

## **Equality, Diversity & Inclusion Policy**

### **Our policy**

1. Chambers is committed to equality and diversity at the Bar, creating an organisation which reflects the diversity of the communities we serve, prevents unlawful discrimination, ensures equality of opportunity, promotes and celebrates diversity and fosters an inclusive culture for all of our people.
2. Preventing discrimination and ensuring equality of opportunity require that nobody is treated less favourably because of their age, disability, gender re-assignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation (“Protected Characteristics”).
3. We will ensure equality of opportunity for those working at all levels within Chambers including members, employees and pupils and those applying to become members, pupils, mini-pupils and employees by adopting and promoting policies, processes and procedures designed to ensure fair treatment at all stages of recruitment, practice or employment.
4. We are committed to increasing diversity within Chambers with key strategic goals in relation to the retention of women after childbirth and expanding representation of minority and underrepresented groups. Our aspirations and the steps we intend to take to achieve these are set out in more detail in our Strategic Vision and Equality Action Plan.
5. It is of fundamental importance to Chambers that we create and maintain a culture which actively encourages dignity at work, respect for all and ensures that:
  - a. all of our people have an equal opportunity to contribute and influence the workplace and achieve their potential;
  - b. everyone feels safe and can be themselves; and
  - c. we all have a sense of connection and belonging.
6. This policy sets out Chambers’ broad principles and procedures for the promotion of equality, diversity and inclusion. It also has an Equality Action Plan which identifies the steps being taken to implement this policy as well as a number of specific supporting policies which are included in the Equality, Diversity & Inclusion Section of Chambers’ Handbook on the intranet.

### **Scope**

7. This policy applies to members, employees, pupils, mini-pupils, consultants, contractors, casual and agency staff who are reminded that the responsibility for unlawful discrimination rests not only with Chambers but individuals personally. Everyone should ensure that they do not unlawfully discriminate or assist others to do so.
8. This policy does not form part of any employee’s contract of employment and Chambers may amend it at any time.
9. Breaches of this policy will be dealt with in accordance with the relevant disciplinary procedure.

## **Responsibilities**

10. The Equality Officers<sup>1</sup> are responsible for:
  - a. monitoring changes in legislation and advising on any updates to Chambers' equality policies and procedures;
  - b. promotion of this policy within Chambers and externally where appropriate;
  - c. analysis and review of equal opportunity monitoring data;
  - d. co-ordination of the annual equality review; and
  - e. ensuring that Chambers has an Equality Action Plan and complies with its regulatory and legal obligations.
11. The Diversity Data Officer<sup>2</sup> is responsible for the collection of workforce diversity data at the times and in the manner set out in the BSB Handbook from members, pupils and staff and its publication on Chambers' website. The Diversity Data Officer is also responsible for the collection of diversity data collected during the recruitment process for advertised tenancy and staff positions and mini-pupillage weeks.
12. The Pupillage Committee are responsible for analysing the diversity data collected via the Pupillage Gateway in respect of applications for pupillage.
13. The Practice Management Team are responsible for ensuring the correct logging and fair distribution of unallocated work to pupils and tenants which will be monitored by the Chief Executive and the Chief Financial Officer.
14. The Senior Leadership Team are responsible for ensuring the effective implementation of this policy and that appropriate equality and diversity training is provided to (and attended by) staff, barristers and pupils. Equality and diversity training is interpreted widely and may also include fair recruitment training for recruitment panels, supervisor training for pupil supervisors, anti-bullying and harassment training, anti-racist training and the like.
15. Everyone in Chambers is responsible for:
  - a. understanding and complying with this policy;
  - b. applying the policy in dealings with all internal and external customers and colleagues and in all aspects of our day-to-day business;
  - c. promoting equality and diversity in Chambers.

## **Legal and Regulatory Framework**

16. The legislative framework is set out in the Equality Act 2010. In addition Core Duty 8 of the BSB Handbook states: "You must not discriminate unlawfully against any other person." This is supplemented by rC12 which expands and clarifies:

"You must not discriminate unlawfully against, victimise or harass any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender reassignment, sexual orientation, marital or civil partnership status, disability, age, pregnancy and maternity, religion or belief."

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<sup>1</sup> Sarah Crowther QC, David Grant QC, Harry Trusted, Samantha Presland

<sup>2</sup> Rhonda Murkin

## **Preventing Discrimination**

17. You must not unlawfully discriminate against or harass other people including members of Chambers, employees, pupils and mini-pupils (whether they are currently within Chambers, have previously left or are applying to join), clients, customers, suppliers and visitors. This applies in the workplace, outside the workplace (when dealing with clients, suppliers or other work-related contacts), and on work-related trips or events including social events.
18. The following forms of discrimination are prohibited under this policy and are unlawful:
  - a. Direct discrimination: treating someone less favourably because of a Protected Characteristic. For example, rejecting a job applicant because of their race.
  - b. Indirect discrimination: a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others and is not justified. For example, requiring a job to be done full-time rather than part time is likely to adversely affect women because they generally have greater childcare commitments than men. Such a requirement is discriminatory unless it is justified.
  - c. Harassment: this includes sexual harassment and other unwanted conduct related to a Protected Characteristic, which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is dealt with further in Chambers' Anti-harassment and Bullying Policy.
  - d. Victimisation: retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.
  - e. Disability discrimination: this includes direct and indirect discrimination, any unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.

## **Equality of Opportunity**

19. Equality of opportunity means that equal work and employment opportunities are afforded to all those working within Chambers and those applying to join. Those opportunities must be conducted without unlawful discrimination and include:
  - a. the selection process;
  - b. the terms upon which tenancy, pupillage or employment are offered or refused and the terms upon which any benefits or facilities are afforded to those individuals;
  - c. access to opportunities for training, promotion and career development;
  - d. dismissal of employees, termination of pupillage or expulsion of members, both in relation to the manner and the reasons;
  - e. all dealings with or on behalf of Chambers or members, pupils, mini-pupils and employees; and
  - f. ensuring that no individual is victimised for complaining in good faith about discrimination or harassment or supporting someone else's complaint.
20. Recruitment, promotion, and other selection exercises are conducted on the basis of merit, against objective criteria that avoid discrimination. Full details of Chambers' recruitment processes can be found in the following documents:

- a. Members: Recruitment Policy for Tenants;
  - b. Pupils: Pupillage Policy & OTC/FRU Extended Pupillage Policy (as applicable); and
  - c. Staff: Equality, Diversity & Inclusion Section of Chambers' Handbook.
21. Conditions of service, benefits and facilities are reviewed regularly to ensure that they are available to all who should have access to them and that there are no unlawful obstacles to accessing them.
  22. Appropriate access to training will be given to enable progression within the organisation. All promotion decisions will be made on the basis of merit.
  23. We will ensure that redundancy criteria and procedures are fair and objective and are not directly or indirectly discriminatory.
  24. We will also ensure that disciplinary procedures and penalties are applied without discrimination, whether they result in disciplinary warnings, dismissal or other disciplinary action.
  25. If any member, pupil, employee or visitor to Chambers is disabled (or in the case of those within the workforce becomes disabled) they are encouraged to tell us about their condition so that appropriate support can be provided. We will discuss any reasonable adjustments to help overcome or minimise the difficulty. For more information and who to contact please see our Reasonable Adjustments Policy.
  26. We will ensure that part-time and fixed-term members of our workforce are treated the same as comparable full-time or permanent staff and enjoy no less favourable terms and conditions (on a pro-rata basis where appropriate), unless different treatment is justified.
  27. Chambers has a number of policies which promote and support flexible working including:
    - a. Flexible working policies (both for members and staff);
    - b. Sabbatical & Extended Absence Policy for Tenants;
    - c. Primary Carer & Parental Leave Policy (members);
    - d. Maternity, Adoption & Paternity Policy (staff); and
    - e. Pupillage Section of Chambers' Handbook

**Fair Access to Work and the Allocation of Unassigned Work**

28. The allocation of unnamed (unassigned) work to all members of Chambers, working pupils and squatters will be carried out in a manner that is fair to all and without discrimination. Selection of counsel will be on the basis of the skills and experience required for the particular case. In particular, no pupil or tenant shall suffer unlawful discrimination:
  - a. in the arrangements made for determining who work should be allocated to; or
  - b. in respect of any terms on which work is offered, or by a refusal, or deliberate omission, to offer it to them.
29. Chambers' policy on the Fair Allocation of Work can be found on the intranet.

**Promoting equality, diversity and inclusion**

30. Chambers takes steps to encourage applications from underrepresented groups within Chambers and people from less advantaged social backgrounds. Where appropriate we also commit to positive action to redress imbalances or inequalities in Chambers. Positive

action is not the same as positive discrimination, reverse discrimination or the setting of quotas all of which are illegal. Our Equality Action Plan sets out the initiatives which Chambers supports to promote and enhance equality, diversity and inclusion.

31. Everyone should be aware that use of outdated language to describe certain Protected Characteristics can cause offence, albeit unintentionally. This language evolves over time and in some cases rapidly. Chambers ask that everyone considers the language that they use and, if in doubt, ask the specific individual their preference.
32. Chambers is working towards the use of gender-neutral language in its policies, recruitment materials, marketing materials and website.
33. Those working within Chambers are required to respect everyone's choice of their own pronouns.

#### **Equality Monitoring**

34. To ensure that this policy is operating effectively, and to identify groups that may be underrepresented or disadvantaged in Chambers, we monitor applicants' diversity data as part of the recruitment process. Provision of this information is voluntary and it will not adversely affect an individual's chances of recruitment or any other decision related to their work within Chambers. The information is removed from applications before shortlisting and kept in an anonymised format solely for the purposes stated in this policy. Analysing this data helps us take appropriate steps to avoid discrimination and improve equality and diversity.
35. The BSB set rules for the profession on the gathering and publication of workforce equality data. In accordance with the Bar Standard Board's Handbook all members of Chambers and staff are given the opportunity to provide their diversity data for collection although there is no obligation to do so. The Diversity Data Officer is responsible for the collection, publication and retention and destruction of diversity data, full details of which are set out in the Diversity Data Policy.

#### **Communication of this policy**

36. A copy of this policy is available to all members, employees and pupils via Chambers' intranet.

#### **Queries, concerns, complaints or grievances**

37. Any general queries or concerns in respect of this policy or any other equality and diversity policies should be raised with an Equality & Diversity Officer.
38. Specific concerns, complaints or grievances should be raised formally or informally using the procedure set out in the relevant policy or in the absence of such a procedure, under the relevant grievance procedure.