

## **ST PAUL'S CHAMBERS**

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### **Equal Opportunities Policy**

#### **POLICY STATEMENT**

Chambers are firmly committed to the active promotion and continuing assessment of equal opportunity for all individuals including members, pupils, mini pupils, employees, clients and public.

To this aim no person will at any time be treated less favourably on grounds of age, sex, marital status, religion, colour, race, nationality, ethnic origin, disability, sexual orientation or political persuasion.

At all times every individual will be treated with dignity and respect, free from judgment or treatment based on prejudice or assumption.

Chambers will not tolerate discrimination in any form or guise be it direct or indirect and will not tolerate harassment or victimisation of any individual or groups of individuals.

#### **SCOPE OF POLICY**

Responsibility for the continuing implementation of this policy lies with all of us; this includes members, pupils, mini pupils, tenants, door tenants, employees, temporary staff, clients acting at all times within the spirit and intention of the policy and the law.

The principles of this policy applies equally to all members of chambers, tenants, door tenants, staff, pupils and mini pupils, clients and public and includes all recruitment and selection of the above.

*Additionally* the following people are to be designated by Chambers to manage and oversee the policy on a continuing basis:

The Designated Personnel are:

1. Guy Kearn QC, Head of Chambers
2. Jayne Brown, Civil and Family Clerk
3. Derek Duffy and Rukhshanda Hussain, Equal Opportunities Advisers

Their additional tasks include:

1. Distribute and publicise this policy throughout Chambers.
2. Conduct annual reviews and monitoring of the policy.
3. Investigate and treat all complaints seriously, sensitively, fairly and objectively.
4. Set up and keep confidential and accurate records of all complaints.
5. To ensure confidentiality is maintained at all stages of a complaint and/or investigation thereof.
6. Be available to provide advice and support to all in respect of this policy and all complaints.

## DEFINITIONS

### *Direct Discrimination:*

Consists of treating a person/s less favourably than others are, or would be, treated in the same or similar circumstance.

St Paul's Chambers will not tolerate Direct Discrimination.

*Indirect Discrimination:*

Occurs when a requirement or condition is applied equally to all, but a considerably smaller proportion of a relevant group, than of other persons to whom it applies;

1. Can comply with it, and/or
2. When a particular individual cannot comply with the requirement, and/or
3. When a particular requirement or condition results in a detriment to them, and/or
4. When the condition or requirement cannot be shown to be legally and objectively justified in spite of its discriminatory effect.

Indirect Discrimination will not be tolerated by St Paul's Chambers.

*Harassment:*

Is any unwelcome conduct which is offensive to the recipient in that it affects their dignity. Examples include:

1. Intrusive and unreasonable questioning about an individual's personal life, religion, ethnic origin, sexual orientation or political beliefs;
2. Bullying, teasing, sexual innuendoes, inappropriate and/or uninvited physical touching;
3. Offensive language, patronising or derogatory remarks.

Harassment will not be tolerated by St Paul's Chambers.

*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 on an allegation of discrimination.

Victimisation will not be tolerated by St Paul's Chambers.

## COMPLAINTS PROCEDURE

Overriding principle....

*No matter or cause for concern to any individual within the spirit of this policy is too big or small and will always be taken seriously, sensitively, objectively and in confidence.*

Chambers recognise that circumstances may arise when an individual is unsure whether or not they have a genuine reason to make a complaint and may feel reluctant and/or embarrassed to make what they may consider is 'making a fuss' or 'causing trouble'.

It is therefore Chambers' collective responsibility, but in particular those designated officers (named above), to at all times treat any cause for complaint or grievance seriously and sensitively and with respect for the individual/s concerned. No one is to be discouraged in voicing his or her concerns, however large or small.

## INFORMAL PROCEDURE

1. There may be cases of genuine misunderstanding or misinterpretation by both sides and it is recognised by Chambers that simply voicing your concerns to the individual/s may resolve matters. This is encouraged at the initial stages in any complaint or grievance.
2. If the above does not resolve matters to your satisfaction, or you do not feel able to communicate directly with the source of the complaint, you should make a brief note of what caused the concern, when it occurred, bringing it to the attention of one of the designated officers. The designated officer will listen to your concern with sensitivity and take seriously, and in confidence the information relayed.

The designated officer may then offer advice and support, which may or may not resolve matters to your satisfaction. A note of anything said and agreed will be made and kept in total confidence.

3. If you are not satisfied with the general advice and support given and/or the cause for complaint continues, the designated officer (with your authority), must within 1 week of your approach, begin to investigate the matter. They must keep you thereafter apprised of progress on a fortnightly basis until, and if, matters are resolved to everyone's satisfaction.
4. If this informal approach resolves matters to your satisfaction no further action will be taken but a record shall be kept on Chambers' confidential file for a period of 12 months.

### FORMAL PROCEDURE

If the informal approach is not felt appropriate by you (for any reason) or is exhausted then you may turn to the following formal procedure:

1. Set out in writing, including dates and times where possible, the allegation(s) complained of.
2. Bring this to the attention of the designated officers as soon as possible.
3. The designated officer will begin to investigate the complaint immediately or in any event not more than 7 days after it is brought to their attention.
4. Investigations will be conducted in accordance with the standards of natural justice and the complainant has a right to be independently represented, as does the person against whom the complaint is made.

5. A panel of at least three members of chambers will determine the issue and no member of that panel will have a conflict of interest between themselves, the complainant and/or the person against whom the complaint has been made.
6. It is the aim of Chambers to conclude all such investigations and determine the issues within a period of 6 weeks from the time the complaint was brought to the attention of the designated officers. Where this time period cannot be met for any reason then a note shall be kept as to why.
7. If actual or potential discrimination is found, remedial steps will be taken immediately. These may include:
  - Apology
  - Change of working conditions/work assignment
  - A further opportunity to be considered for interview and/or a pupillage
  - Advice, support, training
  - Verbal/written warning
  - Suspension or discharge of member or employee
  - Referral to the appropriate professional body

Every complainant has an overriding right to consult with the Bar Council Equal Opportunities officers for confidential advice and/or to lodge a formal complaint. Complainants of unlawful discrimination have a legal right to apply, subject to time limits, to the County Courts or for Chambers' employees, to the Industrial Tribunal. The Commission for Racial Equality and the Equal Opportunities Commission are also available for consultation. Numbers can be obtained from any phone book or directory enquiries.

## MONITORING OF EQUAL OPPORTUNITIES CODE

Monitoring of equal opportunities data will be undertaken at least annually and will generally take place within the remit of the Annual Equality Review (see Quality Manual 5.3.1).

## RECRUITMENT OF TENANTS: EQUAL OPPORTUNITIES CODE

1. The number and type of any vacancies for tenancies will be discussed and agreed by the Management Committee and included in Chambers Strategic and Annual Plans.
2. Any vacancies for experienced tenants will be advertised as widely as possible and such notices will indicate the area of practice and number of years' call sought.
3. Tenants may be recruited by an approach by Chambers to a particular barrister or group of barristers whose skills or area of practice fulfil the selection criteria. Chambers will also consider requests for tenancy from any barrister or group of barristers wishing to join Chambers. The Management Committee are responsible for ensuring discrimination is not occurring if barristers recruited by these methods.
4. When shortlisting applications received in response to an advertisement, members of the selection committee will assess each application against the selection criteria and interviews will be structured to ensure that similar areas related to the selection criteria are covered in questions to all applicants in order to ensure comparability between interviews.
5. No decision about an applicant's suitability at any stage of the process will be taken by an individual member of Chambers.

6. All applications for tenancy, whether in response to an advertisement or by direct approach, will be afforded equal and objective treatment and the selection committee will refrain at all times from any assumptions based on stereotypical views or expectations of behaviour and/or characteristics of any particular individuals or group.
7. Should references be required, the referee will be asked to supply only information that relates strictly to the selection criteria.
8. Any offer of a tenancy should be set out in writing; the terms of any offer will not be directly or indirectly discriminatory nor will they differ without good cause between one tenant and another.
9. All documentation relating to selection decisions made through the process of advertisement and interview will be retained for 12 months and Chambers will respond positively to requests for feedback from applicants.

**Any complaints of discrimination are to be addressed to the Head of Chambers. In addition any tenant has the right to consult with the Bar Council's Equal Opportunities Officer at any time.**

#### CONDUCT OF PUPILLAGE: EQUAL OPPORTUNITIES CODE

St Paul's Chambers and all its members, clerks and staff recognise that it is unlawful to discriminate against any pupil or mini-pupil on the grounds of sex, race, ethnic origin, marital status or citizenship.

In particular Chambers will ensure that all pupils are at all times are afforded equal treatment.

*Specifically Chambers will:*

1. Afford equal and objective treatment in applying and constructing any rules of recruitment and selection policy.
2. Refrain at all times from any assumptions based on stereotypical views or expectations of behaviour and characteristics of any particular individuals or group.
3. Upon the request of any individual interviewed for pupillage, the individual shall be entitled to and given a transparent and objective assessment of their interview.
4. Be afforded Equal Opportunities for training, gaining experience and any financial assistance offered by Chambers.
5. Be encouraged at the earliest opportunity to raise any concerns whilst in pupillage.
6. Be allocated a pupil master or pupil mistress to oversee their pupillage.
7. Be given equal consideration for any offer of tenancy, or if pupillage is to be terminated, be told why at least 6 weeks in advance of that termination, save for circumstances when there are allegations or findings of gross misconduct in which case pupillage may be terminated immediately.
8. No decision about recruitment and/or termination of a pupillage will be taken on the opinion of one member of chambers alone.

**Any complaints of discrimination are to be addressed to the relevant pupil master or mistress, or alternatively to a designated Equal Opportunities Officer. In addition any pupil has the right to consult with the Bar Council's Equal Opportunities Officer at any time.**

Approved in Clerking Committee Meeting on 21 February 2007