

MOUNTFORD

C H A M B E R S

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**EQUALITY AND DIVERSITY  
POLICY**

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**Issued by:**

Management Committee  
Equality & Diversity Committee

**Last updated:**

*August 2024*

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# Equality and Diversity Policy

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## Policy Statement

It is Chambers policy to ensure that no member of Chambers, pupil, employee, contractor or user of our services receives less favourable treatment on the grounds of age, race colour, ethnic or national origin, nationality/citizenship, social background, gender or gender identity, sexual orientation, marital status, disability, HIV/AIDS status, religious or political persuasion, whether by way of direct or indirect discrimination, harassment or victimisation.

Chambers will comply as far as it is able with all legislation and codes of practice that relate to equal opportunities to ensure that equal opportunities are provided for all members, pupils and administrative staff and all those who use its services.

Chambers will ensure that all members, pupils and administrative staff are recruited, trained (where appropriate) and promoted (as applicable to the environment of the Bar) on the basis of objective job-related criteria such as aptitude and skills. For these reasons, all employees and barristers (and particularly managers/supervisors and others with responsibility for work-related decisions) must comply with the policies described below.

Chambers shall monitor the implementation of this policy to ensure its effectiveness.

Chambers shall provide a complaints procedure for any person who feels that they have been discriminated against, harassed or victimised.

Non-discrimination underpins the provision of service by Chambers.

Chambers will investigate all reported incidents of alleged discrimination, harassment or victimisation. Any member of Chambers, pupil or employee that is found to have discriminated against another will be dealt with in accordance with the disciplinary procedure.

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## Legal framework

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1. It is unlawful to discriminate against employees, barristers and other workers because of sex, marriage or civil partnership, gender reassignment, pregnancy or maternity, sexual orientation, race (including colour, nationality, ethnic or national origins), religion or belief, disability and age. These are known as “protected characteristics”.
2. The law divides discrimination into four broad categories – direct discrimination, indirect discrimination, harassment and victimisation.
  - a. **Direct discrimination** involves treating a person less favourably because of a protected characteristic (for example, not promoting an individual because of their race or sexual orientation). It includes discrimination because of perceptions or assumptions about a person’s characteristics, even if these are incorrect (for example, not promoting an individual because they are assumed to be gay). It also includes discrimination because a person associates with someone who has a protected characteristic (for example, not promoting an individual because they have a disabled child). Direct discrimination cannot be justified (with the exception of age discrimination in certain circumstances).
  - b. **Indirect discrimination** occurs when an apparently neutral provision, criterion or practice is applied across all groups, but this would put those with a particular protected



characteristic at a particular disadvantage when compared with others who do not share this characteristic. Indirect discrimination will not be unlawful if it can be objectively justified.

- c. **Harassment** is unwanted conduct related to a protected characteristic or of a sexual nature which has the purpose or effect of:
    - i. violating an individual's dignity; or
    - ii. creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.
  - d. **Victimisation** has a particular legal meaning and involves subjecting a person to a detriment because they have complained about discrimination or assisted somebody else in doing so.
3. It is not normally an answer to an allegation of discrimination to say that the discrimination was not intentional or deliberate.
  4. It is unlawful to discriminate against job applicants (e.g. in recruitment arrangements and decisions), employees/barristers and other workers (e.g. in relation to terms and conditions of employment, opportunities for training and promotion, dismissal and other matters) and to certain ex-employees (e.g. in relation to references).

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## Disability discrimination

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5. In relation to disability discrimination, as well as the types of discrimination explained above, the law also makes it unlawful to treat a disabled person unfavourably because of something arising in consequence of their disability, unless this is justifiable. This is a broad test and includes, for example, treating someone unfavourably because they need to take time off work for medical treatment due to a disability. The law also imposes a duty to make reasonable adjustments to work practices or premises to accommodate the needs of a disabled person.
6. The group of people protected as disabled covers not just those with physical disabilities, such as people in wheelchairs, but also people with mental impairments and less obvious physical impairments (such as, for example, some forms of RSI and clinical depression). Depending on the circumstances, lack of knowledge that someone is disabled may not be a defence. You should always consider that an individual might have an impairment that counts as a disability without you knowing this.

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## Our policies

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7. We have set out our specific policies on various employment situations below.
8. We also have a separate Harassment policy which covers bullying and harassment, including harassment on the grounds of protected characteristics.

## Recruitment

9. The principles set out below apply to all recruitment. Additional principles applying to specific categories of recruitment are also set out below.



10. Any advertising and recruitment literature should reflect our commitment to equal opportunities. Any advertisements for vacancies will also include a statement of compliance with the equality and diversity rules in the BSB Handbook, section D1.2, Rule C110.
11. The recruitment process should not disadvantage disabled people and reasonable adjustments to the process (and particularly at any interview) should be considered.
12. Criteria for selection should be objective, fair and appropriate. Any criteria which may disadvantage those with certain protected characteristics should be retained only when justifiable in terms of the job to be done.
13. Questions at interview should relate to the requirements of the job. Questions should not be asked which could disadvantage certain groups, and questions should not be asked of those with a particular protected characteristic that would not be asked of everyone.
14. Selection procedures should be objective. Each candidate will be assessed according to his or her capability to carry out the job. It should not be assumed that certain groups should perform certain kinds of work or “will not fit in”.
15. When considering a disabled candidate’s suitability for the job, they should be assessed on the assumption that any reasonable adjustments have been made (for example, if someone needs a special keyboard and this is a reasonable adjustment, their ability to do the job compared with other candidates should be assessed on the assumption that the keyboard has been provided).
16. Wherever possible, more than one person should be involved in the recruitment process and all should have training in equal opportunities.
17. Records of interviews and the reasons for selection and rejection of candidates should be recorded and kept for a reasonable period.
18. Additional principles will apply, as follows:

#### **Recruitment of pupils**

- a. These principles apply to recruitment of twelve-month pupils. The pupillage procedures do not apply to candidates for mini pupillage, but such candidates will be selected by reference to objective criteria.
  - i. Chambers will maintain a written pupillage selection procedure, which will be reviewed regularly. Copies will be made available to applicants for pupillage.
  - ii. Applications for twelve-month pupilages will be accepted by application form only. No private arrangements to take pupils will be permitted.
  - iii. Applicants will be asked to complete diversity monitoring forms which will be reviewed by a member of the Equality and Diversity Committee by reference to gender, race, disability and age of those applying, being shortlisted and being recruited.
  - iv. Candidates will be scored (and compared) according to objective criteria and using a scoring scale established prior to interview.

## **Recruitment for vacancies for Tenancy**

- b. These principles apply to recruitment from pupils for tenancy vacancies. Discussions with established practitioners seeking to join Chambers will be dealt with separately, but in accordance with Chambers' commitment to equality and diversity.
  - i. Chambers' own pupils will be informed as to when vacancies for tenancy will be identified and the selection process. The principal basis for selection will be an assessment of the candidate's written application, their interview, and feedback reports from Members of Chambers and the Senior Clerk on work undertaken by candidates during their pupillage, assessed according to objective criteria. Internal candidates will be considered before external candidates.
  - ii. For externally advertised tenancy vacancies, short-listing of applicants for interview will be carried out by at least two Members of Chambers by reference to the objective criteria set for the role.
  - iii. Except in exceptional circumstances, every member of all selection panels must have received recent and appropriate training in fair recruitment and selection processes.
  - iv. Interviews will be structured according to the selection criteria. The policy, selection criteria and selection procedure are laid down by Chambers from time to time. They shall be fair and objective and in accordance with the letter and spirit of the BSB Equality Rules. The selection criteria and procedure shall not be changed during a selection process. The procedures may be amended to take into account new legislation and practical changes when necessary. All such changes must be approved by the Equal Opportunities Committee
  - v. Recruitment decisions will be made by the Management Committee. No single Member of Chambers shall be permitted to make (or to veto) an application alone.
  - vi. The policy, criteria and procedure in force at any time shall be kept as an appendix to this document.
  - vii. All documentation relating to selection decisions shall be retained for 12 months from determination.

## **Pay and benefits**

19. Employees are entitled to receive equal pay for work of equal value, unless there is a material factor that accounts for the variation.
20. Benefits should be offered to all employees equally unless there is a good justification for not doing so.

## **Access to work**

21. Chambers is committed to providing fair access to work for tenants and pupils. Chambers has a software system for the monitoring of work distribution to barristers in Chambers. Responsibility for ensuring regular monitoring of the distribution of work rests with Chambers Equality and Diversity Committee, in conjunction with the Management Committee with particular reference to:
  - a. the distribution of unnamed work coming into Chambers;



- b. the re-distribution of work between Members of Chambers and pupils and junior tenants;
  - c. the distribution of work among pupils and tenants of up to 5 years' call and Members of Chambers returning from a period of child leave or other family leave, or leave of absence, other than normal holiday.
22. The monitoring process will have regard to requirements in section D1.2 (Equality & Diversity), Rule rC110 of the BSB Handbook.
23. Distribution of work to all members of Chambers must be carried out in a manner that is fair to all and without discrimination and on the basis of the skills and experience required for the particular case.
24. Employees and staff shall know and observe the advice in this policy and shall not accede to discriminatory instructions from professional clients.
25. A professional client refusing to withdraw discriminatory instructions shall be reported to the Senior Clerk and/or Head of Chambers/Deputy Head of Chambers who must report the same to the relevant regulator.
26. Chambers will arrange regular meetings of the Management Committee and all members of Chambers to discuss practice development and to elicit any concerns all members of Chambers may have with respect to Chambers, its functioning, clerking etc.

## **Marketing**

27. Chambers is also committed to providing fair access to marketing opportunities for tenants. This is to ensure fairness in access to future named work.
28. No tenant of Chambers will be restricted in their attendance (or disadvantaged by the arrangements) at marketing events and/or opportunities in general over the year by reason of any protected characteristic. There should be a balance of events to ensure equal access (or ability to access) for all tenants. Responsibility for ensuring regular monitoring of the distribution of invitations to marketing events rests with Chambers Equality and Diversity Committee, in conjunction with the Management Committee.

## **Promotion and training**

29. Employees (and pupils/barristers where applicable) should have equal opportunities for promotion and training. When general ability and personal qualities are the main requirements for promotion to a post, care should be taken to consider properly candidates with differing career patterns and general experience. There should be no stereotypical assumptions about the ambitions or otherwise of any individual from a particular group.
30. Training and development should not stop because someone is pregnant or has childcare responsibilities. Nor should assumptions be made on this basis about interest in promotion.
31. Decisions about promotion, training or career development should not be based on whether or not the employee or pupil/barrister participates in social events with colleagues outside of office hours, particularly where those events involve alcohol, particular locations or activities and might therefore discourage individuals from certain groups from joining in.



## **Disciplinary, performance improvement and redundancy procedures**

32. Care should be taken to ensure that those with a particular protected characteristic are not sanctioned for performance or behaviour that would be condoned or overlooked in another group.
33. If selection for redundancy becomes necessary, the selection criteria and process should be designed to avoid direct and indirect discrimination. For example, be careful when using absence-related criteria (because these may disadvantage disabled or pregnant workers) and adjustments might need to be made to ensure that such criteria are fair.

## **Parental leave**

34. A tenant is entitled to take up to twelve months leave upon the birth or adoption of a child for which they are a primary parent or carer. If this period is taken as parental leave, the tenant shall not pay rent for this period. However, they will be required to pay 12.5% of their income (or such other standard percentage as provided for by Chambers) throughout the rent-free period. Any extension of this period should be applied for in writing within 28 days of the expiration of the rent-free period. The Management Committee will consider the application. The application shall state the reason and proposed length of the extension of the rent-free period.
35. During any period of parental leave, a tenant is entitled to maintain their practice, including carrying out fee-earning work (such as e.g. written or document-based work), without giving up their parental leave rights. Parental leave may be taken on a flexible basis.
36. The tenant shall give no less than 28 days written notice of their full time return to work date. If the tenant does not intend to return to full time work or wishes to become a door tenant, 3 months' notice is required.
37. A tenant has the option of returning on a full or part time basis for a further 12 months.
38. If a tenant elects to return on a part time basis, they will consult with the senior clerk the minimum and maximum number of days per month to be worked. During the period of working part-time, the terms of the rent to be paid are subject to discussion based on the individual member's circumstances, but may include some part of the fixed monthly charge plus 12% of gross receipts plus VAT. Any extension to the period of working part-time is to be discussed and agreed with the Management Committee. Any member of chambers is at liberty to discuss the variation of this

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## **Monitoring the effectiveness of the policy**

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39. The Management Committee and Head of Chambers will be ultimately responsible for coordinating the implementation, monitoring and review of the policy.
40. The Management Committee shall appoint an Equality and Diversity Officer and Committee who are responsible for the implementation of this policy and in particular shall play an active role in any Chambers recruitment. The name of the Officer must be included in the Chambers return. (This is in compliance with Regulation 404 of the Code of Conduct).
41. In order to review and maintain progress against our policies there shall be a Diversity Data Officer who shall be a member of the Equality and Diversity Committee who will carry out the following equal opportunities monitoring in relation to gender, race, disability and age:

42. They shall invite members of Chambers and employees to provide diversity data in respect of themselves to the Diversity Data Officer using the model questionnaire in Section 7 of the BSB's Supporting Information on the BSB Handbook Equality Rules, which is available on the BSB's website;
43. The Diversity Data Officer shall ensure that such data is anonymised and that an accurate and updated summary of it is published on Chambers' website every three years.
44. The published summary of anonymised data shall:
- a. exclude diversity data in relation to any characteristic where there is a real risk that individuals could be identified, unless all affected individuals consent; and
  - b. subject to the foregoing, include anonymised data in relation to each characteristic, categorised by reference to the job title and seniority of the members of Chambers and employees.
45. The Diversity Data Officer shall:
- a. ensure that Chambers has in place a written policy statement on the collection, publication, retention and destruction of diversity data which shall include an explanation that the provision of diversity data is voluntary;
    - i. notify all members of Chambers and employees of the contents of the written policy statement; and
    - ii. ask for explicit consent from members of Chambers and employees to the provision and processing of their diversity data in accordance with the written policy statement and these rules, in advance of collecting their diversity data.
46. Where following a review of this data, the Equality and Diversity committee identify any need to take action, the Equality and Diversity Officer will make recommendations to the Management Committee.
47. Your co-operation in this process is valued, as is any feedback or suggestions you may have for improving this policy.
48. Chambers provides equality and diversity training to staff and barristers.

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## **What to do if you have a complaint**

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49. If you believe that discrimination is taking place, you could speak informally to the person responsible, a member of the Management Committee, the Head of Chambers or the Equality and Diversity Officer. You may also consider a grievance or, if you are being harassed, a complaint under our Harassment policy.

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## **Our shared responsibilities**

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50. Whilst overall responsibility for this policy rests with the Head of Chambers and Equality and Diversity Officer, all Members of Chambers and staff are responsible for ensuring that this policy is applied within their own area.
51. You have a personal responsibility to comply with this policy and do your best to ensure that it is adhered to in your day-to-day work. You must not discriminate or help others to do so in





contravention of this policy. Breaches of this policy will be taken seriously and are likely to result in disciplinary action, up to and including dismissal/discharge. You may also be personally liable towards anyone you unlawfully discriminate against (which may include paying compensation on top of any compensation we might be ordered to pay).

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## Status and application of this policy

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52. We aim to apply this policy to all those working at our workplace, including any contractors, casual and freelance staff as well as employed members of staff, tenants, pupils and mini-pupils. Aspects of this policy may need to be applied in different ways to cater for the different groups who may work for Chambers.
53. This policy is not part of any contract of employment and does not create contractual rights or obligations. It may be amended by us at any time.
54. All members of Chambers, pupils, employees and applicants for tenancy, pupillage or a staff position shall be notified of this policy. Reference will also be made to it in all future Chambers advertising. Any interested party will be allowed access to the policy.

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## Contact details

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<b>Head of Chambers:</b>	Chris Henley KC
<b>Equality and Diversity Officers:</b>	Richard Furlong, Houzla Rawat
<b>Diversity Data Officer:</b>	James Lloyd
<b>Equality and Diversity Committee:</b>	Richard Furlong, Houzla Rawat, Alexandra Scott, Stephanie Panchkowry, James Lloyd, Vanessa Reid, Silas Lee, Anisha Kiri, Orla O'Sullivan

**The Management Committee  
The Equality & Diversity Committee**

**Last reviewed:** *January 2023*

