

AREA 10: EQUAL OPPORTUNITIES

SECTION A: Policy Arrangements

10.1 Policy

Chambers has made a commitment to Equal Opportunities practice and procedures. These are fully detailed in our Equality Policy (This Area, Section B)

10.1.1 We are committed to providing equal treatment and opportunities to all job applicants and personnel in Chambers and to all clients in the planning and provision of services in accordance with the guidance issued by the Bar Council.

10.2. Procedures

10.2.1 The Management Committee monitors developments and changes in legislation/best practice in this area and will amend our procedures and policies in respect of equal opportunities accordingly. It will be helped in this by advice given by a member who is in receipt of judicial equal opportunities training.

10.2.2 Premises and facilities have been reviewed for use by minority users (clients, staff, members and pupils) by the Chambers Manager (Appendix MF 15) to ensure that they can be accommodated as far as practical.

10.2.3 Where relevant, member, pupil, staff and client feedback in respect of Equal Opportunities should be forwarded to the Chambers Manager or a member of the Management Committee. Any such proposals will be reviewed by the Management Committee who will also ensure that adequate budgets are allowed for the successful implementation of any initiatives agreed.

10.2.4 The Equality Policy is promoted in various documents as follows:

- **for clients :** via brochures, newsletters, and the website;
- **for staff :** via the Equality Policy, the Personnel Policy & Contracts of Employment ;
- **for members:** via the Equality Policy and the Constitution;
- **for pupils :** via the Equality Policy and the Guidelines to Pupillage.

10.2.5 The Equality Policy has been distributed to all existing staff and members of Chambers and is issued to all new personnel and reviewed as part of their Induction Training.

10.2.6 Additional training requirements related to Equal Opportunities and Non-Discrimination are considered during:

- Management Committee meetings;
- Pupillage Committee meetings.
- Staff meetings

and appropriate training provided where possible.

10.2.7. Any such training needs identified will be implemented, recorded and monitored.

10.2.8. All recruitment exercises are reviewed using an overview report (Appendix MF 16) and any necessary corrective action is instigated by the Management Committee.

Section B: Equality Policy

Chambers is committed to equal opportunities in all aspects of its work.

All Barristers have committed to observe the Bar Council Code of Conduct and in this respect particularly the Bar Council Equality Code 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. All Barristers have committed to comply with any requests from the Bar Council in relation to Equal Opportunities.

All barristers and staff have committed to comply with this Policy

Statement of intent

1. Chambers values the rich diversity and creative potential that men and women 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, political persuasion, 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 person's 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:-

- physical conduct, for example any form of physical assault;
- verbal conduct, for example insulting or abusive comments, innuendo, lewd remarks, unwelcome propositions;
- non-verbal conduct, which might include insulting or abusive gestures.

Section 5 of the Public Order Act 1986 creates a criminal offence where a person uses (a) threatening or abusive or insulting words or behaviour or disorderly behaviour; or (b) displays any writing sign or other visible representation which is threatening or insulting 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.

Each barrister and employee should remember that should he/she be guilty of an act of discrimination then this may be actionable personally against that person 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. Barristers and 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 Chambers Manager suspected discriminatory acts or practices. The Management Committee, the Senior Clerk and the Chambers Manager will use their best endeavours to ensure that supervision of barristers and staff is such that this Policy is rigorously followed.

Separate arrangements are in place should there be a need for investigation or action in connection with alleged discrimination by the Senior Clerk or the Chambers Manager. The Management Committee or the Heads of Chambers may undertake the actions themselves or by delegation to independent representatives

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.

7. **The 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 Code of Practice for the Elimination of Discrimination on the Grounds of Sex and Marriage and the Promotion of Equality of Opportunity in Employment, issued by the Equal Opportunities Commission;
- (ii) The Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment, issued by the Commission for Racial Equality;
- (iii)
 - (a) The Code of Practice for the Elimination of Discrimination in the Field of Employment against Disabled Persons or Persons who have had a Disability, issued by the Department of Employment;
 - (b) The Guidance on Matters to be taken into account in Determining Questions relating to the definition of Disability, issued by the Department of Employment;
- (iv) The Code of Practice on Equal Pay, issued by the Equal Opportunities Commission.
- (v) Age diversity in employment - a Code of Practice, issued by the Department of Employment.
- (vi) The Equality Code for the Bar.

8. **Scope of the policy**

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. The Pupillage Committee will ensure compliance with the policy and that all records are maintained.
- (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. The Tenancy Committee will ensure compliance with the policy and that all records are maintained.

(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 Senior Clerk with the support as appropriate of Chambers 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 is 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

The Chambers' Constitution provides for a female's place in Chambers to remain open for up to one year while she takes maternity leave. For a period of up to six months following her return to practice the tenant shall be relieved from paying the rateable Chambers' expenses. There is also specific provision to allow for parental leave for male members of Chambers and a period of rent relief of up to one month. The entitlement of employees to parental leave is governed by the Personnel Policy document at Area 6. Policy 2: Maternity Rights and Parental Leave Policy

(e) The recruitment of staff and relationships with clerks and staff

The Chambers' policy on recruitment of staff and relationships with and between clerks and staff is governed by the Personnel Policy document at Area 6. The document contains a specific commitment to equal opportunities consistent with this policy document.

- (f) The planning of services and decisions relating to the acceptance of instructions and the offering of advice

The Chambers' procedure for managing briefs, instructions and clerking services contains a specific commitment to ensure equality of opportunity to clients, consistent with this document, in the planning of services and the decision whether or not to accept instructions or offer advice. The cab rank rule is applied to all members in accordance with the Bar Council Code of Conduct and is monitored by the Senior Clerk, who records any non-compliance.

9. Promotion

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

- (a) All job advertisements wherever placed will usually include the statement "These Chambers are equal opportunities employers".
- (b) In recruitment Chambers will take steps to try to attract applications from both sexes and all races and will ensure that there are equal opportunities in all stages of the recruitment process.
- (c) Promotion within Chambers will be based solely on merit.
- (d) 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.
- (e) All selection of pupils and tenants will be guided by this policy, as further detailed in the specific sections of the Pupillage Policy.

10. Monitoring

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 Management Committee.

The Equal Opportunities Committee shall consist of:

- The Equal Opportunities Officer

- The Chair of the Pupillage Committee
- The Chair of the Tenancy Committee
- Two senior members nominated by the Management Committee to provide support to complainants

Section C. 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 a Head of Chambers, the Senior Clerk, the Chambers Manager, or a member of the Management 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 a Head of Chambers, the Chambers Manager, the Senior Clerk or a member of the Management Committee. 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 or persons in Chambers it may be that such person(s) 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. The complaint will be referred to a delegation of three members of Chambers including one member of the Management Committee as nominated by the Heads 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 by a member of Chambers as do the person(s) 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 the person(s) complained against as soon as is 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(s) 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' employees to the Industrial Tribunal. The Commission for Racial Equality and the Equal Opportunities Commission are also available for consultation.

Appeals

5. 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.

Awareness

6. Copies of this Equality Policy shall be made available for members 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.