

CHAMBERS EQUALITY AND DIVERSITY POLICY

Chambers is fully committed to diversity and equal opportunities in all aspects of its work and operation. All of our barristers have committed to observe the Bar Council Code of Conduct in relation to non discrimination in the acceptance of work, the carrying out of that work and all dealing with clients, colleagues, staff and others, and in the general operation of Chambers and the provision of legal services.

All staff and barristers have committed to comply with this Policy. The policy is underpinned by a non-compliance protocol to deal with non-compliance.

Statement

1. Chambers values the rich diversity and creative potential that people with differing backgrounds and abilities bring to it and wishes positively to encourage a culture of equal opportunities for all in which personal success depends upon personal merit and performance. It is firmly committed to achieving equality of opportunity and to ensuring at all times that no-one should be treated less favourably on the grounds of their sex, sexual orientation, marital status, colour, race, nationality (including citizenship) or ethnic or national origin or on the grounds of disability, religion or age without justification.

2. This policy will apply to every aspect of life within Chambers including Chambers as an employer of staff, provider of services to the public, selection of pupils, recruitment of new tenants, relationships between members and engagement and treatment of third parties visiting Chambers.

3. This policy includes the outlawing of harassment and victimisation which Chambers recognises as being forms of discrimination. Examples of behaviour which may amount to harassment or victimisation when based on a person's race, sex, sexual orientation or disability are:-

- Suggesting that sexual favours may in some way further a persons 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
- Exclusion from social networks and activities.

4. **Harassment** on any of the grounds mentioned above is a 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 employees. Barristers and employees have a personal responsibility to behave in a manner which is not offensive to others.

Harassment can include:-

- verbal conduct, for example insulting or abusive comments, innuendo, lewd remarks, unwelcome propositions;

Section 5 of the Public Order Act 1986 creates a criminal offence where a person uses (a) threatening or abusive or behaviour or disorderly behaviour; or (b) displays any writing sign or other visible representation which is threatening within the hearing or sight of a person likely to be caused harassment, alarm or distress.

5. Disability

Chambers will make reasonable adjustments to employment arrangements or to physical features of the premises to ensure that those who suffer from a disability are not unjustifiably disadvantaged in

comparison with persons who are not disabled. On occasions, that may also mean using facilities outside of Chambers, where Chambers infrastructure dictates such an approach.

Each employee should remember that should they be guilty of an act of discrimination then this may be actionable personally against that employee as well as possibly being actionable against Chambers as such. Acts of discrimination or harassment by employees or Barristers will normally result in disciplinary action. Employees are required to co-operate in any measures introduced by Chambers designed to ensure equal opportunity and non-discrimination and to draw to the attention of the Support Services Manager suspected discriminatory acts or practices. The Practice Manager will use their best endeavours to ensure that staff supervision is such that this Policy is rigorously followed.

6. Chambers further recognises that it may also be guilty of discrimination if it allows any third party to act in a discriminatory way when it could have reasonably prevented that from occurring. Chambers is committed to ensuring that this does not occur. Chambers should be made aware of any discrimination, so that it can act promptly.

The Equality legislation

Chambers' Equality Policy is designed to ensure that all anti-discrimination legislation is fully complied with.

Chambers is also fully committed to the following guidance given in various Codes of Practice and Guidance:-

- (i) The Equal Opportunities Commission Code of Practice on sex discrimination, equal opportunity policies, procedures and practices in employment.
- (ii) The Commission for Racial Equality Code of Practice on racial equality in employment.
- (iii) (a) The Disability rights Commission Code of Practice Employment and occupation.
- (iii) (b) The Guidance on matters to be taken into account in determining questions relating to the definition of disability.
- (iv) The Equal Opportunities Commission Code of Practice on Equal Pay.
- (v) Age diversity at work: A practical guide for business.
- (vi) The Equality Code for the Bar.

Scope of the equality policy

8. This policy applies to all aspects of Chambers' operations. Of particular concern, although not exclusively are:-

(a) Pupillage

The Chambers' Pupillage Policy Document contains a commitment to equal opportunities in the selection and recruitment of pupils. It is intended that this policy document should apply to the selection and recruitment of pupils. The Pupillage Policy Document is readily available on request.

(b) The recruitment of established practitioners

It is the stated policy of Chambers, except in exceptional circumstances, to advertise for any identified vacancies which might arise and judge all applicants for those vacancies against set criteria which will be suitable for the vacancy which has arisen. The applicants will be selected in accordance with the aims of this policy document. However it is recognised that some recruitment of experienced tenants inevitably takes place by informal methods. Whilst accepting that such methods are no substitute for a planned recruitment policy Chambers is committed when considering an informal application to consider that application in a fair and consistent manner by reference to the needs of Chambers and the general statement of intent set out in this policy document.

(c) The career development and marketing of tenants

Chambers is committed to ensure that tenants have equal access to work appropriate to their experience and seniority. In the first instance it is the responsibility of the Chief Clerk and the

Support Services Manager to ensure that career development is handled in a fair way and in accordance with this policy document. Equally, the marketing of tenants will be handled in a fair way and in accordance with this policy document so that no individual or group of individuals are unfairly excluded from any marketing events. It is the responsibility of any person arranging any such marketing event to ensure that this is complied with.

(d) Maternity, paternity and parental leave policies

Members of Chambers may take time off for as long as they desire. Chambers does not charge rent and so there is no provision for a rent holiday. Percentage on receipt remains payable.

(a) "Flexible working"

Chambers recognises the importance of flexible working in assisting its members to manage their family responsibilities and to remain in practice and will take the following action to support this:-

- (i) allowing members to work flexible hours, part time or partly from home;
- (ii) allowing members to have career breaks whilst retaining their membership in Chambers"

(f) The recruitment of staff

The Chambers' policy on recruitment of staff is specifically committed to equal opportunities in the work place.

9. **Promotion**

Chambers will take the following positive action to support this policy:-

- (a) In recruitment Chambers will take steps to try and attract applications from both sexes and all races and will ensure that there are equal opportunities in all stages of the recruitment process.
- (b) Promotion within Chambers will be based solely on merit.
- (c) Clerks will ensure that all work is offered equally to those of similar skills and experience (subject to availability) and will take the necessary action under the Bar Code of Conduct should any professional client seek to unfairly influence the use of a particular barrister or decline to use a barrister on discriminatory grounds.
- (d) All selection of pupils and tenants will be guided by this policy, as further detailed in the specific sections of the Pupillage Policy.

Monitoring

10. Chambers recognises the importance of monitoring so as to ensure effective implementation of its Equality Policy. Thus, in seeking to identify and eliminate sources of unintended discrimination, Chambers shall monitor:-

- (a) the consideration of the applications for pupillage;
- (b) the recruitment of established practitioners;
- (c) the career development and marketing of tenants;
- (d) parental leave entitlement;
- (e) the recruitment of staff;
- (f) the allocation of work between members of chambers.

The monitoring will be arranged by the Chambers Manager and will be analysed annually by the Equal Opportunities Officer or Head of Chambers.

Complaints/grievance procedure

1. Chambers recognises that there may be particularly sensitive complaints where embarrassment, fear of causing a feud, of being labelled or of adverse judgement may prevent a complaint being made in the first place. Chambers is therefore committed that as far as practicable names of complainants shall not be released (save to those persons conducting the investigation and to the person complained against) without their consent. Equally, complainants will not be victimised or suffer detriment because of a complaint made in good faith.

2. A person subject to discrimination in any form may at their choosing deal with the matter in a

number of ways:-

(i) Voicing a concern: where an aggrieved person merely wishes to voice their concerns and no more they may approach the Head of Chambers, the Support Services Manager, or a member of the Equal Opportunities Committee, for a confidential discussion. This is primarily intended to provide support and advice without the matter going any further.

(ii) Informal complaint: the second option is the lodging of an informal complaint. This can be done orally to either the Head of Chambers, the Support Services Manager, a member of the Management Committee or one of the Equal Opportunities officers. An informal complaint is designed to act as a method for resolving disputes without the need for a formal investigation to determine the issues. If the complaint concerns the conduct of a person in Chambers it may be that such a person can be made aware that they are causing offence and so cease the offending behaviour. Alternatively where the complaint concerns a decision taken within Chambers it may be that such a decision can be reviewed or if appropriate overturned. An informal complaint may also be made for the purposes solely of seeking advice.

(iii) Formal complaint: the third option is the lodging of a formal complaint. This must be made in writing and must set out the allegations complained of so as to enable Chambers to carry out a thorough investigation of all the matters concerned. The complaint should be made as soon as reasonably practicable to the Head of Chambers or alternatively the Support Services Manager. The complaint will either be dealt with under the Grievance procedure or be referred to a delegation of three members of Chambers as nominated by the Head of Chambers as appropriate for the investigation and its resolution. Any complaint will be treated in the utmost confidence. The complainant has a right to make representations and/or be independently represented as does the person against whom the complaint has been made. The procedure should be carried out expeditiously and any formal decision and/or action arising from a complaint should be communicated in writing to the complainant and/or the person complained against as soon as reasonably practicable.

3. If actual or potential discrimination has been found remedial steps will be taken immediately. These may include a re-evaluation of a decision, the further opportunity to be considered for an interview for pupillage or tenancy; the further opportunity to be considered for a particular brief or post as the case may be; a change in working practices; further advice, training or support; the comparative monitoring of work allocation; and any other action including disciplinary steps against the offender that appear to the delegation appointed to be appropriate.

4. Every complainant has a right to consult with the Bar Council Equal Opportunities Office for confidential advice and to lodge a formal complaint of professional misconduct with the Bar Council. Complaints of unlawful discrimination have a legal right to apply subject to time limits to the County Court or for Chambers' employers to the Industrial Tribunal. The Commission for Racial Equality and the Equal Opportunities Commission are also available for consultation.

Appeals from Decisions

15. Any appeals against any decision taken in respect of Chambers' Equality Policy may be made through the grievance procedure or, as appropriate, a disciplinary procedure.

Chambers' Awareness of Policies

16. A link to this Equality Policy shall be provided to Members and Door Tenants of Chambers, Pupils, and Members of Staff who by virtue of their 'Membership' of Chambers or employment will accept their duty to comply with this policy.