

## **EQUALITY & DIVERSITY POLICY**

Effective from: 11 January 2017

Last reviewed:

Next Mandatory Review: January 2018

Temple Garden Chambers will promote and advance equality of opportunity irrespective of age, disability, gender reassignment, marriage / civil partnership, pregnancy, maternity, race, colour, ethnic or national origin, nationality, citizenship, religion or belief, political persuasion, sex or sexual orientation (i.e. protected characteristics within the meaning of the Equality Act 2010).

Any complaint or grievance relating to discrimination on any of these grounds should be pursued using the appropriate procedure specified in the Complaints and Grievances section below.

This Equality and Diversity Policy has been adopted by Temple Garden Chambers. The policy complies with the Equality and Diversity Rules of the BSB Handbook. Unless otherwise stated, the terms used in this policy are defined in accordance with Part 6 of the BSB Handbook.

The aim and purpose of this Policy is threefold: to ensure fairness, compliance, and commercial advantage.

All Members of Chambers, staff and pupils are referred to the Supporting Information on the BSB Handbook Equality Rules and are encouraged to read the same. See:

[https://www.barstandardsboard.org.uk/media/1596730/bsb\\_equality\\_rules\\_handbook\\_june\\_2014.pdf](https://www.barstandardsboard.org.uk/media/1596730/bsb_equality_rules_handbook_june_2014.pdf)

Chambers has an Equality & Diversity Officer; that position is presently occupied by Andrew O'Connor. Our Diversity Data Officer is Paul McGrath. Chambers has an Equality, Diversity and Wellbeing Committee which meets regularly.

Queries relating to this policy should be addressed in the first instance to Andrew O'Connor.

## **RECRUITMENT**

Chambers has a pupillage policy, which includes the selection and assessment procedure. Both pupils and tenants are selected using fair and objective criteria provided by the Bar Council and the BSB.

Except in unforeseen and exceptional circumstances, all members of any committee or panel involved in the selection of clerks, staff, pupils or tenants will have received recent training in fair recruitment and selection processes.

Any Member of Chambers that has a role in the recruitment of any individual is reminded of this Policy, the pupillage policy and the guidance in the Bar Council's Fair Recruitment Guide for the Bar.

## **EQUALITY MONITORING**

Temple Garden Chambers will collect, analyse and regularly review data in relation to the number and percentages of staff, members of chambers and pupils from different groups, the number of applications for pupillage, tenancy and employment within chambers and the allocation of unassigned work.

The review will involve breaking the data down by race, disability and gender with a view to identifying and investigating any disparities in that data and taking appropriate remedial action.

### **FAIR ACCESS TO AND ALLOCATION OF WORK**

Temple Garden Chambers is committed to ensuring that the affairs of Chambers are conducted in a manner that is fair and equitable for all Members of Chambers and pupils. This includes a commitment to ensuring a fair distribution of work amongst pupils and members of chambers.

Pupils and tenants will have the opportunity to develop their practices, with the assistance of the Senior Clerk and his staff, in a fair and equal manner.

Pupils will have regular feedback from their pupil supervisors and the clerks will discuss practice development formally and informally with all tenants. Pupils are provided with further guidance in the pupillage policy.

All pupils and tenants will be encouraged to participate in marketing activities and any social events as may be organised by Chambers from time to time.

### **PARENTAL LEAVE**

Provisions relating to parental leave arrangements on the part of members of staff are contained in the Staff Handbook.

Chambers' parental leave policy relating to members of chambers is to be found at Annex 1 to this document.

## **FLEXIBLE AND PART TIME WORKING AND CAREER BREAKS**

Provision relating to requests for flexible / part time working and career breaks on the part of members of staff will be contained in the Staff Handbook.

Chambers' flexible working policy relating to members of chambers is to be found at Annex 2 to this document.

## **HARASSMENT**

Harassment is unacceptable and will not be tolerated or condoned from members of chambers, pupils or staff.

Members of Chambers, staff, pupils and others temporarily in chambers (including mini-pupils) have the right to complain about harassment if it occurs.

Chambers' anti-harassment policy is to be found at Annex 3 to this document.

## **PROVIDING SERVICES TO DISABLED PEOPLE**

Chambers' reasonable adjustments policy is to be found at Annex 4 to this document.

## **COMPLAINTS AND GRIEVANCES**

The pupillage policy contains the appropriate grievance procedure as applies to pupils.

Complaints by persons outside chambers will be dealt with according to the Temple Garden Chambers' Complaints Policy.

Any member of staff who may have a grievance is referred to the Staff Handbook which sets out the full grievance procedure.

If a member of chambers has a grievance, then this should be raised with the Equality and Diversity Officer. If appropriate, the matter should ideally be dealt with informally and without the need for a written grievance and a written decision.

If the matter is not appropriate for informal resolution (in the view either of the Member concerned or of the E&D officer), then the matter should be put in writing and provided to the Head of Chambers.

The Head of Chambers will arrange to have a meeting with the Member of Chambers to discuss the grievance and the way forward. The Head of Chambers may also invite along to the meeting any other Member of Chambers and / or staff member that they consider appropriate.

Depending on the nature of the grievance, the Head of Chambers may delegate the investigation and decision making to another, senior, Member of Chambers. In either case the Head of Chambers / other senior Member of Chambers will seek to ensure that formal grievances are investigated and determined by more than one Member of Chambers.

Appropriate investigation will be undertaken and a decision (including with regard to possible disciplinary action) will be made, and communicated to the Member of Chambers, in writing, within a reasonable period. No-one will be victimised or suffer any detriment, as properly defined, by reason of their raising a grievance in good faith.

Investigations and decisions will be kept as confidential as the circumstances reasonably permit.

## **REVIEW**

The terms and effectiveness of this policy and its implementation (including, for the avoidance of doubt, the annexes):

- (a) will be kept under regular informal review by the E&D Officer; and
- (b) will in any event be subject to a formal review by the E&D Officer every 12 months.

Chambers will take any appropriate remedial action identified in light of the above.

## **CIRCULATION**

This policy will be communicated in the following ways.

- (a) The policy will be placed on the chambers website, and will thereby be generally available to anyone who wishes to access it.
- (b) Members of chambers, pupils, clerks and staff will have their attention drawn to the policy on the website, and will be reminded of the importance of reading and understanding the policy, and of understanding their role in relation to it.
- (c) Chambers contractors for whom chambers constitutes a working environment, including contract cleaners and IT consultants, will have their attention drawn to the policy on the website.

**(d)** Steps (b) and (c) above will be repeated following each annual review of the policy referred to above.

## **ANNEX 1**

### **PARENTAL LEAVE POLICY**

#### **DEFINITIONS**

“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.

#### **AIMS AND PURPOSE**

It is the aim of this policy to:

- encourage members to return to chambers following parental leave and continue to build successful practices;
- prevent discrimination on grounds of parental responsibility;
- encourage and support members taking time off following the birth or adoption of a child without suffering financial hardship;
- comply with the requirements of the BSB Handbook and accompanying Guidelines.

#### **PARENTAL LEAVE**

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

For that period of one year, irrespective of the date on which the Member returns to practice, he or she shall not be liable for Fixed Rent but shall remain liable to pay his or her Percentage Rent to Chambers.



Members of chambers are required to notify the Head of Chambers and Senior Clerk of their intention to take a period of parental leave not less than 2 months before the commencement of the period of leave indicating the estimated commencement date and likely date of return.

If a member wishes to take leave for a period longer than 12 months, this should be requested from the Head of Chambers, who should consider the request and the terms on which it might be granted.

If a member is absent from chambers for more than 12 months without agreeing an extension with the Head of Chambers, her/his automatic right to return to chambers ceases unless such absence is due to consecutive births and/or adoptions.

Where membership ceases by virtue of these provisions, a member can re-apply to chambers by writing to the Head of Chambers.

### **ARRANGEMENTS DURING PARENTAL LEAVE**

A member on parental leave is encouraged to maintain contact with chambers.

The Head of Chambers will ensure that the member is:

- offered opportunities to do appropriate work if this is requested and;
- invited to training events, social occasions, marketing events and chambers meetings and;
- is consulted on any significant issues affecting the practice of chambers and;

- 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.

### **UNDERTAKING WORK DURING PARENTAL LEAVE**

The 12 month period free of Fixed Rent will be unaffected by either informal working arrangements or a return to practice. Where possible, the member should keep the Head of Chambers informed of his/her working arrangements.

### **RETURN FROM PARENTAL LEAVE**

It is the policy of Temple Garden Chambers to enable parents to work reduced hours on return from a period of parental leave if they wish. This should be discussed with the Head of Chambers and the Senior Clerk.

### **GRIEVANCES**

Any grievance by a member of chambers relating to this policy should be pursued in accordance with the procedure set out in the Complaints and Grievances section of the main E&D Policy.

## **ANNEX 2**

### **FLEXIBLE WORKING POLICY**

#### **AIMS AND PURPOSE**

It is the aim of this policy to:

- facilitate flexible working arrangements in order to enable Members of Chambers to take career breaks, to work part-time, to work flexible hours or to work from home in order to enable them to manage their family responsibilities or disability and remain in practice.

-comply with the requirements of the BSB Handbook and accompanying Guidelines.

#### **FLEXIBLE AND PART TIME WORKING AND CAREER BREAKS**

Members of Chambers have the right to take a career break, to work part time, to work flexible hours and to work from home in order to enable them to manage their family responsibilities or disability and remain in practice. Temple Garden Chambers is committed to taking reasonable steps to facilitate flexible working practices.

Various part-time and flexible working arrangements have been agreed with Members of Chambers in the past. Chambers will continue to apply a flexible and pragmatic approach to all requests as and when they arise, whilst keeping in mind the need to determine such requests in a manner that is fair to all Members of Chambers.

Requests for flexible working should be made to the Head of Chambers and to the Senior Clerk.

In the case of a career break Members of Chambers are required to notify the Head of Chambers and Senior Clerk of their intention to take a career break not less than 2 months before the commencement of the break and indicating the estimated commencement date and likely date of return.

## **GRIEVANCES**

Any grievance by a member of chambers relating to this policy should be pursued in accordance with the procedure set out in the Complaints and Grievances section of the main E&D Policy.

## **ANNEX 3**

### **ANTI-HARASSMENT POLICY**

Temple Garden Chambers is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. Temple Garden Chambers is determined to promote a work environment in which everyone is treated equally and with dignity and can flourish.

Harassment in any form will not be tolerated or condoned at Temple Garden Chambers. Members of Chambers, staff, pupils and others temporarily in chambers (including mini-pupils) have the right to complain about harassment if it occurs.

#### **CONDUCT CONSTITUTING HARASSMENT**

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:

- conduct which is unwanted by the recipient and perceived as hostile or threatening;
- conduct which gives rise to a hostile or threatening work environment;
- 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 an allocation of work or tenancy decision.

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

- physical or sexual assault;
- requests for sexual favours in return for career advancement;
- unnecessary physical contact;
- exclusion from social networks and activities or other forms of isolation;
- bullying;
- compromising suggestions or invitations;
- suggestive remarks or looks;
- display of offensive materials, including on a computer screen;
- tasteless jokes or verbal abuse, including any sent by email;
- offensive remarks or ridicule;
- dealing inappropriately or inadequately with complaints of harassment.

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).

## **COMPLAINTS OF HARASSMENT**

Complaints of harassment may be raised informally in the first instance with Andrew O'Connor, Chambers' Equality and Diversity Officer, the Head of Chambers or another senior member of chambers, who will agree an appropriate response. Any formal complaint policy should be pursued in accordance with the procedure set out in the Complaints and Grievances section of the main E&D Policy.

Harassment is misconduct for employees or a breach of the Bar Code of Conduct for barristers. Allegations of harassment will be treated as a disciplinary matter.

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.

## **ANNEX 4**

### **REASONABLE ADJUSTMENTS POLICY**

Temple Garden Chambers is committed to making reasonable adjustments in order to remove or reduce (to the extent and in the circumstances required under section 20 of the Equality Act 2010) substantial disadvantage for disabled people working with chambers or receiving legal services. This policy covers all employees of chambers, barristers, clerks, pupils, mini-pupils and visitors to chambers.

#### **DEFINITION OF DISABILITY**

For the purposes of this policy the definition of disability follows that set out in the Equality Act 2010 s.6. A person is therefore disabled if s/he has a physical or mental impairment which has a substantial and long term adverse effect on his/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".

#### **TYPES OF REASONABLE ADJUSTMENT**

What is a reasonable adjustment will depend on all the circumstances of the case, but in determining whether or not an adjustment should reasonably be made account will be taken of any guidance that may be issued under section 22 of the Equality Act 2010.

#### **STAFF, BARRISTERS AND OTHERS IN CHAMBERS**

Staff or barristers with specific requirements should make requests to the Head of Chambers 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 and where it is not possible to make the adjustment requested the Head of Chambers or someone delegated by him or her will discuss viable alternatives with the applicant.

The Head of Chambers 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 concerned in order to ensure that adjustments to the emergency evacuation procedure may be made.

## **VISITORS TO CHAMBERS**

Barristers 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.