

## Chambers Code of Equality

Chambers is committed to providing a working environment in which all individuals including tenants, pupils, mini-pupils, employees, applicants for pupillage, tenancy or any other position, professional and lay clients, visitors, and the public are treated with dignity, respect and fairness. Chambers aims to promote a working environment which is conducive to the professional growth of its members and employees and to the promotion of equality and opportunity.

The policies below and this code overall applies to all Members and Employees of Chambers including pupils and mini-pupils as well as external persons including consultants, contractors, interns, agency and casual workers.

You should read this policy in conjunction with our [Harassment and Bullying Policy](#) below and our [Grievance Policy](#).

All aspects of employment are covered by this policy. These include, but are not restricted to, the following:

- pay and conditions of employment including family friendly leave provisions.
- training and continuing professional development
- flexible working
- allocation of work
- recruitment
- promotion
- grievances and disciplinary matters
- sabbatical leave
- ending employment
- giving references
- how visitors are treated
- how clients and suppliers are treated
- how any other business contacts and associates are treated

### 1.1 Our equal opportunities commitment and aims

1. We will not tolerate discrimination or harassment and are fully committed to promoting equal opportunities in employment. Our staff and anyone applying for a job, pupillage or tenancy with us will receive fair and equal treatment.
2. We ensure full access to everyone applying for a vacancy, and decisions concerning transfers and internal promotions are made so far as possible using only objective criteria.
3. We will never victimise anyone who makes a legitimate complaint if they, or somebody else, is being harassed or discriminated against.
4. In seeking to identify/eliminate sources of unintended discrimination Chambers shall:

- a. make suitable adjustments to either the practice, policy and procedure within Chambers to facilitate access for those using and/or working within Chambers, pursuant to the Equality Act 2010. This includes, inter alia, appropriate alterations to any physical features of the premises, for example, a ramp for disabled access.
- b. monitor the recruitment of all applicants to Chambers. This can be achieved through the Annual Equality Review and through compliance with Paragraph 408 of the Bar Council's Code of Conduct

## 1.2 How the law defines discrimination

The following list gives you a general description of the types of acts that may both breach this policy and be unlawful. Sometimes actions can be intentional, and sometimes unintentional and we include examples of both types in this list:

**Direct discrimination:** this is when somebody is treated less favourably because of a protected characteristic than somebody else has been, or would have been, in identical circumstances.

*Examples: rejecting a job applicant because of their race or refusing to promote someone because they are pregnant.*

**Indirect discrimination:** this is when a group of people with one of the protected characteristics (subject to a couple of exceptions) is put at a disadvantage by a provision, criterion or practice applied to all staff unless the treatment is justified for a good business reason.

*Example: refusing a request to work part-time without a good business reason (which indirectly discriminates against women, who are more likely to have childcare responsibilities).*

**Associative discrimination:** this is where somebody is treated less favourably because of the personal characteristics of somebody else.

*Example: not employing a parent because their child is disabled.*

**Perceived discrimination:** this occurs where someone is treated less favourably because someone wrongly believes they have a particular protected characteristic.

*Example: treating an employee less favourably because someone thinks he or she is gay, when in fact he or she isn't gay.*

**Harassment:** is when a hostile, humiliating, degrading or similarly offensive environment is created in relation to a protected characteristic. We also consider it harassment for an employee or member to be subjected to uninvited conduct related to a protected characteristic that — as an intended or unintended consequence — violates their dignity.

*Examples: name calling, lewd comments, excluding colleagues, making insensitive jokes, and displaying pornographic material. We deal in detail with harassment under our [Harassment and Bullying Policy](#).*

**Victimisation:** happens when a worker has complained about harassment or discrimination, or has supported a colleague in their complaint, and is then treated less favourably as a result.

*Example: an employee who is 'sent to Coventry' because they spoke up on behalf of one of their colleagues in a harassment investigation.*

The 'protected characteristics' are:

- age
- race (which includes colour and ethnic/national origin)
- disability
- religion or belief
- gender
- gender reassignment
- pregnancy or maternity
- sexual orientation
- marital or civil partner status.

There are other actions which are illegal under the equality legislation, and these are collectively labelled other acts. Examples include:

- instructing another person — or applying pressure on them — to discriminate
- knowingly assisting somebody else when they carry out a discriminatory act
- discriminating against somebody believed to have a protected characteristic, whether or not they actually do, or because they associate with a third party who does.

### **1.3 How we carry out our responsibilities and duties**

1. Both management and all who are employed by and undertake work for Chambers are essential for ensuring the success of this policy and each has their own duties and responsibilities. We all have a legal responsibility to comply, and any of us — however senior or junior we are — may be found personally liable for unlawful discrimination if we breach the terms of the policy.
2. Overall responsibility for the effective implementation and operation of the policy lies with management. Everyone working at managerial level is expected to act in full accordance with this policy, lead by example, and attain and maintain appropriate standards of behaviour within the teams they manage.
3. The ethos and standards covered by this policy can only be achieved and maintained if everyone in Chambers co-operates fully, and it is important to understand that you also have a legal responsibility to comply. If you breach this policy, you may also make us liable for your actions and both of us may have to pay compensation to anyone who claims against us. We accordingly expect you to take personal responsibility for

adhering to the policy's aims and commitments and for drawing any actual or potential breaches to our attention.

4. We also encourage everyone who works for us to take part in promoting equal opportunities across Chambers. Please contact your manager if you have any ideas about how we could do this better, or you would like to play a bigger role.

#### **1.4 How we recruit, promote and make other selections**

1. We carry out all recruitment, promotion and other types of selection procedures — such as for redundancy exercises — on the basis of merit using non-discriminatory and, as far as possible, objective criteria.
2. Advertisements for vacancies must not include wording that may discourage some groups of people from applying, or stereotype in any way, and they must be placed where they can reach as wide and diverse a pool of potential candidates as possible.
3. Nobody applying for employment, pupillage or tenancy with us must be asked about their health or whether they have a disability before a job offer is made, except in very limited situations. It may, for example, be justifiable to ask whether the applicant needs any disability-related measures put in place for the interview, or to check that they are capable of carrying out a key part of the job.
4. It is unlawful to ask job applicants anything that might suggest intent to discriminate on the grounds of a protected characteristic. Asking an applicant about their religion for a job entailing weekend working would not, for example, be allowed. Nor would asking an applicant whether they have childcare responsibilities be allowed, as that suggests you might be intending to indirectly discriminate on grounds of sex or marital status.

#### **1.5 How we enforce this policy and handle breaches**

1. We investigate any complaint or allegation you raise regarding a potential breach of this policy, and if you believe you have been harassed or discriminated against you should contact your manager as soon as possible. If you want to take formal action, you will need to follow our grievance procedure and read our [Harassment and Bullying Policy](#).
2. You will face disciplinary action if we find you have harassed or discriminated against anyone else in breach of this policy. Sometimes this type of behaviour may amount to gross misconduct, in which case you will be dismissed without notice and with no payment in lieu of notice.
3. Occasionally, people make complaints knowing them not to be true. They might do this to avoid or deflect disciplinary action, for example. We view any complaint made in bad faith as an act of misconduct and this will normally lead to disciplinary action. In exceptional cases, bad faith complaints can lead to summary dismissal for gross misconduct.

## **1.6 How we monitor whether this policy is working**

We may record and analyse information about equal opportunities within the workplace, and when you join Chambers you give us consent to gather and process this data about you. We use the information to make sure this policy is operating properly and refine it, to review the composition of the workforce, and to promote workplace equality.

## Harassment and Bullying Policy

Chambers is committed to providing a working environment in which all individuals including tenants, pupils, mini-pupils, employees, applicants for pupillage, tenancy or any other position, professional and lay clients, visitors, and the public are treated with dignity, respect and fairness. Chambers aims to promote a working environment which is conducive to the professional growth of its members and employees and to the promotion of equality and opportunity.

This policy also applies to all Members and Employees of Chambers including pupils and mini-pupils, consultants, contractors, interns, agency and casual workers.

You should read this policy in conjunction with our [Equal Opportunities Policy](#), and our [Grievance Policy](#).

This policy applies in the following contexts:

- anywhere on our premises
- anywhere off our premises during work-related business events
- anywhere off our premises during work-related social events
- anywhere off our premises during business trips
- online on Chambers email, intranet and internet systems.

Chambers will not tolerate any form of harassment and will take all necessary steps to ensure that those identified above are not subjected to this. Harassment constitutes professional misconduct and is prohibited by paragraph 305 Bar Council's Code of Conduct.

Taking part in any of the following behaviour will lead to disciplinary action under our [Disciplinary Policy](#), and this may lead to your dismissal for misconduct or gross misconduct:

- harassing or bullying anyone else (as defined below)
- threatening anyone who raises a harassment or bullying complaint
- retaliating against anyone who raises a harassment or bullying complaint
- making allegations maliciously or in bad faith
- giving false or intentionally misleading information during any investigation.

Before you raise a complaint, you need to remember that we have a duty to protect all workers. That means that if you change your mind after complaining — even informally or in confidence — we may choose to investigate anyway, particularly if your allegation is serious. We will however not do so without talking to you first.

You should not be victimised or treated less favourably if you raise a harassment or bullying complaint, and you must inform your manager as soon as possible if you believe you have been subjected to this type of treatment.

### 1.7 What is harassment?

Our definition of harassment relates to behaviour connected to what is termed a 'protected characteristic' (please see our [Equal Opportunities Policy](#) for the definition of this phrase).

We define as **harassment** any situation where a worker is subject to uninvited conduct that — as an intended or unintended consequence — violates their dignity in connection with a protected characteristic.

We also define as **harassment** behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic. Name calling, lewd comments, excluding colleagues, making insensitive jokes, and displaying pornographic material are all examples of harassment.

Physical, verbal and non-verbal conduct can all amount to **harassment**, and this policy covers isolated or ongoing incidents of offensive behaviour. When someone treats another person less favourably because they either submit to such behaviour or refuse to do so, that can also be interpreted as **harassment**.

In all cases, it is the impact on the victim that matters — whether or not the perpetrator intends to harass their victim is irrelevant.

## 1.8 What is bullying?

1. We define as **bullying** any behaviour that leaves the victim feeling threatened, intimidated, humiliated, vulnerable or otherwise upset. There is no need to demonstrate a connection with a protected characteristic to establish a bullying allegation.
2. As with harassment, physical, verbal and non-verbal conduct can all amount to **bullying**. It can take various forms, from extreme behaviour involving violence and intimidation through to subtle actions such as deliberate exclusion, e.g. 'sending someone to Coventry' for example. It can also take place online (cyberbullying).
3. If your manager or colleagues give you constructive criticism and fair feedback about your behaviour or performance, this does not amount to **bullying**. It is part of normal employment and management routine and should not be interpreted as anything different.

## 1.9 How we deal with bullying and harassment

1. Many issues can be resolved informally, and you should attempt to do this first if you believe you are being bullied or harassed. Start by speaking with whomever you feel is harassing or bullying you and explain that their behaviour is unwelcome, inappropriate, or it upsets you.
2. Sometimes it is difficult to do speak with the perpetrator directly, in which case you should talk to your manager informally and in confidence. Should the issue be with your manager — or there is another reason you would prefer not to discuss it with them — you must instead speak to a more senior manager or member of the management committee.

3. If resolving the issue proves impossible, you will need to follow our grievance procedure. We will treat your complaint in confidence, as far as is possible, and if we find that you have been the victim of harassment or bullying will take steps to stop it continuing or recurring.
4. Should we decide that your complaint cannot be substantiated, we will explain why. Either way, we will look at ways of addressing your relationship with the person you accused. We may for example change your work pattern or theirs or suggest counselling or mediation with an external independent person.

#### **1.10 Protecting confidentiality**

Harassment and bullying allegations can raise strong feelings and are always serious, which is why both Chambers and the accuser have an obligation to maintain confidentiality as far as possible. This applies at every stage, including the investigation and the result.

If you make a harassment or bullying complaint and fail to maintain proper confidentiality at any time during the process, or you are interviewed in connection with someone else's complaint and likewise fail to maintain confidentiality, you may face action under our [Disciplinary Policy](#) and this could lead to dismissal for misconduct or even gross misconduct.

Sometimes, we may decide it is inappropriate to discuss the outcome of an investigation with you. We recognise that will leave you feeling dissatisfied and would only do so if there was a good reason not to keep you informed.



## Reasonable Adjustments Policy

This policy aims to support disabled members, employees, clients and visitors to Chambers and ensures that we provide services to disabled people in a manner that complies with equality legislation and the Code of Conduct. This policy enables disabled people to request, and for us to consider, making reasonable adjustments.

We are committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working with chambers or receiving legal services. This policy covers all employees of chambers, barristers, clerks, pupils, mini-pupils and visitors to chambers.

### 1.11 Definition of disability

For the purposes of this policy the definition of disability follows that set out in the Equality Act 2010 s.6. A person is therefore disabled if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to carry out normal day-to-day activities. "Substantial" means more than minor or trivial and "long term" means 12 months or more".

### 1.12 Types of reasonable adjustment

This policy does not provide an exhaustive list of the reasonable adjustments that chambers will make for staff, barristers, pupils or visitors however the following types of adjustment that may be made are listed below:

- Provision of information in alternative formats (e.g. large print, Braille etc)
- Paid leave for disabled employees of chambers
- Provision of auxiliary aids e.g. induction loops
- Provision of accessible conference room facilities
- Provision of a reader or interpreter

### 1.13 Staff, barristers and others in chambers

Staff or barristers with specific requirements should make requests to Director of Clerking for reasonable adjustment decisions. All requests for reasonable adjustments will be considered on a case-by-case basis with the advice and assistance of Chambers' Equality and Diversity Officer and where it is not possible to make the adjustment requested Cobden House Chambers will discuss viable alternatives with the applicant.

Head of Chambers is responsible for considering whether or not disabled staff, barristers or pupils require assistance during an emergency evacuation and if so whether or not a personal emergency evacuation plan is required for the individual/s concerned. If so, the plan will be developed in partnership with the individual concerned in order to ensure that adjustments to the emergency evacuation procedure may be made.

#### **1.14 Visitors to chambers**

Barristers are responsible for considering reasonable adjustment requests for their visitors. They are also responsible for anticipating any likely reasonable adjustments that will need to be made for visitors whom they know to be disabled and are likely to require assistance. Visitor requests for specific reasonable adjustments may be made by contacting Director of Clerking.

#### **1.15 Cost of making reasonable adjustments**

In no circumstances will we pass on the cost of a reasonable adjustment to a disabled person.