to take steps to resolve the issue themselves, then they should inform the acceptable behaviour officer of the situation as soon as possible. This Officer has an active role to play in resolving any issues that are raised under this policy and are expected to take action if any incidents involving unacceptable behaviour are brought to their attention, seeking advice and support from the Head of Chambers as appropriate. If the Head of Chambers is responsible for the unacceptable behaviour, then the cause of action will be determined solely by the Acceptable Behaviour Officer. If the Acceptable Behaviour Officer is a party to the issue raised, the issue should instead be raised with the Head of Chambers.

The Acceptable Behaviour Officer should meet with the member of staff who is claiming that they have been subject to unacceptable behaviour and discuss the situation with them – establishing the circumstances, the impact that the individual considers it has had, and any steps that the individual may have already taken to address the situation. Members, pupils and administrative staff are encouraged to keep a record of any examples of the unacceptable behaviour that can support their complaint during the course of these discussions.

The Acceptable Behaviour officer will then seek to agree a course of action with the individual. Wherever possible, resolution will be sought through informal means. This will usually involve a meeting between the individual(s) and the person(s) who has allegedly behaved unacceptably that is facilitated by the acceptable behaviour Officer with support from the Head of Chambers as appropriate. The individual and the subject of the complaint can each be accompanied by a colleague for support as necessary. The aim of such a meeting is for agreement to be reached on what might constitute a more acceptable form of behaviour in the future. Where mediation is appropriate and where both parties agree to participate, the acceptable behaviour Officer may refer the case to mediation.

Formal investigation

No formal action will be taken under this policy without prior consideration of the potential for informal resolution, unless the behaviour involved is deemed by the acceptable behaviour Officer to be sufficiently serious to warrant a formal investigation. Formal investigation under this policy need not be triggered by a specific complaint. Monitoring or concern may also be sufficient depending on the circumstances. Support will be considered and provided for both the complainant and the individual against whom the complaint has been made.

When making a formal complaint, the following process should be followed:

Formal complaints should be set out in writing – with any accompanying evidence – and addressed to the acceptable behaviour Officer, Mina Heung. If the complaint involves the

acceptable behaviour Officer, a copy should be sent to the Head of Chambers. The written complaint should include details of any informal resolution that has been attempted, notes of any discussions held and also provide the names of any members, pupils or administrative staff who have agreed to act as witnesses to the alleged unacceptable behaviour. Any evidence supporting the allegations made – such as emails – should also be submitted as part of the written complaint.

The Acceptable Behaviour Officer will meet with the complainant to clarify the grounds of the complaint and explain what happens next.

The Acceptable Behaviour Officer will then arrange to meet with the person(s) who has allegedly behaved unacceptably, and a copy of the written complaint will be provided. They will be given the opportunity to respond in writing to the allegations – providing evidence as appropriate - and to identify any witnesses who have agreed to be included in the formal investigation. A response must be received within 7 days unless the acceptable behaviour officer considers that an extension is appropriate.

The acceptable behaviour Officer will investigate the complaint made, establish whether there is a case to answer, and - where there is a case to answer - make recommendations. This will normally involve meeting both parties and any witnesses as appropriate, and consideration of any supporting evidence. A written record of the findings of the investigation will be submitted to the Head of Legal Operations who will then discuss any recommendations made with the Head of Chambers. If the Head of Legal Operations or the Head of Chambers are involved in the allegations, an independent member of members of administrative staff will then be chosen to consider the acceptable behaviour Officer's recommendations. Pupils will be exempt from this duty as Chambers is of the belief that it would be an unfair responsibility to place on a pupil.

The acceptable behaviour Officer will write to both the complainant and the person against whom the allegations were made informing them of the outcome of the investigation. A copy of the acceptable behaviour Officer's report may also be provided where appropriate. The content of the letter and report will be kept confidential by all parties involved.

Both parties will also be informed of the outcome of the investigation as appropriate and will be involved in the implementation of any recommendations and for monitoring the situation with support from the acceptable behaviour Officer as necessary.

Confidentiality

Members, administrative staff and pupils involved in any proceedings taken under this Policy shall seek to ensure that confidentiality is maintained where practicable. Any investigations carried out under this Policy shall be undertaken with discretion and all parties will be made aware that they must treat as confidential any information shared during the course of any proceedings.

This policy will be reviewed by October 2026