

## **EQUAL OPPORTUNITIES POLICY**

### **1. PURPOSE**

1. Bank House Chambers is committed to promoting equality and diversity and promoting a culture that actively values difference and recognises that people from different backgrounds and experiences can bring valuable insights to the workplace and enhance the way we work. Bank House Chambers aims to be an inclusive organisation, where diversity is valued, respected and built upon, with ability to recruit and retain a diverse workforce that reflects the communities it serves. Within this framework Chambers specifically refers to measures it has in place to provide equality of opportunity and the facilities that it can provide to its diverse workforce and job applicants.
2. Bank House Chambers is also committed to compliance with relevant equality legislation, the Equality Act 2010, Codes of Practice and relevant best practice guidance. This policy pursues and builds on the statutory position to ensure effective policies and practice of promoting equality.
3. Bank House Chambers aims to pro-actively tackle discrimination or disadvantage and aims to ensure that no individual or group is directly or indirectly discriminated against for any reason with regard to employment or accessing its services.
4. However, Bank House Chambers is also mindful of the provision in discrimination law for the rare circumstances when an organisation may need to justify discrimination rather than have a disproportionate effect. This could be, for instance, where there is a conflict with other legislation that Bank House Chambers has to comply with or between service needs. In such circumstances Bank House Chambers is committed to following the required proper assessment and objective justification of any decision in order to demonstrate that the provision, criterion or practice is a proportionate means of achieving a legitimate aim.
5. Issues regarding harassment and bullying are covered in the Harassment & Bullying Policy. For issues regarding recruitment refer also to the Recruitment policy and for complaints see the Complaints/Grievances policy.

### **2. THE DEFINITION OF EQUALITY & DIVERSITY**

1. Equality can be described as breaking down barriers, eliminating discrimination and ensuring equal opportunity and access for all groups both in employment, and to goods and services; the basis of which is supported and protected by legislation.
2. Diversity can be described as celebrating differences and valuing everyone. Each person is an individual with visible and non-visible differences and by respecting this everyone can feel valued for their contributions which is beneficial not only for the individual but for Bank House Chambers.

3. Equality and Diversity are not inter-changeable but inter-dependent. There can be no equality of opportunity if difference is not valued and harnessed and taken account of.

### 3. SCOPE

1. This policy applies to direct employees and members of Bank House Chambers, and all job and pupillage applicants for recruitment.

### 4. POLICY STATEMENT

1. Bank House Chambers is committed to ensuring that:
  - Existing members of chambers and staff, job and pupillage applicants are treated fairly in an environment which is free from any form of discrimination with regard to eight of the protected characteristics as outlined by the Equality Act 2010 which are:
    - Age
    - Disability
    - Gender reassignment
    - Marriage and civil partnership
    - Pregnancy and maternity
    - Race (includes colour, nationality and ethnic origins)
    - Religion and or belief
    - Sex and sexual orientation
  - In addition, existing members of Chambers and staff, job/pupillage applicants, are treated fairly in an environment which is free from any form of discrimination with regard to caring responsibilities and part-time employment.
  - All employment-related policies, practices and procedures are applied impartially and objectively.
  - Equality of opportunity to all and to provide members and staff with the opportunity to develop and realise their full potential.
  - Bank House Chambers works towards achieving a diverse workforce at all levels;
  - Employees of Bank House Chambers can work in an atmosphere of dignity and respect.
  - Such a commitment entails that positive steps can be taken to identify and eliminate possible areas of discrimination in relation to:
    - The recruitment of tenants, pupils and staff;
    - The treatment and relations of tenants, pupils and staff both professionally and socially;
    - The treatment of lay and professional clients.
2. The Equality & Diversity policy provides a clear framework for translating our policy into action. Bank House Chambers is strongly committed to its full and active implementation.

3. Bank House Chambers will not tolerate processes, attitudes and behaviour that amounts to direct discrimination, associative discrimination, discrimination by perception indirect discrimination including harassment (harassment by a third party), victimisation and bullying through prejudice, ignorance, thoughtlessness and stereotyping. See Section 12 below for further explanation of these concepts.
4. Bank House Chambers recognises the importance of monitoring, reviewing and reporting on its equality and diversity policy and practice and to measure progress in meeting our policy statement (see Section 9).

## 5. THE LEGISLATION

1. This Code reflects the legislative framework provided by Parliament as reflected in the Equality Act 2010.
2. Section 47 of the Equality Act 2010 prohibits discrimination, harassment or victimisation by a barrister's clerk or by (or against) a barrister. In particular, the Section provides that:
  - A barrister or clerk must not discriminate against a person (a) in the arrangements made for deciding to whom to offer pupillage or tenancy; (b) as to the terms upon which pupillage or tenancy is offered; (c) by not offering pupillage or tenancy.
  - A barrister or clerk must not discriminate against a person who is a pupil or tenant (a) as to the terms on which pupillage or tenancy is offered; (b) in the way s/he affords access to that pupil/tenant (or by not offering access) to opportunities for training, gaining experience, or receiving any other benefit, facility or service; (c) by terminating the pupillage; (d) by subjecting that pupil/tenant to pressure to leave Chambers; (e) by subjecting the pupil/tenant to any other detriment.
  - A barrister or clerk must not, in relation to a pupillage or tenancy, harass the pupil /tenant or a person who has applied for pupillage/ tenancy.
  - A barrister or clerk must not victimise a person (a) in the arrangements made for deciding to whom to offer pupillage or tenancy; (b) as to the terms upon which pupillage or tenancy is offered; (c) by not offering pupillage or tenancy.
  - A barrister or clerk must not victimise a pupil/tenant (a) as to the terms on which pupillage or tenancy is offered; (b) in the way s/he affords access to that pupil/tenant (or by not offering access) to opportunities for training, gaining experience, or receiving any other benefit, facility or service; (c) by terminating the pupillage; (d) by subjecting that pupil/tenant to pressure to leave Chambers; (e) by subjecting the pupil/tenant to any other detriment.
  - The duty to make reasonable adjustments applies to a barrister.
  - A person must not, in relation to instructing a barrister (a) discriminate a barrister by subjecting the barrister to a detriment; (b) harass the barrister; (c) victimise the barrister.
3. A failure to comply with the Policy shall constitute professional misconduct rendering a barrister liable to disciplinary proceedings.

## **6. PRACTICAL SUPPORT FOR A DIVERSE WORKFORCE**

1. As an employer committed to diversity and equality, Bank House Chambers recognises its success depends on creating a working environment which supports the diverse make-up of its members, staff and pupils with supporting policies and procedures to create a framework of assistance.

## **7. WORK/LIFE BALANCE**

1. Bank House Chambers is committed to members, staff and pupils who have commitments outside work, irrespective of whether they have caring responsibilities.
2. Bank House Chambers aims to improve the working lives of its employees by having a framework of policies including a flexible working policy and a parental leave policy.

## **8. CHAMBERS POLICIES**

1. All of Bank House Chambers policies and procedures are designed to promote equal opportunity and protection against discrimination for all employees.

## **9. REVIEW & MONITORING**

1. Bank House Chambers undertakes monitoring that not only meets statutory requirements but also aims for best practice. This is used to inform and improve our practices. If through monitoring any discrimination is identified Bank House Chambers will take corrective action to eliminate it.
2. The monitoring of Bank House Chambers membership, recruitment and workforce is produced across all areas of employment practice and is discussed at Management Committee meetings, where the Equality & Diversity Officer, Kath Goddard QC will be present and provide data.
3. Such monitoring will be carried out using appropriate statistical analysis, and would normally deal with areas such as race, disability, gender, and age and ensure compliance with legislation. Any resultant statistics and analysis will be kept by the Equality & Diversity Officer, Kath Goddard QC.
4. In seeking to identify and eliminate sources of unintended discrimination, chambers shall monitor:
  - the recruitment of applicants for employment, pupillages and tenancy;
  - the allocation of work between pupils in chambers; ▪ the allocation of work between members of chambers.
5. The monitoring data will be analysed at least once per year (or following specific recruitment drives where this is more appropriate) and where under-representation of a particular group is identified, chambers will seek to improve the position of the under-represented group. However, chambers will not engage in positive discrimination or quotas as both these practices are unlawful in the United Kingdom.
6. EOM forms will be issued to all applicants of vacancies open for employment, tenancy or pupillage. This will be via attachment to the relevant application form. On receipt of the application form, the EOM forms will be immediately removed from their application. All forms will be forwarded to the Equality Officer who will analyse the data and review the results.

7. The allocation of work to all members of chambers, those members of the Bar who are neither pupils nor tenants and pupils and must be carried out in a manner that is fair to all and without discrimination. Selection of counsel must however be on the basis of the skills and experience required for the particular case and the clerks will enjoy the ability to exercise discretion in offering members of chambers for particular cases and to particular firms of solicitors. No applicant for pupillage or tenancy shall suffer discrimination:
  - In the arrangements which are made for the purpose of determining to whom it should be offered;
  - In respect of any terms on which it is offered, or by a refusal, or deliberate omission, to offer it to him or her.
8. Furthermore, no pupil or tenant shall suffer discrimination:
  - In respect of any terms applicable to him or her as a pupil or tenant;
  - In the opportunities for training, or gaining experience, which are afforded or denied to him or her;
  - In the benefits, facilities or services which are afforded or denied to him or her;
  - In the volume or type of work which is offered or denied to him or her;
  - By termination of his or her pupillage or by subjecting him or her to any pressure to leave chambers or other detriment.
9. The Bar Standards Board Handbook requires that Chambers takes all reasonable steps to ensure that the affairs of chambers are conducted in a manner which is fair and equitable for all barristers and pupils. This responsibility extends to the distribution of work amongst pupils and members of chambers.
10. Any complaints about allegedly unfair allocation of work should be addressed jointly to the Head of Chambers Complaints Panel, Mike Cane-Soothill and the Equality & Diversity Officer, Kath Goddard QC.

## **10. TRAINING**

1. Bank House Chambers is committed to ensuring its staff and members are trained in equality and diversity and aims to ensure that adequate training is provided so that staff are able to operate this policy. Examples include specific training on race, gender, gender identity, disability, sexuality, age and religion or belief, in accordance with the requirements of the law and good practice.
2. Diversity and equality forms an integral part of Bank House Chambers induction package. Managers are to ensure that all new entrants are made aware of our Equality and Diversity Policy the policies annexed therein.

## **11. COMMUNICATION**

1. This Policy and the Equality and Diversity policy constitutes part of the Chambers Handbook and is available for all members and staff. A copy can be requested from the Equality and Diversity Officer.
2. The details of this policy will be proactively communicated and promoted to all new members, pupils and staff.

## 12. DISCRIMINATION

1. Discrimination may take seven main forms and is defined in law along with the protective characteristics associated with each provision as listed below:

- **Direct Discrimination** occurs when someone is treated less favourably than another person because of a protected characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage & civil partnership, pregnancy and maternity.
- **Indirect discrimination** occurs when a seemingly neutral provision, criterion or practice that applies to everyone places a group who share a characteristic e.g. type of disability at a particular disadvantage. Indirect discrimination may be justified if it can be shown that the provision, criterion or practice is a proportionate means of achieving a legitimate aim.
- **Associative discrimination** occurs when someone discriminates against someone because they associate with another person who possesses a protected characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation.
- **Discrimination by perception** occurs when someone discriminates against an individual because they think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Relevant protected characteristics include age, disability, gender reassignment, race, religion or belief, sex, sexual orientation.
- **Dual discrimination** occurs when someone is treated less favourably because of a combination of two relevant protected characteristics. This means that it will be possible for an applicant to claim that they have been treated less favourably not just because of their race but also because of their gender.
- **Detriment arising from a disability arises when you treat a disabled person unfavourably because of something connected with their disability.** This type of discrimination is unlawful where the employer or other person acting for the employer knows, or could reasonably be expected to know, that the person had a disability. This type of discrimination is only lawful if the action can be justified and the employer can show that is a proportionate means of achieving a legitimate aim.
- **Victimisation** occurs when an employee is treated unfavourably, disadvantaged or subjected to a detriment because they have made or supported a complaint of discrimination or raised a grievance under the Equality Act, this policy or the Harassment policy or because they are suspected of doing so. (However, an employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.
- **Third party harassment** occurs when an employee is harassed by someone who does not work for the employing organisation such as a customer, visitors, client, contractor or visitors from another organisation. Chambers will become legally responsible if they know an employee has been harassed on two or more occasions by someone and it may also be different individuals

each time and fails to take reasonable steps to protect the employee from further harassment.

### **13. COMPLAINTS OF DISCRIMINATION**

1. Bank House Chambers takes all claims of discrimination very seriously and will take appropriate action against those concerned. Discrimination occurs when someone directly or indirectly treats a person or a group of people unfavourably because of a protected characteristic of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. This covers all behaviour including remarks and insinuation, both verbal and non-verbal, which cause offence.
2. Any member, staff or pupil who is subject to harassment, bullying or discrimination is encouraged to refer to the Chambers policy on Harassment. This provides details of the steps that can be taken to deal with such an issue.

### **14. PEOPLE STRATEGY & CORPORATE SOCIAL RESPONSIBILITY**

1. Bank House Chambers aims to be an employer of choice and aims to ensure its workforce are able to make a valuable contribution to the work of Chambers whilst ensuring the health of our workforce and well-being of the workforce is supported.
2. Where appropriate, Bank House Chambers actively encourages its members, staff and pupils to participate in local voluntary initiatives and may provide further support to initiatives, which encourage social inclusion in the local community. This may involve, for example, members and employees acting as mentors to local school children and volunteering opportunities.

### **15. RESPONSIBILITY**

1. All members and staff have a responsibility to guard against any form of discrimination and avoid any action which goes against the spirit of this policy. Thus, members and staff at all levels must ensure that there is no discrimination in any of their decisions or behaviour. This includes the provision that all members and staff must:
  - report any suspected discriminatory acts or practices;
  - not induce or attempt to induce others to practice unlawful discrimination;
  - co-operate with any measures introduced to ensure equality of opportunity;
  - not victimise anyone as a result of them having complained about, reported or provided evidence of discrimination; ▪ not harass, abuse or intimidate others.
2. However, whilst all members, staff and pupils have a collective responsibility to ensure this policy is successfully implemented, there are also specific responsibilities within this.
  - The Equality & Diversity Officer, Kath Goddard QC is responsible for:
  - providing leadership on the equality and diversity strategy and policy, to ensure the policy is implemented;
  - communicating and promoting the strategy and policy, internally and externally;

- reviewing of reports to ensure the fair distribution of work to pupils/junior members;
  - hearing and resolution of grievances relating to equality in the first instance.
  - The Diversity Data Officer, Jasmine Harrison is responsible for:
  - inviting members of the workforce to provide diversity data in respect of themselves and that such data is published every three years;
  - ensuring that Chambers has a written policy statement on the collection, publication, retention and destruction of diversity data.
  - Managers at all levels are responsible for:
    - implementing the policy as part of their day-to day management of staff and in applying employment policies and practices in a fair and equitable way;
    - ensuring equality and diversity issues are addressed in performance;
    - ensuring all members staff act in accordance with the equality and diversity policy providing necessary support and direction;
    - effectively manage and deal promptly when investigating issues relating to potential discrimination;
    - ensuring the fair distribution of unallocated work to pupils and junior tenants.
  - Each member and employee is responsible for:
    - implementing the policy in their day-to-day work and their dealings with colleagues and clients;
    - ensuring their behaviour is appropriate to the policy and that they treat people with respect and dignity;
    - not discriminating against other members, employees or clients;
    - notifying their line manager of any concerns with regard to the conduct of other members or employees.
3. Bank House Chambers will not tolerate any behaviour from members or staff which breaches our equality and diversity policy. Any such breaches will be regarded as misconduct except for serious offences such as discrimination on protected grounds; serious offences including harassment, bullying, or victimisation will be treated as gross misconduct and may lead to disciplinary action including dismissal from Chambers/employment without notice.

#### **16. MONITORING AND REVIEW OF POLICY**

1. The Equality & Diversity Officer has the responsibility for ensuring the maintenance, updating and regular review of this policy.
2. The Management Committee will review and approve this Policy on an Annual Basis once the Equality & Diversity Officer presents this to the Committee with the amendments.

Date Adopted: January 2023

Name: Gurdial Singh

Head of Chambers: Gurdial Singh

Next Review Date: January 2024