

**EQUALITY AND DIVERSITY POLICY**

**Statement of Policy**

1. Chavasse Court Chambers is committed to promoting equality and diversity and promoting a culture that actively values difference and recognises that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work.
2. The promotion of the principles of equal opportunity and diversity are a fundamental part of our philosophy and are essential to our success as a thriving set.
3. It is our unequivocal policy not to discriminate against anyone either directly or indirectly on grounds of race, colour, ethnic or national origin, sex, sexual orientation, gender reassignment, marital or civil partnership status, pregnancy, maternity or paternity, disability, religion or belief, age, part-time, fixed-term or contractual status, or on any other irrelevant or irrational basis.

**Types of discrimination**

1. ***a. Direct discrimination***

This occurs when a person in the workplace is treated less favourably than someone else because of a protected characteristic, for example, their race or gender or age or religion, or perhaps because of their partner’s protected characteristic. This could include, for example, decisions, actions or omissions such as:

• Refusing to employ someone or refusing to offer that person a pupillage;

• Dismissing someone;

• Denying employment opportunities such as training or promotion;

• Unfair allocation of work or;

• Subjecting someone to a detriment;

1. ***Indirect discrimination***

In contrast to direct discrimination, indirect direct discrimination occurs where a provision, criterion or practice is applied *equally* to other members of Chambers or members of staff, but that equal treatment puts a particular class of persons in the workplace, such as women or Muslims or homosexuals, at a particular disadvantage compared to others in the workplace. If the imposition of that provision, criterion or practice cannot then be justified, it will be unlawful.

Such treatment may not be obviously discriminatory at first sight. It could happen if, for example, Chambers applied a provision, criterion or practice that, in order to be considered for cases lasting 20 days or more, candidates must be 10 year’s call or above. Such treatment would particular disadvantage younger members of Chambers, who are less likely to be at 10 year’s call. In those circumstances, Chambers would have to show that it was a justified requirement of the business, perhaps due to the experience required for such cases.

***c. Victimisation***

There would be little point in conferring equal opportunity rights upon members of Chambers and members of staff if Chambers was free to take detrimental action against those members whenever they assert those rights. To prevent any such detrimental action occurring, those who assert their right in good faith are protected, even if the assertion is proven false. Those who, in good faith, assist others in asserting their rights are also protected, even if their evidence is proven false. If, for example, a member of staff uses the Grievance Procedure to complain of discrimination or harassment, he or she must not be subjected to a detriment because they made such a complaint. To do so amounts to victimisation, which is a form of discrimination in itself.

1. ***Harassment***

Irrespective of whether it is related to one of the protected characteristics or grounds mentioned above, such as someone’s race, gender, age or disability, harassment (or bullying) which is unwanted, unreasonable and offensive to the recipient will not be tolerated or condoned within Chambers.

Harassment may occur when the harassing or bullying behaviour is aimed at the person directly, or perhaps indirectly by being aimed at someone associated with that person, and violates that person’s dignity, or where the conduct creates an intimidating, hostile, degrading, humiliating or offensive work environment for the recipient. In an appropriate case, a one-off incident will be treated as harassment. In some circumstances, the individual member of Chambers or member of staff who breaches this may also be held personally liable.

1. **Legislation**

Chavasse Court Chambers is also committed to compliance with relevant equality legislation, the Equality Act 2010, Codes of Practice and relevant best practice guidance. This policy pursues and builds on the statutory position to ensure effective policies and practice of promoting equality.

1. The Equality Act (2010) defines Diversity and Equality. “Diversity” refers to the fact that individuals are different. “Equality” refers to equality between individuals.
2. Chavasse Court Chambers aims to pro-actively tackle discrimination or disadvantage and aims to ensure that no individual or group is directly or indirectly discriminated against for any reason with regard to employment or accessing its services.
3. All members of Chambers and members of staff are requested and required to uphold principles of equal opportunities. Breach of this policy may result in professional misconduct or disciplinary action, and individuals may be personally liable in law.

**Scope of the policy**

1. This policy apples to:
   1. Members (including door tenants);
   2. Pupils (including mini-pupils);
   3. Employees (including all casual, contract and volunteer workers);
   4. Tenancy, pupillage or staff applicants;
   5. Clients (lay and professional clients) and other service users;
   6. Suppliers and contractors;
   7. Visitors.
2. The Equality Act 2010 specifically provides legal protection against discrimination in the provision of services and in the treatment of pupils by a barrister or clerk.
3. In particular, Chambers is committed to ensuring that tenants, pupils and employees are selected without discrimination, that discriminatory considerations play no part in the allocation of work within chambers, and that no instructions are accepted from solicitors who seek to select Counsel on a discriminatory basis.
4. We endeavour to treat everyone – both inside and outside Chambers – with attention, courtesy, respect and consideration. We value the benefits of a diverse workforce. We also aim to ensure that our pupillage, mini-pupillage, employment, promotion, membership, supplier and contractor opportunities are open and accessible to all based on individual qualities and personal merit.
5. Chambers does not permit or condone harassment on the grounds of any of the factors set out in paragraph 4. Harassment is also unlawful under the Act. Chambers has adopted policies on anti-harassment and diversity data.
6. The diversity data policy specifically aims to ensure that effective and secure procedures are in place for the collection and retention of data from all appropriate sources. Chambers records, evaluates and reports on the data, to help ensure the effectiveness of our diversity policies.
7. All members, pupils and employees are required to adhere to Chambers’ policy while undertaking their duties or when representing Chambers.

**Equality and Diversity Action Plan**

1. In order to ensure that we embed the principles of equality and diversity into the framework of our day to day activities, and to prevent unlawful discrimination, we have drawn up an Action Plan. Chambers will keep the plan under review and update and amend it as necessary.

**Equality and Diversity Officer**

1. Chavasse Court Chambers has elected Carmel Wilde to be Equality and Diversity Officer (EDO). The EDO will: be available to Members and staff to give advice and discuss any issues that may arise from this policy and other policies affected by it; advise the Head of Chambers and the Management Committee on equality and diversity issues; monitors changes in legislation and regulatory requirements updating chambers policies accordingly, hearing and seeking resolution of concerns relating to equality and diversity issues and monitor and evaluate data. In EDO’s absence, the Heads of Practice Groups, will act as their deputy and ensure we deal with any issues, questions or comments in a timely manner.
2. The EDO will review all relevant policies and procedures, including those referred to above, to ensure these comply with this policy as well as all relevant equality laws and regulatory requirements. The EDO will ensure we provide adequate training, as necessary, to meet the requirements of the BSB’s Code of Conduct.
3. The EDO will also ensure that procedures used in the selection and recruitment of pupils and staff are fair and meet the requirements of the Code of Conduct and that there is sufficient training amongst members of the panels to ensure fairness in the ultimate selection, as specified below.
4. You should address any questions relating to the content of this policy, or suggestions for its improvement to the EDO or the Management Committee.

**Training**

1. Chambers will provide or procure regular Equality and Diversity training for its staff and members.
2. The Act strictly prohibits discrimination in recruitment and selection on any of the protected characteristics. All members of selection panels must receive training in fair recruitment, unconscious bias and selection practices either through professional training or through study of the Bar Council’s Fair Recruitment Guide. We will arrange further external training as required.

**Fair and Objective Criteria**

1. Chavasse Court Chambers and its relevant Committees, Sub-Committees and staff shall observe and follow a policy of applying fair and objective criteria in recruiting all Members, pupils and staff. Chambers asks candidates, as a matter of course, whether it is necessary to make reasonable adjustments to facilitate access for interviews for disabled candidates and will facilitate reasonable adjustments if given due notice. Similarly, we will make reasonable adjustments to accommodate successful applications from pupils, Members or staff.
2. Chambers will advertise all vacancies for pupils, mini-pupillages or tenancies as widely as practicable, and will draft the advertisements to comply with this policy and our commitment to equality.
3. We use the Bar Council’s Pupillage Gateway system to recruit pupils.
4. To ensure an open selection procedure, Chambers will assess all applicants for every role against objective criteria relevant to the requirements of the post. We will conduct interviews using an appropriately sized panel, and there will be an agreed structure for interviews to ensure a fair process for all interviewees. Members of any such panel will be required to have had appropriate and recent training in fair selection and recruitment processes. (We have adopted a detailed separate pupillage policy.)
5. The Constitution of Chavasse Court Chambers governs the criteria for application for tenancy. We apply these criteria to all candidates equally.
6. We shall keep all applications for pupillage or tenancy, and documentation with regard to them for 12 months. After a pupillage selection exercise, in particular, there will be a review of diversity data submitted by applicants. The Data Diversity Officer will report on this to the Pupillage Committee and the Management Board.

**Equality Monitoring**

1. Chambers collects two types of diversity data: headcount (Members, staff, applicants – in accordance with the Diversity Data policy) and work allocation. Available data is analysed at least annually and the results interrogated by the Head of Practice Groups and the EDO (eg against composite data for the Bar as a whole). Particular attention will be given to identifying underlying reasons for disparities identified and any appropriate remedial action will be considered; for example, it may help to address an issue of under representation of women by female Members attending pupillage fairs and events. Please also see ‘Collection and Publication of Diversity Data’ below and the Diversity Data policy statement that governs the collection, publication, retention and destruction of diversity data.
2. It is Chavasse Court Chambers policy to ensure that all Members and working pupils are entitled to fair access to work. As far as practicable, the EDO and the Head of Practice Groups will act to ensure that work is fairly allocated to Members and pupils without discrimination on the basis of any protected characteristic and shall meet periodically with the senior clerk to review practice and procedures. Fair allocation of work includes taking a barrister’s knowledge and level of expertise into account and that work is allocated to Members for justifiable reasons. We intend to import diversity data for Members and staff into the LEX chambers management system and adopt the LEX fair allocation of work tool. This will enable data about the origin or allocation of the work to be analysed against equality and diversity data. This information will be analysed by the Heads of Practice Groups who will alert the EDO of any concerns.
3. We will provide appropriate training to all Clerks and we will review the subject of work allocation regularly at relevant appraisals.
4. Discriminatory requests or instructions from solicitors are contrary to the Equality Act. On no account will Chavasse Court Chambers accept discriminatory instructions. Clerks should look to explore the reasons for potentially discriminatory requests. If we receive instructions which the EDO considers may be discriminatory, the EDO may, after investigation into the circumstances of the brief*,* report the matter to the Head of Chambers who should consider whether we should refer the matter to the appropriate authority.
5. If any Member or pupil wishes to complain about the allocation of work, they should refer to the Complaints and Grievances section below.
6. Allocation of work will be a standard topic for discussion during any Practice Review Meeting.

**Harassment**

1. Chavasse Court Chambers will not tolerate harassment. Harassment is unwanted conduct relating to the protected characteristics which has the aim, or has the effect, of violating a person’s dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment. (We have adopted a separate Anti-Harassment Policy.)

**Parental Leave and Flexible Working**

1. Any member of Chambers may decide not to work for an extended period or reduce the time they spend working as barristers and do not need to provide a reason for doing so. The Management committee will consider applications in relation to rent obligations to remove the financial disadvantages to members in that situation.
2. Any Member on such leave will be included on all relevant e-mail distribution lists and the circulation of memos etc. If there is suitable work, and the Member has indicated a willingness to work whilst on maternity or adoption leave, we will take all appropriate steps to facilitate this.
3. We will grant maternity, paternity and adoption leave to members of staff in accordance with legislation and the procedures set out in our separate Parental Leave policy.
4. Flexible working provisions relating to staff are also available by way of application to the Management committee.
5. Chambers acknowledges that men and women are entitled to be paid equally without any bias on the grounds of sex in line with the Equality Act 2010. All steps will be taken to ensure that male and female members of chambers and members of staff receive equal remuneration for the same work and for work rated as equivalent and for work of equal value.

**Reasonable Adjustments**

1. We understand our duties under the Disability Discrimination Act 1995 and the Equality Act. Where a provision, criterion, practice, physical feature or lack of auxiliary aid puts a disabled person at a substantial disadvantage in comparison to those who are not disabled we will take reasonable steps to avoid the disadvantage by ensuring that reasonable adjustments are made to allow candidates to attend interview and, if appointed, to work with us. The EDO or Clerks will consider any requests, or suggestions, for such adjustments. Chambers has adopted a separate policy on Reasonable Adjustments.

**Diversity Data Officer**

1. Chavasse Court Chambers has appointed Carmel Wilde as a Diversity Data Officer (DDO) and has notified that appointment to the BSB.
2. The DDO is responsible for implementing our rules on diversity data collection and processing and ensuring that these are in accordance with the provisions of the Data Protection Act 1998.

**Collection and Publication of Diversity Data**

1. A separate written policy statement is in effect on collection, publication, retention and destruction of diversity data. Chambers collects and publishes its anonymised workforce data every three years.

**Complaints and Grievances**

1. Members should refer any grievance regarding discrimination, equality and diversity issues to the EDO or the Heads of Practice Groups, as appropriate, who will investigate the matters raised and report to the Head of Chambers. The Head of Chambers will decide what, if any, remedial action we should take. The procedure used shall be the same whether the complaint or grievance is formal or informal.
2. Pupils should similarly refer any grievance arising from their pupillage in respect of equality and diversity to the EDO or the Heads of Practice Groups who will investigate the matters raised and, if they uphold the complaint, refer the matter to the Head of the Pupillage Committee and the Head of Chambers who shall decide what remedial action we should take. The procedure used shall be the same whether the complaint or grievance is formal or informal.
3. Members of staff should normally raise problems regarding equality and discrimination with the EDO or the Heads of Practice Groups, as appropriate. If the matter is not resolved at this level, the member of staff should ask for it to be referred to the Management Committee or Head of Chambers, whichever is more appropriate. The procedure used shall be the same whether the complaint or grievance is formal or informal.
4. Once a complaint or grievance of any nature had been issued, the person receiving it must act on it as quickly as possible. The aim should be to ensure a resolution within four working weeks. We have a separate Grievance procedure in placewhich can be used as a basis for defining the nature of the review process. Wherever possible, all efforts should be made to ensure confidentiality is preserved. If anyone is asked to attend a meeting to review the complaint or grievance, that person may bring a friend or colleague with them. To facilitate this, reasonable notice of such a meeting must be given.
5. Once the complaint or grievance has been resolved, the person who dealt with it shall report to the Head of Chambers. The Head of Chambers shall then comply with their obligations under the BSB Code of Conduct in deciding what action they should take in respect of the findings of any investigation undertaken.
6. The Head of Chambers shall keep all paperwork relevant to the complaint or grievance for at least one year.
7. Chambers aims to ensure that no member, pupil, employee or job applicant is subject to victimisation following their giving evidence in or bringing proceedings or making allegations in relation to an act of discrimination in accordance with the Equality Act 2010.

**Review of the Policy**

1. The EDO will review this policy at least every two years, or sooner if legal or regulatory requirements are implemented.