



The Inns of
Court College
of Advocacy

Bullying, Harassment and Sexual Misconduct Policy

for students of the ICCA

Version 3.1 – January 2022

1 Introduction

This policy is applicable to all students of the ICCA, and underpinning it is the principle that **all students registered at the ICCA should be protected from bullying, harassment and sexual misconduct from all other members of the ICCA community**. The ICCA community is considered to include all registered students (studying online or in person), staff, visitors and those supporting the work of the ICCA on a voluntary basis.

This document confirms the ICCA's commitment to protecting the dignity of its students; details the support available to students who are experiencing bullying, harassment or sexual misconduct; and sets out the actions that the ICCA will take in response and the possible consequences of unacceptable behaviour.

The ICCA actively promotes and expects high standards of behaviour amongst all members of its community. What it regards as appropriate conduct is set out in the ICCA's **Acceptable Behaviour Statement** (Annex 1 of this policy). This statement also provides examples of what the ICCA regards as unacceptable behaviour. Any reports and disclosures made to the ICCA evidencing this type of behaviour by a member of its community are likely to lead to disciplinary proceedings being initiated against that individual.

2 Statement of Commitment

The ICCA is committed to protecting the dignity of its students in their learning and participation in college life, and in their interactions with others. This includes providing an environment that is free from discrimination, bullying, harassment and sexual misconduct¹. It should be noted that discrimination, bullying, harassment and sexual misconduct do not only take place face to face. They may also occur in written communications, by email, by phone, online, or in other ways. The ICCA recognises that bullying, harassment and sexual misconduct can be initiated by someone in a position of authority; it may also be carried out by an individual or a group of individuals.

The ICCA recognises its duty of care to its students. Unacceptable behaviour can result in stress and stress-related illness, and this can affect students' wellbeing or attainment and lead them to withdraw from their course. All students and staff share this duty of care.

The ICCA policy on bullying, harassment and sexual misconduct for students is underpinned by UK legislation that provides specific protection against discrimination, harassment and sexual misconduct and victimisation on a variety of grounds. The ICCA recognises that to learn effectively and participate fully in college life, students need an environment in which they are respected, irrespective of their:

- Age
- Disability
- Gender reassignment (transgender identity)

¹ The ICCA's definition of bullying, harassment and sexual misconduct is provided as Annex 2 of this policy.

- Race
- Religion or belief (including no belief)
- Sex
- Sexual orientation
- Marriage and civil partnership
- Pregnancy, maternity, paternity, adoption or surrogacy

3 Reporting Bullying, Harassment and Sexual Misconduct

3.1 What to do if you have experienced bullying, harassment or sexual misconduct

If you feel that you are being subjected to bullying, harassment or sexual misconduct in any form by a member of the ICCA community, you should not feel that you must tolerate it.

Regardless of whether it has taken place on ICCA premises and teaching facilities or outside the college, staff at the ICCA can offer advice on the range of actions and sources of support that are available to you.

Deciding what is the best thing to do can be difficult. This document includes some further information about how you might want to take action yourself, either by reporting a serious incident such as rape or sexual assault to the police, making a formal complaint about the behaviour of a member of staff or another student, or dealing with a less serious incident informally.

If you are not sure what to do, you are strongly encouraged to talk to a member of staff at the ICCA that you trust. This could be your Personal Tutor, or another member of staff you feel able to talk to. Alternatively, you can speak to Beth Phillips, the ICCA Operations Manager (bphillips@icca.ac.uk). They will discuss the different forms of action, potential outcomes and provide support. Should you decide to make a complaint, the ICCA can take steps to protect individuals from victimisation or further harassment.

Sources of support available to students are outlined in section 3.6, below.

3.2 If you are a victim of rape, assault or violent physical crime

If you are a victim of rape, assault or violent physical crime (whether or not the alleged perpetrator is a member of the ICCA community) you are strongly encouraged to immediately report it to the Police or speak to someone at your Local Rape Crisis Centre. In this situation, you should NOT wait to speak to a member of ICCA staff before contacting the police. There are powerful evidential reasons for not delaying the reporting of any such incidence.

Certain other incidents of harassment may render individuals liable to prosecution under law such as stalking, indecent exposure or harassing phone calls. You should not hesitate to report them and should keep a record of anything said or done.

3.3 Taking formal action

Where you do not consider it possible or appropriate to attempt to resolve the situation yourself, or where an attempt to address the behaviour informally has failed to resolve the situation in a way that you consider to be satisfactory, you should submit a formal complaint. All formal complaints against members of the ICCA community will be investigated.

You are strongly encouraged from the outset to seek advice from a member of the ICCA staff. This individual might be your Personal Tutor, another individual who you trust, or the Operations Manager, Beth Philips (bphilips@icca.ac.uk). This individual will listen and discuss the different forms of action and potential outcomes with you.

Formal complaints must be made to the Bar Course Leader, or if this is not considered appropriate (or in their absence) to the Director of Operations. Formal complaints about the Director of Operations or the Dean of the ICCA must be made to the ICCA Chair of Governors (by emailing students@icca.ac.uk in the first instance).

3.4 Resolving less serious incidents informally

It may be possible to take action to resolve less serious incidences informally. In this scenario, it is best to act at the earliest opportunity to prevent the situation from escalating. It will be helpful to make a note of incidents, including any dates and times so that you can give examples.

Informal options might include explaining directly to the alleged perpetrator that their behaviour is unacceptable, and this may prove enough to make them rethink their actions.

It is recognised however that it may require very assertive action to address or confront the alleged perpetrator, particularly if they are in a position of authority. In this scenario you are encouraged to speak to a member of staff whom you trust at the ICCA, who will work with you to find a way to resolve the issue appropriately. Examples of appropriate resolution may include:

- i. Advising you on how to address the offending behaviour with the alleged perpetrator yourself;
- ii. Speaking to the alleged perpetrator on your behalf;
- iii. Accompanying you to speak with the alleged perpetrator;
- iv. Arranging a facilitated meeting with the alleged perpetrator;
- v. Arranging mediation with the alleged perpetrator.

If you have concerns about revealing the name of the alleged perpetrator, options for resolution will be limited, however it might be possible to take steps to promote good practice around appropriate behaviour to a wider group of staff/students (including the alleged perpetrator) in the form of training, for example.

3.5 Anonymous Reporting

If you have experienced bullying, harassment or sexual misconduct by a member of the ICCA community, or are concerned that another student has experienced it, you can report the concern anonymously using the ICCA's [Anonymous Disclosure Form](#). Anonymous

reporting helps the ICCA to monitor the prevalence of incidents, and this information will be shared with its governing body.

It must be understood that the ICCA will not be able to offer direct advice to users of the form or initiate any formal procedures in response to any reports disclosed using the form.

3.6 Sources of Support

If you feel that you are being subjected to bullying, harassment or sexual misconduct in any form by a member of the ICCA community, you should not feel that you must tolerate it.

Talking to someone can help you to feel less alone and more confident in dealing with your experience. You may want to speak to someone to:

- Share an experience
- Explore your options for resolution or reporting
- Ask them to act or report on your behalf
- Seek a formal resolution to the problem

Personal Tutors and Members of Staff

The ICCA has members of staff who are available to support and guide you through dealing with your experience and finding a resolution. You can speak to your Personal Tutor or another member of staff whom you know and trust. Alternatively, you can speak to Beth Phillips, the ICCA Operations Manager (bphillips@icca.ac.uk) This may be an informal discussion to share your experience or to explore options for taking further action.

General Advice or Support

You may also want to contact the following for general advice or support:

- Your local Rape Crisis Centre – <https://rapecrisis.org.uk/get-help/find-a-rape-crisis-centre/>
- Metropolitan Police
- Your General Practitioner
- An independent 24/7 helpline, provided by Health Assured. Details of the service available [can be found here](#), or they can be contacted on 0800 028199.

4. The Investigatory Process

4.1 Making a formal complaint

Complaints about bullying, harassment or sexual misconduct may be made in writing, by email, by telephone or in person. Complaints must be made to the Bar Course Leader, or if this is not considered appropriate (or in their absence) to the Director of Operations (arussell@icca.ac.uk). Complaints about the Director of Operations or the Dean of the ICCA must be made to the ICCA Chair of Governors (by emailing students@icca.ac.uk in the first instance). Where the complaint is made by telephone or in person, the member of staff receiving the complaint will note the details in writing either during or immediately after the conversation. They will record:

- The identity of the complainant
- The date of the complaint

- Against whom the complaint is made
- The details of the complaint, including the identities of any witnesses.

The member of staff receiving the complaint will send this written record to the complainant within 2 working days and ask them to confirm it is accurate. Once this confirmation has been received, the ICCA will consider the complaint to have been submitted.

The ICCA will consider any formal reports of bullying, harassment or sexual misconduct submitted to it as follows:

- Complaints regarding the behaviour of other ICCA students will be considered under the ICCA's [Student Conduct Policy](#)
- Complaints regarding the behaviour of other members of the ICCA community will be considered under the ICCA's Student Complaints Procedure (paragraph 55 and following of the [Academic Regulations](#)), and where appropriate the COIC Staff Disciplinary and Appeals Policy.

During a formal complaint both the complainant and the alleged perpetrator have the right to be accompanied, including during any meetings that take place. The individual accompanying them can be an ICCA student, their Personal Tutor, or another member of ICCA staff.

In all cases where the alleged perpetrator is an ICCA student, and an ICCA Misconduct Panel determines that a charge of Misconduct has been established, the ICCA is required to report its disciplinary findings to the Inn of Court of the alleged perpetrator, in accordance with BSB regulatory requirements.

In all cases where the alleged perpetrator is a barrister, the ICCA is required to report to the BSB if it has reasonable grounds to believe that serious misconduct has been committed.

4.2 What happens after a formal complaint is made

The ICCA will progress its investigation into all formal complaints sensitively, promptly and in accordance with the applicable procedure. Following any formal report of bullying, harassment or sexual misconduct, the ICCA will:

- a) Acknowledge receipt within 1 working day
- b) Within 3 working days of receipt of the complaint, the ICCA will contact the complainant to:
 - i) confirm the identity of the individual appointed to investigate the complaint;
 - ii) clarify which ICCA policies or procedures are considered applicable, provide copies (or hyperlinks to copies) of these, and summarise all key stages and expected timescales of the process;
 - iii) if appropriate, seek the complainant's permission to inform the complainant's Personal Tutor (or an alternative member of ICCA staff if preferred by the complainant) of the matter being reported so that the complainant may be supported by the ICCA. Any member of ICCA staff acting in this capacity must not have any involvement in the complaint itself, the conduct of the investigation, nor have any decision-making role in the consideration of the case;

- iv) where appropriate ask the complainant to confirm or explain further the details of their complaint;
 - v) confirm that the subject(s) of the complaint will be notified that a complaint has been received within 4 working days;
 - vi) inform them of their right to be accompanied.
- c) Within 7 working days of receipt of the complaint, the ICCA will contact the subject(s) of the complaint to:
- i) notify them that they are the subject(s) of a formal complaint;
 - ii) confirming the facts of the allegation made against them (but not normally disclosing any information shared by the complainant about its impact on them)
 - iii) the identity of the individual appointed to investigate the complaint;
 - iv) clarify which ICCA policies or procedures are considered applicable, provide copies (or hyperlinks to copies) of these, and summarise all key stages and expected timescales of the process;
 - v) if appropriate, seek the subject of the complaint's permission to inform their Personal Tutor (or an alternative member of ICCA staff if preferred by the subject of the complaint) so that the subject may be supported by the ICCA. Any member of ICCA staff acting in this capacity must not have any involvement in the complaint itself, the conduct of the investigation, nor have any decision-making role in the consideration of the case;
 - vi) confirm whether or not the Dean of the ICCA has considered it necessary to suspend or exclude them from their studies (in the case of a student), or from work (in the case of a member of staff) and the reason for this decision;
 - vii) inform them of their right to be accompanied.

The ICCA is committed to the principle of the complainant and the subject of the complaint being equally provided with regular (not less than weekly) reports on the progress of the investigation, the outcome of the investigatory process (where the ICCA is permitted to share this information), and an explanation of any actions the ICCA has taken, or not taken, as a result of the complaint. Should the outcome of the process change for any reason or at any stage, the complainant and the subject of the complaint will be promptly notified of this.

At all stages of the complaint process, the ICCA reserves the right to seek external expertise where this is considered necessary. This will be done in such a way as to preserve the anonymity of all involved in the complaint as far as possible.

At the end of the process, if a student feels that an issue is not resolved, they can refer their concerns to the [Office of the Independent Adjudicator for Higher Education](#) (OIA).

4.3 Misconduct that also constitutes a criminal offence

Where the alleged misconduct could also constitute an offence under the criminal law special provisions will apply and the ICCA's own misconduct investigations or proceedings

may be delayed until such time as the police and/or courts have completed their investigations and proceedings.

The ICCA follows the [Guidance For Higher Education Institutions on How To Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence](#). This guidance makes clear that it should usually be the complainant's decision as to whether or not a matter is reported to the Police.

In exceptional circumstances ONLY, the ICCA may report alleged misconduct to the Police contrary to the complainant's wishes, where (for example) it considers it necessary to protect others from harm or prevent a further crime from taking place. In such cases, the ICCA will first carefully consider (and consult with the complainant) whether such disclosure is appropriate, whether it can be done without disclosing the name of the complainant, and any potential harm that the disclosure may cause to the complainant.

5. Confidentiality and Record Keeping

The ICCA will limit the disclosure of information as is consistent with conducting an investigation and the provisions of the Human Rights Act, the General Data Protection Regulation, the Freedom of Information Act and any other relevant legislation.

When required to disclose information under the provisions of the legislation above, the ICCA will provide the information in a redacted/anonymised form. Where it is required to disclose information in a format that the ICCA believes may identify the complainant or others involved, the ICCA will provide those individuals with at least 48 hours' notice so that it can consider any representations the individuals wish to make.

Any notes taken by ICCA staff during an informal resolution process will be passed to and kept securely by the ICCA Operations Director. If a student makes a formal complaint, a record (including any notes taken by ICCA staff) will not be held on their student file but kept securely by the ICCA Operations Director.



The Inns of
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Acceptable Behaviour Statement

for all members of the ICCA Community

Acceptable Behaviour

1. The ICCA is committed to providing a positive working and learning environment that enriches lives and where everyone is treated with respect and dignity.
2. The ICCA considers its community to include its staff, students (whether studying online or in person), visitors and those supporting the work of the ICCA on a voluntary basis.
3. The ICCA expects the highest standards of behaviour from its community, whether on ICCA or the Inns' premises, online (for example social media) or elsewhere.
4. The ICCA expects all members of its community to treat each other with respect, courtesy and consideration.
5. All members of the ICCA community have the right to expect good conduct and professional behaviour from others and have a corresponding responsibility to behave professionally and with good conduct towards others at all times.
6. All members of the ICCA community should be aware of their own behaviour and reflect on how it impacts on others.

Unacceptable Behaviour

7. Unacceptable behaviour means words, actions or practices that are experienced as inappropriate, unreasonable or offensive. This can include bullying, harassment, sexual misconduct, demeaning initiation ceremonies, threatening behaviour and malicious posting on social media.
8. The ICCA considers that bullying, harassment and sexual misconduct can occur through any medium, including, for example, online and face-to-face.
9. The ICCA believes the professional relationship between a student and a member of staff is a central part of the student's educational experience at the ICCA, and for this reason considers that it is wholly unacceptable for members of ICCA staff providing teaching, mentoring or acting as a role model to initiate or enter into a sexual or romantic relationship with students.
10. The following is intended to provide a (non-exhaustive) indication of the types of behaviour that the ICCA considers unacceptable (and may constitute forms of bullying, harassment or sexual misconduct):

Controlling behaviour

Controlling behaviour is designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour. Examples may include:

- separating individuals/teams from the group activities;
- limiting or denying individuals access to contact with others without reason or justification;
- unjustifiably or unreasonably monitoring emails and communications of a person;

Annex 1

- discouraging access to or refusing permission to access training, seminars, conferences or other opportunities.

Coercive behaviour

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, frighten, or create dependence.

Examples may include:

- making direct or implied threats;
- humiliating an individual by criticising them in a public forum, such as by group email/messaging service or in a group meeting.

Gaslighting

Gaslighting is the manipulation by psychological means of a person (or group) which causes them to doubt themselves, their capabilities or their sense of reality. Examples may include:

- an individual criticising another's work, then later denying they had done so;
- an individual being made to feel that their opinions, concerns, thoughts and feelings are incorrect or lack validity.

Microaggressions

Microaggressions are brief and repetitive verbal, behavioural and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative slights and insults to a person or group. Examples may include:

- asking a person 'where are you really from?'
- a teacher in the classroom asking for a 'strong man' to help carry equipment;
- comments such as 'you look so normal' to a person with a disability.

Banter

Banter is the exchange of teasing remarks. Communication which some may consider to be banter is not acceptable if it falls into the categories of bullying and/or harassment.

Banter may affect the person the comments are directed towards, and others who overhear the comments. Examples may include:

- making jokes about a person's appearance;
- publicly humiliating a person in front of others;
- using 'pet names' such as 'love' or 'sweetheart'.

Victimisation

Victimisation is subjecting a person to detrimental treatment because they have reported bullying and/or harassment. Examples may include:

- being marked as a 'trouble-maker';
- withdrawing or threatening to withdraw opportunities;
- withholding resources and/or information.

Definitions of Harassment and Sexual Misconduct

Bullying

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. Power does not always mean being in a position of authority. It can include both personal strength and the power to coerce through fear or intimidation. The ICCA is alert to the potential for bullying and harassment to occur where there is an imbalance in power. Bullying includes (but is not limited to):

- i) physical or psychological threats
- ii) public shaming or humiliation in front of others
- iii) inappropriate or derogatory remarks about someone's performance
- iv) overbearing or intimidating levels of supervision or management
- v) purposefully ignoring an individual's work or contributions in class
- vi) unfair allocation of work or assigning more work to an individual than others
- vii) unreasonable pressure to complete tasks
- viii) unreasonably withholding opportunities (such as attendance at Moots)

Harassment

Harassment (as defined by Section 26 of the Equality Act 2010) includes unwanted behaviour or conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment because of, or connected to, one or more of the following protected characteristics:

- i) age
- ii) disability
- iii) gender reassignment (transgender identity)
- iv) race
- v) religion or belief
- vi) sex
- vii) sexual orientation

Under our definition, we understand harassment to include domestic violence and abuse (which can also involve control, coercion, threats), and stalking.

We would also consider harassment to include any incidents of physical violence towards another person(s) on the basis of a protected characteristic, and hate crimes, such as those criminal offences which are perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity.

As outlined in the Equality and Human Rights Commission's guidance on freedom of expression, published in February 2019, exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment.

Sexual Misconduct

Sexual misconduct relates to all unwanted conduct of a sexual nature. This includes, but is not limited to:

- i) Sexual harassment (as defined by Section 26 (2) of the Equality Act 2010)
- ii) Unwanted conduct which creates an intimidating, hostile, degrading, humiliating or offensive environment (as defined by the Equality Act 2010)
- iii) Assault (as defined by the Sexual Offences Act 2003)
- iv) Rape (as defined by the Sexual Offences Act 2003)
- v) Physical unwanted sexual advances (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- vi) Intimidation, or promising resources or benefits in return for sexual favours (as set out by the Equality and Human Rights Commission: Sexual harassment and the law, 2017)
- viii) Distributing private and personal explicit images or video footage of an individual without their consent (as defined by the Criminal Justice and Courts Act 2015).