



33 Bedford Row

Equal Opportunities & Diversity Policy

INTRODUCTION

33 Bedford Row recognises that in our society groups and individuals have been and continue to be discriminated against on the basis of the following characteristics: race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, gender reassignment, being pregnant or on maternity leave, being married or in a civil partnership, age, disability, religion or political persuasion. We all at 33 Bedford Row further recognise not only direct discrimination but that there are practices which have discriminatory effects (indirect discrimination).

Legislation

In addition to its moral responsibility, 33 Bedford Row recognises its obligation under the Equality Act and the Codes of Practice issued by the Equality and Human Rights Commission (and insofar as they remain in force – the Race Relations Act 1976, the Race Relations (Amendment) Act 2000, the Sex Discrimination Act 1975, Disability Discrimination Act 1995, the Disability Discrimination Act 2005.)

The Aims

The aims of the Chambers' Equal Opportunities Policy are:

- i) To ensure that no tenant, pupil, employee, or applicant for any of these positions receives less favourable treatment on the grounds stated above.

ii) To make clear that Chambers will not tolerate any discrimination as described above, nor countenance any instruction or attempt to induce such discrimination by or towards any tenant, pupil or employee, or applicant for these positions.

iii) To make clear that Chambers will not countenance any direct or indirect discrimination against such a person as described above because that person has brought legal proceedings on discrimination grounds, or has given evidence or information relating to such proceedings or has alleged that discrimination has occurred.

DEFINITIONS

Direct Discrimination

This occurs when a person receives less favourable treatment than others because of one of the protected characteristics identified in above. It includes harassment which would not have occurred but for the race, sex etc. of the victim.

It is also direct discrimination to treat someone less favourably than others because that person is thought to have one of the protected characteristics (discrimination by perception) or because that person associates with someone who has a protected characteristic (discrimination by association).

Indirect Discrimination

Indirect discrimination involves the application of a provision, criterion or practice which is discriminatory in relation to a person's protected characteristic. A provision, criterion or practice is discriminatory if it would put a person with a protected characteristic at a particular disadvantage when compared with a person who does not share that characteristic. A provision, criterion or practice will not be indirectly discriminatory if it can be shown to be a proportionate means of achieving a legitimate aim.

Harassment

Harassment is any form of unwanted conduct which has the aim or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person (or in some cases, a witness to the conduct), for reasons relating to sex, race, gender re-assignment, disability, sexual orientation, religion or belief, or age.

ANTI-HARASSMENT POLICY

33 Bedford Row is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. Thomas Bingham 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 at 33 Bedford Row.

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.

Harassment is unlawful under the Equality Act 2010. 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 may be raised informally in the first instance with a Head of Chambers, Neil Mercer or Constance Whippman who will attempt to resolve the matter. Formal complaints should be made under the 33 Bedford Row Equality Procedures, available to every member of Chambers.

Harassment is misconduct for employees or a breach of the Bar Code of Conduct for barristers. Allegations of harassment will be dealt with under the 33 Bedford Row Equality Procedures.

33 Bedford Row 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 the complainant, witness or anyone else involved in the investigation of a complaint will be viewed as a disciplinary matter.

A copy of this Policy is available to all on the 33 Bedford Row website.

Victimisation:

It is victimisation for an employer to subject a worker to a detriment because the worker has brought or may bring legal proceedings on discrimination grounds; give evidence or information in connection with such proceedings; make an allegation that a person has discriminated against another; or made or sought a relevant pay disclosure.

Racial Discrimination

This means discrimination on grounds of race, colour, ethnic or national origins, nationality or citizenship.

Sex Discrimination

This means discrimination on grounds of a person's gender or marital status.

Sexual Orientation Discrimination

This means discrimination on grounds of personal sexual preference.

Disability Discrimination

This means treating a person unfavourably because of something arising in consequence of that person's disability. A disability is a physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities.

Religious Discrimination

This means discrimination because of a person's religious observance, belief or practice.

Discrimination on the Grounds of Political Persuasion

This means discrimination arising out of any political belief, save where that belief is itself discriminatory.

Gender reassignment

This means discrimination on grounds of a person being a transsexual. A person is protected from such discrimination if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

Pregnancy and maternity

This means discrimination on grounds of a woman being pregnant, ill as a result of the pregnancy or because she is exercising, has exercised or is seeking or has sought to exercise her right to maternity leave.

Marriage and civil partnership

This means discrimination on grounds of a person being married or in a civil partnership.

Age

This means discrimination on grounds of a person's age or age group.

TENANTS (FAIR SELECTION)

Fair Selection of applicants other than former or current pupils:

- i) Chambers' policy is to have a selection procedure for tenants in which all applications are considered on an equal and non-discriminatory footing.

- ii) Before any consideration of applications, decisions will be made about the number and type of vacancies to be filled.

- iii) Save where a vacancy is to be filled only from current or former pupils, it will be well published. Advertisements will state clearly areas of work, years of call sought (if relevant), selection procedures and guidance on selection criteria. A timetable for processing applications will be stated and adhered to. This shall not preclude recruitment outside these procedures of particular barristers because of their particular skills or area of practice.

- iv) Chambers will monitor the ethnic origin and sex of applicants at the following stages: applications received, candidates short-listed, and those successful at interview.

- v) All decisions about applicants' suitability will be taken by committee and not by an individual member of Chambers.

vi) In considering written applications and at interview, all applicants will be assessed in competition with each other against the same predetermined objective and explicit selection criteria relating to the knowledge, skills and other abilities demanded by the work. Where references are sought they will relate strictly to the selection criteria.

vii) All documentation relating to selection decisions will be retained for 12 months.

viii) The terms of any offer will be set out in writing. They will not differ between tenants without good cause; nor will they be directly or indirectly discriminatory.

Fair Selection of applicants who are former or current pupils:

(See separate pupillage policy on our website)

i) Save for (iii), the provisions above shall apply.

(ii) An explicit framework for the assessment of pupils' work will be agreed by the selection committee.

(iii) Before the pupil is discussed, he/she will be independently assessed against these predetermined criteria by his/her pupil Supervisor and at least one other member of Chambers with whom the pupil has worked; who will record their assessment in writing.

(iv) The right of an unexplained veto shall not be granted to any member of Chambers.

Distribution of Work

i) Work shall be distributed to all members of Chambers and squatters in a manner that is fair to all and without discrimination, based upon the required skills and experience. Any discriminatory instructions from the professional client will not be countenanced.

Harassment

i) Harassment will not be countenanced by Chambers.

Disability

Chambers will make reasonable adjustments to assist those tenants who have a disability. In particular, Chambers will take reasonable steps to:

i) avoid provisions, criteria or practices which put a disabled person at a substantial disadvantage compared to those who are not disabled;

ii) remove alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled; and

iii) provide an auxiliary aid or service where a disabled person would, but for that aid, be put at a substantial disadvantage compared to those who are not disabled.

Grievance Procedures

i) Both formal and informal grievance procedures will be available, as well as other external avenues of redress.

ii) There are written procedures to deal with complaints concerning selection of tenants from both internal and external applicants, distribution of work, harassment and other discrimination originating within or outside Chambers (see Annex 2).

iii) There shall be 2 senior members of Chambers (Neil Mercer and Constance Whippman) to act as informal advisers to potential complainants, to advise on internal and external avenues of redress, and to assist in the informal resolution of grievances.

iv) When a complaint is made, confidentiality shall be maintained as far as is possible and appropriate.

v) Where actual or potential discrimination is identified, remedial action will be taken by Chambers.

PUPILS

Selection of pupils:

i) The selection of pupils and how the pupils are selected shall be at the discretion of the Pupillage Committee (Chair of Pupillage Committee, Fiona Munro) who will produce an annual policy document.

ii) Pupils are selected on ability with no discrimination on grounds of age, gender, race, nationality, physical disability or sexual orientation following application through the Pupillage Portal.

iii) Pupils, pupil supervisors and Chambers are required to comply with their respective obligations as set out in the Code of Conduct.

iv) The Chair of the Pupillage Committee shall be elected at the Chambers Meeting for a period of 5 years. The remainder of the Committee shall be chosen by the Chair and shall include a Pupillage Secretary.

The responsibilities of the Pupillage Committee shall consist of:

i) The recruitment of barristers into Chambers as pupil;

- ii) the allocation of awards, if any, to barristers who enter Chambers as pupils;
- iii) the supervision of the placement of all barristers undertaking pupillage within Chambers;
- iv) the placement of students as mini-pupils within Chambers.

Complaints by Pupils

- i) The pupil shall first approach the Pupil Supervisor unless the matter concerns the Pupil Supervisor in which case the pupil shall complain direct to the Chair of the Pupillage Committee.
- ii) If the Pupil Supervisor or Chair of the Pupillage Committee is unable to resolve the matter or decides against the pupil then a Complaints Officer (C.O). shall be appointed by the Head of Chambers to consider the complaint.
- iii) The C.O. shall investigate the complaint as if it is of gross misconduct according to the procedures set out at paragraphs below. If the complaint is not of gross misconduct the C.O. may decide the matter them self. [The C.O. shall decide if the complaint is or is not of gross misconduct.]

Complaints about Pupils

- i) The Senior Clerk or the Pupil Supervisor shall attempt to resolve external and internal complaints themselves. The pupil concerned shall give the Senior Clerk or Pupil Supervisor such assistance as may be required.

ii) If the matter cannot be resolved by the Senior Clerk or the Pupil Supervisor it shall be referred for investigation to the C.O. who will investigate the complaint in accordance with the procedure set out at paragraphs 38 to 39.

EMPLOYEES

Recruitment

i) There shall be open and objective recruitment for all Chambers' staff vacancies based upon an equal and non-discriminatory footing.

ii) Before any consideration of applications, decisions will be made about the number and type of vacancies to be filled.

iii) Any vacancy to be filled will be well advertised, and will state clearly areas of work, experience sought and selection procedures. A timetable for processing applications will be stated and adhered to.

iv) Chambers will monitor the ethnic origin and sex of applicants at the following stages: applications received, those short-listed and those successful at interview.

v) All decisions about applicants' suitability will be taken by committee and not by an individual member of Chambers.

vi) Applicants' suitability will be assessed against predetermined objective and explicit criteria relating to the knowledge, skills and other abilities demanded by the work. Where references are sought they will relate strictly to the selection criteria.

vii) All documentation relating to selection decisions will be retained for 12 months.

viii) The terms of any offer will be set out in writing.

Harassment

- i) Harassment will not be countenanced by Chambers.

Disability

Chambers will make reasonable adjustments to assist employees who have a disability. In particular, Chambers will take reasonable steps to:

- i) avoid provisions, criteria or practices which put a disabled person at a substantial disadvantage compared to those who are not disabled;
- ii) remove alter a physical feature or provide a reasonable means of avoiding such a feature where it puts a disabled person at a substantial disadvantage compared to those who are not disabled; and
- iii) provide an auxiliary aid or service where a disabled person would, but for that aid, be put at a substantial disadvantage compared to those who are not disabled.

Grievance Procedures

- i) Both formal and informal grievance procedures will be available, as well as other external avenues of redress.
- ii) There are written procedures to deal with complaints concerning harassment and other forms of discrimination on the basis of those matters described above (see Annex 2).

iii) There shall be 2 senior members of Chambers (Neil Mercer and Constance Whippman) to act as informal advisers to potential complainants, to advise on internal and external avenues of redress and to assist in the informal resolution of grievances.

iv) When a complaint is made, confidentiality shall be maintained as far as is possible and appropriate.

v) Where actual or potential discrimination is identified, remedial action will be taken by Chambers.

Maternity Leave and Pay Policy

See Maternity and Paternity Leave and Pay Policy for staff.

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Opportunities

i) Employees will not be discriminated against or victimised in the way employees are afforded access to opportunities for promotion, training or any other benefit.

PROVISION OF SERVICES

In providing services to the lay and professional client, Chambers shall not discriminate against any person on the basis of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, religion or political persuasion.

Annex 1: Procedure for tenant selection upon an equal and non-discriminatory basis

i. The vacancy (excluding vacancies referred to in 7. below)

a) Before any consideration of applications, decisions will be made about the number and type of vacancies to be filled.

ii. The advertisement

a) Save where a vacancy is to be filled only from current or former pupils, it will be well publicised.

b) Advertisements will state clearly areas of work, years of call sought (if relevant), selection procedures and guidance on selection criteria (see 4(b) below).

c) A timetable for processing applications will be stated and adhered to.

iii. The application and racial monitoring forms

a) Application forms will be sent out within 7 days of a request.

b) Each form will be accompanied by a form to assist in the monitoring of the ethnic origin and sex of applicants.

c) The advertisement will ensure that applicants are treated fairly.

d) Replies will be sent out within 14 days of the closing date for applications.

e) The applications will be considered by committee and not by an individual member of Chambers.

iv. Conduct of interviews

a) All interviewees will be assessed in competition with each other against the same predetermined objective and explicit selection criteria relating to the knowledge, skills and other abilities demanded by the work.

b) Selection criteria will be based upon:

i) intellectual qualities including the ability to rapidly absorb complex information and to identify essentials;

ii) motivation including a high level of drive and determination, and a commitment to the work of the Bar.

iii) ability to relate well to a wide range of people in an appropriate and sustained way;

iv) the ability to remain calm, objective, practical and confident while working for long hours against deadlines;

v) a demeanour which is articulate, confident, perceptive and respectful.

c) Where references are sought they will relate strictly to the selection criteria.

d) There will be monitoring of interviewees by sex and ethnic origin.

v. The decision

a) Final decisions will be taken in a meeting of Chambers which will consider reports from the interviewing committee.

b) The right of an unexplained veto shall not be granted to any member of Chambers.

c) Interviewees will be notified of the Chambers' decision within 21 days of the completion of the round of interviews.

d) There will be monitoring of successful candidates by sex and ethnic origin.

e) The terms of any offer will be set out in writing. They will not differ between tenants without good cause; nor will they be directly or indirectly discriminatory.

vi. Records

a) All documentation relating to selection decisions will be retained for 12 months.

vii. Vacancies limited to current or former pupil applicants

a) An explicit framework for the assessment of pupils' work will be agreed by the selection committee.

b) Before the pupil is discussed, he/she will be independently assessed against the predetermined criteria by the pupil master/mistress and at least one other member of Chambers with whom he/she has worked; who will record their assessment in writing.

c) The right of an unexplained veto shall not be granted to any member of Chambers.

Annex 2: Grievance procedures

1. There shall be available to employees, tenants and pupils both formal and informal grievance procedures in relation to any discrimination based upon race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, pregnancy or maternity, gender reassignment, disability, religion or political persuasion.

2. There shall be available to employees, tenants and pupils both formal and informal grievance procedures in relation inter alia to complaints about selection procedures, distribution of work, conduct of pupillage and harassment on the basis of discrimination as described above.

3. At least 2 senior members of Chambers (Neil Mercer and Constance Whippman) shall be nominated as advisers to anyone making a complaint, to assist in informal resolution of the matter and to advise on the formal procedures.

4. The advisers described in paragraph 3. above shall also assist in making known to one making a complaint

a) those outside Chambers able to provide supportive counselling including associations of women lawyers, members of minority ethnic groups, disabled people, sexual orientation, and equal opportunities officers

b) those outside Chambers able to hear the complaint including Bar Council committees

a) where there is a legal right to apply for redress to the county court or industrial tribunal, or to consult the Equalities and Human Rights Commission.

5. At least 2 senior members of Chambers (Neil Mercer and Constance Whippman) shall be nominated as investigators to conduct any formal enquiry.

6. Procedure:

a) The complaint must be made in writing.

b) A written response will be received within 14 days thereafter.

c) Any oral hearing will take place within 14 days thereafter.

7. The identity of anyone making a complaint will be treated as confidential insofar as is possible and appropriate.

8. No one making a complaint shall be victimised nor suffer detriment.

9. Records will be kept by the Heads of Chambers.