

Draft Anti-Bullying and Challenging Unacceptable Behaviour Policy

This policy applies to all employees, contractors, and third parties. We will ask contractors and third parties that we regularly work with to agree to the terms of this policy, or to operate their own equivalent policy.

Our firm's position is that we aim to create an open and supportive culture, where employees feel confident about their work, position, and the expectations placed upon them. If there are mistakes made these should be discussed openly, along with ethical concerns.

This firm adheres to the requirements in the SRA Codes of Conduct, for anti-bullying and challenging unacceptable behaviour. We require all employees to meet the following SRA standards, and those contained in this policy.

1.5 of the Code of Conduct for Solicitors, RELs, and RFLs

"You treat colleagues fairly and with respect. You do not bully or harass them or discriminate unfairly against them. If you are a manager you challenge behaviour that does not meet this standard."

1.6 of the Code of Conduct for Firms

"You treat those who work for and with you fairly and with respect, and do not bully or harass them or discriminate unfairly against them. You require your employees to meet this standard."

The SRA Guidance supporting the implementation of 1.5 of the SRA Code for Solicitors, RELs, and RFLs, (and 1.6 of the Code for Firms), covers a wide range of issues encompassing not only equality and diversity breaches, but also a definition of bullying.

Bullying covers the following behaviour (with further explanations under each heading):

- Offensive behaviour - including behaviour found to be generally offensive, rather than just harassing behaviour on the grounds of a protected characteristic.
- Intimidating behaviour – this may include a threat or perceived threat by another person. Such behaviour could be physical, or otherwise intend to gain a significant upper hand against another person.
- Malicious behaviour – including behaviour which is intending to do harm, and/or is conducted in bad faith.
- Insulting behaviour – this includes both verbal and physical insults (for example, gestures).
- Abuse of power – this covers a wide range of behaviour, but can include decision making and enforced conduct which disregards accepted norms and standards. An example would be advising the firm's workplace policies did not apply to one particular person, but did apply to everyone else; or consistently refusing to adhere to the stated policies of this firm.

- Undermining – this includes taking actions or communicating positions which are at odds with the standpoint of the person, or organisation. This could be done publicly and openly, or may be done secretly. It may be done with the intent to cause harm.
- Humiliating – this may include insults, as discussed above, but may also or instead be intended to draw attention to a perceived failure or failings, which are overtly personal; outside of formal management feedback procedures; or beyond accepted professional behaviour.
- Physical or emotional harm – Physical harm could be medically defined; as may emotional harm. Behaviour that could lead to physical harm includes failure to observe health and safety requirements, or directed behaviour such as pushing, which could accompany insults, for example. Emotional harm may result from physical harm, or can be the result of being the victim of other factors on this list, such as abuse of power. Physical and emotional harm can also be seen as impact on physical or mental health, and in this way impacting employee wellbeing is seen as bullying.

The firm will take into account the seniority of the person alleged to have perpetrated the bullying and the impact that person could have or has had on the career of the person alleged to have been bullied, when dealing with any allegation of bullying.

The firm adopt the following position:

- Bullying can involve issues of discrimination (direct and indirect), harassment, and inappropriate failure to make reasonable adjustments. Staff are referred to the firm's separate policies and procedures in this respect, which are available in the following sections of the office manual [insert]. Concerns will be investigated in line with those policies and procedures.
- Wellbeing is an important part of work satisfaction, and the firm take account of wellbeing at work in the following ways [insert].
- Personal and social lives are separate to the policies and procedures of the firm, in accordance with the following parts of the office manual [insert]. Where alleged bullying behaviour realistically touches on the work and workplace conduct of the firm or individual, we will consider it under this policy.
- Contractors, third parties, and clients are also covered by this policy. The firm has a client expectations contract in place which sets the expectations of client behaviour, and the standards of our service and behaviour, which should be adhered to. Third parties and contractors we regularly use are required to comply with this policy or adopt their own equivalent policy. Any concern about behaviour from a third party, contractor, or client, should be raised with the COLP or HR. If concerns are raised about staff behaviour towards any of these individuals, it will be investigated by a line manager, the COLP and/or HR.
- **Bullying is unacceptable, concerns will be investigated, and breaches of this policy will invoke further policies and procedures of the firm including [insert]; available in the following sections of the office manual [insert]. Any concerns should be raised with your line manager, the COLP, or HR.**

Challenging unacceptable behaviour

Managers of the firm should challenge unacceptable behaviour. Unacceptable behaviour includes bullying, and also covers forms of discrimination and harassment.

Rule 1.5 in the Code of Conduct for Solicitors, Registered European Lawyers, and Registered Foreign Lawyers, contains direct reference to managers challenging unacceptable behaviour. All managers (whether legally qualified or not) are also jointly and severally liable with other managers for breaches of the SRA Codes under 8.1 of the Code of Conduct for Firms. The Code of Conduct for Firms requires law firms to ensure employees meet the standard of not bullying, or harassing, and of treating colleagues fairly and with respect. Consequently, *all* firm managers should seek to challenge unacceptable behaviour, whether they are solicitors or not.

The SRA suggest that all actions following unacceptable behaviour (including the challenge) should seek to address the behaviour within a reasonable timeframe.

The method for challenging unacceptable behaviour might vary according to the situation. Management, if overhearing a comment that might cause concern, might decide to say something at the time to address the situation. Another means of communication which can be helpful is email communication. This may be used after the event, as may be a 1-2-1 discussion with the manager. Alternative means of challenge includes providing a counterpoint perspective. This demonstrates that not everyone thinks the same way, and the stated or assumed behaviour is not accepted by all staff or the firm.

Managers may also promptly refer the matter for formal action within the terms of the firm's human resources procedures. The action of this referral is also challenging unacceptable behaviour, and an acceptable response from a manager.

Managers will check the welfare of the person who was the subject or perceived subject. They may also check the wider welfare of the team, persons present, or who have heard about it. Following a situation which has required challenge, management will monitor the position in the team and ensure all staff feel supported.

Any behaviour which has been challenged or raised as requiring challenge will invoke further policies and procedures of the firm including [insert]; available in the following sections of the office manual [insert]. Any concerns should be raised with your line manager, the COLP, or HR.