

## **EQUAL OPPORTUNITIES POLICY**

Furnival Chambers is a set firmly committed to the active promotion of equal opportunities and to always ensuring an absence of direct or indirect discrimination on grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital status or civil partnership, pregnancy and maternity, disability, age, religion or political persuasion.

We recognise that such a commitment requires that positive steps be taken to identify and eliminate possible areas of discrimination so as to ensure equality of access to all applicants, equality of treatment to all barristers and members of staff and equality of service to both professional and lay clients.

We believe that every individual should be accorded equal dignity and respect and be judged on merit and ability alone, free from judgments or treatment based on prejudice or assumptions of collective characteristics. Our policy is intended to provide a framework that promotes and advances equal opportunities within Chambers and delivers a process that appropriately resolves internal complaints made by any member of Chambers, pupil or staff.

Our Equality and Diversity Officer is Sandip Patel who can be contacted through our main switchboard.

## **DEFINING DISCRIMINATION**

A member of Chambers, whether tenant, pupil, squatter or member of staff must not act in relation to another member of Chambers, to a present or aspiring member of the Bar or to a lay or professional client in a manner which directly or indirectly is either discriminatory, consists of harassment or victimises that person on grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital status or civil partnership, pregnancy and maternity, disability, age, religion or political persuasion.

## **DIRECT DISCRIMINATION**

Direct discrimination consists of treating such a person less favourably than others are, or would be, treated in the same or similar circumstances.

## **INDIRECT DISCRIMINATION**

Indirect discrimination occurs where an apparently neutral provision, criterion or practice has, or would have, a disadvantageous impact upon a particular group compared with others. However, the provision, criterion or practice can be justified if it is a proportionate means of achieving a legitimate aim.

## **DISABILITY EQUALITY**

Chambers seeks to avoid disability discrimination by dealing adopting a flexible approach to suit the needs of all. We will take all reasonable steps to avoid or address situations that place disabled people at a substantial disadvantage in comparison with non-disabled people, whether they relate to premises or working arrangements. We encourage members of Chambers, staff and clients to inform us of the nature and effects of any disability at the earliest opportunity in order that we may take steps to accommodate them.

Copies of all entries on our website and of our policies are available in large print upon request.

## **HARASSMENT**

### **Statement of Policy**

Furnival 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 and respect. Chambers is determined to maintain a working environment that promotes equality and fair opportunities to advance professionally.

Chambers will not tolerate any form of harassment and will take all necessary steps to ensure that its members and employees are not subject to harassment.

### **Definition of Harassment**

Harassment is any form of unwanted conduct relating to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation which has the aim or effect of violating a person's dignity, or which creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. Harassment may occur even if another person, i.e. a person other than at whom it is directed, may be able to ignore or deal with it comfortably.

Such behaviour may take many forms including conduct which is unwanted by the recipient and is perceived as hostile or threatening or which gives rise to a hostile or threatening work environment. It may also be conduct that 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 the allocation of work or a tenancy decision.

### **Examples of Harassment**

The following are examples of types of behaviour that 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<sup>1</sup>.

### **Resolving Complaints of Harassment**

Complaints of harassment may be raised informally in the first instance with Sandip Patel, the Equality & Diversity Officer, the Heads of Chambers or another senior member of chambers who will agree an appropriate response. Formal complaints should be made under the Complaints procedure.

Harassment is misconduct for employees or a breach of the Bar Code of Conduct for barristers.

### **Victimisation**

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.

### **The Scope of the Policy**

This policy applies to all members and employees of Chambers, to pupils and to mini-pupils. The policy applies to:

- all premises where Chambers' business is conducted;
- all Chambers' related activities performed at any other site away from the Chambers;
- any social, business or other function where conduct or comments may have an effect on Chambers or relationships within Chambers.

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<sup>1</sup> S.26 Equality Act 2010

## **Communication of the Policy on Harassment**

A copy of this policy is available to all those for whom chambers constitutes a working environment, including members of chambers, pupils, squatters, clerks and other employees.

## **THE SELECTION OF PUPILS AND TENANTS**

It is extremely important, given the nature of entry into the profession, that selection criteria for pupillage and tenancy should be free from discrimination. In pursuance of this aim Chambers undertakes that recruitment policy towards pupils and tenants should:

- be transparent, set out in a document which is available to all upon request,
- not be subject to change during the selection process,
- be based on objective and explicit criteria which relate to the demands of the work,
- Save in exceptional circumstances, be applied equally to all potential recruits,
- be free, at all stages, from assumptions based on stereotypical views or expectations of the behaviour and characteristics of any particular group,
- not be subject to the will or unexplained veto of one person alone, but instead reflect the views of a broad spectrum of people.

## **EQUALITY OF OPPORTUNITY IN CHAMBERS**

Distribution of work to all members of Chambers, working pupils and squatters must be carried out in a manner that is fair to all and without discrimination. Selection of counsel shall be on the basis of the skills and experience required for the particular case.

In particular, no applicant for pupillage or tenancy shall suffer discrimination:

- in the arrangements which are made for the purpose of determining to whom it should be offered,
- in respect of any terms on which it is offered, or by a refusal, or deliberate omission, to offer it to him/her.

Furthermore, no pupil or tenant shall suffer discrimination:

- in respect of any terms applicable to him/her as a pupil or tenant,
- in the opportunities for training, or gaining experience, which are afforded or denied to him/her,
- in the benefits, facilities or services which are afforded or denied to him/her,
- in the volume or type of work which is offered or denied to him/her,
- by termination of his/her pupillage or by subjecting him/her to any pressure to leave the Chambers or other detriment.

## **MATERNITY AND PATERNITY LEAVE**

The following provisions apply to each pregnancy or adoption of a child not yet in full-time education. References to "woman tenant", "tenant" or "tenant on maternity leave" should be read to include primary carers and primary adoptive parents irrespective of gender.

A female tenant's seat in Chambers will remain open initially for 12 months while she takes maternity leave. Maternity leave can be taken both before and after the date of birth. Whilst a woman is away from Chambers on maternity leave, she shall not pay rent and Chambers' expenses (save for personal expenditure such as mobile/smart phones) but shall instead pay an all-inclusive 11% of receipts. Every tenant on maternity leave is encouraged to maintain contact with Chambers and will be offered opportunities to do appropriate work if she so wishes. The tenant will receive assistance with re-establishing their practice on their return to work.

Before the termination of 12 months' maternity leave, the tenant shall give notice in writing stating whether she will be returning to work and, if so, when that will be. Provided notice has been given, there is no time limit as to how much further leave the tenant may take. The tenant will continue to pay 11% of receipts received over this later period. The tenant must also ensure that she remains up-to-date with CPD as required by the Bar Standards Board from time to time.

If, at that time, the tenant intends not to return to work and therefore wishes to terminate her tenancy, she shall be liable to the notice period on Chambers' expenses and rent as required by the Chambers constitution.

Once the tenant wishes to terminate maternity leave, she may return to work on a part-time basis or on a full-time basis.

Members of Chambers who do any work during a period of leave covered by this policy must ensure that they have a current practising certificate.

**Full-time:** If she returns on a full-time basis, a tenant will need time to build up her practice again. For that reason, when the tenant returns to work she will pay an all inclusive 15% of receipts for a further 12 months provided always that the payment of 15% is less than the sum that she would be required to pay were she a tenant paying full rent and 11% of receipts. At the expiry of the 12 months she will then move on to the normal payment method of rent plus 11%, although if this would cause hardship in any individual case the tenant is asked to approach the Head of Chambers and discuss the matter on an individual basis.

**Part-time:** If the tenant returns on a part-time basis, she shall be asked to elect a minimum number of days per month during which she shall be available for work. She shall then be liable to pay rent for this number of days plus 11% of receipts, such rent to be calculated as a fraction of a full month. She shall also be liable to pay for any extra days she actually works over and above the minimum to which she has committed; again, such rent to be calculated as a fraction of a full month.

This payment method will continue in force throughout the first 12 months following return. If the tenant wishes to continue working part-time after the 12 months have

ended, she is asked to approach the Head of Chambers and discuss the matter on an individual basis.

### **For men and adoptive parents:**

Members of Chambers (male and female) are offered one month's leave free of Chambers rent and expenses (save for personal expenditure such as mobile/smart phones) following the birth or adoption of a child not yet in full-time education, where they have or share responsibility for that child and so that they can discharge that responsibility. This is without prejudice to the above provisions relating to primary carers and primary adoptive parents. For the avoidance of doubt, the tenant will be required during this leave period to pay 11% of receipts for work completed before the tenant commenced the leave period. The date of the commencement of this one-month period may be taken at a time of the tenant's choosing following the date of birth or adoption of the child, within a three-month period of the date of birth or adoption.

Members of Chambers who do any work during a period of leave covered by this policy must ensure that they have a current practising certificate.

## **SABBATICAL LEAVE**

In addition to maternity leave, any tenant in chambers may take sabbatical leave of up to six months after completing seven years' continuous membership, during which time he/she shall not be liable for the fixed amount (i.e. rent) of chambers' expenses

## **COMPLAINTS PROCEDURE**

### **Statement of policy**

Chambers recognises that this is a particularly sensitive area where embarrassment, fear of causing a fuss, of being labeled, or of adverse judgment may prevent a complaint being made in the first place. It is chambers' policy, therefore, that, as far as is practicable, names of complainants shall not be released (save to those persons conducting the investigation and to the person complained against) without their consent. Equally, complainants will not be victimised or suffer detriment because of a complaint made in good faith. A number of situations which may give rise to complaint are:

- Selection of pupils, tenants and staff from internal or external applicants
- Conduct of pupillage
- Distribution of work in chambers
- Pressure or instruction to discriminate in the distribution of work

- Harassment or other discrimination originating within or outside chambers

## **Procedure**

A person subject to discrimination in any of these situations may, at their choosing, deal with the matter in a number of ways:

### **Voicing a concern**

Where an aggrieved person merely wishes to voice their concerns and no more they can approach either of the designated representatives for a confidential discussion. This is primarily intended to provide support and advice without the matter going any further.

### **Informal complaint**

The second option is the lodging of an informal complaint. This can be done orally to either of the designated representatives. An informal complaint is designed to act as a method of resolving disputes without the need for a formal investigation to determine the issue. If the complaint concerns the conduct of a person in chambers, it may be that such a person can be made aware that they are causing offence and so cease the offending behaviour. Alternatively, where the complaint concerns a decision taken within chambers, it may be that such a decision can be reviewed or, if appropriate, overturned. An informal complaint may also be made for the purposes of seeking advice.

### **Formal complaint**

The third option is the lodging of a formal complaint. This must be in writing and must set out the allegation(s) complained of as so to enable chambers to carry out a thorough investigation of all the matters concerned. The complainant has a right to make representations and/or to be independently represented as does the person whom the complaint has been lodged against. An investigation should not, save in exceptional circumstances, last longer than six weeks from the date of complaint. Following an investigation, a representative panel of at least three members of chambers will determine the issue. No member of such a panel should have a conflict of interest between themselves and the complainant. If actual or potential discrimination has been found, remedial steps will be taken immediately. These may include a re-evaluation of a decision, a further opportunity to be considered for an interview or a pupillage, tenancy, brief or post as the case may be, a change in working practices, further advice, training or support, comparative monitoring of work allocation and any other action including disciplinary steps against the offender that appear to the panel to be appropriate.

Every complainant has a right to consult with the Bar Council Equal Opportunities Officer for confidential advice and to lodge a formal complaint of professional misconduct with the Bar Council. Complainants of unlawful discrimination have a legal right to apply, subject to time limits, to the County Court or, for chambers' employees, to the Industrial Tribunal. The Commission for Racial Equality and the Equal Opportunities Commission are also available for consultation.

## **REASONABLE ADJUSTMENTS POLICY**

### **Aim and remit of policy**

Furnival Chambers is committed to making reasonable adjustments in order to remove or reduce 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.

### **Circulation**

This policy is circulated to all members, staff, pupils, clerks and those who are required to read and understand it.

### **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**

This policy does not provide an exhaustive list of the reasonable adjustments that Chambers will make for staff, barristers, pupils or visitors however the following types of adjustment that may be made are listed below:

- a. Provision of information in alternative formats (e.g. large print, Braille etc)
- b. Paid leave for disabled employees of chambers
- c. Provision of auxiliary aids e.g. induction loops
- d. Provision of accessible conference room facilities
- e. Provision of a reader or interpreter.

### **Staff, barristers and others in chambers**

Staff or barristers with specific requirements should make requests to one of the Heads of Chambers, Oliver Blunt QC and Sally O'Neill, for reasonable adjustment decisions. All requests for reasonable adjustments will be considered on a case by case basis with the advice and assistance of the Chambers' Equality and Diversity Officer (currently Sandip Patel) and where it is not possible to make the adjustment requested Chambers will discuss viable alternatives with the applicant.

Heads of Chambers are 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 Steven Ball, the Senior Clerk.

### **Cost of making reasonable adjustments**

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

### **Monitoring and review**

A copy of this Policy is available to all on the Chambers website. This policy will be reviewed by the Chambers' Equality and Diversity Officer at least every two years. The date of the next review will be November 2014.

### **MONITORING**

In seeking to identify and eliminate sources of unintended discrimination, Chambers shall monitor both the recruitment of applicants and staff at all stages and the allocation of work between barristers in Chambers. The monitoring data is analysed at least once per year and where under-representation of a particular group is identified, Chambers will seek to improve the position of the under-represented group. However, Chambers will not engage in positive discrimination or quotas as both these practices are unlawful in the UK.

Every complainant has a right to consult with the Bar Council Equal Opportunities Officer for confidential advice and to lodge a formal complaint of professional misconduct with the Bar Council. The Bar Council Equal Opportunities Officer can be contacted on 0207 242 0082.

Complainants of unlawful discrimination have a legal right to apply, subject to time limits, to the County Court or, for Chambers' employees, to the Industrial Tribunal. The Commission for Racial Equality and the Equal Opportunities Commission are also available for consultation.