

Central Chambers



Equality & Diversity Policies

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Policies Relating to Fair Treatment of Persons

Central Chambers is committed to the fair and equal treatment of all its members, pupils, clerks, and staff alike.

All tenants, clerks, pupils, and anyone coming into contact with Chambers should be treated fairly and should not be discriminated against on the grounds of their:

- race (including colour, nationality and ethnic or national origins)
- sex
- pregnancy, maternity and paternity
- disability
- sexual orientation
- marriage and civil partnership
- religion or belief
- age
- gender reassignment

We strive to promote equal opportunities throughout chambers and ensure that our practices are free from direct and indirect discrimination harassment, victimisation, and bullying.

This commitment is integrated into our full Equality and Diversity Policy as detailed below.

Central Chambers is also committed to ensuring the health and wellbeing of all members, tenants, pupils, and clerks. This has become even more prevalent in today's climate.

Chambers also has a separate Wellbeing policy which applies to all members, tenants, pupils, and clerks.

Sections included in *this* equality and diversity policy

- Introduction
- Anti-Discrimination & Diversity Policy
- Implementation & Responsibility
- Recruitment & Promotion
- Allocation and Acceptance of Work
- Reasonable Adjustments
- Parental Leave and Flexible Working
- Harassment
- Grievance Procedure and Application

Introduction

It is essential to a modern society that Chambers, as part of the legal system, reflects the diverse society it serves. It is also good business sense for Chambers to ensure that its most important resources - its members and staff - are utilised in a fair and effective way. The principles of non-discrimination and equality of opportunity apply to all staff, members of Chambers, applicants, visitors, clients, suppliers, and former staff members.

The risks of falling foul of the provisions that relate to discrimination are criminal, civil liability or both. There is also the risk of professional liability for non-compliance with antidiscrimination of practice rules, and harm to chambers reputation. Avoiding discrimination in any form of business should be seen as an integral part of its risk management. Viewed more positively, achieving diversity should ensure a wider pool of talent on which the set can draw and enhance the service provided to clients.

Anti-discrimination legislation is designed to promote fairness including in relation to employment, promotion, and the provision of services. There are provisions relating to:

- Race - including colour, nationality, and national or ethnic origins
- Gender - including marital status, gender reassignment
- Pregnancy, maternity and paternity
- Disability
- Sexual orientation - including civil partnership status
- Religion or belief

Positive discrimination is simply one form of discrimination and is thus likely to be illegal, however well intentioned. On the other hand, positive action is legal and may be required in certain situations. Positive action is a programme of actions designed to achieve diversity or inclusion. Where appropriate, use may be made of lawful exemptions to achieve diversity or inclusion.

Chambers monitors the gender, ethnicity, and disability of those it recruits to ensure the application of a diverse recruitment policy but does not set or work towards any targets in these areas.

Diversity data is gathered annually by the diversity data officer, Rebecca Kocerhan.

Anti-discrimination & Diversity Policy

Chambers is committed to providing equal opportunities and promoting diversity. This is evidenced by the diverse ethnic and social backgrounds of members, staff, and clients (lay and professional). All job applicants, employees, members, other barristers, and clients (lay and professional) receive equal treatment regardless of race (including colour, ethnic or national origins); sex; pregnancy, maternity and paternity; disability; sexual orientation; marriage and civil partnership; religion or belief; age; and gender reassignment.

All members of Chambers, pupils, and staff members, in their professional dealings with any other parties must not at any time discriminate against any person, whether directly or indirectly, nor victimise, harass or bully them on grounds of any protected characteristic or otherwise.

Central Chambers recognises and are bound by the Bar Code of Conduct on Equality, with reference to Rule 305.1. Chambers' Equality Policy is designed to ensure that all anti-discrimination legislation is fully complied with including but not limited to the Equality Act (2010) and the Equal Pay Act (1970) and all relevant Guidance and Codes of Practice.

Forms of Discrimination

Forms of discrimination include:

- **Direct discrimination** where a person is less favourably treated because of race (including colour, ethnic or national origins); sex; disability; sexual orientation; marriage and civil partnership; religion or belief; age; gender reassignment and any other protected characteristic.
- **Indirect discrimination** where a requirement or condition which cannot be justified is applied equally to all groups but has a disproportionately adverse effect on one particular group.
- **Harassment** any form of unwanted conduct in relation to a relevant protected characteristic which has the effect or purpose of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- **Victimisation** where someone is treated less favourably than others because he or she has taken action or given information about discrimination or harassment or supported someone else's complaint.

Implementation and Responsibility

All members of Chambers are responsible for ensuring compliance of all members, whether tenants, pupils, clerks or otherwise.

In order to assist in that compliance, the tenants have appointed an Equality and Diversity Officer. The E&D officer is responsible for actively advising the members in matters of Equality and Diversity and is the contact point for any person wishing to raise an issue regarding the policy and its aims. They are the initial person responsible in dealing with any complaint against a member of chambers or a member of staff and should any E&D plans, including any reasonable adjustments, be needed for any member of Chambers.

The E&D officer is also responsible for collecting and collating and monitoring diversity data.

Within the Clerks' room and regarding the fair allocation of work, the relevant Clerk has responsibility for ensuring day to day compliance, and data is regularly monitored by Heads of Department and the E&D Officer. Any issues relating to fair allocation of work should be raised with either the relevant Clerk, Head of Department or E&D.

Any issues or complaints arising in regard E&D matters relating to the clerks or the Senior clerk should be addressed to the E&D officer.

Recruitment and Promotion

Recruitment

Chambers actively encourages and promotes applications for tenants, pupils and staff from a diverse background, regardless of race; sex; pregnancy, maternity and paternity; disability; sexual orientation; marriage and civil partnership; religion or belief; age; and gender reassignment and ensures that there are equal opportunities in all stages of the recruitment process.

All advertisements relating to recruitment refer to Chamber's commitment to equal opportunities and the selection procedures adopted by Chambers are aimed towards promoting equal opportunities, and recruitment is consequently based on merit and performance alone.

Recruitment procedures for pupils and tenancies are described in the Recruitment Manual. They comply with the Bar Standards Board Guidance and are designed to ensure members are selected on merit.

Monitoring

The outcome of selection procedures for tenants is reviewed annually by the E&D officer and reported to the Executive Board. This review process seeks to ensure that Chambers' equal opportunities policies are effective. For pupillage, each stage of the recruitment process is reviewed contemporaneously by one or more of 3 officers responsible for compliance, E&D and recruitment.

Promotion within Chambers

Promotion within Chambers, including allocation of work, is made without regard to race; sex; pregnancy, maternity and paternity; disability; sexual orientation; marriage and civil partnership; religion or belief; age; and gender reassignment and is based solely on merit.

Allocation and Acceptance of Work

Acceptance of Work

Each member of chambers is generally free to decide whether to accept instructions from any particular client (subject to the cab rank rule), but any refusal to act will not be based upon the age, race, colour, ethnic or national origins, sex, creed, disability, sexual orientation or religion or belief of the prospective client.

Clients' request for a named barrister will be complied with, subject to Chambers' duty to discuss with the client the suitability of the barrister and to advise appropriately.

Chambers has a duty to discuss with the client any request by the client that only a barrister of a particular racial or social group or gender be instructed. Chambers will endeavour to persuade the client to modify instructions which appear to be given on discriminatory grounds. Should the client refuse to modify such instructions, the instructions must be refused, and the matter reported to the Bar Council Equal Opportunities Officer.

Allocation of Work

The allocation of work received in Chambers and the distribution of work between members of Chambers and pupils is conducted in such a manner as to ensure that all members and pupils are treated fairly and given equal opportunity to develop their practices. Allocation of work is reviewed annually, and a report provided to the Management Committee by the Senior Clerk to ensure that equal opportunities procedures are effective.

Chambers is committed to making reasonable adjustments to remove or reduce disadvantage for disabled people, who are working with Chambers or are receiving legal services. This policy covers Chambers' dealings with all employees, barristers, clerks, pupils, mini pupils and visitors to chambers.

Definition of Disability

For the purpose of this policy, the definition of disability follows that set out s.6 of the Equality Act 2010. A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Substantial means more than minor or trivial and long-term means months or more.

Types of Reasonable Adjustment

Our conference rooms are accessible to those in wheelchairs and those with assistance dogs. Reasonable adjustment will be made for conferences to take place at a solicitor's office or at a client's home unless inappropriate in the case. Conferences can also be arranged via videoing conference such as Skype or Teams. Members of Chambers will make adjustment to allow for rest breaks in meetings and conferences.

In addition, Chambers will make reasonable adjustment for staff, members, pupils, or visitors. A non-exhaustive list of the types of adjustment that may be made include:

- Provision of information in appropriate alternative formats e.g., large print, braille, coloured paper etc.
- Use of paper letters or telephone in preference to email, where this amounts to a reasonable adjustment for a specified need,
- Communication through a representative or an intermediary
- Changes to or allowance of leave usually unpaid to assist members staff with caring responsibilities.

Staff or barristers with specific requirements should make requests to the E&D officer and/or the relevant clerk as appropriate. All requests for reasonable adjustments will be considered on a case-by-case basis by the E&D officer and/or the relevant Clerk with the advice and assistance of the E&D Officer. Where appropriate, the E&D Officer will refer the matter to the Tenants and where it is not possible to make the adjustment requested, the E&D Officer will arrange for an appropriate person to discuss other viable alternatives with the applicant.

The relevant Clerk with the advice and assistance of the E&D Officer, is responsible for considering whether disabled staff, barristers or pupils require assistance during an emergency evacuation and if so, whether a personal contingency plan is required for the individuals concerned. If so, the plan will be developed in partnership with the individual concerned to ensure that adjustments to the emergency evacuation procedure may be made.

Barristers are responsible for considering reasonable adjustment requests for their clients. They are also responsible for anticipating any likely reasonable adjustments that will need to be made for visitors who they know to be disabled and be likely to require assistance. Visits or requests for specific reasonable adjustments may be made by contacting the clerks.

Chambers' consideration of whether an adjustment is reasonable or not depends on a number of factors including:

- The effectiveness of the adjustments in preventing or reducing disadvantage for the disabled person.
- The practicality of making the adjustments for Chambers.
- The availability of resources, including external assistance and finance.
- Any disruption to Chambers activity that making the adjustment might cause.

Appeal

There is no formal appeal procedure however where it is not possible to make the adjustment requested Chambers will provide reasons for the decision and discuss any viable alternatives with the individual concerned. In no circumstances will Chambers pass on the cost of a reasonable adjustment to the disabled person.

If you are disabled or become disabled, please tell us so that we can support you as appropriate and to discuss any reasonable adjustments that would help you overcome or minimise that difficulty.

Please contact the E&D officer, either directly or through any member of chambers or the relevant Clerk if you experience difficulties at work because of your disability.

Maternity, Paternity Policy & Flexible Working Policy

Parental Leave Policy

The maternity and paternity rights available to employees shall be no less favourable than those required by the Employment Protection (Consolidation) Act 1978 (as amended by the Trade Union Reform and Employment Rights Act 1993) for employees.

In relation to its dealings with job applicants, employees or members, Chambers will be mindful of the provisions of the Sex Discrimination Act 1975, the Equal Pay Act 1970 and subsequent relevant legislation.

Tenants on maternity/paternity leave do not pay Chambers rent or expenses during the period they are on leave. Chambers adheres to the policy and guidance as provided by the Bar Council.

Flexible working hours and career breaks

Chambers has been committed to working technologically for a considerable period of time. This allows for a much more flexible approach with virtual pigeon-holes and home working. Any requests for flexible working hours such as working on some days per week and not others should be addressed to the relevant Clerk who will discuss with the applicant how to best make that work for their practice and who will advise as to any difficulties a particular arrangement may cause.

Where the relevant Clerk feels the proposed working hours will cause difficulties to Chambers, they will raise the matter with the E&D Officer or the Members as appropriate. Rules regarding career breaks or other Sabbaticals from Chambers are laid down in the constitution.

Harrassment

General Statement

Chambers accepts that everyone has the right to be treated with dignity. Harassment will not be permitted or condoned, and members, staff and visitors shall be supported to make a complaint should they wish to.

Definition

Harassment means physical, verbal or non-verbal unwanted conduct that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment can include:

- Unwelcome sexual attention
- Suggesting that sexual favours may further someone's career or that the refusal of sexual favours may in some way damage their career
- Over-familiar behaviour, including lewd and suggestive remarks
- Subjecting a member, employee, or client to insults or ridicule because of any protected characteristic.

Chambers recognises that one person's 'banter' can become another's harassment.

If anyone is feeling harassed or if someone has concerns that a member or staff member is harassing another or has overstepped the mark and does not feel able to tackle it themselves, they should speak with the E&D Officer, directly or indirectly.

Members, including pupils and staff members and the relevant Clerk have a responsibility to make it clear that they find any particular behaviour offensive. As above, if they cannot express that themselves, they must raise the issue with the E&D Officer.

The E&D Officer will discuss with the complainant whether the matter should be dealt with formally or informally.

Chambers will treat any case of harassment seriously.

Those complaining will be protected against any form of victimisation or retaliation after bringing the complaint.

Serious or persistent harassment is likely to amount to gross misconduct and could lead to dismissal.

Formal Actions

A formal complaint of harassment should be pursued through the process set out in the Chambers Grievance Procedure in the Constitution.

Informal Actions

Informal Actions may take the form of monitoring the situation, talking with the person, or arranging and facilitating a meeting between the harasser and complainant.

A person accused of harassment may be recommended or asked to attend a course to address the behaviour.

Disciplinary & Grievance – Application of Policy

Chambers' Grievance and Disciplinary Procedure is described in the constitution.

Acts of discrimination or harassment on grounds of any protected characteristic by employees or members of Chambers should be reported under Chambers' Grievance and Disciplinary Procedure and, if substantiated, will result in disciplinary action.

Non-compliance with this policy in letter or spirit may also result in disciplinary action.

The policy applies to all Chambers staff, Clerks, members of Chambers and pupils. It applies to all professional dealings, whether at Chambers or elsewhere.

Chambers will treat seriously and act when any employee, member of Chambers or pupil or visitor has a grievance as a result of discrimination or harassment on grounds of any protected characteristic.

Chambers will deal with all clients and other persons with the same attention, courtesy, and consideration regardless of age, race, colour, ethnic or national origins, sex, creed, disability, sexual orientation, religion, or belief.



