

QEB - EQUAL OPPORTUNITIES AND DIVERSITY POLICY

(A) COMMITMENT TO EQUAL OPPORTUNITIES AND DIVERSITY

Chambers is committed to ensuring that no member of Chambers, whether tenant, pupil, squatter or member of staff will discriminate directly or indirectly against or victimise anyone on the grounds of their race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, religion or political persuasion.

We are committed to taking positive steps to identify and eliminate possible areas of discrimination so as to ensure equality of access to all applicants, equality of treatment to all barristers and members of staff and equality of service to both professional and lay clients. We recognise that it is unlawful for a person to instruct, induce or attempt to induce another person to discriminate on grounds of race, colour, ethnic or national origin, nationality, citizenship, sex or marital status. Equally, it is unlawful to act on such instruction or inducement.

Chambers prohibits any behaviour which causes offence or distress to another and which is perceived by that person as relating to or arising from his/her religion, political belief, sex, sexual orientation or disability and which constitutes less favourable treatment on such grounds.

Our Equal Opportunities and Diversity Policy will be reviewed regularly, and overall responsibility for implementation of, and adherence to, the policy will be given to The Head of Chambers and MANCOM. All members of Chambers and staff will receive a copy of Chambers' Equal Opportunities and Diversity Policy, and the policy will be made known to potential or prospective members of staff, tenants and pupils. The Head of Chambers, MANCOM, the Members of Sub-Committees, and the Senior Clerk, will monitor the policy to ensure its success and to identify any barriers to equality of opportunity that may arise, and revise existing employment practices, procedures and policies where appropriate.

This Equal Opportunities and Diversity Policy reflects and is based upon the legislative framework provided by Parliament and the more extensive Equality and Diversity Code for the Bar provided by the Bar Council and applicable to individual members of Chambers under the Code of Conduct.

Disciplinary action will be taken against any member of Chambers, whether tenant, pupil, squatter or member of staff, found to have discriminated against, harassed, and/or victimised another person in the conduct of their work.

(B) DEFINING DISCRIMINATION

(i) Direct Discrimination

Unlawful and prohibited direct discrimination consists of treating a person on grounds of race, colour, ethnic or national origin, nationality or citizenship, sex, disability or marital status less favourably than others are or would be treated in the same or similar circumstances. Less favourable treatment is regarded as being on grounds of sex, race, disability etc if, but for that person's sex, race or disability, he or she would not have been subjected to the less favourable treatment.

(ii) Indirect discrimination

Indirect discrimination occurs where:

- (a) a requirement or condition is applied equally to everyone but a considerably smaller proportion of one sex or racial group than of the other persons to whom it applies can comply with it;
- (b) the particular individual cannot comply with the requirement;
- (c) it results in a detriment to them; and
- (d) the requirement cannot be shown to be objectively justifiable in spite of its discriminatory effect.

Examples of potential indirectly discriminatory requirements are shown at Appendix 1.

(iii) Harassment

Harassment is unwelcome conduct which is offensive to the recipient in that it affects their dignity where such conduct would not have occurred but for the collective qualities or characteristics of the recipient. Such conduct will be considered as harassment whatever the motive or intention of the perpetrator. It creates an intimidating or unpleasant working environment that may affect career advancement and thereby constitute discrimination. Harassment which would not have occurred but for the race, sex or disability of the recipient may constitute unlawful direct discrimination.

(iv) Victimisation

Victimisation consists of less favourable treatment to those who have brought proceedings under the Race Relations or Sex Discrimination Act, have given evidence or information relating to such legal or disciplinary proceedings, or have alleged that discrimination has occurred. Such treatment will also breach the Code of Conduct.

(C) RECRUITMENT OF STAFF

Where vacancies are advertised, the number of female and male applicants will be recorded and data regarding ethnic origin of applicants will be collected for monitoring purposes only. Chambers will ensure that job descriptions and person specifications relate to the vacancy and contain no discriminatory wording or intention.

Where vacancies are not advertised, Chambers will ensure that the recruitment procedure does not discriminate either directly or indirectly.

(D) SELECTION OF PUPILS AND TENANTS

The training of pupils is dealt with in Section 12 under Pupillage & Tenancy. This section covers selection for pupillage, including mini-pupillages, to include:

1. obtaining a proper spectrum of applications;
2. operating a proper selection process for shortlisting and offering;
3. operating a proper system for caring for pupils, including
 - a. fair allocation of work and
 - b. regular appraisals;
4. operating a proper process for selecting junior tenants from pupil applicants.

Selection of tenants includes not only from pupils, but also lateral recruitment from other Chambers.

Chambers undertakes that its recruitment policy towards pupils and tenants should:

1. Be transparent, set out in a document, which is available to all upon request (and will be published on the Chambers web-site);
2. Not be subject to change during the selection process;
3. Be based upon objective and explicit criteria which relate to the demands of the work;
4. Save in exceptional circumstances, be applied equally to all potential recruits;
5. Be free, at all stages, from assumptions based on stereotypical views or expectations of the behaviour and characteristics of any particular group;
6. Not be subject to the will or unexplained veto of one person alone, but instead reflect the views of a broad spectrum of people.

Please refer to Appendix 3 for details of the implementation of this policy.

(E) EQUALITY OF OPPORTUNITY IN CHAMBERS

Chambers states its commitment to equality of opportunity by reference to the Equality and Diversity Code.

Distribution of work will not be influenced by stereotypical assumptions about "appropriate" areas of work for men and women, ethnic groups, disabled people, or because of a person's sexual orientation.

Chambers aims to ensure that at an early stage in their careers young tenants have an opportunity to experience a wide range of work and to have access to good quality work in their chosen area(s) of specialisation.

Distribution of 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 shall be on the basis of the skills and experience required for the particular case.

In particular, no applicant for pupillage or tenancy shall suffer discrimination:

- in the arrangements which are made for the purpose of determining to whom it should be offered,
- in respect of any terms on which it is offered, or by a refusal or deliberate omission, to offer it to him/her.

Furthermore no actual pupil or tenant shall suffer discrimination:

- in respect of any terms applicable to him/her as a pupil or tenant,

- in the opportunities for training, or gaining experience, which are afforded or denied to him/her,
- in the benefits, facilities or services which are afforded to him/her,
- in the volume or type of work which is offered to him/her,
- by termination of his/her pupillage or by subjecting him/her to any pressure to leave the Chambers or other detriment.

Please refer to Appendix 4 for details of the implementation of this policy.

(F) PARENTAL LEAVE

Chambers policy on leave involves more than just setting out the financial implications of leave being taken; it involves ensuring that a supportive environment is created to deal with the needs of all those with family responsibilities. Chambers policy therefore deals with 3 areas:

1. the right to return
2. Chambers rent and clerks fees
3. work during leave and on return to Chambers.

Please refer to Appendix 5 for details of the implementation of this policy.

(G) SERVICE PROVISION FOR DISABLED CLIENTS

It is the policy of Chambers to provide the best possible service to our clients. In order to achieve this we will endeavour to tailor our service to the needs of individual clients. Clients will never be refused our assistance, or be treated less favourably, because of disability. Our professional standards will be exactly the same for disabled clients, and will be offered on exactly the same terms.

It is Chambers policy to be proactive in seeking to make our service and our workplace as accommodating as possible for people with disabilities, and, to that end, we will continue to review our facilities and service, and take into account the inconvenience, effort, discomfort or loss of dignity involved to the client if necessary adjustments are not made. We will always seek to ask what reasonable adjustments can be made.

Our objective is to make our facilities and services just as accessible to disabled clients as to all other clients.

(H) MONITORING

In seeking to identify and eliminate sources of unintended discrimination, Chambers will monitor both the recruitment of applicants at all stages and the allocation of work to pupils and junior tenants under five years call.

Monitoring will take the form of:

1. gathering data;
2. analysing the data;
3. defining programmes of action necessary to overcome any inequalities (see Appendix 4 (3))

(I) COMPLAINTS PROCEDURE

(i) Communication of the Policy on Complaints Procedure

A copy of this policy and the complaints' procedure, which includes names of nominated persons for responding to formal and informal complaints and grievances, will be provided to all members, employees and pupils of Chambers.

Chambers recognises that this is a particularly sensitive area where embarrassment, fear of causing a fuss, of being labelled, or of adverse judgement, may prevent a complaint being made in the first place. It is Chambers' policy, therefore, that, as far as is practicable, names of complainants should 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. To protect the interests of the complainant, the person complained against, and any others who may report or be witnesses to incidents of harassment, confidentiality will be maintained throughout any investigatory process to the extent that it is practicable and appropriate under the circumstances. A number of situations which may give rise to complaint are:

- Selection of pupils, tenants and staff from internal or external applicants
- Conduct of pupillage
- Distribution of work in Chambers
- Pressure or instruction to discriminate in the distribution of work
- Harassment or other discrimination originating within or outside Chambers

Please refer to Appendix 6 for details of the implementation of this policy.

(J) FLEXIBLE AND PART-TIME WORKING

Chambers operates an entirely open policy in relation to flexible and part-time working. Any member of Chambers who wishes to take a career break, or to operate his or her practice in a manner which accommodates his or her personal circumstances, should discuss the matter with the Head of Chambers and with MANCOM.

APPENDIX 1 - EXAMPLES OF DISCRIMINATION

A. EXAMPLES OF POTENTIAL INDIRECT DISCRIMINATION ARE:

A requirement that a Chambers meeting or interview shall take place on a Friday evening in circumstances where a member of the Jewish faith was unable to attend.

A requirement that staff or members of Chambers shall attend and partake in Chambers social/professional events where only alcoholic refreshments are provided, notwithstanding that a member of staff or Chambers being of the Moslem faith is precluded from consuming the same.

B. EXAMPLES OF UNLAWFUL DIRECT AND INDIRECT DISCRIMINATION ARE:

The victimisation of persons by treating them less favourably because they have brought proceedings under the Race Relations or Sex Discrimination Act, have given evidence or information relating to proceedings or have alleged that discrimination has occurred.

Instructing a person or inducing or attempting to induce another person to discriminate on grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, disability or marital status. Equally, it is unlawful to act on such instruction or inducement.

Employers or principals are vicariously liable for any unlawfully discriminatory act of their employees or agents in the course of their work, unless they can demonstrate that they have taken all reasonable steps to prevent such acts.

Lawful measures (under the provisions of the Race Relations or Sex Discrimination Acts) may be taken where one sex or particular racial or ethnic group is underrepresented in particular areas of work, or in order to meet the special needs of particular ethnic groups.

APPENDIX 2 - RECRUITMENT OF STAFF

1. Selection procedures for clerks and other staff employed by Chambers will so far as relevant follow Chambers' procedure for the selection of pupils and tenants.
2. Chambers will keep all job application and selection records for at least six months.
3. The Head of Chambers will ensure that there is open and objective recruitment for all Chambers' vacancies.
4. The Head of Chambers will ensure that there is no discrimination on the grounds of race, sex or sexual orientation or disability in affording terms of employment and providing benefits, facilities and services for employees.
5. The equal opportunity policy regarding staff will be communicated to all employees.

SAMPLE ETHNIC ORIGIN AND GENDER MONITORING QUESTIONNAIRE

In line with our Chambers' Equal Opportunities and Diversity Policy and advice in the Equality Code for the Bar, we collect ethnic origin and gender information from all job applicants so that we can assess the effectiveness of our policies.

The ethnic origin categories are those which were used in the 2001 census and are recommended by the Bar Council. The information we collect will be treated as confidential information. It will be used to compile statistical analyses and reports and will not be released to anyone in a way which might identify any individual. The data collected will not be used in the selection process and is kept only for monitoring purposes.

What is your ethnic group?

- Choose one section from (a) to (e) then tick the appropriate box to indicate your cultural background.

(a) White

- British
- Irish
- Any other white background
please write in below

.....

(b) Mixed

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background
please write in below

.....

(c) Asian or Asian British

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background
please write in below

.....

(d) Black or Black British

- Caribbean
- African
- Any other Black background
please write in below

.....

(e) Chinese or Other ethnic group

- Chinese
- Any other
please write in below

.....

Please indicate whether you are

- MALE
- FEMALE

APPENDIX 3 - SELECTION OF PUPILS AND TENANTS

1. CHOICE OF SELECTORS

- 1.1. The choice of selectors will be by committee and will include as diverse a group as reasonably possible.
- 1.2. No decision about an applicant's suitability will be taken by any one individual.
- 1.3. All selectors will be familiar with the equality code and Chambers' procedures.
- 1.4. Selectors will be encouraged to take training in selection and interviewing skills.

2. TIMETABLE FOR SELECTION

- 2.1. The timetable for selection will be publicised and adhered to.

3. SELECTION CRITERIA

- 3.1. Written assessment criteria will be agreed by all the selectors. This will demonstrate the rational basis of selectors' decisions and their commitment to an objective and fair procedure, and facilitate review.
- 3.2. The selection criteria will be derived from an analysis of the work to be done and identify the knowledge and skills required.
- 3.3. Once agreed, they will not be changed during the selection process.
- 3.4. The following questions will be asked about any selection criterion proposed:
 - 3.4.1. Is it directly related to the requirements of the work to be done?
 - 3.4.2. Is it essential, or only desirable?
 - 3.4.3. Is it measurable in terms of behaviour, skill, abilities, knowledge?
 - 3.4.4. Is it free from discriminatory assumptions?
 - 3.4.5. Is it amenable to scoring (in which case, there will be an agreement about scoring system/standard required to satisfy)?

4. PUBLICISING VACANCIES

4.1. Vacancies will be published on the Pupillage Portal Website and in the Pupillage Portal Handbook and, if considered appropriate by the Pupillage Committee, in other publications (save in the exceptional circumstances set out in paragraph 5 of the Pupillage Funding and Advertising Requirements 2003 in Annexe R to the Code of Conduct).

4.2. Unless consideration is being given only to pupils, all tenancy vacancies will be advertised in Counsel magazine.

4.3. Notices will specify where applicants can obtain

4.3.1. clear and accurate information about the work undertaken by Chambers

4.3.2. the selection procedures and timetable

4.3.3. a statement that Chambers have implemented the Bar Council's Equality and Diversity Code and that procedures for fair selection are in place

4.3.4. guidance on the selection criteria

4.3.5. information about any awards or other financial arrangements made for pupils.

5. PUPILLAGE DATABASE

5.1. The pupillage database will be kept up to date.

6. PROCESSING APPLICATIONS

6.1. Pupillage Portal application forms will be used for all pupillage applications, inviting applicants to show how their knowledge, skills and abilities meet the selection criteria. For any external pupillage and tenancy applications CVs will generally be used.

6.2. Photographs of applicants will not be requested.

6.3. Reasonable adjustments will be made if necessary for disabled candidates at the application stage of the recruitment process.

6.4. Applications will be acknowledged in writing and decisions notified as soon as possible.

7. SHORTLISTING

7.1. Selectors will make their judgements independently.

7.2. Selectors will select those whom they consider should be interviewed using the Codes set out under paragraph F (4) of the Pupillage & Tenancy Policy Document, by reference to the criteria referred to in paragraph F(9).

8. INTERVIEWS

8.1. The selection criteria will be screened for potential discrimination.

8.2. There will be comparability between interviews - for example, by using a planned sequence of questions.

8.3. Interviews will be of sufficient length to enable informed decisions to be made and to minimise the potential prejudices involved in "gut feeling".

8.4. Scoring guidelines will be agreed before the interviewing round starts at a pre-interview meeting between all potential selectors.

8.5. Chambers will ensure that any reasonable adjustment required for a disabled candidate has been made and that disabled candidates are not disadvantaged at interview.

9. INTERVIEW QUESTIONS

9.1. Questions to all applicants will cover similar areas and give applicants similar opportunities to demonstrate the skills required.

9.2. Key questions will be planned in advance and written down and any follow-up questions will be relevant to the selection criteria.

9.3. Candidates who have notified Chambers of a disability will be asked what, if any, adjustments may be needed to enable the candidate to practise as a barrister.

10. QUESTIONS TO AVOID

- 10.1. Women will not be asked questions not asked of men – for example, about family or domestic responsibilities; and ethnic candidates will not be asked questions not asked of white candidates – for example, about “fitting in”.
- 10.2. Disabled candidates will not be asked questions using words which reinforce negative stereotyping – for example, “victim of, suffering from, wheelchair-bound”, or questions which assume that the applicant has not thought through the consequences of their disability; Chambers will ask how it might be able to help in any way which might not be evident to Chambers.
- 10.3. Questions will not assume similarity of applicants’ previous experience, financial resources or lifestyle.
- 10.4. Interviewers will not ask questions designed to elicit an interviewee’s sexual orientation; and will avoid questions about personal relationships which are irrelevant to professional performance.

11. USE OF CASE STUDIES IN INTERVIEWS

- 11.1. These questions will be related to the skills required for the work that Chambers does.
- 11.2. The standard of performance will be appropriate to the level of experience of students or pupils applying at that stage of their training.
- 11.3. The assessment of the applicant’s performance will focus fairly on skills and application of knowledge and not be influenced by evidence of differences in background, financial resources, lifestyle.
- 11.4. Applicants will be advised in advance that this will form part of the interview

12. USE OF REFERENCES

- 12.1. These will be used as a cross-check, not as determinative.
- 12.2. Referees will be asked to supply information that relates strictly to the selection criteria.

13. MAKING DECISIONS AND OFFERS OF PUPILLAGE AND TENANCY

- 13.1. Chambers will only take the final decision after the round of interviews has been completed.
- 13.2. Chambers will set out the terms of the offer in writing to pupils and tenants.
- 13.3. Chambers will promptly inform applicants who are not selected, respond positively to requests for feedback and ensure that sufficient information is kept as a record of the assessment to enable this to be done. All documentation will be retained for 12 months and referred to in the event of a complaint or where an unsuccessful candidate requires feedback.
- 13.4. Chambers will monitor the recruitment process by keeping records of the gender, race, disability and age of the number of persons applying, being shortlisted and being recruited.

14. SELECTING EXPERIENCED TENANTS

- 14.1. These will be advertised as widely as possible, indicating
 - 14.1.1. areas of practice
 - 14.1.2. number of years’ call
- 14.2. Selection will be made in accordance with the principles set out above.
- 14.3. Selectors will attempt to gain comparable information about all candidates, who will be asked to complete the same application form and be assessed by the same procedure against the same selection criteria.

14.4. The two situations which may fall outside these criteria are when Chambers approach or are approached by a particular barrister whom Chambers wish to recruit because of his/her particular skills or area of practice. Such recruitment will be justified in terms of the needs of Chambers and the skills of the barrister being recruited; and Chambers will check that discrimination is not occurring in such recruitment.

15. SELECTING TENANTS FROM PUPILS

- 15.1. Chambers will take care to avoid bias in the assessment of pupils.
 - 15.2. Chambers will aim to identify ability and potential with objectivity.
 - 15.3. An explicit framework for the assessment of pupils' work will be agreed by the selection committee;
 - 15.4. The decision will be made by more than one member of Chambers.
 - 15.5. Each pupil supervisor will independently assess the pupil against the predetermined criteria and record their assessment in writing before they are discussed.
 - 15.6. Particular work assignments towards the end of pupillage may be specifically designated for assessment.
 - 15.7. Chambers will record minutes of the full meeting of Chambers at which tenancy decisions are taken, containing the reasons for the decisions.
 - 15.8. Nobody will have an unexplained veto.
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APPENDIX 4 - EQUALITY OF OPPORTUNITY IN CHAMBERS

1. CHAMBERS' COMMITMENT TO EQUALITY OF OPPORTUNITY.

- 1.1. Reference may be made to the fact that Chambers operates an Equal Opportunities and Diversity Policy in material sent to / provided to mini-pupils and prospective applicants for pupillages, tenancy or employment in Chambers.

2. CAREER DEVELOPMENT

- 2.1. Junior tenants will be encouraged by the Head of Chambers to discuss their career development individually with the clerk.
- 2.2. Each tenant should meet six monthly with the senior clerk to discuss the progress of their practice and any areas of concern, with a view to agreeing a strategy for the oncoming year.
- 2.3. The Head of Chambers shall strive to ensure that all tenants participate in this review.

3. WORK ALLOCATION

- 3.1. All Chambers' employees will be briefed on the need to avoid discrimination in the distribution of work.
- 3.2. The Head of Chambers will monitor the distribution of work done by pupils and junior tenants and review the situation with the senior clerk and report any issues arising to the Equal Opportunities Committee.
- 3.3. For this purpose the clerks shall compile relevant data using the ACE or some other appropriate system. The analysis of work will include the amount of work done, the type of work, fees earned and received, and solicitors instructing.
- 3.4. In the case of working pupils the data shall be analysed every two weeks. If there is a disproportionate allocation between the pupils then the reason for that will be looked at and any matters raised by the investigation addressed.
- 3.5. In the case of junior tenants the data shall be analysed every 3 months during the first year of tenancy, and annually thereafter for a further 2 years. If there is a disproportionate allocation between junior tenants then the reason for that will be looked at and any matters raised by the investigation addressed.

- 3.6. In the event of a formal or an informal complaint, the Head of Chambers may, if thought appropriate or if agreed by the complainant, conduct a period of at least 4 weeks' duration of detailed monitoring of the distribution of work to the complainant and to other comparable tenants and working pupils. This will be followed by an assessment in the context of the preferences, abilities and experience of the individuals concerned.
- 3.7. Pupil supervisors will ask all pupils at regular intervals whether they feel that the distribution of work has been fair, and that pupils are satisfied that they have been given the opportunity to experience the full range of training available.
- 3.8. If discrimination is identified the Head of Chambers will take action to prevent it happening again.

4. INSTRUCTIONS TO DISCRIMINATE

- 4.1. The Head of Chambers will make clear to Chambers' clerks that they must not accede to unlawfully discriminatory instructions from professional clients (whether solicitors or other instructing agents).
- 4.2. If a solicitor or instructing agent refuses to withdraw a discriminatory instruction, the matter will be reported by whoever received the request to the Head of Chambers or senior member of Chambers, who will report it to the Chairman of the Race Relations Committee of the Bar Council if it relates to race or ethnic origin, the Chairman of the Sex Discrimination Committee if it relates to sex or sexual orientation, the Chairman of the Disability Panel if it relates to disability, or the Chairman of the Professional Standards Committee in any other case.
- 4.3. Chambers will seek to ensure where possible that instructions and briefs are not delivered by solicitors at such times as to preclude those with childcare and other dependent care commitments from being eligible for that work. Similarly, Chambers will remain mindful of the fact that late delivery of briefs may disadvantage disabled barristers who may require the Court to make adjustments for them which cannot be made on the morning of the hearing.

5. TRAINING IN EQUAL OPPORTUNITIES AND DIVERSITY

- 5.1. All members of Chambers and staff will be briefed regarding the Equal Opportunities and Diversity Policy, both from the point of view of ensuring compliance with that policy and also from the point of view of ensuring that they are beneficiaries of it.
- 5.2. A programme of training to introduce Chambers' Equal Opportunities and Diversity Policy will be led by the chairman of the Equal Opportunities Committee. Such training will include consideration and discussion of worked practical examples highlighting the potential difficulties that may arise.

6. MARKETING OF BARRISTERS AND PUPILS

- 6.1. Chambers will endeavour to ensure that marketing strategies will take into account equal opportunities considerations.
- 6.2. Chambers will encourage pupils and junior tenants to take part in Chambers' seminars and lectures, attend outside seminars and lectures, write or contribute to articles in professional publications, and to become involved in professional organisations connected to their line of work.