



**EQUALITY AND DIVERSITY POLICY**

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## **1 Introduction**

- 1.1 This Equality and Diversity policy (hereinafter referred to as the “Policy”) is in pursuit with the equality and diversity legislation in force as at the 31<sup>st</sup> March 2021. 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.

## **2 Legislation**

- 2.1 The Policy will be implemented in accordance with the current legislation, including the *Sex Discrimination Act 1975*, the *Disability Discrimination Act 1995*, the *Race Relations Act 1976*, as amended by the *Race Relations (Amendment) Act 2000*, the *Disability Discrimination Act 2005* and the *Equality Act 2010*. Full account will be taken of all available guidance, in particular the Commission for Racial Equality Code of Practice, and equal opportunities codes and guidance from the General Council of the Bar and the Bar Standards Board.

## **3 Statement of intent**

- 3.1 Staple Inn Chambers (hereinafter referred to as “Chambers”) is committed to equal opportunities, encouraging diversity and eliminating discrimination, harassment and victimisation. It is the policy of Chambers to ensure that no service user, visitor, former, present or future members or applicants receives less favourable treatment on the grounds of the 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 (whatever actual or perceived) or on the grounds of their association with someone in one of these groups, nor is disadvantaged by provisions, criterion or practise which cannot be shown to be justified.
- 3.2 Chambers commits itself to take action necessary to remove any form or cause of discrimination, harassment or victimisation on the basis of 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, as well as being committed to taking positive action to promote equal opportunities for all.

- 3.3 Chambers aims to create a culture that respects and values each other's differences, that promotes dignity, equality and diversity, and encourages individuals to develop and maximise their true potential.

## **4 Purpose**

- 4.1 Beyond Chambers' legal and moral obligations, the implementation of an effective policy makes good business sense in ensuring that members, clerks, employees and pupils reflect the diversity within the community and the best possible use is made of the skills and abilities of all Chambers' members, clerks, employees, and pupils.
- 4.2 Chambers will ensure that no member, clerk, employee, pupil or clients (both lay and professional) is placed at a disadvantage by any provision, criterion or practise which has a disproportionately adverse effect on people 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 (whatever actual or perceived) or on the grounds of their association with someone in one of these groups.

## **5 Promotion**

- 5.1 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 plans as and when required, rectifying any deficiencies in the current Policy.
- 5.2 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.
- 5.3 The collation of data for the purposes of diversity monitoring will be done by way of anonymous questionnaire form.
- 5.4 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.

## **6 Responsibilities**

### **6.1 *Staple Inn Chambers***

- (a) Chambers is liable for any act of unlawful direct or indirect discrimination, harassment by its members committed during the course of their employ-

ment unless it can prove that it did all that was reasonably practicable to prevent that act. Under the Race Relations Act 1976 amendment regulation 2003, a tribunal hearing such a complaint will infer that such discrimination has taken place unless Chambers can prove otherwise.

- (b) Chambers has a primary legal and moral responsibility for ensuring that discrimination and harassment does not occur.
- (c) 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, employees, pupils and the clerking team.
- (d) The Equal Opportunities Panel will consist of members of Chambers' Management Board including at all times the Equal Opportunities, Diversity Data Officer and the Anti-Harassment Officer.

## 6.2 *Members, Clerking Team and Pupils*

- (a) Every individual member, employee, clerk and pupil has a responsibility for equality of opportunity.
- (b) Every individual member, clerk, employee and pupil has a duty to Chambers, and in particular will be expected:–
  - (i) to co-operate with measures introduced by the Equal Opportunities Panel to ensure equal opportunity, non-discrimination and anti-harassment;
  - (ii) to co-operate with measures introduced by the Diversity Data Officer to assist with the collation of data;
  - (iii) not to commit any act of discrimination or harassment 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;
  - (iv) not to induce or attempt to induce others whether service users or visitors to practise unlawful or otherwise discrimination or harassment;
  - (v) not to victimise or attempt to victimise individuals on the grounds that they have made complaints of discrimination or harassment or provided information about discrimination or harassment;

- (vi) not to harass, abuse or intimidate members (past or present), the clerking service, pupils, employees, clients (both lay and professional) 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 (whatever actual or perceived) or on the grounds of their association with someone in one of these groups;
- (vii) to draw to the attention of the Equal Opportunities Officer or the Anti-Harassment Officer suspected incidents, discriminatory acts, acts amounting to harassment or practises;
- (viii) to act at all times in such a way as to respect and promote the dignity and rights of all service users and visitors;
- (ix) to avoid acting or speaking in such a way as to create intimidating, degrading, hostile, humiliating or offensive environment for other service users or visitors.

### 6.3 *The Equality Officer*

- (a) The Equality Officer is Hugh D'Aguilar.
- (b) The Equality Officer has overall responsibility for implementation of the Policy and responsibility for the overall development, monitoring and day to day co-ordination of the Policy.
- (c) The Equality Officer will meet monthly with Chambers' Management Board.
- (d) The Equality Officer will agree and monitor the implementation of the Policy and action plans.
- (e) The Equality Officer will discuss issues arising out of the implementation of the Policy and action plans.
- (f) The Equality Officer will promote an act as a forum for discussion, debate, stimulus and focus for the development and extension of equality of opportunity within Chambers.
- (g) The Equality Officer undertake to review Chambers' policies, procedures and practises to make sure that equal opportunities are available to all potential and present members. Where it is found that practises are operating, or could operate, against the principle of equal opportunity they will be amended.

#### 6.4 *The Diversity Data Officer*

- (a) The Diversity Data Officer is Hugh D'Aguilar.
- (b) The Diversity Data Officer acts always in accordance with the Data Protection Act.
- (c) The Diversity Data Officer will provide members with a data monitoring questionnaire by emailing the form to each individual member so they may voluntarily provide data about themselves.
- (d) 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.
- (e) The Diversity Data Officer will ensure that members involved in recruitment of future members of Chambers, employees, clerks and pupils are provided with the Data Monitoring Questionnaire.
- (f) The Data Monitoring Questionnaire must, when completed, be emailed to the current Diversity Data Officer with the Subject field including "Diversity Data".
- (g) The Membership and Pupil Secretary and members involved in recruitment of future members of Chambers and the clerking team must ensure that any completed Data Monitoring Questionnaire is emailed to the current Diversity Data Officer with the Subject field including "Diversity Data".
- (h) The data will be summarised in a manner suitable to the Management Board and placed for viewing in Chambers and on Chambers' website in line with the requirements of the Bar Standards Board Handbook.
- (i) Once the data has been summarised and published, all completed data monitoring questionnaire forms will be disposed of as set out in the Diversity Data Policy.
- (j) The Diversity Data Officer will be responsible for the retention and disposal of the diversity data.

## **7 Recruitment and selection**

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

- 7.2 Applicants for tenancy, pupillage and clerking services will be assessed at all times on the basis of their suitability, capability, necessary qualifications and experience as set out in the relevant policy from time to time on and upon which selection will be based.
- 7.3 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 (whatever actual or perceived) or on the grounds of their association with someone in one of these groups.
- 7.4 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).
- 7.5 Interview for tenancy, pupillage and clerking services will be carried out by a minimum of three people.
- 7.6 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 requirements that the Bar Standards Board may set from time to time).

## **8 Lack of reasonable facilities / reasonable adjustment**

- 8.1 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 the Management Board so that consideration can be given to whether it would be reasonable to make the necessary adjustments to Chambers.

## **9 Training**

- 9.1 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, harassment, victimisation and positive action are attached at Appendix B for guidance.
- 9.2 Equal opportunity officers should be trained in recruitment and selection techniques within six months of their appointment and will be consulted on any recruitment exercise.
- 9.3 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.
- 9.4 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 but they do not discriminate directly or indirectly.
- 9.5 Equal Opportunities training within Chambers will reflect the goals of the Equal Opportunity Action Plan(s), Diversity Action Plan(s) and Anti-Harassment Action Plan(s) in existence at the time.

## **10 Monitoring**

- 10.1 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, employees 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 (whatever actual or perceived) or on the grounds of their association with someone in one of these groups.
- 10.2 The results of monitoring will be reviewed at regular intervals to ascertain the effectiveness of the implementation of the Policy. Equal Opportunities, Diversity Officers will consult with Chambers Management Board on the most effective means of response to any perceived areas of weakness or difficulty.

## **11 Sabbatical / religious leave**

- 11.1 Any tenant is entitled to apply to the Management Board for sabbatical leave of up to three months after completing three years continuous membership.
- 11.2 Leave on religious grounds will be honoured following advanced notice.

## **12 Maternity, Paternity, Adoptive and Parental Leave**

- 12.1 Chambers offers a minimum period of six months maternity, paternity and adoptive leave.
- 12.2 All employees of Chambers are covered by the current legislation relating to parental/adoptive leave.
- 12.3 Whilst barristers within Chambers are self-employed and therefore not covered by Employment legislation, Chambers will always avoid any direct or indirect discrimination because of sex in the arrangements and decisions made in relation to parental/adoptive leave.

## **13 Flexible working**

- 13.1 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.

## **14 Complaints procedure**

### *14.1 General*

- 14.2 Any Member of Chambers, pupil and /or the clerking team who has in good faith complained and or taken action under this Policy and all relevant policies shall not receive less favourable treatment than any other person.

### *14.3 Disciplinary procedure*

- 14.4 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 (whatever actual or perceived) or on the grounds of their association with someone in one of these groups 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, harassment or victimisation. 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.

14.5 *Grievance procedure*

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

14.7 *Referral to Tribunal*

14.8 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 three months beginning when the alleged act occurred.

## **15 External Complaints procedure**

15.1 *General*

15.2 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.

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

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

15.5 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

### Recruitment and Selection Code of Practice

#### 1 Introduction

- 1.1 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.
- 1.2 Close attention must be paid to Chambers' policy which aims to ensure 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 (whatever actual or perceived) or on the grounds of their association with someone in one of these groups.
- 1.3 Due regard should also be paid to relevant legislation and codes of practise.

## APPENDIX B

#### 1 Definitions

- 1.1 **Discrimination:** includes direct discrimination, indirect discrimination, abuse and harassment. The precise legal definition 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 replaced the provisions of the Race Relations Act 1976 and the Disability Discrimination Act 1995. Further legal definitions are contained in the Sex Discrimination Act 1975 and 1986, the Employment Equality (Sexual Orientation) Regulation 2003 and the Employment Equality (Religion or Belief) Regulation 2003 as amended where appropriate and have not been replaced by the implementation of the Equality Act 2010.
- 1.2 The law is not concerned with the motive or 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.

- 1.3 Certain forms of discrimination are encompassed into various legislation dealing solely with criminal liability and therefore can amount to a criminal offence.
- 1.4 **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, gender reassignment, religion or belief, marital status, marriage and civil partnership, pregnancy and maternity, age, creed, colour, nationality, national origin or ethnic origin (whatever actual or perceived) or on the grounds of their association with someone in one of these groups.
- 1.5 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.
- 1.6 **Indirect Discrimination:** has two legal definitions, which run in parallel for race discrimination. For the purpose 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 the other, and which cannot be shown to be strictly justifiable in any terms of the requirement for performing the job.
- (b) For the purpose of race, sexual orientation and religion or belief legislation, it means a provision, criterion or practise applied to someone which is applied or would apply equally to someone not in that group and:–
- (i) that provision, criterion or practice puts or would put people of that group at a particular disadvantage when compared to other people; and
- (ii) the person suffers the disadvantage; and
- (iii) it cannot be shown to be a proportionate means of achieving a legitimate aim (and so is not justified).
- 1.7 **A Disability:** defined as an impairment, which is long term and affects normal day to day activities.
- 1.8 **Sexual Orientation:** defined as an orientation towards persons of the same sex, or the opposite sex, or both.

- 1.9 **Religion or Belief:** 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.
- 1.10 **Abuse:** can take the form of verbal or physical abuse which creates a hostile, degrading, humiliating or offensive working environment likely to affect the work and personal wellbeing.
- 1.11 **Harassment:** can take the form of verbal or physical abuse which creates a hostile, degrading, humiliating or offensive working environment likely to affect the work and personal wellbeing.
- 1.12 **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.
- 1.13 **Positive Action:** Recruitment where it is noted that Chambers is not represented by a disadvantaged group.
- 1.14 **Parental Leave:** leave taken by the main carer of a child following birth or adoption. This could be the mother, father or adoptive parent of either sex.

## **APPENDIX C**

### **GRIEVANCE PROCEDURE**

#### **1 Resolving Grievances**

- 1.1 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 Chambers' Equal

Opportunities, Diversity Officer and Anti-Harassment Officer, currently 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**

- 3.1 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 the Equal Opportunities and Diversity Officer or the Anti-Harassment Officer, in which case the specialist grievance procedure below will apply.
- 3.2 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 Special Equal Opportunities Grievance Procedure**

- 4.1 A formal complaint should be made in writing.
- 4.2 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.
- 4.3 Investigations will be conducted in accordance with standards of natural justice.
- 4.4 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.
- 4.5 Where possible, three members of Chambers not directly involved in the complaint (usually including the Staple Inn Chambers Complaints Officer and the Equal Opportunities, Diversity and Anti-Harassment Officer) will form the panel of any hearing.
- 4.6 If the allegation of harassment is upheld, appropriate remedial actions will be taken. This may include any of the following:–
  - (a) Formal apology
  - (b) Counselling
  - (c) Written warning

- (d) Change of work assignment
- (e) Report to the relevant Inn recommending the removal of pupil supervisor status
- (f) Suspension or discharge of the member, pupil, clerk or employee
- (g) Referral to Professional Conduct Committee (PCC)

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

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