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STAPLE INN CHAMBERS **EQUALITY & DIVERSITY POLICY**

SECTION CONTENTS

1 Introduction

2 Statement of Intent

3 Purpose

4 Promotion

5 Responsibilities

6 Recruitment and Selection

7 Lack of Reasonable Facilities/ Reasonable Adjustments

8 Training

9 Monitoring

10 Sabbatical/Religious Leave

11 Maternity, Paternity, Adoptive and Parental Leave

12 Flexible Working

13 & 14 Complaints Procedure

APPENDICES

A Code of Practice: Recruitment and Selection

B Definitions

C Grievance Procedure

1. INTRODUCTION

1.0 This Equality and Diversity Policy (herein after referred to as the “Policy”) is in pursuance with the equality and diversity legislation in force as at the 1st September 2014. Every effort is made as soon as practicable that the policy will be amended to reflect the changes in law which address all issues which affect compliance with equality and diversity.

1.1 The policy will be implemented in accordance with the current legislation. Full account will be taken of all available guidance in particular the Commission for Racial Equality Code of Practice, and Equal Opportunities Code, and Guidance from the General Council of the Bar and the Bar Standards Board.

2. STATEMENT OF INTENT

2.0 Staple Inn Chambers (herein after referred to as “Chambers”) is committed to equal opportunities, encouraging diversity and eliminating discrimination. It is the policy of Chambers to ensure that no service user, visitor, former, present or future members or applicant receives less favourable treatment on the grounds of their race, sex, disability, sexual orientation, gender reassignment, religion or belief, marital status, marriage and civil partnership, pregnancy and maternity, age, creed, colour, nationality, national origin or ethnic origin (whether actual or perceived) or on the grounds of their association with someone in one of these groups, nor is disadvantaged by provision, criterion or practice which cannot be shown to be justified.

2.1 Chambers commits itself to take action necessary to remove any form or cause of discrimination on the basis of race, sex, disability, sexual orientation and religion or belief in all its operations, as well as being committed to taking positive action to promote equal opportunities for all.

2.2 Chambers aims to create a culture that respects and values each others differences, that promotes dignity, equality and diversity, and encourages individuals to develop and maximise their true potential.

3. PURPOSE

3.0 Beyond Chambers’ legal and moral obligations, the implementation of an effective Policy makes good business sense in ensuring that members, clerks, pupils and staff reflect the diversity within the community and the best possible use is made of the skills and abilities of all Chambers’ members, clerks, pupils and staff.

3.1 Chambers will ensure that no member, pupil, clerk or client (both lay and professional) is placed at a disadvantage by any provision, criterion or practice which has a disproportionately adverse effect on people of their race, gender, sex, sexual orientation, religion or belief, or on people with disabilities and which cannot be shown to be justified.

4. PROMOTION

4.0 The continuing development of equal opportunities and the monitoring of diversity within Chambers will be driven by the initiation and implementation of Equal Opportunities and Diversity Action Plan(s) as and when required, rectifying any deficiencies in the current Policy.

4.1 The Action Plans will take account of current and future members of Chambers and staff recruitment, monitoring reports and disciplinary outcomes. It will also take account of external development.

4.2 The collation of data for the purpose of diversity monitoring will be done by way of anonymous questionnaire form.

4.3 Providing individual personal information to the Diversity Data Officer on the Diversity Monitoring Questionnaire is not obligatory and is provided strictly on a voluntary basis.

5. RESPONSIBILITIES

5.0 Staple Inn Chambers

5.0.1 Chambers is liable for any act of unlawful direct or indirect discrimination by its members committed during the course of their employment unless it can prove that it did all that was reasonably practicable to prevent that act. Under the Race Relations 1976 (Amendment) Regulation 2003, a Tribunal hearing such a complaint will infer that such discrimination has taken place unless Chambers can prove otherwise.

5.0.2 Chambers has a primary legal and moral responsibility for ensuring that discrimination does not occur.

5.0.3 The Equal Opportunities Panel has overall responsibility for implementation of the Policy. Responsibility for the overall development and monitoring and day to day implementation of the Policy rests with members of Chambers and the clerking team.

5.1 Members, Clerking Team and Pupils

5.1.1 Every individual member, clerk and pupil has a responsibility for equality of opportunity.

5.1.2 Every individual member, clerk and pupil has a duty to Chambers, and in particular will be expected:

- * to co-operate with measures introduced by the Equal Opportunities Panel to ensure equal opportunity and non-discrimination;
- * to co-operate with measures introduced by the Diversity Data Officer to assist with the collation of data;
- * not to commit any act of discrimination which would be contrary to this policy, for example as pupil supervisor or officers responsible for selection decisions in recruitment, promotion, transfer and training etc;
- * not to induce or attempt to induce others whether service users or visitors to practice unlawful discrimination;
- * not to victimise or attempt to victimise individuals on the grounds that they have made complaints of discrimination or provided information about discrimination;
- * not to harass, abuse or intimidate members (past or present), the clerking service, pupils, clients (both lay and professional) on account of their race, sex, disability, sexual orientation, gender reassignment, religion or belief, marital status, marriage and civil partnership, pregnancy and maternity, age, creed, colour, nationality, national origin or ethnic origin (whether actual or perceived) or because they associate with someone in one of these groups;
- * to draw to the attention of the Equal Opportunities Officers suspected incidents, discriminatory acts or practices;

- * to act at all times in such a way as to respect and promote the dignity and rights of all service users and visitors:
- * to avoid acting or speaking in such a way as to create an intimidating, degrading, hostile, humiliating or offensive environment for other service users or visitors.

5.2 The Equal Opportunities Officer

5.2.1 The Equal Opportunities Officers are Jimmy Vakil and Hugh D'Aguiar.

5.2.2 The Equal Opportunities Officers have overall responsibility for implementation of the Policy and responsibility for the overall development, monitoring and day to day co-ordination of the Policy.

5.2.3 The Equal Opportunities Officers will meet quarterly with other Chambers Officers.

5.2.4 The Equal Opportunities Officers will agree and monitor the implementation of Chambers' Policy and Action Plan(s).

5.2.5 The Equal Opportunities Officers will discuss issues arising out of the implementation of the Policy and Action Plan(s).

5.2.6 The Equal Opportunities Officers will promote and act as a forum for discussion, debate, stimulus and focus for the development and extension of equality of opportunity within Chambers.

5.2.7 The Equal Opportunities Officers will undertake to review Chambers' policies, procedures and practices to make sure that equal opportunities are available to all potential and present members. Where it is found that practices are operating, or could operate, against the principle of equal opportunity, they will be amended.

5.3 The Diversity Data Officer

5.3.1 The Diversity Data Officer is Hugh D'Aguiar.

5.3.2 The Diversity Data Officer acts at all times in accordance with the Data Protection Act.

5.3.3 The Diversity Data Officer will provide members with a Data Monitoring Questionnaire by placing the form in the pigeon hole of each individual member so they may voluntarily provide data about themselves.

5.3.4 The Diversity Data Officer will provide each member of the clerking team with a Data Monitoring Questionnaire so they may voluntarily provide data about themselves.

5.3.5 The Diversity Data Officer will provide the Membership and Pupillage Secretary with a Data Monitoring Questionnaire as and when requested.

5.3.6 The Diversity Data Officer will ensure that members involved in recruitment of future members of Chambers and clerks are provided with a Data Monitoring Questionnaire.

5.3.7 The Data Monitoring Questionnaire must, when completed, be placed in an envelope marked Diversity Data in the Pigeon Hole of the current Diversity Data Officer.

5.3.8 The Membership and Pupillage Secretary and members involved in recruitment of future members of chambers and the clerking team must ensure that any completed Data Monitoring Questionnaire is placed in the envelope marked Diversity Data in the Pigeon Hole of the current Diversity Data Officer.

5.3.9 The data will be summarised in a manner suitable to Chambers' Management Board and placed for viewing in Chambers and on Chambers' web site in line with the requirements of the Bar Standard Board Handbook.

5.3.10 Once the data has been summarised and published all completed Data Monitoring Questionnaire forms will be disposed of by way as set out in the Diversity Data Policy.

5.4 Diversity Data Officer

5.4.1 The Diversity Data Officer is Hugh D'Aguiar.

5.4.2 The Diversity Data Officer will be responsible for the retention and disposal of the diversity data.

6. RECRUITMENT & SELECTION

6.1 All vacancies/recruitment drives will be advertised externally in accordance with the General Council of the Bar and the Bar Standard Board regulations.

6.2 Applicants for tenancy, pupillage and clerking services will be assessed at all times on the basis of their suitability, capability, qualifications and experience as set out in the relevant policy from time to time on and upon which selection will be based.

6.3 No applicant will receive less favourable treatment than another on the grounds of their race, sex, disability, sexual orientation, gender reassignment, religion or belief, marital status, marriage and civil partnership, pregnancy and maternity, age, creed, colour, nationality, national origin or ethnic origin (whether actual or perceived) or on the grounds of their association with someone in one of these groups, nor will be disadvantaged by any provision, criterion or practice which cannot be shown to be justified

6.4 Chambers' recruitment policy is based on good practice in that its aim is to recruit the highest quality of applicants. The principles of good recruitment practice are defined in the Recruitment and Selection Code of Practice (Appendix A).

6.5 Interview for tenancy, pupillage and clerking services will be carried out by a minimum of three people.

6.6 All personnel taking part in interviews regardless of whether the interview is for tenancy, pupillage or clerking services must ensure that they have completed training with reference to the Fair Recruitment Policy issued by the Bar Standards Board (or such other requirement that the Bar Standards Board may set from time to time).

7. LACK OF REASONABLE FACILITIES

7.1 All applicants will receive fair treatment and will be considered solely on their potential ability. All instances where applicants with a disability could be disadvantaged, solely because of the lack of reasonable facilities, must be reported to Chambers' Management Board, so that consideration can be given to whether it would be reasonable to make the necessary adjustment to Chambers.

8. TRAINING

8.1 All members, the clerking team and pupils will be made aware of the Policy, appropriate legislation and what this means for their actions at work. Guidance and training in recruitment procedures will be given to pupil supervisors and appropriate Management Board Officers accordingly. The training will seek to ensure that pupil supervisors and appropriate Management Board Officers fully understand and adhere to the Policy. (Definitions including those relating to discrimination, victimisation and positive action are attached at Appendix B for guidance).

8.2 Equal Opportunities Officers should be trained in recruitment and selection techniques within six months of their appointment and will be consulted on any recruitment exercise.

8.3 Diversity Data Officers will be informed of all new personnel to Chambers in order to discharge their duty in accordance with diversity performance and compliance.

8.4 All members, pupils and the clerking team will be made aware of training and development opportunities available to them on a regular basis to ensure that they do not discriminate directly or indirectly.

8.5 Equal opportunities training within Chambers will reflect the goals of the Equal Opportunities Action Plan and Diversity Action Plan(s) in existence at the time.

9. MONITORING

9.1 Chambers is committed to ensuring the effectiveness of the Policy through efficient monitoring in accordance, where appropriate, with statutory requirements. This monitoring process includes classifying members, pupils and clerking team applicants according to their own perception of their race, sex, disability, sexual orientation, gender reassignment, religion or belief, marital status, marriage and civil partnership, pregnancy and maternity, age, creed, colour, nationality, national origin or ethnic origin (whether actual or perceived).

9.2 The results of monitoring will be reviewed at regular intervals to ascertain the effectiveness of the implementation of the Policy. Equal Opportunities Officers will consult with Chambers' Management Board on the most effective means of response to any perceived areas of weakness or difficulty.

10. SABBATICAL LEAVE/RELIGIOUS LEAVE

10.1 Any tenant is entitled to apply to the Management Board for sabbatical leave of up to three months after completing three years continuous membership.

10.2 Leave on religious ground will be honoured following advance notice.

11. MATERNITY, PATERNITY, ADOPTIVE AND PARENTAL LEAVE.

11.1 Chambers offers a minimum period of six months maternity, paternity and adoptive leave. Please refer to Maternity, Paternity Policy.

12. FLEXIBLE WORKING

12.1 The Management Board will consider all requests for flexible working arrangements taking into account the needs of the individual balanced with the needs of Chambers.

13. COMPLAINTS PROCEDURE

13.1 General

A member of Chambers, pupils and/or the clerking team who has in good faith complained and/or taken action under this Policy and/or relevant policies, shall not receive less favourable treatment than any other person.

13.2 Disciplinary Procedure

Discrimination and instances of abuse relating to race, sex, disability, sexual orientation, gender reassignment, religion or belief, marital status, marriage and civil partnership, pregnancy and maternity, age, creed, colour, nationality, national origin or ethnic origin (whether actual or perceived) and instances of harassment will be treated as disciplinary offences and disciplinary action, which may include dismissal, may be taken against individuals who have committed acts of unlawful discrimination or harassment. In applying the Disciplinary Procedure, care must be taken that members of one particular group are not disciplined or dismissed for reasons which would be overlooked or condoned in other groups.

13.3 Grievance Procedure

In the event of a formal complaint concerning discrimination or harassment arising from either an individual or a group, Chambers grievance procedure will be applied (Appendix C for Grievance Procedure).

13.4 Referral to a Tribunal

A member of Chambers, pupil and/or the clerking team may refer their case to an appropriate Tribunal on the grounds of race, sex, disability, sexual orientation, or religion or belief discrimination, harassment or victimisation. Complainants are encouraged to resolve these issues through Chambers' internal Grievance Procedure in the first instance. The complainant should seek independent legal advice from the Commission for Racial Equality, or the Equal Opportunities Commission before doing so. There are time limits for such cases. For the majority of discrimination cases, the complainant must present their case to the Tribunal no later than one day less than 3 months beginning when the alleged act occurred.

14. CLIENT COMPLAINTS

14.0 General

14.0.1 Clients will be given a notice of their right to make complaint at the time of engaging the barrister or at the next appropriate opportunity.

14.0.2 The lay client may complain directly to Chambers' Complaints Officer without going through solicitors.

14.0.3 Where the client complains to Chambers the complaints procedure is as set out in the relevant policy document.

14.0.4 At the conclusion of the complaints process if the complainant is not satisfied they must be informed of their right to complain to the Legal Ombudsman.

APPENDIX A
STAPLE INN CHAMBERS
CODE OF PRACTICE: RECRUITMENT AND SELECTION

1. INTRODUCTION

1.0 This Code of Practice is intended as a reference for all persons involved in the recruitment and selection process within Chambers, to ensure that applicants are dealt with in a fair and consistent manner and that the highest quality of applicants are recruited.

1.1 Close attention must be paid to Chambers' Policy, which aims to ensure:

1.1.0 that no applicant for tenancy, pupillage or to be part of the clerking team receives less favourable treatment than another on the grounds of their race, sex, disability, sexual orientation, gender reassignment, religion or belief, marital status, marriage and civil partnership, pregnancy and maternity, age, creed, colour, nationality, national origin or ethnic origin (whether actual or perceived) or on the grounds of their association with someone in one of these groups nor is disadvantaged by any provision, criterion or practice which cannot be shown to be justified.

1.2 Due regard should also be paid to relevant legislation and codes of practice.

APPENDIX B STAPLE INN CHAMBERS

DEFINITIONS

Discrimination includes direct discrimination, indirect discrimination, abuse and harassment. The precise legal definitions of direct and indirect discrimination are set out in the Equality Act 2010 which came into force in October 2010. The provisions of the Equality Act 2010 replace the provisions in the Race Relations Act 1976 and the Disability Discrimination Act 1995. Further legal definitions are contained in the Sex Discrimination Acts 1975 and 1986, the Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Religion or Belief) Regulations 2003 (as amended where appropriate) and have not been replaced by the implementation of the Equality Act 2010. The law is not concerned with the motives of the person who discriminates – it is equally unlawful to discriminate as a result, for example, of pressure from other employees, as it is to discriminate as a result of personal prejudice. In addition to being contrary to the Policy, it would also be illegal to discriminate on these grounds.

Direct Discrimination takes place when one person or group of people are treated less favourably than other people on the grounds of their race, sex, disability, sexual orientation, religion or belief, marital status, age, creed, colour, nationality, national origin or ethnic origin. This includes discrimination on the grounds of perceived characteristics, whether or not that perception is correct. It can also be directed against someone because they associate with or defend someone of a particular group, even though they are not a member of that group themselves.

Indirect Discrimination has two legal definitions, which run in parallel for race discrimination. For the purposes of Chambers' Policy they are considered to apply to all covered by the Policy (not just those covered by the law) and to run in parallel.

a) For the purpose of race and sex discrimination legislation, it means applying a condition or requirement of employment which, intentionally or not, adversely affects, or favours, one particular group more than another, and which cannot be shown to be strictly justifiable in terms of the requirements for performing the job.

b) For the purpose of race, sexual orientation and religion or belief legislation, it means a provision, criterion or practice applied to someone which is applied or would apply equally to someone not in that group and:

- That provision, criterion or practice puts or would put people of that group at a particular disadvantage when compared to other people; and
- The person suffers the disadvantage; and
- It cannot be shown to be a proportionate means of achieving a legitimate aim (and so is not justified).

A Disability is defined as an impairment, which is long term and affects normal day to day activities.

Sexual Orientation is defined as an orientation towards persons of the same sex, or the opposite sex, or both.

Religion or Belief is defined as any religion, religious belief or similar philosophical belief. This does not include any philosophical or political belief unless that belief is similar to a religious belief.

Abuse and Harassment: Equal opportunities legislation also covers actions which amount to abuse and/or harassment on the grounds of race, sex, disability, sexual orientation, and religion or belief. Such action would constitute less favourable treatment by creating a hostile, degrading, humiliating or offensive working environment likely to affect the work and personal well being.

Victimisation occurs when action is taken against a person for asserting their rights to make a claim under the above equal opportunities legislation, or for giving evidence or information related to such proceedings.

Positive Action: Recruitment where it is noted that Chambers is not represented by a disadvantaged group.

APPENDIX C
STAPLE INN CHAMBERS
GRIEVANCE PROCEDURE

1. Resolving Grievances

Chambers is committed to providing a supportive environment in which to resolve problems of grievance and has put in place a number of options of resolving problems. A non-adversarial approach will be adopted.

2. Informal Resolution Option

2.1 When an incident of grievance occurs, the recipient should communicate their disapproval and objections immediately to the person or persons causing the grievance, and if they feel able to do so request the person or persons causing the grievance to stop.

2.2 If the person or persons causing the grievance does not stop or if the recipient is uncomfortable about addressing the person or persons causing the grievance directly, he or she should bring their concerns to the attention of the Chambers' Equal Opportunities Officers, currently Jimmy Vakil and Hugh D'Aguilar.

2.3 Chambers will provide advice or support as requested and will undertake any investigation necessary to resolve the matter, speedily and in confidence. Within one week of the receipt of the informal complaint an investigation will be made, if necessary.

3. Formal Complaints Resolution

Where the person subject to harassment does not wish to pursue the informal resolution options or has exhausted such options, they may make a formal complaint to either of the Chambers' Equal Opportunities Officers, in which case the specialist grievance procedure below will apply. Alternatively a formal complaint can be made to the Staple Inn Chambers Complaints Officer via the standard Staple Inn Chambers Complaints procedure. All such complaints will be promptly investigated.

4. Specialist Equal Opportunities Grievance Procedure

4.1 A formal complaint should be made in writing. Within one week of the receipt of the complaint an investigation of the allegation will be made and completed within 14 days, unless there are good reasons for delay.

4.2 Investigations will be conducted in accordance with standards of natural justice.

4.3 Where possible, two members of Chambers not directly involved in the complaint will undertake the investigation. All parties to the complaint will be permitted to be accompanied by a colleague or friend at any hearing. Where possible, three members of Chambers not directly involved in the complaint (usually including the Staple Inn Chambers Complaints Officer and at least one Chambers' Equality Officer) will form the panel of any hearing.

4.4 If the allegation of harassment is upheld, appropriate remedial actions will be taken. This may include any of the following;

- Formal apology
- Counselling
- Written warning
- Change of work assignment
- Report to the relevant Inn recommending the removal of pupil supervisor status
- Suspension or discharge of member, pupil or clerk
- Referral to Professional Conduct Committee (PCC)

4.5 In addition to the sanction that may be imposed on a member, clerk or pupil by Chambers as part of a complaints resolution, members of Chambers who engage in harassment may be liable for damages in the event of a civil lawsuit or may face further sanctions imposed by the Bar Council's Professional Conduct and Complaints Committee, or in a very serious case, criminal sanctions.