



CLAPHAM LAW CHAMBERS

CLAPHAM LAW CHAMBERS EQUALITY AND DIVERSITY CODE



CLAPHAM LAW CHAMBERS

EQUALITY AND DIVERSITY CODE

Chambers is committed to equal opportunities in all aspects of its work, to that end Chambers takes into account the Bar Standard Board's Equality and Diversity Code, and will continue to do so as the Code is amended or revised from time to time.

All Barristers have committed to observe the Bar Council Code of Conduct in relation to non-discrimination in the acceptance of work, the carrying out of that work and all dealing with clients, colleagues, staff and others.

All staff has committed to comply with this Policy.

1. Chambers is committed to promoting equality and diversity, providing an inclusive and supportive environment for all. In the implementation of this policy Chambers will:
 - a. Ensure that people are treated solely on the basis of their abilities and potential, regardless of race, colour, nationality, ethnic origin, religious or political belief or affiliation, trade union membership, age, gender, gender reassignment, marital status, sexual orientation, disability, socioeconomic background, caring responsibilities, HIV positivity, working pattern, or any other inappropriate distinction.
 - b. Promote diversity and equality for all pupils, tenants', squatters, employees, lay and professional clients and visitors.
 - c. Value the contributions made by individuals and groups of people from diverse cultural, ethnic, socio-economic and distinctive backgrounds.
 - d. Promote and sustain an inclusive supportive work environment which affirms the equal and fair treatment of all individuals.
 - e. Challenge inequality and less favourable treatment.
 - f. Promote an environment free of harassment and bullying on any grounds in relation to all pupils, tenants', squatters, employees, and visitors.
 - g. Committed to ensuring, both individually and collectively, that it does not practice or permit any form of discrimination, whether direct, indirect, or by way of victimization against any person, or harassment of any person.

2. This policy will apply to every aspect of life within Chambers including Chambers as employer of staff provider of services to the public, selection of pupils, recruitment of new tenants, relationships between members and engagement and treatment of third parties visiting Chambers.
3. Copies of this policy shall be given to each pupil, tenant and employee and shall be displayed in the clerk's room. It shall also be made available to prospective applicants for pupillage, tenancy or any staff position.
4. All tenants, pupils and members of staff are responsible for implementing Chambers Equality and Diversity Code.
5. The following have specific responsibilities for overseeing the implementation of the Code:-
 - A. The Management Committee;
 - B. Chambers Manger;
 - C. The Equality Officer;
 - D. The Senior Clerk.
6. Responsibility for ensuring the implementation of this policy shall be placed with Chambers' Equality Officer, who shall be a member of the management committee.
7. The Equality Officer shall be responsible for "in-house" training of all probationary tenants, pupils and members of staff in relation to Equal Opportunities, and the Chambers Manager shall keep records of such training.
8. The Equality Officer shall ensure that those who have most involvement with the implementation of this policy understand the policy and their responsibilities under existing legislation and codes of conduct and guidance issued by the Bar Council, the Bar Standard Board or Inns of Court.
9. The Equality Officer shall ensure that consideration is given by the management committee and chambers to the need for any amendments to this policy and the practices of chambers at least once each year.
10. Chambers recognises the importance of monitoring so as to ensure effective implementation of its Equality Policy. Thus, in seeking to identify and eliminate sources of unintended discrimination, Chambers shall monitor; the consideration of the applications for pupillage; the recruitment of established practitioners; the career development of tenants, parental leave entitlement, the recruitment of staff, the allocation of work between members of chambers. Monitoring will be arranged by the Chambers Manager and will be analysed annually by the Management Committee.

11. An analysis of the ethnic origin, gender, age, marital status and level of disability of current pupils, tenants and staff shall be made and then maintained to enable monitoring of the implementation of the policy. Records of the ethnic origin, gender, age, marital status and level of disability of applicants shall also be maintained by Chambers Manager.
12. In order to oversee the implementation of and compliance with this policy Chambers will elect a diversity committee consisting of three members of Chambers.
13. Advertisements inviting application to chambers shall not be confined to those areas or publications which would exclude or disproportionately reduce the numbers of applicants from a particular racial or gender group.
14. Chambers' Equality Policy is designed to ensure that all anti-discrimination legislation is fully complied with. Chambers is also fully committed to the following guidance given in various Codes of Practice and Guidance:-
 - i. The Equal Opportunities Commission Code of Practice on sex discrimination, equal opportunity policies, procedures and practices in employment.
 - ii. The Commission for Racial Equality Code of Practice on racial equality in employment.
 - iii. The Disability rights Commission Code of Practice Employment and occupation.
 - iv. The Equal Opportunities Commission Code of Practice on Equal Pay.
 - v. Age diversity at work: A practical guide for business.
 - vi. The Equality Code for the Bar.
15. This policy includes the outlawing of harassment and victimisation which Chambers recognize as being forms of discrimination. Examples of behaviour which may amount to harassment or victimisation when based on a person's race, sex sexual orientation or disability are; suggesting that sexual favours may in some way further a person's career or that refusing sexual favours may damage it, display of pornographic or offensive material including on computer screens, tasteless jokes, verbal abuse, compromising suggestions or invitations and exclusion from social networks and activities, bullying, isolation, unnecessary physical contact, and physical assault including sexual assault.
16. Harassment on any of the grounds mentioned in paragraph 15 is a particular form of discrimination which will not be tolerated. It is conduct which is unwanted and a characteristic of it is that it undermines the victim's dignity at work and can create a hostile or humiliating working environment not only for the victim but for the rest of

the employees. Barristers and employees have a personal responsibility to behave in a manner which is not offensive to others.

17. Chambers recognises that it may also be guilty of discrimination if it allows any third party to act in a discriminatory way when it could have reasonably prevented that from occurring. Chambers is committed to ensuring that this does not occur.
18. Each employee should remember that should they be guilty of an act of discrimination then this may be actionable personally against that employee as well as possibly being actionable against Chambers as such.
19. Employees are required to co-operate with any measures introduced by Chambers designed to ensure equal opportunity and non-discrimination and to draw to the attention of the Chambers Manager suspected discriminatory acts or practices. The Chambers Manager will use his best endeavours to ensure that staff supervision is such that this Policy is rigorously followed.
20. Chambers will make reasonable adjustments to employment arrangements or to physical features of the premises to ensure that those who suffer from a disability are not unjustifiably disadvantaged in comparison with persons who are not disabled.
21. This policy applies to all aspects of Chambers' operations. Of particular concern, although not exclusively are:-

i. Pupillage

Chambers' Pupillage Policy Document contains a commitment to equal opportunities in the selection and recruitment of pupils. It is intended that this policy document should apply to the selection and recruitment of pupils.

ii. The recruitment of established practitioners

It is the stated policy of Chambers, to advertise for any identified vacancies which might arise and judge all applicants for those vacancies against set criteria which will be suitable for the vacancy which has arisen. The applicants will be selected in accordance with the aims of this policy document.

iii. Equal access to work

Chambers is committed to ensure that tenants have equal access to work appropriate to their experience and seniority. In the first instance it is the responsibility of the Chief Clerk to ensure that career development is handled in a fair way and in accordance with this policy document. Chambers shall implement, maintain and monitor procedures for ensuring that work is allocated fairly to members of chambers and pupils and that all members of

chambers and pupils are given a fair opportunity for marketing and practice development.

iv. The recruitment of staff

The Chambers' policy on recruitment of staff is specifically committed to equal opportunities in the work place.

v. "Flexible working"

Chambers recognises the importance of flexible working in assisting its members to manage their family responsibilities and to remain in practice and will take the following action to support this:-

- i. allowing members to work flexible hours, part time or partly from home;
- ii. allowing members to have career breaks whilst retaining their membership in Chambers"
- iii. maintain and monitor a fair policy for leave of absence, the facilitation of return to work after leave of absence.

vi. Maternity, paternity and parental leave policies

Chambers' provides for a female's place in Chambers to remain open for up to one year while she takes maternity leave. For a period of up to six months the tenant shall be relieved from paying one half of the rateable Chambers' expenses during such leave commencing with the date of commencement of such leave save that the maximum relief shall not exceed a sum fixed annually by the Management Committee and available upon request. A tenant who is due to take "maternity leave" or "career break" shall have at least one meeting with the Management Committee, the Senior Clerk, to discuss the management of the "maternity leave" or "career break" shall have at least one further meeting with the Management Committee and at the Senior Clerk, to discuss the management of the return to work by Chambers. The entitlement of employees to parental leave is governed by the personnel policy document which is available upon request.

22. Chambers will take the following positive action to support promotion:-

- a) In recruitment Chambers will take steps to try and attract applications from both sexes and all races and will ensure that there are equal opportunities in all stages of the recruitment process.
- b) Promotion within Chambers will be based solely on merit.

- c) Clerks will ensure that all work is offered equally to those of similar skills and experience (subject to availability) and will take the necessary action under the Bar Code of Conduct should any professional client seek to unfairly influence the use of a particular barrister or decline to use a barrister on discriminatory grounds.
- d) All selection of pupils and tenants will be guided by this policy, as further detailed in the specific sections of the Pupillage Policy Document.
- e) Opportunities for training or promotion should be made known to all eligible employees, pupils and tenants.

23. If a person feels that he or she is the subject of discrimination or harassment, that person ("the complainant") should, if possible, communicate his/her complaint to the person responsible for the discrimination or harassment as soon as possible and request him/her to stop. The complainant should keep a note of what has happened and any of any further incidents. Chambers recognises that there may be particularly sensitive complaints where embarrassment, fear of causing a feud, of being labelled or of adverse judgement may prevent a complaint being made in the first place. Chambers is therefore committed that as far as practicable names of complainants shall not be released (save to those persons conducting the investigation and to the person complained against) without their consent. Equally, complainants will not be victimised or suffer detriment because of a complaint made in good faith.

24. A person subject to discrimination in any form that may at their choosing deal with the matter in a number of ways:-

- i. Voicing a concern: where an aggrieved person merely wishes to voice their concerns and no more they may approach the Chambers Manager, or the Equality Officer, for a confidential discussion. This is primarily intended to provide support and advice without the matter going any further. An informal complaint is designed to act as a method for resolving disputes without the need for a formal investigation to determine the issues. If the complaint concerns the conduct of a person in Chambers it may be that such a person can be made aware that they are causing offence and so cease the offending behaviour. Alternatively where the complaint concerns a decision taken within Chambers it may be that such a decision can be reviewed or if appropriate overturned. An informal complaint may also be made for the purposes solely of seeking advice.
- ii. Formal complaint: This must be made in writing and must set out the allegations complained of so as to enable Chambers to carry out a thorough investigation of all the matters concerned. The complaint should be made as

soon as reasonably practicable to the Management Committee or alternatively the Chambers Manager. The complaint will be referred to the Management Committee for the investigation and its resolution. Any complaint will be treated in the utmost confidence. The complainant has a right to make representations and/or be independently represented as does the person against whom the complaint has been made. The procedure should be carried out expeditiously and any formal decision and/or action arising from a complaint should be communicated in writing to the complainant and/or the person complained against as soon as reasonably practicable.

25. If actual or potential discrimination has been found remedial steps will be taken immediately. These may include a re-evaluation of a decision, the further opportunity to be considered for an interview for pupillage or tenancy; the further opportunity to be considered for a particular brief or post as the case may be; a change in working practices; further advice, training or support; the comparative monitoring of work allocation; and any other action including disciplinary steps against the offender that appear to the panel appointed to be appropriate.
26. Every complainant has a right to consult with the Bar Council Equal Opportunities Office for confidential advice to lodge a formal complaint of professional misconduct with the Bar Council. Complaints of unlawful discrimination have a legal right to apply subject to time limits to the County Court or for Chambers' employers to the Industrial Tribunal. The Commission for Racial Equality and the Equal Opportunities Commission are also available for consultation.
27. Any appeals against any decision taken in respect of Chambers' Equality and Diversity Policy may be made through the grievance procedure or, as appropriate, a disciplinary procedure.