

# 5 STONE BUILDINGS

## EQUALITY AND DIVERSITY POLICY

### Introduction

1. This statement of policy on equality and diversity (“**this Policy**”) sets out Chambers’ commitment to the promotion and advancement of the principles of equality and diversity in all circumstances and matters in which Chambers and its members, pupils (including mini-pupils), clerks or other members of staff are involved.
2. This Policy is intended to be the written statement of policy on equality and diversity required by rule C110 of the Code of Conduct (“**the Code**”) that constitutes Part 2 of the 3rd edition of the Handbook (“**the Handbook**”), which was published by the Bar Standards Board (“**the BSB**”) in April 2017 (and revised in February 2018).
3. In this Policy, the expression “**the BSB’s E&D Rules and Guidance**” means rules C110, C111 and C112 and the associated guidance contained within Section D1.2 of the Code, together with all other (if any) relevant rules or guidance that may from time to time be published or provided by the BSB in relation to equality and diversity.

### Commitment to the Principles of Equality and Diversity and Equal Opportunities

4. Chambers is committed to the implementation and promotion of the principles of equality and diversity. Chambers recognises the right of every individual to be treated with respect and dignity, to be accorded equal and fair opportunities and to be judged on merit alone, free from assumptions founded upon prejudice or intolerance.
5. It is the aim of Chambers to provide a working environment and culture that values and recognises diversity, that is conducive to the professional growth of all of its members, pupils, clerks and other staff, and that provides equality of opportunity to all. Chambers recognises that, in order to provide the best service, support and advice to members’ clients, it is necessary to bring together individuals with differing but complementary

skills and experiences and to ensure that everyone – members, pupils, clerks and other members of staff, as well as members’ lay and professional clients – feels included and respected. Therefore, Chambers aims to have regard to the principles of equality and diversity in relation to all aspects of its policies and procedures and its delivery of professional services to clients.

6. Chambers will not tolerate discrimination of any kind. In particular, Chambers is committed to eliminating direct and indirect unlawful discrimination from all activities in which Chambers or its members, pupils (including mini-pupils), clerks or other members of staff are involved. Chambers will afford equal opportunities to all members, pupils (including mini-pupils), clerks or other members of staff, without regard to race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, gender re-assignment, marital or civil partnership status, pregnancy or maternity, disability, religion or belief (including lack thereof), age or political persuasion. For the purposes of this Policy, “**discrimination**” shall include victimisation and harassment, all of which expressions are defined in the Equality Act 2010.
7. Chambers will carry out this commitment to eliminate unlawful discrimination in all areas of its work, including the recruitment and selection of members, pupils (including mini-pupils), clerks and other members of staff and in its dealings with lay and professional clients and those with whom it contracts for the provision of goods and services.

### **Obligations of Members, Pupils, Clerks and Staff**

8. With a view to implementing these commitments, each individual member of Chambers and any pupil in Chambers recognises that he or she has an obligation under the Handbook to comply with the BSB’s E&D Rules & Guidance. Furthermore, the constitution adopted by members of Chambers in February 2016 (“**the Constitution**”) requires members to comply with all requirements lawfully introduced by the statutory regulators for the profession of barristers. These include the BSB’s E&D Rules and Guidance.

9. In addition to these obligations, all mini-pupils, clerks and other members of staff are required to have regard to this Policy and to the BSB's E&D Rules and Guidance and to comply with all relevant statutory requirements. Failure to do so may, where appropriate, result in the implementation of Chambers' disciplinary procedures.
10. Chambers will require all clients, suppliers, sub-contractors and visitors to have regard to the principles of equality and diversity (and, in particular, the commitment to non-discrimination) and, wherever appropriate, to the contents of this Policy.

### **Responsibilities for Equality and Diversity Matters within Chambers**

11. Notwithstanding the individual obligations of all members of Chambers and pupils to comply with their respective duties under the Handbook and the BSB's E&D Rules and Guidance, Chambers has in place a system of officers and committees intended to ensure its compliance with the BSB's E&D Rules and Guidance and with any other statutory or regulatory requirements in relation to equality and diversity.
12. In accordance with the Constitution, there is an executive committee, appointed by the head of Chambers ("**the Executive Committee**"). The functions of the Executive Committee include ensuring compliance by Chambers with relevant regulations, including those contained within the Handbook. This includes compliance with the BSB's E&D Rules and Guidance.
13. The Constitution also provides for there to be a Chambers' Equality and Diversity Committee ("**the E&D Committee**"), the members of which are appointed in accordance with the provisions of the Constitution.
14. Chambers shall appoint one or two of its members to act as its Equality and Diversity Officer(s) ("**EDO(s)**"). The current EDO is David Rees QC.
15. The EDO will have primary responsibility, with the assistance of and in consultation with the E&D Committee, for the supervision of all matters within Chambers relating to equality and diversity and, in particular, this Policy. These matters will include but are not necessarily limited to: the on-going review of this Policy and all other relevant

policies and procedures adopted by Chambers (and the instigation of any appropriate remedial action identified in the light of any such reviews); ensuring compliance by Chambers, its members, pupils, clerks and other member of staff with all statutory, regulatory and other relevant requirements and compliance with this Policy and all other relevant policies and procedures; and the promotion of this Policy and the principles of equality and diversity generally within Chambers and, where appropriate, externally.

16. The EDO (or one of the EDOs) will usually chair the E&D Committee.
17. Chambers shall also appoint a Diversity Data Officer (“**DDO**”), whose name and contact details will be notified to the BSB. Chambers will notify the BSB of any change to the identity of the DDO as soon as reasonably practicable. The EDO will be responsible for providing such notification. The DDO may be a member of chambers, a clerk or another member of staff. The EDO (or one of the EDOs) may also be the DDO. The current DDO is Catherine Kearney.
18. The role of the DDO is to collect, process and publish data relating to certain characteristics of all members of the Chambers’ workforce. For these purposes, “**workforce**” means members, pupils, assessed mini-pupils, clerks and other members of staff. Such data is referred to by the Handbook as “**diversity data**”.
19. The DDO shall be responsible, in consultation with the EDO and the E&D Committee, for ensuring that Chambers’ has a written policy statement on the collection, publication, retention and destruction of diversity data and for its regular review. The E&D Committee may, if thought necessary, appoint a sub-committee to assist the DDO with the implementation and review of such policy statement. In appointing the members of such sub-committee, the E&D Committee shall have regard to the advisability of ensuring that it includes an individual (who may be a member of Chambers, clerk or other member of staff) with appropriate expertise in the security and destruction of diversity data held in electronic form.

## **Application of this Policy**

- 20.** This Policy applies in relation to all aspects of the work of Chambers and its members, pupils (including mini-pupils), clerks and other members of staff. In particular, it applies to:
- (a) to the selection, recruitment and treatment of members, pupils and mini-pupils (whether assessed or otherwise);
  - (b) the selection, recruitment, promotion and treatment of clerks and other members of staff;
  - (c) fair access to work and the allocation of unassigned work within Chambers;
  - (d) equality and diversity monitoring;
  - (e) the treatment of lay and professional clients; and
  - (f) complaints and grievances.

## ***Selection, Recruitment and Promotion***

- 21.** The selection, recruitment and promotion of members, pupils, mini-pupils, clerks and other members of staff will be undertaken in accordance with this Policy and, in particular, by reference to Chambers' commitment to equality of opportunity, non-discrimination and the principles of equality and diversity. In all cases, the recruitment and selection process will be undertaken using objective and fair criteria. Such processes will be undertaken without reference to any of the characteristics mentioned in paragraph 6 above.
- 22.** Chambers is committed to providing appropriate training in fair recruitment and selection processes to all members and to any clerks or other members of staff who may be involved in any recruitment process. The EDO shall liaise with the Chambers' Administrator to ensure that an accurate record is kept of what such training has been received by each member, clerk or other member of staff.
- 23.** Chambers shall maintain a written pupillage policy, setting out (*inter alia*) its commitment to recruiting and selecting pupils and new tenants on the basis of fair and objective criteria. The EDO shall liaise with the chair of the Pupillage Committee (and the member responsible for the selection of mini-pupils) to ensure that the pupillage

policy and the criteria applied for the purposes of carrying out any recruitment or selection process are consistent with the commitments set out at paragraphs 4 to 7 above.

24. Likewise, recruitment and promotion of clerks and other members of staff will be undertaken in accordance with this Policy and will focus solely on merit and suitability for the role in question. Chambers' recruitment processes (including internal promotion) shall be undertaken without reference to any of the characteristics mentioned in paragraph 6 above.

### ***Equality Monitoring***

25. The DDO shall comply with Chambers' obligations in respect of the collection, processing and publication of diversity data.
26. The EDO shall also, with the assistance of and in consultation with the E&D Committee, review on a regular basis the number and percentages of Chambers' workforce from different groups, applications to become members of its workforce, and the allocation of unassigned work. Such reviews shall include the collection and analysis of data broken down by race, disability and gender; the investigation of the reasons for any disparities in such data; and the taking of appropriate remedial action.
27. In relation to the allocation of work, Chambers and its members and clerks are committed to fair access to work and to the principle that allocation of work is conducted in a manner that is fair and equitable for all members and (where appropriate) pupils. The EDO shall liaise with the Head of Chambers, the Senior Clerk and (if appropriate) the Executive Committee to put in place procedures whereby the allocation of unallocated work may be monitored, appropriate records kept and suitable reports made to the Head of Chambers in order to ensure that Chambers' commitment to fair allocation of work may be monitored (and any problems or potential problems addressed) without breaching Chambers' policy that there be confidentiality as between members (other than the Head of Chambers) as to each member's earnings and receipts.

### ***Harassment***

28. Chambers considers that harassment of any kind is unacceptable and it will not be tolerated from members, pupils, mini-pupils, clerks or any other members of staff.
29. Chambers shall maintain a written anti-harassment policy.
30. The anti-harassment policy shall be reviewed on an on-going basis by the EDO, with the assistance and in consultation with the E&D Committee and the Staff Committee. In particular, the EDO shall seek to ensure that any such policy complies with Chambers' statutory and regulatory obligations and that it is accordance with the aims and purposes of this Policy.

### *Parental Leave*

31. Chambers shall maintain a written policy on parental leave. The aim and purpose of such policy shall be to encourage members following parental leave to return to Chambers and to continue to build successful practices, to avoid discrimination on the grounds of parental responsibility, to encourage and support members taking time off following the birth or adoption of a child without suffering financial hardship and to comply with the BSB's E&D Rules and Guidance in relation to parental leave
32. The parental leave policy shall be reviewed on an on-going basis by the EDO, with the assistance and in consultation with the E&D Committee and the Staff Committee. In particular, the EDO shall seek to ensure that any such policy complies with Chambers' statutory and regulatory obligations and that it is accordance with the aims and purposes of this Policy. The EDO will make recommendations to the appropriate persons or committees in Chambers where amendments to the parental leave policy may be considered necessary, expedient or advisable.

### *Flexible Working*

33. Chambers is receptive to flexible working insofar as the demands of practice at the Chancery Bar permit. For these purposes, the expression "**flexible working**" means the taking of a career break or sabbatical, working part-time, working flexible hours, or

working from home for the purposes of discharging “**family responsibilities**” The latter includes caring responsibilities for older, young, or disabled dependants or relatives.

34. Chambers shall maintain a written flexible working policy. That policy shall ensure that requests for flexible working are considered without reference to any of the characteristics mentioned in paragraph 6 above. The EDO, in consultation with and with the assistance of the E&D Committee and (where necessary or appropriate) other individuals or committees within Chambers, shall keep the policy on flexible working under regular review.

### ***Reasonable Adjustments***

35. Chambers is committed to making reasonable adjustments in order to support disabled members, pupils (including mini-pupils), clerks, other members of staff, clients and temporary visitors.
36. Chambers shall maintain a written policy on reasonable adjustments. The EDO, in consultation with and with the assistance of the E&D Committee and (where necessary or appropriate) the Staff Committee or the Rooms Committee, shall keep the policy on reasonable adjustments under regular review.

### **Publication, Implementation and Review of this Policy**

37. A copy of this Policy (which shall be held electronically on the Chambers’ computer server) shall be given to every tenant, pupil, clerk and other member of staff, and to each new tenant, pupil, clerk or other member of staff on joining Chambers. Further copies of this Policy shall be made available to those persons or any other person on request.
38. The EDO, with the assistance of and in consultation with the E&D Committee and (where appropriate) the DDO, shall ensure that there is in force a written plan (“**the Equality Action Plan**”) for the implementation of this Policy. The Equality Action Plan shall be kept under on-going review and shall identify what steps are necessary or



appropriate in order to ensure that the terms and spirit of this Policy are carried into effect, with a view to ensuring that the principles of equality and diversity are embedded into the framework of the day-to-day work of Chambers, and to ensure that unlawful discrimination does not take place within Chambers.

- 39.** The EDO, with the assistance of and in consultation with the E&D Committee, will keep this Policy and its implementation under on-going review in order to ensure compliance with the BSB's E&D Rules and guidance, other statutory or regulatory requirements, and best practice in relation to equality and diversity generally.

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