

## Equality and Diversity Policy

### General Statement

1. The purpose of this document is to make clear Chambers' commitment to the principles of equality and diversity.
2. Chambers is fully committed to the aim of preventing and eliminating discrimination in its internal policies and practices, its recruitment, and in the provision of its services to clients.
3. Chambers will promote equality of opportunity and take steps to ensure equality of treatment for all involved in Chambers' working environment, including staff, barristers (including pupils, associate tenants and academic members), mini-pupils, work experience students, clients and other visitors, irrespective of their actual or perceived, age, disability, , gender identity and gender expression, marital or other partnership status, pregnancy and/or maternity, race<sup>1</sup>, religion or belief, sex or sexual orientation ("protected characteristic").
4. Codes of Conduct also make clear that we expect our barristers and staff to treat all those they have contact with during the course of their professional lives in a way that avoids discrimination and promotes equality and diversity.
5. Chambers recognises the barriers some groups face and is committed to working to eliminate such disadvantage wherever it has the power to do so.<sup>1</sup>
6. All Chambers' policies and procedures, when reviewed, are assessed to ensure their adherence to our equality and diversity policy.
7. Chambers has a zero-tolerance policy towards all forms of discrimination, and bullying and harassment [including on the basis of sexual orientation, gender identity and gender expression]. If discrimination is alleged it will be investigated and disciplinary action may be taken as appropriate.
8. Chambers recognises the impact of intersecting forms of discrimination are committed to limiting disadvantage and promoting equality in this regard also.
9. The Codes of Conduct for barristers and staff make clear that discriminatory actions and those which do not recognise and appreciate the value of diversity are unacceptable behaviours. The grievance and disciplinary procedures for barristers and staff, and the Resolution Guidelines for Barristers on Resolving Workplace Issues with Staff provide for informal resolution of disputes and for formal resolution as appropriate.

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1 Race includes colour, nationality, ethnic or national origins under s. 9 of the Equality Act 2010. Chambers recognise the impact of intersecting forms of discrimination are committed to limiting disadvantage and promoting equality in this regard also.

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10. Chambers operates a separate Bullying and Harassment Policy which provides further guidance on those forms of behaviour.

### **The Equality and Diversity Officer and the Equality and Wellbeing team**

11. Chambers has appointed an Equality and Diversity Officer (“EDO”) in accordance with Bar Standards Board (“BSB”) regulatory obligations. The EDO leads a dedicated Equality and Wellbeing team, which comprises barristers and staff who volunteer their time. Their role is to seek to implement annual equality, diversity and wellbeing (“EDW”) objectives through specific initiatives. The EDO reports on EDW issues to the Management Board on a regular basis.
12. The EDO and the Equality and Wellbeing team is available to offer advice on EDW issues to those in a management position seeking to resolve issues, or more generally, as appropriate, where EDW issues potentially arise.
13. The EDO has been co-opted on to the Management Board, in the hope that EDW principles are considered throughout Chambers’ policy and decision-making processes.

### **Legislation**

14. It is unlawful to discriminate against individuals in the circumstances set out in the Equality Act 2010 (“the EA”). It is also unlawful for public bodies to discriminate against individuals in the enjoyment of their rights under the European Convention on Human Rights on any ground under the Human Rights Act 1998 (“the HRA”).
15. No aspect of Chambers policy detracts in any way from an individual's right to present a claim in the Employment Tribunal, County Court or any other Court or Tribunal which deals with the enforcement of any of the provisions of the EA, the HRA or other legislation.
16. The Equality and Human Rights Commission (EHRC) has produced statutory Codes of Practice in relation to Equal Pay, Employment and Services, Public Functions and Associations. The BSB has incorporated equality and diversity obligations into the professional rules of the profession and publishes guidance on them. Chambers is committed to implementing all statutory Codes issued by the EHRC and to complying with the regulatory obligations set, and the guidance given, by the BSB. Chambers also seeks to follow the guidance provided by the Bar Council, particularly on wellbeing issues.

### **Prohibited Conduct**

17. Chambers is opposed to all forms of discrimination, including:
  - a. **Harassment:** Where a person engages in unwanted conduct in relation to a protected characteristic or of a sexual nature, which has the purpose or effect of violating that other person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her;
  - b. **Direct discrimination:** Where a person is treated less favourably because of his or her protected characteristic;
  - c. **Discrimination arising from a disability:** Where a person is unjustifiably treated less favourably because of something arising in consequence of his or her disability;
  - d. **Indirect discrimination:** Where a provision, criterion or practice which cannot

- be justified is applied equally to all groups but has or would have a particular disadvantage for a group with a protected characteristic;
- e. **Victimisation:** Where someone is treated less favourably than others because he or she has taken action under the EA, including making any allegation of unlawful conduct under the EA;
  - f. **Breach of a reasonable adjustments duty:** Where there is a failure to comply with a duty to make reasonable adjustments to alleviate disadvantage to a disabled user of Chambers arising from his or her disability; and
  - g. **Discrimination by association:** Where someone is discriminated against because of their association with (such as their familial relationship with) a disabled person.

### **Individual responsibilities**

- 18. All practitioners, staff and other users of Chambers have a personal responsibility to comply with this policy and to do their best to ensure that it is applied in their day-to-day work. They must not discriminate or help others to discriminate.
- 19. All barristers and staff have a right and a duty to raise any concerns with the appropriate senior HR representative in Chambers regarding a fellow barrister's failure to comply with this policy. Chambers is committed to ensuring that no-one who raises an issue under this policy in good faith should be subjected to any detriment as a result. Please also refer to the Grievance and Disciplinary Policy in Relation to Barristers and Workplace Resolution Guidelines for Barristers in Relation to Chambers' Employees for further advice regarding the process to raise concerns.
- 20. Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint will also be viewed as a disciplinary matter.
- 21. Breaches of this policy by staff or barristers may result in disciplinary action as set out in the applicable Disciplinary Procedures.

### **Management responsibilities**

- 22. Senior staff and members of the Management Board have special responsibilities for ensuring the effective implementation of the policy. They are required to apply the policy in the exercise of their managerial responsibilities. This may cover not only day-to-day working but also other areas including:
  - a. Advertising vacancies;
  - b. The recruitment process for staff, pupillage and tenancy vacancies;
  - c. The terms on which employment, pupillage, or tenancy is offered; and
  - d. The training and promotion of staff, pupils and tenants.
- 23. Chambers will provide training for senior staff and Management Board members to ensure they are equipped to perform these responsibilities.

### **Positive Action and Outreach**

- 24. Chambers will incorporate appropriate positive action measures in its employment and service provision, in accordance with the provisions of the EA and the EHRC Codes of Practice.
- 25. Chambers operates an outreach programme by which it supports various initiatives intended to widen access to the Bar and improve social mobility.

## **Recruitment**

26. Chambers is committed to complying with the BSB fair recruitment obligations and principles in all its recruitment decisions, with respect to staff, pupils and fixed term and full tenants. The respective policies governing recruitment for each of these groups complies with these principles.

## **Fair Allocation of Work**

27. Clerks are trained to ensure that work for pupils and tenants is allocated on a fair and equitable basis. Barristers should be instructed on the basis of their skills, experience and ability. Solicitor/client requests should be complied with subject to the clerks' duty not to discriminate against any practitioner. Senior Clerks have responsibility for ensuring that all interaction between clerks and solicitors is in line with equal opportunities principles. Chambers has a duty to discuss with an instructing solicitor or a senior member of the firm any discriminatory request by the solicitor, whether or not this is on behalf of the client. This will be handled by the Senior Civil or Criminal Practice Manager as appropriate. In certain cases Chambers may be obliged to take regulatory action with respect to the solicitor.
28. Any unequal or unfair treatment of pupils or tenants will be treated as a serious matter and dealt with appropriately, in accordance with the barrister or staff Code of Conduct.
29. Chambers complies with the regulatory obligation to operate a system for collecting data on the allocation of work by gender, race and disability. The data collected is reviewed with the aim of identifying any inequalities or disparities in work allocation and any discriminatory or disadvantageous trends in clients' briefing practices, so that remedial steps can be taken as appropriate.
30. Particular attention will be paid to work allocation and practice development for those members about to begin, on, or returning from parental leave.
31. Annual Practice Development meetings are scheduled between clerks and their barristers and all Members are strongly encouraged to participate in these meetings. Members are of course encouraged to meet up more frequently with their clerks and, should Members find it helpful, any one or more of the Chief Executive, Business Development Director and Senior Practice Managers are happy to join in these meetings. Other barristers can also be invited to attend if the barrister wishes.
32. Chambers also operates a mentoring scheme for all pupils and tenants, but especially new joiners to Chambers, fixed-term tenants and those taking parental leave.

## **Reasonable Adjustments**

33. Chambers is fully committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working within Chambers or using our services.

34. We recognise that in the context of the provision of legal services, the purpose of the reasonable adjustments obligation to clients is to provide access to the service for a disabled client as close as it is reasonably possible to get to the standard normally offered to other clients who are not disabled.
35. For the purposes of our commitment to making reasonable adjustments, we use as a starting point the definition of disability contained within the EA, s.6. A person is therefore disabled for these purposes if s/he has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day-to-day activities. "*Substantial*" means more than minor or trivial and "*long term*" means 12 months or more". However, where there is a doubt about whether someone meets this definition we would seek to "*level up*" rather than "*level down*" and make the adjustment sought if it could reasonably be done.
36. We also recognise that Chambers or a barrister may in some cases discriminate unlawfully even if they do not know that a client is disabled. Disability is not always visible and many disabled people choose not to disclose their disability. What is important is not to act on assumptions, but to be prepared to ask in advance what reasonable adjustments can be made to ensure that the service of Chambers or the barrister can be used without the disabled person being put to unreasonable difficulty.
37. Staff or barristers with specific requirements should make requests to the Chief Executive for reasonable adjustment decisions. All requests for reasonable adjustments will be considered on a case by case basis, with the advice and assistance of Human Resources advice and/or the EDO as appropriate, and where it is not possible to make the adjustment requested, the Chief Executive will discuss viable alternatives with the applicant.
38. The Chief Executive is responsible for considering whether or not disabled staff, barristers or pupils require assistance during an emergency evacuation and if so whether or not a personal emergency evacuation plan is required for the individual/s concerned. If so, the plan will be developed in partnership with the individual concerned in order to ensure that adjustments to the emergency evacuation procedure may be made.
39. The pupillage application process seeks to identify requests for specific reasonable adjustments. The decision about such adjustments will be made by the head of the Pupillage Committee in conjunction with the EDO as appropriate.
40. Barristers are responsible for considering whether their visitors are likely to need any reasonable adjustments and alerting the clerking and reception staff to the same.
41. Requests for specific reasonable adjustments from visitors may be made by contacting the Head of Facilities.
42. Our website and publicity material makes clear that reasonable adjustments will be made for service users and identifies the persons to whom requests should be made.
43. Wheelchair users will be provided with ramp facilities when the same is necessary to access Chambers facilities. Arranging this is the responsibility of the relevant case clerk and the reception staff.
44. Chambers will strive to ensure that its website and Teams folders are fully accessible.

45. Other examples of the sort of reasonable adjustments that we might make are:
- a. Providing information in alternative formats (e.g. large print, Braille etc);
  - b. Providing auxiliary aids e.g. induction loops and;
  - c. Providing a reader or interpreter.
46. In assessing whether an adjustment is reasonable, we will follow the guidance given by the Equality and Human Rights Commission to the effect that *“When deciding whether an adjustment is reasonable, service providers can consider issues such as the cost of the adjustment, the practicality of making it, health and safety factors, the size of the organisation, and whether it will achieve the desired effect. ... In considering what is reasonable, you may consider factors such as your organisation’s financial resources: generally, more is expected of larger organisations.”*
47. In no circumstances will Chambers pass on the cost of a reasonable adjustment to a disabled person.

### **Contractors and Suppliers**

48. The Head of Facilities is responsible for ensuring that contractors and suppliers comply with the relevant employment legislation and that they have an equality and diversity policy.

### **Training**

49. Chambers encourages and supports everyone in the organisation to attend courses on equality and diversity issues both to raise awareness and to ensure that the implementation of our policies and procedures is effective.
50. Equality and diversity training is to be provided for:
- a. Members and staff likely to be asked to sit on or chair interview panels, in compliance with the Bar Standards Board’s fair recruitment obligations;
  - b. Management Board members;
  - c. Pupil supervisors;
  - d. Members and staff likely to be involved in the adjudication of complaints, grievances and/or disciplinary matters; and
  - e. All members of staff with management responsibilities.
51. Equality and diversity issues will be included as part of the induction session for all new tenants, staff and pupils.
52. All staff will receive regular training and/or briefings on equality and diversity issues as part of the staff training strategy to raise awareness of workplace issues and ensure the delivery of a non-discriminatory quality service to all clients.

### **Chambers’ No All-Male Panel Policy**

53. Chambers is committed to no all-male panels (“manels”) at Chambers-organised public conferences or events. Our members will not serve as panellists at a Chambers-organised

public conferences or events when there are no women on the panel. For events that we organise or plan, we aim for at least 50% female speakers. Our preference is for women to be included as panellists, not only as chairs or moderators.

### **Monitoring**

54. As required by the BSB, Chambers has appointed a Diversity Data Officer. Chambers evaluates monitoring forms for the recruitment of staff, pupils, fixed term tenants and tenants. The intention is to assess the trends resulting from our processes and procedures and consider whether action is required.
55. The Chief Executive keeps monitoring forms for one year and holds monitoring records on file. The Chief Executive provides the Management Board with regular reports on equality and diversity issues related to Chambers' people, identifying any trends, problems and training needs.
56. Chambers collects and publishes "headcount" data in accordance with the regulatory obligations imposed by the Bar Standards Board.

### **Career breaks and flexible working for barristers**

57. All members of Chambers have the right to take a career break, to work part-time, to work flexible hours or to work from home to enable them to manage their family responsibilities or disability and remain in practice.
58. Any member wishing to make a flexible working arrangement should give 4 weeks' notice of their desire to do so. The proposed arrangement should be discussed and agreed with the member's practice team leader and relevant Senior Practice Manager. All other clerks and members of staff should be made aware of the agreed working pattern as appropriate.
59. A member with flexible working arrangements will be given the same opportunities to take part in all aspects of Chambers activities including continuing professional development, marketing and social activities as those who do not work flexibly.
60. Members wishing to take a career break or adopt any of these arrangements for reasons relating to their roles as parents and/or carers are referred to or Parents, Carers and Career Breaks policy which provides further information.

### **Communicating the Policy**

61. A copy of this policy will be provided to all new staff, tenants, associate tenants, academic experts, fixed-term tenants, pupils, mini-pupils, work experience students, temporary workers, and those who provide services to chambers (such as contract cleaners, accountants and IT consultants). It will also be available on Teams for internal use and on Chambers' website for the use of external users.

February 2021

July 2021

# Revision History

January 2021	<ul style="list-style-type: none"> <li>Title amended to clarify this policy is for all.</li> </ul>	Julie Ahadi, Henrietta Hill QC
May-July 2021	<p>OUTy St review suggestions implemented in full:</p> <ul style="list-style-type: none"> <li>Explicit reference to gender identity and gender expression added to paragraphs 3 &amp; 7.</li> <li>Footnote updated on page 2 to recognise impact of intersecting forms of discrimination.</li> <li>Paragraph 3 updated to make it clear we explicitly prohibit discrimination, bullying or harassment on the basis of the characteristics protected within the policy.</li> <li>Clarity added to paragraph 19 regarding the process to raise concerns.</li> <li>Chambers' No All-Male Panel Policy added to paragraph 53.</li> </ul>	Julie Ahadi, Aswini Weeraratne QC; Henrietta Hill QC; Croner annual review.