



1 CHANCERY LANE

EQUALITY AND DIVERSITY OPPORTUNITIES POLICY

INTRODUCTION

1. No.1 Chancery Lane is a modern set firmly committed to the active promotion of equal opportunities and to ensuring an absence of direct or indirect discrimination on grounds of race, colour, ethnic or national origin, nationality, citizenship, gender, sexual orientation, marital status, age, disability, religion or political persuasion. Such a commitment entails that positive steps be taken to identify and eliminate possible areas of discrimination in relation to:
 - the recruitment of pupils, tenants and members of staff;
 - the treatment of pupils, tenants and members of staff both professionally and socially;
 - relations between pupils, tenants and members of staff both professionally and socially;
 - the treatment of lay and professional clients.

To this end, this Policy provides a framework for the promotion of equal opportunities and the internal resolution of complaints involving members of chambers, whether pupils, tenants or members of staff.

2. Chambers is committed to ensuring equality of treatment and opportunity in every area of its activities. It aims to establish a working environment in which all individuals including pupils, tenants, staff, clients and the public are treated with dignity and respect. It encourages all members of Chambers to undertake equality and diversity training and requires all members of the Admissions Committee and other members of Chambers involved in the selection of pupils, together with all staff, to receive such training. The need for further training is actively monitored by Chambers' Equality and Diversity Officer (currently Geoffrey Weddell).
3. A member of Chambers, whether pupil, tenant or member of staff, must not act in relation to another member of Chambers, to a pupil of Chambers, to a present or aspiring member of the Bar, to a lay or professional client, to a clerk, a judge, an usher, a chief executive of a barristers chambers or to any other person in a manner which is either directly or indirectly discriminatory, consists of harassment or victimises that person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, gender, sexual orientation, marital status, age, disability, religion or political persuasion whilst acting in their professional capacity.
4. This Policy reflects the relevant legislation in this area and Equality and Diversity rules C110 to C112 of the BSB Handbook. All tenants and members of staff have undertaken to observe the requirements set out in this Policy, and every person who is invited to join Chambers, whether as

a tenant or as a member of staff, shall be required to do so before he or she joins Chambers.

DEFINITIONS

5. In this Policy, “**tenant**” includes door tenants and tenants on a period of fixed leave; “**member of staff**” includes any clerk or any other person employed by Chambers, whether on a full-time or part-time basis.
6. **Direct discrimination** consists of treating such a person less favourably than others are, or would be, treated in similar circumstances.
7. **Indirect discrimination** occurs where:
 - a requirement or condition is applied equally to everyone but a considerably smaller proportion of one gender or group than of the other persons to whom it applies can comply with it;
 - a particular individual cannot comply with the requirement;
 - it results in a detriment to him or her; and,
 - the requirement cannot be shown to be objectively justifiable in spite of its discriminatory effect.
8. **Harassment** is an example of direct discrimination. Harassment creates an intimidating or unpleasant working environment which may affect career advancement and thereby constitute discrimination. It is defined as unwelcome conduct that is offensive to the recipient in that it affects their dignity, where such conduct would not have occurred but for the collective qualities or characteristics of the recipient. Such conduct will be considered as harassment whatever the motive or intention of the perpetrator. It must never be assumed that because a similar remark or act did not appear to cause offence in the past that it is therefore inoffensive. Chambers’ **Harassment Policy** can be viewed on the Recruitment page of our website and can also be obtained from the clerks.

9. **Victimisation** consists of less favourable treatment to those who have brought proceedings, or given evidence or information for the purpose of legal or disciplinary proceedings, or made a complaint based upon an allegation of discrimination. Such treatment is unlawful under the Equality Act 2010 and will also breach r C12 of the BSB Handbook.
10. It will not be a defence to claims for direct discrimination and victimisation that there was no intention to discriminate, and therefore treatment which is well-intentioned may amount to discrimination. Furthermore, there is no defence of “joke” or “banter” as these may be discriminatory if offence is caused, even though there was no intention to cause offence.
11. Further, it will not be permissible to claim that discrimination was justified, save that discrimination for a reason related to disability can be justified if the reason for the treatment is substantial and material. In relation to indirect discrimination, treatment may be justified if it can be shown that it is a proportionate means of achieving a legitimate aim, but the lack of an intention to discriminate is not a defence.
12. Discrimination which involves the more favourable treatment of a member of a disadvantaged group (“**positive discrimination**”) is unlawful and Chambers does not engage in it, save that a form of positive discrimination may be exercised in relation to disabled persons who may require particular adjustments to be made. Applicants from groups which are under-represented in Chambers are nevertheless encouraged but such applications will not be positively advantaged in any selection process.

13. It is worth noting that individuals from the same protected group may commit acts of unlawful discrimination against each other; a woman may unlawfully discriminate against another woman, for example, or a barrister in one racial group against another member of that group.

THE APPLICATION OF THIS POLICY

14. Chambers' commitment to eradicate direct or indirect discrimination and other unfair treatment in the terms set out above extends to:
 - the selection, treatment and conduct of pupils, tenants and members of staff; and,
 - the provision of services to clients, including the decision of whether to accept instructions from clients.
15. Although a copy of this Policy is provided to all pupils, tenants and members of staff, where required a briefing will also be provided so that everyone in Chambers is aware of behaviour which is unacceptable within the working environment and is familiar with the Policy, Chambers' Grievance Procedure and the assistance available.

SELECTION OF PUPILS AND TENANTS

16. It is extremely important, given the nature of entry into the profession, that the selection criteria for pupillage and tenancy should be free from discrimination. In pursuance of this aim Chambers undertakes that its recruitment policy in respect of pupils and tenants shall:
 - be transparent, set out in a document which is available to all on request;
 - not be subject to change during the selection process;
 - be based on objective and explicit criteria which relate to the demands of the work;
 - save in exceptional circumstances, be applied equally to all potential recruits;

- be free from assumptions based on stereotypical views or expectations of the behaviour and characteristics of any particular group; and,
 - not be subject to the will or unexplained veto of any one person alone, but instead reflects the view of a broad spectrum of members of Chambers.
17. No applicant for pupillage or tenancy in Chambers shall suffer discrimination either in the arrangements which are made for the purpose of determining to whom pupillage or tenancy should be offered, or in respect of any terms on which pupillage or tenancy is offered, or by refusal to offer the same to any particular applicant.

EQUALITY OF OPPORTUNITY WITHIN CHAMBERS

18. The allocation of work to all working pupils and members of Chambers shall be carried out in a manner that is fair to all and without discrimination. Selection of counsel shall be on the basis of the skills and experience required for the particular case. 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;
- or,
- by termination of his or her pupillage, or by subjecting him or her to any pressure to leave Chambers or other detriment.

19. In the event any lay or professional client makes a discriminatory request, that request will not be complied with. The client will instead be offered a non-discriminatory alternative solution which may involve the clerks providing the client with a list of available counsel with the appropriate experience from which to choose.
20. Any unequal or unfair treatment of pupils and members of Chambers in the allocation of work shall be treated as a serious matter and dealt with appropriately so that it does not recur. Any complaint of this nature shall be reported to the Chairman of the Admissions Committee or the Equality and Diversity Officer, as appropriate, and investigated in accordance with Chambers' Grievance Procedure.
21. Chambers will ensure, where possible, that instructions and briefs are not delivered by solicitors at such times as to preclude those with childcare and other dependent care commitments from being eligible for that work (for example, where a brief is not delivered until Friday afternoon for a trial on Monday). Chambers is conscious that late delivery of briefs may also disadvantage disabled barristers, who may require the court to make adjustments for them which cannot be made on the morning of a trial or hearing. Any solicitor who insists on a directly discriminatory allocation of work will be reported to his or her professional disciplinary body and the work refused.
22. Marketing strategies for pupils and tenants shall take into account equal opportunities considerations. For example, socialising after work in the pub may provide an effective means of networking for those who do not have childcare commitments or substantial student debts or both. Socialising in the pub may exclude pupils and junior tenants whose religious beliefs preclude the drinking of alcohol. Chambers is sensitive to

these issues and ensures that marketing and networking activities are organised so that all pupils and tenants can, so far as practicable, be equally involved.

23. No member of Chambers is permitted to have anything other than a professional relationship with any pupil of Chambers. Inappropriate behaviour by a member of Chambers towards a pupil of Chambers is a disciplinary offence. Any complaints of inappropriate behaviour by a pupil should be made to Chambers' Equality and Diversity Officer and/or to the Head of Chambers and/or to the Senior Clerk.

SERVICE PROVISION

Disabled clients

24. It is unlawful for a barrister or set of Chambers to discriminate against a disabled person:
- by refusing to provide (or deliberately not providing) any service which it provides (or is prepared to provide) to members of the public;
 - in the standard of service which it provides to the disabled person or the manner in which it provides that service;
 - in the terms on which it provides a service to the disabled person; or,
 - in failing to make reasonable adjustments, causing the disabled person to find it either impossible or unreasonably difficult to use Chambers' services, for example by failing to remove, alter or avoid physical features which make it impossible or unreasonably difficult for the disabled person to use the service.

Chambers will not discriminate against disabled persons in any of these particulars.

Discrimination

25. Discrimination on the ground of race, colour, ethnic or national origin, nationality, citizenship, gender, sexual orientation, marital status, age, disability, religion or political persuasion is prohibited under this Policy. Examples of discriminatory service provision include the following:
- the racial or sexual harassment of a professional or lay client;
 - a refusal to accept instructions to act on behalf of individuals or groups defined by their race, sex, sexuality, religion or belief;
 - providing a service that is inappropriate (for example, the timing of conferences with clients with childcare responsibilities);
 - failing to take account of the religious needs of clients in relation to dress, food and drink or religious observance; and,
 - asking irrelevant questions based upon assumptions about a client's sexuality.

MONITORING

26. In seeking to identify and eliminate sources of unintended discrimination, Chambers monitors:
- the recruitment of applicants for pupillages and tenancy (monitored by the Equality and Diversity Officer);
 - the allocation of unnamed work between pupils (monitored at least twice during the course of pupillage by the Chair of the Admissions Committee);
 - the allocation of unnamed work between tenants during their first year of tenancy (monitored twice during the year by the Equality and Diversity Officer)
 - the treatment of pupils with respect to finance and progression to tenancy (monitored by the Equality and Diversity Officer);

- the treatment of those on parental leave and who have recently returned from parental leave (monitored by the Equality and Diversity Officer);
- the treatment of staff with respect to terms and conditions of employment, pay reviews, training opportunities, promotion and appraisals (monitored by the Head of Chambers).

The monitoring data will be analysed as part of the Annual Equality Review undertaken by the Equality and Diversity Officer, and where under-representation of a particular group is identified, Chambers will seek to improve the position of the under-represented group. Chambers will not, however, engage in positive discrimination or quotas.

27. Diversity Monitoring Forms (DMFs) will be issued to applicants of any openly advertised pupillage or tenancy position. On receipt, the completed DMFs will be separated from the applicant's communication to ensure their identity is concealed. DMFs will be forwarded to the Equality and Diversity Officer for analysis. Those involved in the selection process will not see the DMFs and will not be party to their analysis. The findings of both these analyses shall be reviewed as part of the Annual Equality Review undertaken by the Equality and Diversity Officer and the Chairman of the Admissions Committee.

COMPLAINTS, CONCERNS AND ADVICE

28. Any complaints arising under Chambers' Diversity and Equal Opportunities Policy should be made to the Equality and Diversity Officer.
29. The Equality and Diversity Officer is available to offer advice to the Head of Chambers, the senior clerk, the chair of the pupillage committee, members of the Board of 1CL and individual members of chambers on

equality and diversity issues, both in response to a request and whenever the Equality and Diversity Officer considers that equality and diversity issues arise.

30. The Equality and Diversity Officer is also available to individual members or chambers staff to offer advice on equality issues and to provide an informal route, if requested, for the resolution of grievances.

MONITORING AND REVIEW OF POLICY

31. This policy is reviewed by Chambers’ Business Manager and Equality and Diversity Officer at every Equality Review on an annual basis. The table below records the date of each review and what amendments were made to the policy.

32. Members of Chambers are invited to make representations to the Equality and Diversity Officer as regards its terms and/or practical operation.

Date Reviewed	By Whom	Notes
8 th August 2008	GH	New clause 20 inserted
27 th February 2009	GQ	Reviewed and two minor amendments made
May and June 2009	GQ	Reviewed and amended following AW’s training by Bar Council and discussion with SJP. Clauses 3, 16, 29 and 41 amended, clauses 24, 27, 36 and 37 added.
November 2009	SB	Reviewed - no amendments - followed up Equality & Diversity

		training courses for members of chambers
December 2010	GQ	Reviewed and amended following Equality and Diversity training for MOCs and Gen and Dave to reflect fact that now two Equality Officers (AW and SKM)
April 2011	GQ	Reviewed by AW and SKM and amended to include a paragraph regarding members of Chambers and staff receiving training.
August/September 2011	GQ	Reviewed by AW and SKM as part of the Annual Equality Review. Amendments made to paragraph 41 regarding the monitoring of unnamed work.
September 2012	GQ	Reviewed by AW and SKM as part of the Annual Equality Review and in light of the new Code. Amendments made to parental leave section and a new reasonable adjustments section added.
February 2016	SKM	Reviewed and updated.
March 2021	GW	Reviewed and updated.