

SELBORNE CHAMBERS' EQUALITY & DIVERSITY **POLICY**

Introduction

1. Selborne Chambers (“**Chambers**”) is a forward-looking set, firmly committed to promoting and advancing equality so that its working environment is free from unlawful discrimination on the grounds of race (including colour, nationality, and ethnic or national origins), sex, pregnancy and maternity, disability, sexual orientation, marriage and civil partnership, religion or belief, age, or gender reassignment.
2. Chambers recognises that such a commitment may require positive steps to be taken to identify and eliminate all possible areas of discrimination, including direct and indirect discrimination, and discrimination arising from a failure to make reasonable adjustments, from disability, or from harassment or victimisation.
3. The purpose of this policy (“**this Policy**”) is to put in place effective procedures for:
 - 3.1 Promoting and advancing equality in the Chambers’ working environment; and
 - 3.2 Responding to, and rectifying where appropriate, complaints and concerns about discrimination (or perceived discrimination).
4. This Policy should be read in conjunction with Chambers’ separate ‘Policy Regarding the Allocation of Work, and Opportunities for Work, in Chambers.’
5. A copy of this Policy is provided to all those for whom Chambers constitutes a working environment, including Members of Chambers, pupils, squatters, clerks and other employees,

temporary workers, those who provide services to Chambers such as contract cleaners, accountants and IT consultants, and mini-pupils and work-experience students. All Members of Chambers, clerks and staff are required to read this Policy and understand their role in relation to it. Chambers' Equality and Diversity Officer is the point of contact for all queries regarding this Policy.

The Regulatory Requirements

6. This Policy has been prepared bearing in mind the requirements of the Bar Standards Board Handbook ("**the Handbook**").
7. Part 2, Section D1.2, Rule C110 of the Handbook contains the following obligations with which all Members of Chambers are required to comply:

“You must take reasonable steps to ensure that in relation to your chambers:

- 1. there is in force a written statement of policy on equality and diversity;*
- 2. there is in force a written plan implementing that policy;*
- 3. the following requirements are complied with:*

...

(e) your chambers:

.i conducts a regular review of its policy on equality and diversity and of its implementation in order to ensure that it complies with the requirements of Rule C110; and

.ii takes any appropriate remedial action identified in light of that review;

...

(j) chambers has a written anti-harassment policy which, as a minimum:

.i states that harassment will not be tolerated or condoned and that employees, members of chambers, pupils and others temporarily in your chambers such as mini-pupils have a right to complain if it occurs;

.ii sets out how the policy will be communicated;

.iii sets out the procedure for dealing with complaints of harassment;

(k) chambers has a parental leave policy which, in the case of a chambers, must have as a minimum:

.i the right of a member of chambers to return to chambers after a specified period (which must be at least one year) of parental or adoption leave;

.ii the extent to which a member of chambers is or is not required to contribute to chambers' rent and expenses during parental leave;

.iii the method of calculation of any waiver, reduction or reimbursement of chambers' rent and expenses during parental leave;

.iv where any element of rent is paid on a flat rate basis, the chambers policy must as a minimum provide that chambers will offer members taking a period of parental leave, or leave following adoption, a minimum of 6 months free of chambers' rent;

.v the procedure for dealing with grievances under the policy;

.vi chambers' commitment to regularly review the effectiveness of the policy;

(l) chambers has a flexible working policy which covers the right of a member of chambers or employee (as the case may be) to take a career break, to work part-time, to work flexible hours, or to work from home, so as to enable him to manage his family responsibilities or disability without giving up work;

(m) chambers has a reasonable adjustments policy aimed at supporting disabled clients, its workforce and others including temporary visitors."

Anti-Harassment Policy ("AHP")

8. This AHP covers all those working in Chambers, visiting Chambers and providing services to Chambers.
9. Chambers is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. Chambers is determined to promote a work environment in which everyone is treated equally and with dignity and can flourish.
10. Harassment in any form will not be tolerated at Chambers. Harassment includes any unwanted conduct related to sex, race, disability, gender re-assignment, religion or belief, sexual orientation or age. Such behaviour may take many forms including:
 - 10.1 Conduct which is unwanted by the recipient and perceived as hostile or threatening;
 - 10.2 Conduct which gives rise to a hostile or threatening work environment;
 - 10.3 Conduct which creates an atmosphere in which it is feared that rejection or submission will be used as a basis for decisions which have an impact on the recipient at work such as allocation of work or tenancy decision.

11. The following are examples of types of behaviour which may amount to harassment:

- 11.1 Physical or sexual assault;
- 11.2 Requests for sexual favours in return for career advancement;
- 11.3 Unnecessary physical contact;
- 11.4 Exclusion from social networks and activities or other forms of isolation;
- 11.5 Bullying;
- 11.6 Compromising suggestions or invitations;
- 11.7 Suggestive remarks or looks;
- 11.8 Display of offensive materials, including on a computer screen;
- 11.9 Tasteless jokes or verbal abuse, including any sent by email;
- 11.10 Offensive remarks or ridicule;
- 11.11 Dealing inappropriately or inadequately with complaints of harassment.

12. Harassment is unlawful under Section 26 of the Equality Act 2010. In addition to the above unwanted conduct, it can arise where a person engages in any kind of unwanted sexual behaviour (or gender reassignment or sex-related behaviour).

13. Complaints of harassment may be dealt with under the 'Complaints & Grievances' procedure described below.

14. Harassment is misconduct for employees or a breach of the Bar Code of Conduct / the Handbook for barristers. Allegations of harassment will be dealt with under the Chambers disciplinary procedure.

15. Chambers is committed to ensuring that no-one who makes an allegation of harassment in good faith should be subjected to any detriment as a result. Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint will be viewed as a disciplinary matter.

16. This AHP was adopted on the date below and will be reviewed in 12 months from that date.

Parental Leave Policy (“PLP”)

17. For the purposes of this PLP, the phrase ‘parental leave’ refers to leave taken by the main carer of a child following birth or adoption. This could be the mother, father or adoptive parent of either sex.

18. It is the aim of the PLP to:

18.1 Encourage Members following parental leave to return to Chambers and continue to build successful practices;

18.2 Prevent discrimination on the grounds of parental responsibility;

18.3 Encourage and support Members taking time off following the birth or adoption of a child without suffering financial hardship;

18.4 Comply with the requirements of the Handbook and accompanying guidelines.

19. The PLP is reviewed by Chambers’ Equality and Diversity Officer every 12 months.

20. Every Member of Chambers is entitled to return to Chambers within a period of one year after the birth or adoption of a child for whom they are the primary carer.

21. Chambers’ rent is payable in respect of all work done prior to, and during, the taking of a period of parental leave. A Member of Chambers taking a period of parental leave is entitled to a discount on Chambers’ rent on the work that he or she undertakes in the six months following return to practice: the first three months will be free of Chambers’ rent and the following three months will be at half the usual percentage. This six-month period will be calculated from the date of the first instructions received following the date of return to Chambers as notified to the clerks under paragraphs 22 to 24 below. The six-month period shall begin no later than one year after the

commencement of the period of parental leave, unless an alternative prior date is agreed with Chambers' management and clerks

22. Members of Chambers are required to notify Chambers' management and clerks of their intention to take a period of parental leave not less than 3 months before the commencement of the period of leave indicating the estimated commencement date of leave and likely date of return.
23. If a Member of Chambers wishes to take more than six months' parental leave he or she should notify Chambers' management and clerks not less than 4 weeks before the end of that period stating the estimated date on which he or she intends to return.
24. If a Member of Chambers wishes to take parental leave for a period longer than 12 months, this should be discussed with Chambers' management. If a Member of Chambers is absent from Chambers for more than 12 months without agreeing an extension with Chambers' management, his or her automatic right to return to Chambers ceases unless such absence is due to consecutive births. Where membership ceases by virtue of this provision, a Member of Chambers can re-apply to Chambers in the usual way.
25. A Member of Chambers on parental leave is encouraged to maintain contact with Chambers. Heads of Chambers will ensure that the Member is:
 - 25.1 Offered opportunities to do appropriate work if this is requested;
 - 25.2 Inviting to training events, social occasions, marketing events and Chambers meeting;
 - 25.3 Is consulted on any significant issues affecting the practice of Chambers; and
 - 25.4 Receives assistance with the re-establishment of their practice on return to work, including (where requested) the arrangement of a 'practice meeting' with the relevant clerk within two weeks before the Member returns to work.
26. It is the policy of Chambers to enable parents to work reduced hours for a period of 6 months on return from parental leave. This should be discussed with Chambers' management and clerks on an individual basis.

27. If a Member of Chambers' partner gives birth to or adopts a child, and the Member of Chambers is not the main carer of the child, the Member of Chambers shall nonetheless be entitled to one month's absence from Chambers.
28. Any Member of Chambers who wishes to make a complaint regarding a breach of the PLP may follow the 'Complaints & Grievances' procedure described below.

Flexible Working Policy ("FWP") / Career Breaks

29. Some barristers may find that the demands of full-time practice make continued practice at the Bar unviable, particularly with child-care or other similar commitments. Flexible working arrangements may enable these barristers to remain in practice.
30. The self-employed Bar is ideally suited to flexible working. Solicitors and lay clients do not expect barristers to be available at all times, not least because of their commitments to other clients, for example, during trials a long distance from Chambers, or due to part-time judicial appointments etc. Remote access to Chambers, computers and telephone networks means that it is now common for barristers to work from home, often for reasons of convenience unconnected with childcare or other domestic responsibilities.
31. Chambers will give sympathetic consideration to any flexible working requests from Members of Chambers. Individual Members of Chambers who are seeking a flexible work arrangement should themselves be proactive in proposing and seeking to agree fair arrangements for the use of Chambers' resources, including accommodation, with their Chambers.
32. Members of Chambers with flexible working arrangements will be given opportunities to take part in all aspects of Chambers' activities, including continuing professional development, marketing and social activities. The nature of individual Members' flexible working arrangements will be taken into account when these activities are arranged.
33. Any Member of Chambers may take a sabbatical leave of up to six months after completion of 7 years' continuous membership of Chambers.

Reasonable Adjustments Policy (“RAP”)

34. Chambers is committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working with Chambers or receiving legal services. This RAP covers all employees of Chambers, barristers, clerks, pupils, mini-pupils and visitors to Chambers.
35. For the purposes of this RAP, the definition of ‘disability’ follows that set out in Section 6 of the Equality Act 2010. A person is therefore disabled if he or she has a physical or mental impairment which has a substantial and long term adverse effect on his or 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.
36. This RAP 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 include:
- 36.1 Provision of information in alternative formats (e.g. braille or large print);
 - 36.2 Paid leave for disabled employees of Chambers;
 - 36.3 Provision of auxiliary aids (e.g. induction loops);
 - 36.4 Provision of accessible conference room facilities;
 - 36.5 Provision of a reader or interpreter.
37. Staff or Members of Chambers with specific requirements should make requests to Chambers’ management 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. Where it is not possible to make the adjustment requested, Chambers will discuss viable alternatives with the applicant.
38. Chambers’ Equality and Diversity Officer 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(s) concerned in order to ensure that adjustments to the emergency evacuation procedure may be made.

39. Members of Chambers 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 the clerks.
40. In no circumstances will Chambers pass on the cost of a reasonable adjustment to a disabled person.
41. This RAP is reviewed by Chambers' Equality and Diversity Officer every 12 months.

Complaints & Grievances

42. Any Member of Chambers who wishes to make a complaint regarding a breach of the AHP, the PLP, the FWP or the RAP, or any other breach of this Policy, may raise the matter informally with Chambers' Equality and Diversity Officer, who will endeavour to agree an appropriate response.
43. However, if any employee, member of Chambers, pupil or any other person temporarily in Chambers (such as mini-pupils), wishes to make a formal complaint then the following process should be adhered to:
 - 43.1 In the first instance, the complainant should provide written details of his or her complaint to Chambers' Equality and Diversity Officer;
 - 43.2 Within 28 days of receipt of the complaint, Chambers' Equality and Diversity Officer will arrange a meeting ("**the initial meeting**") to take place between him/her, the complainant and the senior clerk. At that meeting, the parties will discuss the complaint and, if appropriate, endeavour to agree an appropriate response;
 - 43.3 If, following 28 days after the initial meeting, the complainant is not satisfied that his/her complaint has been properly rectified, he/she may give notice in writing to the Head of Chambers asking him/her to consider the complaint further;

43.4 Within 28 days of receipt of such notice in writing, the Head of Chambers, together with a nominated member of the Board of Chambers, shall consider the complaint and take whatever steps might be necessary or appropriate in the circumstances.

May 2014