

CODE OF EQUALITY

1. Statement of Code

1.1 Chambers is committed to promoting a working environment which is conducive to the professional growth of it's members and employees and to the promotion of equality of opportunity.

1.2 In particular Chambers is committed to ensuring the following:

- Equality of access to all applicants for mini-pupillage, pupillage, tenancy or any other position by having a selection procedure in which all applications are considered on an equal and non-discriminatory basis. [Nb; Chambers maintains separate written policy statements which deal specifically with the selection of pupils and tenants];

- Equality of treatment and opportunity to all individuals including mini-pupils, pupils, tenants and employees. In pursuance of this aim Chambers undertakes the following:

- (i) that the type and quality of work within Chambers is allocated in a manner that is fair to all and without discrimination, and that no instructions are accepted from solicitors who seek to select counsel on a discriminatory basis;
- (ii) suitable provision for maternity, paternity and adoption leave is available, with appropriate provision for exemption from Chambers rent and other expenses to be agreed by the Management Committee;
- (iii) suitable provision for sabbatical leave, subject to a defined length of membership in Chambers to be agreed by the Management Committee;
- (iv) suitable provision for flexible working.

●Equality of service to all professional and lay clients, visitors and the public.

1.3 Chambers will not tolerate any form of direct or indirect discrimination, victimisation or harassment and will take all necessary steps to ensure that 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 not subjected to discrimination.

1.4 In so doing Chambers will have regard to the provisions of the Equality Code and paragraph 305 of the Bar Council's Code of Conduct which prohibits discrimination on the grounds that it constitutes professional misconduct. Discrimination because of race, colour, ethnic or national origin, nationality, sex, sexual orientation, pregnancy or maternity, marital status, civil partnership status, disability, age, gender reassignment, religion or belief (i.e. protected characteristics) is unlawful under the Equality Act 2010.

1.5 In seeking to identify/eliminate sources of unintended discrimination Chambers shall:

- (i) 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 (please refer to the Disability Discrimination checklist);
- (ii) monitor the recruitment of all applicants to Chambers. This can be achieved through the Annual Equality Review (undertaken in accordance with the Core Agenda Appendix 9E of the Quality Manual) and through compliance with Paragraph 408 of the Code of Conduct.

2. Scope of the Code

2.1 This code applies to members and employees of Chambers, pupils and mini-pupils.

2.2 The code is applicable to:

- (i) all premises where Chambers' business is conducted;
- (ii) all Chambers' related activities performed at any site away from Chambers;
- (iii) any social, business or other function where conduct or comments may have an effect on Chambers or relationships within Chambers.

3. Definition of Discrimination

3.1 Discrimination may take a variety of forms and includes;

- (i) decisions which directly or indirectly discriminate against an individual or group of individuals because of his/her because of sex, sexual orientation, race, colour, ethnic or national origin, nationality, pregnancy or maternity, marital status, civil partnership status, disability, age, gender reassignment, religion or belief, family background, education or accent; save in those limited circumstances in which such characteristics are genuinely material to a person's professional capability in the capacity of a mini-pupil, pupil, tenant or employee of Chambers.
- (ii) any behaviour or use of language that constitutes harassment on the grounds specified within paragraph 3.1(i) above. Harassment is defined and prohibited under Chambers Harassment Policy.
- (iii) victimisation against an individual or group of individuals on the grounds that they have reported, been witness to, involved in any formal or informal investigation relating to any incidents of discrimination in good faith, or is the

subject of either a formal or informal investigation of discrimination where an allegation of discrimination is not upheld.

- (iv) where rejection or submission of behaviour which potentially constitutes discrimination, harassment and/or victimisation is used as a basis for decisions concerning the individual or group of individuals including decisions relating to an invitation for mini-pupillage, the award of pupillage, appointment of tenancy, promotion, offer of employment or other opportunities for career advancement.

3.2 Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

3.3 Indirect discrimination occurs when four conditions are met:

- (i) a condition, rule, policy or practice is applied equally to all;
- (ii) a group, proportion of a relevant group, or a particular individual with a protected characteristic cannot comply with the requirement or condition;
- (iii) it results in a detriment to a group, proportion of a group or particular individual, and;
- (iv) the requirement cannot be shown to be objectively justifiable.

4.Prohibition against Discrimination

4.1 Chambers prohibits any behaviour as specified within paragraphs 3.1 to 3.3.

4.2 Disciplinary action will be taken against any individual or group of individuals specified within paragraph 2.1 found to have discriminated against any other individual

or group of individuals within Chambers including tenants, pupils, mini-pupils, employees, applicants for pupillage, tenancy or any other position, professional and lay clients, visitors and the public or any other person during the conduct of their work or as otherwise specified within paragraph 2.2.

5. Resolving Complaints of Discrimination

5.1 Chambers is committed to providing a supportive environment in which to resolve all complaints and issues relating to discrimination. A number of options specified within paragraphs 5.6 and 5.7 have been implemented for this purpose.

5.2 A victim of discrimination is encouraged to raise a complaint at an early stage preferably through the informal procedure as outlined within paragraph 5.6. In so doing this is more likely to resolve the complaint with a satisfactory outcome. If left unresolved, the discrimination may escalate into a situation that can no longer be resolved effectively and/or with a satisfactory outcome for all involved.

5.3 Any individual has the right to bring to the attention of an appropriate person any behaviour which they have witnessed or are made aware of and consider to be in contravention of this code. This is irrespective of whether they are the victim of the said discrimination. All such persons will remain anonymous and the complaint treated confidentially. Further, a failure to report or take immediate action in relation to any alleged discrimination could be interpreted as condoning such behaviour.

5.4 Chambers recognises that a victim of discrimination may find it difficult to come forward with either an informal or formal complaint. Further, both victims and perpetrators of discrimination may be concerned about the confidentiality of any complaint. There could be implications for personal and professional relationships both inside and outside Chambers including issues of career advancement for all parties. To protect the interests of the complainant, the person complained against, and any other

individual(s) who may report or be witness to any incidents of discrimination, confidentiality will be maintained throughout any investigatory process to the extent that this is reasonably practicable and appropriate under the circumstances. This is, however, subject to Chamber's overriding duty to ensure that the discrimination does not re-occur. All records of complaints, including notes to meetings, interviews, results of investigations and other relevant material will be kept confidential by Chambers except where disclosure is required for disciplinary or other remedial processes and again subject to Chamber's overriding duty to ensure that the discrimination does not re-occur.

5.5 Chambers is committed to ensuring that there will be no form of reprisal for;

- (i) any person who may report, be witness to, or involved in any formal or informal investigation relating to any incidents of discrimination in good faith, or,
- (ii) any person that is the subject of either a formal or informal investigation of discrimination where an allegation of discrimination is not upheld.

Chambers aims to ensure that no adverse implications will result from raising a complaint, particularly in relation to career advancement. Any victimisation of those identified within paragraphs 5.5(i) and (ii) will be viewed as a disciplinary matter.

5.6 **Informal Resolution**: a number of avenues may be taken in order to resolve a complaint informally;

- (i) When an incident of discrimination occurs, the victim should communicate their disapproval and objections immediately, or as soon as possible thereafter to the perpetrator and request that the behaviour ceases.
- (ii) Alternatively, the victim may prefer to communicate their disapproval and objections immediately or as soon as possible thereafter to a member of the Management Committee or a designated advisor (and/or pupil supervisor if applicable) [see paragraph 5.8 & appendix 1]. This individual will;

- provide the victim with advice and support;
- will undertake any informal investigation necessary to resolve the matter speedily and in confidence, including approaching the perpetrator privately and requesting, on behalf of the victim, that the discrimination ceases;
- ensure that any informal investigation is undertaken and completed within 14 days of receipt of the complaint, or as soon as is reasonably practicable. There must be a good reason for any delay.

5.7 Formal Complaints Resolution:

- (i) In the event that the victim does not wish to pursue the informal resolution option or has exhausted such avenues, they may make a formal complaint to a member of the Management Committee or a designated advisor (and/or pupil supervisor if applicable) [see paragraph 5.8 & appendix 1].
- (ii) A formal complaint should be made in writing setting out the allegations, immediately or as soon as possible thereafter, subject to utilising the informal complaints procedure. A formal investigation will be undertaken and completed within 14 days of receipt of the complaint, or as soon as is reasonably practicable. Again, there must be a good reason for any delay.
- (iii) Where possible, the formal investigation will be conducted by a panel of at least two members of Chambers who have no conflict of interest in relation to the complaint. All parties to the complaint have the right to make representations and/or be independently represented and/or be accompanied by a colleague or friend at any hearing.
- (iv) If a formal complaint is not resolved internally within Chambers or one or both parties are unhappy with the outcome, a further avenue of appeal to an external independent individual may be considered. This individual should have expertise in equal opportunities and have no direct relationship to any

person within Chambers either professionally or personally. Further avenues of redress may be sought through independent organisations [see appendix 2].

(v) If actual or potential discrimination is found, appropriate remedial action will be taken. This may include any of the following;

- further opportunity to be considered for an interview for mini-pupillage, pupillage, tenancy, employment or other career opportunity
- re-evaluation of a decision in relation to mini-pupillage, pupillage, tenancy, employment, or other career opportunity, including training or allocation of a brief
- training, support and/or counselling
- disciplinary steps against the perpetrator including:

-a formal apology

-counselling

-written warning

-change of work assignment

-report to relevant Inn recommending removal of pupil supervisor status

-suspension or discharge from Chambers

-referral to the Bar Standards Board [see appendix 2]. This may result in further sanctions imposed by the CC.

(vi) In addition to any of the aforesaid sanctions that may be imposed, those guilty of discrimination may be liable for damages in the event of a civil lawsuit in the County Court or Employment Tribunal.

(vii) The standard of proof to be applied in a formal investigation is “beyond all reasonable doubt”. This is the standard applied by the Bar Standards Board in relation to complaints alleging professional misconduct by a barrister. Victims of discrimination may feel that this standard is too stringent. However,

protection must not only be afforded to those experiencing discriminatory behaviour but also to those who may be wrongly accused of discriminating. If a formal allegation of discrimination is upheld against an individual or group of individuals the implications could be adverse to both their professional and personal lives. In many cases it is likely that the process of formally investigating allegations of discrimination will result in the discriminatory behaviour ceasing.

5.8 **Designated advisors:** a male and female advisor will be annually nominated and elected in accordance with the procedure adopted for elections to the Management Committee as set out in Chamber's constitution. This term of office will run for a period of 12 months. (Any nominated individual may simultaneously act as the "harassment designated advisor").

6. Access to and Implementation of the Code

6.1 A copy of this code will be provided to all members and employees of Chambers, including pupils. Upon receipt, the code should be carefully read, and an opportunity will be given to clarify any areas of ambiguity or concern at any departmental and staff meetings.

6.2 The availability of this code will be communicated to mini-pupils and all applicants for pupillage, tenancy and any other position.

6.3 A copy of the code will be available on request by all those specified within paragraph 6.2 as well as professional and lay clients, visitors and any other member of the public. In the event that the code is ambiguous or requires clarification, any of the aforesaid individuals/groups may approach one of the designated advisors, either in writing or personally.

6.4 The code, where reasonably practicable, will be positively promoted on Chambers web-site and/or in Chamber's brochures.

6.4 The code, and appendices are to be updated annually by Chambers pupil under the direction and supervision of their pupil supervisor, subject to final approval by the Management Committee. This should not only ensure the currency and accuracy of the law, but take into account the relevancy and practicality of (i) the scope of the code, (ii) the definition & prohibition against discrimination, (iii) the informal & formal complaints procedure, and (iv) access to & implementation of the code.

Appendix 1

**to be updated annually by Chambers' pupil to ensure that all information contained within this appendix is accurate and of practical use.*

Management Committee & Designated Advisors

Roger Farley QC (Head of Chambers) (called 1974)

Timothy Willitts (Treasurer) (called 1989)

Richard Hartley (Senior Representative) (called 1985)

Martin Callery (Middle Representative) (called 1997)

Rebecca Gregg (Junior Representative) (called 2003)

Sam Keeling Roberts (Secretary) (Called 2005)

Female designated advisor: Samantha Openshaw (Called 2005)

Male designated advisor: Nicholas Flannagan (Called 2004)

Appendix 2

**to be updated annually by Chambers' pupil to ensure that all information contained within this appendix is accurate and of practical use.*

Independent Avenues of Redress

In addition to Chambers internal procedures there are a number of other avenues of redress. These include;

- raising a complaint with the relevant Inns Students' Officer about a sponsor or pupil supervisor. The Inns' complaint process will determine the outcome of such complaints.

Lincoln's Inn

Student Department
Treasury Office
Lincoln's Inn
LONDON
WC2A 3TL
Tel: 0207 405 1393

Gray's Inn

Education Department
8 South Square
Gray's Inn
LONDON
WC1R 5ET
Tel: 0207 458 7800

Inner Temple

Education & Training Department
Treasurer's Office
Inner Temple
LONDON
EC4Y 7DB
Tel: 0207 797 8250

Middle Temple

Student's Department
Treasury Office
Middle Temple Lane
LONDON
EC4Y 9AT
Tel: 0207 427 4800

- a complaint directly to the Bar Standards Board where the alleged discriminator is a barrister:

289/293 High Holborn
LONDON
WC1V 7HZ
Telephone: 0207 611 1444
Fax: 0207 851 9217
Website: www.barstandardsboard.org.uk

- seek the confidential advice from the Bar Councils' Equality and Diversity Advisors. They can be approached in confidence by any recipient of harassment or by any member of chambers responding to a complaint of harassment.

Pamela Bhalla and Angela Campbell
Bar Councils' Equality and Diversity Advisors
289/293 High Holborn
London
WC1V 7HZ
Telephone: 0207 611 1310
Fax: 0207 831 9217
DX: 240 LDE

Further sources of help :Taken from Annexe A to the Code for Equality and Diversity

Important Websites and contact Addresses

Commission for Racial Equality - www.cre.gov.uk

Equal Opportunities Commission - www.eoc.org.uk

Disability Rights Commission - <http://www.drc-gb.org>

Judicial Studies Board - www.jsboard.co.uk/index.htm

Judicial Studies Board- Equal Treatment Bench Book-
<http://www.jsboard.co.uk/etac>

National Association for Mental Health (MIND)- www.mind.org.uk/

Royal National Institute for deaf and hard of hearing people
<http://www.rnid.org.uk/>

Deaf Lawyers UK – www.deaflawyers.org.uk

Royal National Institute of the Blind -
<http://www.rnib.org.uk/xpedio/groups/public/documents/code/InternetHome.hcsp>

Employer's Forum on Disability- efd@employers-forum.co.uk

Centre for Accessible Environments- www.cae.org.uk

Codes of Practice

Commission for Racial Equality-
<http://www.cre.gov.uk/gdpract/eop.html>

Equal Opportunities Commission- code of practice on equal pay-
http://www.eoc.org.uk/cseng/legislation/law_code_of_practice.pdf

Code of Practice on sex discrimination-
http://www.eoc.org.uk/cseng/legislation/law_code_of_practice_-_sex_discrimination.asp

Disability Rights Commission- all codes of practice- <http://www.drc-gb.org/thelaw/practice.asp>

Advisory and Conciliation and Arbitration Service- all codes of practice- http://www.acas.org.uk/a_z/codes_of_practice.html

The Bar Code of Conduct –

<http://www.barcouncil.org.uk/document.asp?documentid=173&languageid=1&highlight=code%20of%20conduct>

Relevant Benchmark Data may be Found on the Following Websites:

Bar Council Education Website-
<http://www.legaleducation.org.uk/Main/>

Office of National Statistics for census data by ethnic origin- from the 2001 Census- <http://www.statistics.gov.uk/cci/nugget.asp?id=395>

The Pupillage Funding And Advertising Requirements 2003, Annex R-

<http://www.barcouncil.org.uk/document.asp?languageid=1&documentid=1608#ParaLink>

Bar Council Information on arbitration and conciliation:-

<http://www.barcouncil.org.uk/document.asp?documentid=109&languageid=1&highlight=arbitration>

DTI- "Resolving Disputes: A New Approach in the Workplace"-

www.dti.gov.uk/er/resolvingdisputes.htm

Practice Management guidelines-

<http://www.barcouncil.org.uk/document.asp?documentid=2330&languageid=1&highlight=practice%20management%20guidelines>

<u>ORGANISATION</u>	CONTACT NAME, ADDRESS, AND TELEPHONE
The Commission for Racial Equality, (CRE).	Mr Trevor Phillips Chair, St. Dunstan's House Borough High Street London SE1 1GZ. Tel- 0207 939 0000 (switchboard). Fax- 0207 939 0001 (general).
The Equal Opportunities Commission (EOC)	MS Julie Mellor Chair Arndale House Arndale Centre Manchester M4 3EQ. Tel- 0161 833 9244

	(switchboard) Email- info@eoc.org.uk (general)
The Disability Rights Commission (DRC)	DRC Helpline FREEPOST MID02164 Stratford upon Avon CV37 9BR Telephone: 08457 622 633 Textphone: 08457 622 644 (You can speak to an operator at any time between 8am and 8pm, Monday to Friday)
Society of Asian Lawyers (SAL)	Society of Asian Lawyers c/o Mr Aamir Khan Richards Butler Beaufort House 15 St Botolph Street, London EC3A 7EE Tel- 020 7772 5994 Fax-0207 539 5319
Association of Women Barristers (AWB)	Angela Campbell c/o Association of Women Barristers 289-293 High Holborn London WC1V 7HZ DX: 240 LDE
Association of Muslim Lawyers (AML)	Student Officer The Association of Muslim

	<p>Lawyers PO Box 148 High Wycombe Bucks HP13 5WJ</p> <p>Tel: 01494-526-955 E-mail: aml@aml.org.uk</p>
Bar Lesbian and Gay Group (BLAGG)	<p>Mr Stuart Wright PO BOX 18459 London, EC1M 3 AU.</p>
South East Circuit Minorities Committee	<p>C/O Karl King Hardwicke Building New Square, Lincoln's Inn, London, WC2A 3UP.</p>
The Society of Black Lawyers	<p>C/O Peter Herbert</p> <p>Tooks Court Chambers Chambers of Michael Mansfield QC 8 Warner Yard Warner Street London EC1R 5EY DX 68 Chancery Lane</p> <p>Telephone 020 7841 6100 Facsimile 020 7841 6199</p>
The Department of Trade and Industry (DTI)	<p>DTI Publications Orderline ADMAIL 528 London SW1W 8YT.</p> <p>Tel- 0870 150 2500 Fax- 0870 150 2333.</p>

Law Care for Barristers in England and Wales (for confidential help and advice call the free phone number)	Law Care PO Box 6 Porthmadug Gwynedd LL49 9ZE. Tel- 0800 018 4299 www.lawcare.org.uk