



Ely Place Chambers

ANALYSIS ADVICE ADVOCACY

Ely Place Chambers: Equality and Diversity Policy

Introduction

1. Ely Place Chambers ("EPC") is committed to ensuring equality of opportunity for all and the avoidance of discrimination on grounds of race, sex, disability, pregnancy and maternity, sexual orientation, marital or civil partnership, gender re-assignment, religion or belief, or age.

2. EPC is also committed to ensuring its members, pupils and staff treat one another, professional and lay clients, visitors and all other persons with whom they come into contact with dignity and respect.

3. To achieve equality of opportunity and avoid discrimination, EPC shall:
 - Produce an equality and diversity policy;
 - Produce an action plan for implementing the policy;
 - Appoint an equality and diversity officer ("EDO");
 - Appoint a diversity data officer ("DDO");
 - Ensure that our selection panels are trained in fair recruitment;
 - Conduct diversity monitoring and analyse data; and
 - Produce and implement anti-harassment, flexible working, parental leave and reasonable adjustments policies.

4. In taking any steps to ensure equality of opportunities and avoid discrimination EPC shall have regard to the Equality Act 2010, related employment legislation, the Bar Code of Conduct and any relevant guidance produced by the Bar Council or the Bar Standards Board.

5. All members of EPC are required to conduct their work and practises so as to comply with their obligations under s.47 of the Equality Act 2010 and the relevant parts of the Bar Code of Conduct.

EDO and DDA

6. Currently, Faisal Sadiq is EPC's EDO and DDO.

Recruitment

7. EPC shall advertise all vacancies for pupillages and tenancies.
8. Any applications for pupillage, tenancy or employment shall be considered in light of objective recruitment criteria.
9. On every interview panel for pupillage, tenancy or staff there shall be at least one member of EPC or member of staff who has had training in fair recruitment practice.

Fair allocation of work

10. EPC will take all reasonable steps to ensure that opportunities for work are fairly allocated between all members and pupils.
11. In this context:

“opportunities for work” means any occasion on which the clerks or a member of EPC puts forward a barrister or pupil for consideration by a solicitor or lay client which the solicitor or lay client has not already asked to be allocated to a named individual.

“fairness” means that opportunities should be allocated to the barrister most suitable to carry out the work concerned by reference to their experience and expertise. Opportunities should be allocated free from unlawful discrimination or stereotyping.

12. Head of Chambers and the EDO shall regularly monitor the allocation and distribution of work by the clerks to ensure that work is allocated in accordance with this policy.
13. Monitoring shall, in the first instance, involve a combination of reviewing data relating to work done, payment summary reports and, as appropriate, reviewing records of how individual pieces of work have come to be allocated to a particular individual.
14. Appropriate training will be provided to all clerks and the subject of work allocation should be reviewed regularly at relevant appraisals.
15. The Senior Clerk shall act so as to prevent the acceptance of discriminatory instructions from clients. If instructions are received which the Senior Clerk considers likely to have been issued on a discriminatory basis, the Senior Clerk may, after investigation into the circumstances of the brief, report the matter to the Head of Chambers who should consider whether the matter ought to be reported to the relevant regulatory body.
16. If any member of EPC, or pupil, wishes to complain about the allocation of work, they should refer their complaint to the EDO or the Head of Chambers.

Harassment

17. EPC is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. EPC is determined to promote a work environment in which everyone is treated equally and with dignity and can flourish.
18. Harassment in any form will not be tolerated at EPC. 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.

19. 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.

20. 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).

21. Complaints of harassment may be raised informally in the first instance with the EDO or the Head of Chambers who will agree an appropriate response. Formal complaints should be made under the EPC grievance procedure.

22. 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 EPC disciplinary procedure.

23. EPC 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.

Reasonable adjustments

24. EPC is committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working with chambers or receiving legal services.
25. For the purposes of this policy the definition of disability follows that set out in the section 6 of the Equality Act 2010. A person is therefore disabled if they have 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".
26. This policy does not provide an exhaustive list of the reasonable adjustments that chambers will make for members, staff, pupils or visitors however the following types of adjustment that may be made are listed below:
 - Provision of information in alternative formats (e.g. large print, Braille etc)
 - Paid leave for disabled employees of chambers
 - Provision of auxiliary aids e.g. induction loops
 - Provision of accessible conference room facilities
27. Members, pupils or staff with specific requirements should make requests to 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 EPC's EDO and where it is not possible to make the adjustment requested EPC will discuss viable alternatives with the applicant.
28. Head of Chambers is responsible for considering whether or not disabled members, staff 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.

29. Members 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.

30. Visitor requests for specific reasonable adjustments may be made by contacting (Richard Sheehan or Kevin Morrow on 020 7400 9600).

31. In no circumstances will EPC pass on the cost of a reasonable adjustment to a disabled person.

Equality monitoring and diversity data

32. The EDO and DDA shall regularly review:

- the number and percentages of staff, barristers, pupils from different groups; and
- applications for assessed mini-pupillage, pupillage, staff and membership of chambers.

33. This review will include:

- collecting and analysing data broken down by race, disability and gender;
- investigating the reasons for any disparities in that data; and
- taking appropriate remedial action.

Parental Leave

34. "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.

35. EPC aims to:

- encourage members following parental leave to return to chambers 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 Code of Conduct and accompanying Guidelines.

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

37. A member of chambers taking a period of parental leave is entitled to 6 months' parental leave.

38. Members of chambers are required to notify Head of Chambers and the clerks of their intention to take a period of parental or adoption leave not less than 3 months before the commencement of the period of leave indicating the estimated commencement date and likely date of return.

39. If a member wishes to take more than 6 months' parental or adoption leave they should make a request to that effect to Head of Chambers at least four weeks before the end of that period stating the estimated date on which they would wish to return.

40. If a member wishes to take leave for a period longer than 12 months, this should be arranged with Head of Chambers.

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

42. 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.

43. During the period of any parental leave, members shall remain liable to pay rent on the same percentage basis as all other members of Chambers. Members on parental leave shall not be required to make any flat rate payments of rent during the period of such leave.

Flexible Working

44. Any member of chambers may work from home. Various part time and flexible 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.

Complaints and Grievances

45. If a member of EPC has a grievance, then this should be raised with the Head of Chambers. If appropriate, the matter should ideally be dealt with informally and without the need for a written grievance and a written decision.

46. If the matter is not appropriate for informal resolution, then the member of should put his / her grievance in writing and provide this to the Head of Chambers.

47. Head of Chambers will arrange to have a meeting with the member 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.

48. Depending on the nature of the grievance, the Head of Chambers may delegate the investigation and decision making to another, member of EPC. In either case the person determining the complaint will seek to ensure that formal grievances are investigated and determined by more than one Member of Chambers.

49. Appropriate investigation will be undertaken and a decision will be made, and communicated to the member, 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.

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

51. Members, Pupils and Staff are encouraged to raise any issues of equality or discrimination with the EDO.

Review

52. The policies and procedures set out in this document shall be reviewed by the EDO no later than 31 December 2015.

Revised 30 December 2013