

Equality and Diversity Policy

Introduction

It is essential to a modern, multicultural society that its justice system should reflect the social, gender-based, racial and cultural diversity of the society it serves. It is also good business sense for Chambers to ensure that its most important resources, its members and staff, are utilised in a fair and effective way.

“Diversity” refers to the fact that individuals are different. “Equality” refers to equality between individuals (Equality Act 2010). For the purposes of this Policy, “discrimination” shall include victimisation and harassment, all of which expressions are defined in the Equality Act 2010.

Chambers is committed to the implementation and promotion of equal opportunities and to ensuring an absence of direct or indirect discrimination or associative discrimination on the grounds of;

- Disability,
- Race,
- Religion or belief,
- sex,
- Pregnancy/maternity,
- Gender reassignment.
- Sexual orientation,
- Age
- Marriage and civil partnership,
- Socio-economic background or status

Aims of this policy

1.The aims of this Equality and Diversity Policy are to:

- Declare the commitment of Becket Chambers (“Chambers”) to the practical application and promotion of principles of equal opportunity and diversity;
- Communicate that commitment to Chambers’ members, employees, other workers, clients (lay and professional) and other service users; and
- Further our core values.

Application

2. This policy applies to:

- Members, including associate and academic members;
- Employees;

- Applicants for membership, employment or other engagements;
- Trainees;
- Individuals on work experience;
- Contract workers (including casual workers);
- Agency workers;
- Volunteer workers;
- Clients (lay and professional) and other service users;
- Providers of services to Chambers;
- Anyone who has formerly fallen into one of the categories above, but whose relationship with Chambers has either terminated or altered; and
- Visitors to Chambers.

3. Chambers and everyone to whom this policy applies must not discriminate either directly or indirectly, or practice victimisation in;

- The recruitment of staff and the selection of mini-pupils, pupils and tenants;
- Fair access to work and the allocation of unassigned work;
- The application of reasonable adjustments
- The terms, opportunities for training or gaining experience, benefits and services for prospective or current members of staff, mini-pupils, pupils and tenants;
- The termination of service of staff or the termination of pupillage or tenancy, including pressure to leave;
- The allowance or allocation of leave or a flexible working environment;
- The provision of services to lay and professional clients and any other individual, including but not exclusively, court staff, judges and other barristers, their staff and clerks.

4. Chambers monitors the gender, ethnicity and disability of those it recruits to ensure the application of a diverse recruitment policy but does not set or work towards any targets in these areas.

5. Chambers stands against all forms of unlawful and unfair discrimination, which includes;

5.1 Direct discrimination; where a person is less favourably treated because of a protected characteristic.

5.2 Indirect discrimination; the unjustifiable application of an apparently neutral provision, criterion or practice the effect of which is to put persons with a protected characteristic at a particular disadvantage compared to others

5.3 Victimisation; where someone is treated less favourably than others because he or she has taken action or given information about discrimination or harassment or supported someone else's complaint.

5.4 Harassment; unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. Including sexual harassment.

Implementation

6. Responsibility for the implementation of this policy lies with The Management Committee. To assist in this, the Management Committee has appointed an Equality and Diversity Officer ("EDO") to assist the Senior Clerk, who has day-to-day responsibility for the effective implementation of the policy.

6.1 The EDO's responsibilities shall include advising and briefing members of chambers and staff on Equality and Diversity issues as required (including providing an informal route for the resolution of grievances arising out of Equality and Diversity issues).

6.2 In order to implement this policy, Chambers shall;

- Provide a copy to new and existing employees, members and pupils.
- Ensure that the policy is read, monitoring same by signed acknowledgement.
- Publish a copy of the policy on Chambers' website.
- Ensure that everyone to whom the policy applies is made aware of it.
- Review the policy annually.

7. Chambers shall provide annual training under this policy to all members and staff. Such training shall be appropriate and evidenced.

Recruitment & Promotion

8. Chambers takes steps to ensure that applications for tenants, pupils and staff are attracted from both sexes and all races and from people with disabilities, and regardless of age, sexual orientation or religion or belief, and ensures that there are equal opportunities in all stages of the recruitment process.

9. All advertisements relating to recruitment refer to Chambers' commitment to equal opportunities and the selection procedures adopted by Chambers are geared towards promoting equal opportunities.

10. Recruitment procedures for pupils and tenants are described in the Chambers Quality Mark Manual. Chambers will ensure that every member of a recruitment selection panel is trained in fair recruitment and selection processes, in line with the BSB Handbook.

11. Promotion within Chambers is made without regard to any protected characteristic and is based solely on merit.

Monitoring

12. The outcome of selection procedures for tenants and pupils are reviewed annually by reference to race and gender and reported to the Management Committee. This review process seeks to ensure that Chambers' equal opportunities policies are effective.

Allocation of Work

13. Selection of counsel shall be on the basis of the skills and experience required for the particular case, and subject to availability. Furthermore, no pupil or tenant shall suffer discrimination.

14. Allocation of work is reviewed annually and a report provided to the Management Committee by the Senior Clerk to ensure that equal opportunities procedures are effective.

Complaints and Grievances

15. Chambers is committed to providing a working environment in which all individuals including members, pupils, mini-pupils, employees, clients and the public are treated with dignity, respect and fairness. No one will be victimized or suffer a detriment because they raise a complaint or grievance in good faith under this procedure.

16. Anyone to whom this Policy applies who believes that they have suffered any form of discrimination, harassment or victimisation contrary to this Policy, is entitled to raise that concern. They should seek advice from the EDO, and/or should follow the Grievance & Complaints Procedure. They should also refer (if applicable) to the Anti-Bullying and Harassment Policy.

17. Anyone to whom this Policy does not apply, who wishes to make a complaint relating to breach of this Policy by someone to whom it does apply should contact the Senior Clerk.

18. Chambers will keep its policies in relation to Equality and Diversity under review, and invites suggestions from members of Chambers, pupils, mini-pupils and staff as to possible changes to the policies and implementation thereof.

Reasonable Adjustments Policy

19. Please see Chambers' separate Reasonable Adjustments Policy for Members and Staff.

Parental Leave Policy and Flexible Working Policy

20. The maternity and paternity rights available to employees shall be no less favourable than those required by the Employment Protection (Consolidation) Act 1978 (as amended by the Trade Union Reform and Employment Rights Act 1993) for employees. In relation to its dealings with job applicants, employees or members, Chambers will be mindful of the provisions of the Sex Discrimination Act 1975, the Equal Pay Act 1970 and subsequent relevant legislation.

21. Copies of Chambers' Parental Leave policy for members and pupils can be sent upon request and is available within the Chambers' Dropbox or in hard copy in the papers room.

22. Refer to our separate Maternity & Paternity Policy and Flexible Working Policy for more detail.

Flexible working hours and career breaks

23. Please see Chambers' separate Flexible Working Policies for Members and Staff.

Disciplinary & Grievance Procedures

24. Please see Chambers' separate Disciplinary & Grievance Procedures for Members and Staff.

Harassment – General Statement

25. (Please see Chambers' separate Anti-Bullying and Harassment Policy for members).

26. Chambers accepts that everyone has the right to be treated with dignity. Harassment will not be permitted or condoned and members, employees and clients all have the right to complain should it

ever occur. This policy covers all those working in chambers, visiting chambers and providing services to chambers.

Definition

27. Harassment means physical, verbal or non-verbal unwanted conduct that has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment includes any unwanted conduct related to sex, race, disability, gender re-assignment, religion or belief, sexual orientation or age. Harassment can include:

- Unwelcome sexual attention
- Unnecessary physical contact
- Subjecting a member, employee or client to insults or ridicule because of their sex, sexual orientation, disability or race
- Suggesting that sexual favours may further someone's career or that the refusal of sexual favours may in some way damage their career
- Over-familiar behaviour, including lewd and suggestive remarks
- Display of sexually suggestive pictures
- Exclusion from social networks and activities or other forms of isolation

What Constitutes Harassment?

28. What is harassment to one person may not amount to harassment to another. If it is unwanted by the recipient, then it may amount to harassment.

29. It is up to each individual to decide what behaviour is acceptable to them and to decide what is offensive. If an individual decides that the behaviour is offensive, they must make it clear that they do not accept it. If the behaviour continues, then it becomes harassment.

30. Harassment is unlawful under the Equality Act 2010 and is misconduct for employees or a breach of the Bar Code of Conduct for barristers.

Remedial Action

31. Chambers will treat any case of harassment seriously. Those complaining will be protected against any form of victimisation or retaliation after bringing the complaint. Serious or persistent harassment may amount to gross misconduct and could lead to dismissal in line with Chambers' Disciplinary Procedure.

Informal Actions

32. Any person who has been harassed should initially, wherever possible, try to tell the person that their behaviour is unacceptable. Complaints of harassment may be raised informally in the first instance with Chambers' Equality and Diversity Officer, the Management Committee or Senior Clerk who will agree an appropriate response.

Formal Actions

33. A formal complaint of harassment should be pursued through the process set out in the Chambers Grievance Procedure.