

## **EQUALITY AND DIVERSITY POLICY**

*References to Chambers in this policy include Brick Court Chambers and its service company, Little Essex Street Service Company Ltd. References to employees are to former employees of Brick Court Chambers and current and former employees of Little Essex Street Service Company Ltd, as appropriate.*

### **A. Introduction**

1. This is Chambers' Equality and Diversity Policy. Chambers is required to have such a policy by rule C110.1 of the Bar Standards Board Handbook. This policy is effective, in this version, from the date of its approval by the Executive Committee, set out below.

### **B. Purpose**

2. Chambers is committed to equality and diversity at the Bar and within Chambers. This includes preventing discrimination, ensuring equality of opportunity, and promoting diversity.
3. Preventing discrimination, and ensuring equality of opportunity, require that nobody is treated less favourably because of their age; disability; gender identity or expression;<sup>1</sup> marital or civil partner status; political persuasion; pregnancy or parental status; race (including colour, nationality, and ethnic or national origin); religion or belief; sexual orientation; social background; or any other irrelevant or irrational criteria or circumstance (the "**Protected Characteristics**").

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<sup>1</sup> Gender identity and expression include, but are not limited to, gender reassignment and sex within the meaning of the Equality Act 2010. For the avoidance of doubt, for the purpose of this policy and the other policies referred to in paragraph 6, gender is not a binary or closed category.

4. Promoting diversity includes, over and above preventing discrimination and ensuring equality of opportunity, taking steps to increase the representation of minority and underrepresented groups at the Bar and within Chambers.
5. This policy sets out Chambers' overarching rules, principles and procedures for preventing discrimination, ensuring equality of opportunity, and promoting diversity.
6. Chambers also has a number of more specific policies that aim to secure equality and diversity within Chambers. All such policies in force from time to time, together with this policy, shall be available on the equality and diversity section of Chambers' website.

### **C. Scope**

7. This policy applies to all individuals working at all levels of Chambers, including members of Chambers, employees, pupils, mini-pupils, consultants, contractors, casual and agency staff ("**persons working within Chambers**").
8. This policy does not form part of any employee's contract of employment and Chambers may amend it at any time.
9. The Protected Characteristics listed in paragraph 3 include, but go beyond, the characteristics protected under the Equality Act 2010. References to "improper" conduct in this policy refer to conduct that would be unlawful if it related to a characteristic protected under the Equality Act, but instead relates to one or more of the other Protected Characteristics.
10. We remind everyone to whom this policy is addressed that the responsibility to ensure that there is no unlawful or improper discrimination rests not only with Chambers but also with each of you as individuals, and that claims for unlawful discrimination can be brought against you personally. You must therefore ensure that you do not unlawfully or improperly discriminate, or assist others to do so.
11. Chambers takes a strict approach to breaches of this policy, and its other policies aimed at securing equality and diversity within Chambers. In particular:
  - (1) Breaches by employees will be dealt with in accordance with the Disciplinary Procedure. Serious cases of deliberate discrimination may amount to gross misconduct resulting in dismissal.
  - (2) Breaches by other persons working within Chambers will be dealt with in accordance with our Equality Procedures.

#### **D. Responsibility for equality and diversity matters in Chambers**

12. Chambers has an Equality and Diversity Officer, who has overall responsibility for equality and diversity matters within Chambers.
13. Chambers also has an Equality and Diversity Committee, which is chaired by the Equality and Diversity Officer.
14. The Equality and Diversity Officer, assisted by the Equality and Diversity Committee, is responsible for monitoring the effectiveness of this policy and the other policies referred to in paragraph 6 above, and for ensuring that:
  - (1) such policies are regularly reviewed;
  - (2) Chambers has an action plan for implementing such policies, in accordance with rule C110.2 of the Bar Standards Board Handbook;
  - (3) all members of all selection panels complete training in fair recruitment and selection processes (in accordance with r.C110.3.c of the Bar Standards Board Handbook), and that at least all those involved in managing or overseeing Chambers' selection processes have received equality training in respect of issues affecting applicants from the groups referred to in paragraph 34 below;
  - (4) persons working within Chambers are periodically notified of the existence of such policies, and of the methods for raising any queries, concerns, issues, complaints or grievances set out in section I below; and
  - (5) Chambers complies with, and where appropriate goes beyond, its obligations under rules C110–C112 of the Bar Standards Board Handbook, and its legal obligations in respect of equality and diversity.
15. Chambers also maintains an Equality and Diversity Panel to consider equality and diversity issues, grievances or complaints. Further details are set out in Chambers' Equality Procedures.
16. Chambers has designated Diversity Mentors, whom persons working within Chambers are invited to approach if they wish to discuss any matter related to diversity and equality, including on a confidential basis.<sup>2</sup>

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<sup>2</sup> Subject to the BSB's reporting requirements in respect of serious misconduct by barristers,; see rule C66 of the BSB Handbook and the note in Chambers' Dignity at Work Policy.

17. Chambers employs an Equality and Diversity Manager, whose role is to assist the Equality and Diversity Officer, the E&D Committee and help with review and implementation of the Equality and Diversity action plan and other Equality and Diversity initiatives.
18. The names of:
  - (1) the Equality and Diversity Officer;
  - (2) the members of the Equality and Diversity Panel;
  - (3) Chambers' designated Diversity Mentors; and
  - (4) the Equality and Diversity Manager

will be published on the equality and diversity section of Chambers' website.

#### **E. Preventing discrimination**

19. You must not unlawfully or improperly discriminate against other people, including (but not limited to) members of Chambers, employees, pupils, mini-pupils, those applying for, or formerly in, such roles, clients, customers, suppliers and visitors. This applies in the workplace, outside the workplace (when dealing with clients, suppliers or other work-related contacts), and on work-related trips or events including social events.
20. The following forms of discrimination are prohibited under this policy and may be unlawful:
  - (1) Direct discrimination: treating someone less favourably because of a Protected Characteristic. For example, rejecting a job applicant because of their religious views.
  - (2) Indirect discrimination: a provision, criterion or practice that applies to everyone but adversely affects people with a particular Protected Characteristic more than others, and is not justified. For example, requiring a job to be done full-time rather than part-time would adversely affect women because they generally have greater childcare commitments than men. Such a requirement is discriminatory unless it is justified.
  - (3) Victimisation: retaliation against someone who has complained or has supported someone else's complaint about discrimination or harassment.

- (4) Disability discrimination: as well as direct and indirect discrimination, disability discrimination includes unjustified less favourable treatment because of the effects of a disability, and failure to make reasonable adjustments to alleviate disadvantages caused by a disability.
21. Harassment, which is also prohibited and may also be unlawful, is addressed by Chambers' separate Dignity at Work (Anti-Bullying and Harassment) Policy.

**F. Equal opportunities**

22. Equality of opportunity means that equal work and employment opportunities are provided to all existing members of Chambers, pupils, mini-pupils, and employees, and in the recruitment of new members of Chambers, pupils, mini-pupils and employees.
23. This means that all work and employment opportunities must be provided, and all recruitment must be conducted, without unlawful or improper discrimination:
- (1) in recruitment of any kind including members of Chambers, pupils and mini-pupils and employees. This includes the arrangements made for selection, any terms of engagement or employment provided, and in offering or refusing a person work or employment;
  - (2) in all dealings with or on behalf of Chambers and members of Chambers, pupils, mini-pupils and employees;
  - (3) in affording access to opportunities for promotion, career development, transfer and training;
  - (4) in the terms on which pupillage or employment is offered and in affording access to any benefits, facilities or services;
  - (5) in ensuring that no individual is victimised for complaining in good faith of unlawful or improper discrimination or giving evidence about such a complaint;
  - (6) in the manner in which and the reasons for which employees are dismissed, and
  - (7) in ensuring that employees, pupils, mini-pupils and members of Chambers are not treated unfavourably in any other way.

24. Additional provisions in these respects are set out in Chambers' Equal Access to Work and Opportunities Policy is available on the Equality and Diversity section of Chambers' website.

*Part-time and fixed-term work*

25. Part-time and fixed-term employees must be treated the same as comparable full-time or permanent employees and enjoy no less favourable terms and conditions (on a *pro rata* basis where appropriate), unless different treatment is justified.
26. Specific provisions in respect of flexible working are set out in Chambers' Parental Leave and Flexible Working (Members of Chambers) Policy, Staff Flexible Working Policy, Staff Co-Parental Leave and Pay Policy.

*Disabilities*

27. If you are disabled or become disabled or have a neurodivergent condition, Chambers encourages you to discuss with us what reasonable adjustments or support may be appropriate. Chambers' Reasonable Adjustments Policy is available on the Equality and Diversity section of Chambers' website.

*Transitioning at work*

28. Chambers provides support to persons who wish to transition at work. Details are set out in Chambers' Transitioning at Work Policy, which is available on the Equality and Diversity section of Chambers' website.

**G. Language**

29. The language used to describe protected characteristics such as disability, gender expression or identity, race and sexual orientation evolves with particular rapidity, and people may use different terminology to describe their own such characteristics. The use of outdated language, or the application of specific language to a person with which that person does not identify, may cause offence. Persons working within Chambers should avoid outdated language, and are encouraged to use the language preferred by specific individuals when referring to such individuals.
30. In particular, the language of "gender reassignment" and "transsexual persons" used in the Equality Act 2010 is outdated and should be avoided save where required by a specific legal context.

31. It is Chambers' policy to use gender-neutral language in its website, marketing materials, recruitment materials, policies, and other documents, save when referring to specific individuals.
32. Persons working within Chambers are required to respect everyone's choice of their own pronouns.

#### **H. Promoting diversity**

33. Chambers is committed to promoting greater diversity at the Bar and within Chambers.
34. Chambers will take steps to encourage applications from minority and underrepresented groups, including BME people and members of other ethnic minorities, women, disabled people, LGBT+ people, and people from less advantaged social backgrounds. Chambers will also take steps to ensure that its recruitment processes are inclusive of people with neurodivergent conditions.
35. Where appropriate and permitted by law including under the Equality Act 2010 (as amended from time to time), Chambers may, on a case by case basis, approve proportionate positive action in recruitment and/or promotion.

#### **I. Queries, concerns, issues, complaints or grievances**

36. Any general queries or concerns in respect of this policy, or the other policies aimed at achieving the objectives of this policy, should be raised with the Equality and Diversity Officer, directly or via the Equality and Diversity Manager or Committee members.
37. Persons working within Chambers are invited to discuss any matter related to equality and diversity with the Equality Diversity Officer or one of the Diversity Mentors.
38. Specific concerns, complaints or grievances should be raised formally or informally in the ways set out in Chambers' Equality Procedures.

*Approved by the Executive Committee on 6 May 2021.*

*To be reviewed by the Equality and Diversity Committee every two years.*