



## Statement of intent

Chambers is an equal opportunity organisation. It is committed to ensuring that within the framework of English and European law it is free from discrimination on the grounds of colour, race, nationality, ethnic or national origin, gender (including gender reassignment), sexual orientation, religion or belief reassignment, age, marital status or physical or mental disability.

Chambers values diversity and is committed to promoting diversity within its environs and generally by seeking to ensure that all individuals are treated fairly with dignity and respect and recognising and encouraging individual contributions to Chambers.

Chambers aims to ensure that its barristers, pupils and staff achieve their full potential and that all decisions are taken without reference to irrelevant or discriminatory criteria. It has adopted the following equality and diversity policies as means of helping to achieve these aims.

Chambers is committed to ensuring that all its clients, visitors, barristers, pupils, staff and all applicants for employment, consultancy, pupillage, mini pupillage, full tenancy and door tenancy are protected from unlawful discrimination. It endeavours not to discriminate in all areas of recruitment, selection, promotion, transfer, training, access to benefits and services, matters of discipline. All should be allowed to work in and with Chambers and use Chambers in an environment free from unlawful harassment, bullying or unsolicited or unwelcome comments or overtures.

## General Equality and Diversity Policy

### 1. What is discrimination?

1.1 **Direct** discrimination occurs where someone is put at a disadvantage or treated less favourably on discriminatory grounds in relation to his or her employment. Direct discrimination may occur even when unintentional.

#### **Examples**

*A woman with young children fails to obtain a tenancy because it is feared that she might be an unreliable tenant in the long term.*

*An Iraqi applicant is not appointed because he might not 'fit in' with the existing employees.*

*A person is subjected to sexual innuendo or other offensive conduct of a sexual nature in Chambers.*

1.2 **Indirect** discrimination occurs where the individual's employment or engagement is subject to an unjustified provision, criteria or practice which is applied equally to persons of all groups but which puts or would put at a particular disadvantage persons of a particular group and it cannot be shown to be a proportionate means of achieving a legitimate aim.

#### **Examples**

*A requirement for GCSE English as a selection criterion. This may have a disproportionately adverse impact on people educated overseas and may not be justified if all that is needed is to demonstrate a reasonable level of literacy.*

*Full-time work—this would have a disproportionately adverse impact on more women with small children as they are generally accepted as taking the primary childcare role. It may not be justified if business requirements can be met by more flexible working arrangements.*

1.3 **Disability** discrimination occurs where an individual is unjustifiably disadvantaged in employment/recruitment for a reason connected with his/her disability unless the discrimination cannot be avoided by making reasonable adjustments.

### **Examples**

*A requirement for an employee to hold a valid driving licence for a job which involves little travelling.*

*Failure to recruit a wheelchair user without first considering whether the working arrangements or premises can reasonably be adapted to his or her needs.*

1.4 **Victimisation** occurs where an individual is treated less favourably than colleagues because he/she has taken action, in good faith, to assert his/her statutory rights or assisted a colleague with information in that regard.

1.5 **Harassment** is unwanted conduct based on discriminatory grounds which affects the dignity of an individual at work or creates an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may be visual, verbal or physical. (It should be noted that there is a separate Harassment Policy.)

1.6 We are committed to ensuring that all our clients, barristers, pupils, staff and applicants are protected from unlawful discrimination, victimisation and harassment.

## **2. Implementing equality of opportunity**

2.1 Recruitment and employment decisions will be made on the basis of fair and objective criteria.

2.2 The requirements of all clients, applicants and existing members of staff who have or have had a disability will be considered to ensure that whatever reasonable adjustments can be made to enable them to use, join or remain with Chambers are made. Promotion opportunities, benefits and facilities for access, work or employment will not be unreasonably limited and every reasonable effort will be made to ensure that the disabled can participate fully and have access to Chambers and its services.

2.3 Consideration of all applications will be limited to those requirements which are necessary for the effective performance of the engagement. Interviews will be conducted on an objective basis and personal or home commitments will not form the basis of decisions except where necessary.

2.4 The ethnic, gender, religious and age composition of Chambers' staff and applicants will be monitored from time to time in order to check that the spirit of this Policy is being adhered to. Chambers will follow the safeguards outlined in the Data Protection Act 1998 concerning the collation of such sensitive data.

2.5 Appropriate training will be arranged for the Equal Opportunities Officer and any person assisting him/her to implement and uphold our commitment to equality of opportunity and diversity.

2.6 Working patterns and requirements will be reviewed so as to enable Chambers to consider flexible and home working.

2.7 All barristers, pupils and staff have a right to equality of opportunity and dignity in Chambers and a have duty to assist with the implementation of this policy. Breach of any equal opportunity and diversity policy is potentially a serious disciplinary matter. Any person who believes that he or she may have suffered any detriment on discriminatory grounds is entitled to raise the matter either through the grievance procedure (if employed) or with the Chambers Equal Opportunities Officer (if not employed).

2.8 The Head of Chambers will have ultimate responsibility for implementation of this policy. The Equal Opportunities Officer or Deputy Equal Opportunities Officer will co-ordinate the policy's implementation and can deal with any questions relating to it.

### **3. "Pupillage Equal Opportunities and Diversity Policy"**

For the avoidance of doubt it should be noted that policies contained in the Chambers "Pupillage Equal Opportunities and Diversity Policy" (a current edition of which is

available from the Chambers Director or the Chambers Administrator) as amended from time to time shall be subject to the General Equality and Diversity Policy set out above.

#### **4. “Policy and procedures for recruitment of tenants”**

It should be further noted that the recruitment of tenants will also be subject to paragraphs 1.33 and 1.34 of Section 1: Action Area: A of the “Equality and Diversity Code for the Bar”.

#### **5. Maternity, Paternity and Adoption**

5.1 Chambers will comply with its statutory duties in respect of all employees regarding maternity, paternity and adoption and in particular flexible working. Part-working from home may be available in some employee roles. Any questions regarding any of these should be at first directed to the Chambers Director. Standard contracts of employment will be reviewed from time to time and at least annually.

5.2 For tenants, pupils and mini pupils the key to Chambers’ policy in respect of maternity, paternity and adoption is fairness. The Head of Chambers will seek to help the person concerned in a way that is practicable and reasonable for the person and Chambers and for that purpose has an overriding discretion. However, the usual position for tenants will be as set out under clause 5.3 below..

5.3 (a) If a tenant is pregnant she will be entitled to up to 12 months “Maternity Leave” which may be taken either side of the birth of her child. During this Maternity Leave:

(i) she will not be required to pay her Chambers’ rent for such period of 3 months as may be selected by her. However, it should be noted that she will still need to (i) keep her professional indemnity and any other relevant Chambers insurance premiums paid, and (ii) maintain her Practising Certificate if she proposes to continue working or to work outside Chambers. The Head of Chambers may at his sole discretion to increase this rent free period by a further rent free period (which may cover a period after the end of her maternity leave) not exceeding three months.

(ii) she will not be required to attend Chambers for any reason although she may continue to work throughout any part of her Maternity Leave

(iii) during any rent free period of Maternity Leave she should not expect immediate access to her room and/or desk in Chambers as of right. For the better administration and operation of Chambers she may be asked to use other available Chambers' accommodation from time to time, particularly if she has provided short notice of her visit to chambers.

(b) Upon her return from Maternity Leave she shall be entitled to return to the room she occupied prior to her leave subject only to the overriding discretion of the Head of Chambers to require any tenant to make changes to his/her working arrangements (including moving from one room to another) under the usual principles for the better administration and operation of Chambers taking no account of the tenant's "Maternity Leave".

(c) The Head of Chambers will consider sympathetically all tenant applications for longer or different periods of Maternity Leave as well as applications for paternity or adoption leave, career breaks and/or part-time or flexible working. One month rent free periods following adoption may be arranged. However, in each case it should be noted that the effective and orderly running of Chambers and its various requirements may also be taken into account and return to the same room or to completely similar working arrangements may not be guaranteed upon the tenant's return to ordinary working. In general, the longer the tenant proposes to take away from chambers the fewer guarantees that can be afforded to him/her. It is possible that in some circumstances the tenant's request may not be accommodated. The Head of Chambers will take account of the above General Policy and the particular circumstances of the tenant in question and absolute confidentiality will be maintained subject only to consultation with the Chambers Director and senior members of Chambers as the Head of Chambers considers appropriate.

(d) Any tenant undertaking any form of leave other than planned holidays should keep in touch with the Chambers Director and the clerk's room. Upon return from maternity, paternity, adoption leave, career breaks or upon starting any form of part-time or flexible working the tenant should meet with the Chambers Director with a view to re-establishing their practice and/or setting up a relevant marketing strategy. Variation of any administrative matters (such as fee collection, professional indemnity, other Chambers' insurances and Practising Certificates) should also be considered.

## **6. Equal Access to and the fair allocation of work within Chambers**

Chambers is committed to this goal. The Chambers Director will have regular (at least annual) meetings with all members of chambers and staff with a view to advancing their practices and careers. Should it prove necessary monitoring may be undertaken with a view to ensuring that no unfairness occurs.

## **7. Monitoring and Addressing Under Representation within Chambers and Reporting**

Chambers may undertake monitoring exercises from time to time with a view to identifying under represented minorities or groups within members and staff. Chambers may also undertake monitoring exercises with a view to identifying under represented minorities or groups within applicants for pupillages, membership and staff positions. Chambers may then analyse the results of any such monitoring and may look for ways to address any under representation found. Corrective action including focused recruitment may be taken and measurable objectives may be set. Chambers may report the results of these activities to any relevant authority including The Bar Council and the Attorney General.

## **8. Training on Equality and Diversity**

Chambers may arrange equal opportunity and diversity training not only for Chambers Equal Opportunity Officers but also other members of chambers and staff.

**9. The Equality and Diversity Code for the Bar and the Attorney General's Expectations**

Chambers has had regard to the "Equality and Diversity Code for the Bar" and the "Attorney General's Equality and Diversity Expectation Statement for Civil and Criminal Panel Counsel and their Chambers" before adopting/reviewing this Equal Opportunities Policy.

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