

## EQUALITY AND DIVERSITY POLICY

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### I **General Principles**

1. Chambers is committed to ensuring equal opportunities for members, employees, pupils, mini-pupils, prospective tenants and prospective pupils. All conduct of Chambers and its members should be consistent with the professional obligation of barristers not to discriminate directly or indirectly or victimize because of race, colour, age, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital status, age, disability, religion or belief, political persuasion, pregnancy or maternity or paternity. Chambers' policy is to support measures for social mobility for the purpose of securing broader access to the Bar.
2. Chambers will regularly review this policy in the light of its workability, effectiveness and changing circumstances. There shall be Equality and Diversity Officers appointed as such by Chambers from time to time.

### II **Recruitment: Pupils and Tenants**

3. Chambers regards the selection of pupils and tenants as one of the most important aspects of its work. It is committed to recruiting pupils and tenants of the highest standard by means giving fair and equal opportunities to all candidates.
4. Chambers' policy on pupillage (including recruitment of starter tenants) is reviewed annually by the Pupillage Committee.
5. We welcome applications to join Chambers from established practitioners of proven excellence. All applications will be considered in accordance with the general equality and diversity principles set out in this policy and the applicable procedure for lateral hire outlined on Chambers' website.

### III Fair access to work

6. Members of Chambers, as between them, and pupils, as between them, should be treated equally and fairly in the distribution of work.
7. Junior tenants should be given equal opportunities in the distribution of work by the Practice Management Teams and in respect of practice development.
8. The Practice Management Teams should ensure that work is distributed on a fair basis between members. The Chief Executive Officer and Practice Directors should, with reasonable notice, be able to provide to the Equality and Diversity Officers a written breakdown of how unassigned work has been distributed as between members of Chambers. Allocation of unassigned work to junior tenants is monitored on a regular basis. If there are disparities in the allocation of unassigned work, or briefing practices are identified which disadvantage a particular group or individual, then these should be addressed.
9. All Practice Management Teams should be fully briefed on the need to distribute work in a fair and non-discriminatory manner. The Chief Executive Officer and the Practice Directors are expected to undertake equality and diversity training (as part of their employment).
10. The Chief Executive Officer and the Practice Directors are expected to undertake regular practice development meetings for tenants providing a breakdown of work undertaken. The purpose of these meetings is to enable discussion of allocation of work, work opportunity and development of individual practices.
11. Chambers should ensure that marketing activities are organised so as to be reasonably accessible to all members.
12. Chambers encourages pupils and junior tenants to take part in Chambers' seminars and lectures, attend outside lectures, write in professional publications and become involved in professional organisations and legal advice or support organisations.
13. The Equality and Diversity Officers maintain a panel of members of Chambers of varying levels of experience who are willing to act as mentors. Junior tenants are strongly encouraged to select a mentor from this panel for the purpose of seeking advice and guidance regarding their practice. Members of Chambers at any stage in their practice may choose a mentor and the scheme is intended to be relevant to barristers returning to practice following a career break. The Chambers' mentoring policy is published on Chambers' website.

#### **IV Parental leave**

14. Chambers' Parental Leave Code for members is published on Chambers' website.

#### **V Flexible and part-time working and career breaks for members of Chambers**

15. Flexible working and working from home is (and always has been) accepted within Chambers, subject always to the obligations of Members of Chambers under the Constitution. Career breaks (including leave for family responsibilities) and periods of part-time practice have been taken by many members of Chambers in the recent past.
16. A member may take a career break or engage in part-time practice for up to one year with the approval of the Management Committee. Career breaks or part-time practice for the purpose of managing family responsibilities will be facilitated. Longer career breaks or periods of part-time practice will also be considered but must be agreed with the Management Committee.
17. The Management Committee may agree a variation in the rights and obligations of a member during a career break or a period of part-time practice, in particular regarding room rent and Chambers expenses.
18. Members of Chambers working part-time, flexibly or on career breaks should be invited to all Chambers meetings, training, marketing and social activities.
19. Upon return from a career break the Director for Strategic Development and the Practice Directors will arrange a practice development meeting with the returning member to discuss steps to be taken towards the development and re-establishment of his practice.

#### **VI Harassment**

20. 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 aims to provide a working environment which is conducive to the professional growth of its members and employees and to the promotion of equality of opportunity.
21. Chambers' policy on harassment is published on Chambers' website.

#### **VII Complaints and grievances**

22. Chambers is committed to resolving complaints and grievances. Where possible this should be achieved informally but otherwise through the formal complaints procedure. The grievance procedure for employees is set out in Chambers'

Employees' Handbook. These procedures are available for complaints and grievances regarding any aspect of conduct in Chambers (including pupillage, recruitment, harassment, maternity policy and allocation of work).

23. Where a complaint or grievance is raised confidentiality will be respected throughout any investigation or resolution.

#### **VIII Service provision**

24. Chambers and its members recognise their obligations under the Equality Act 2010 and the Disability Discrimination Act 2005. The Equality and Diversity Officers will monitor Chambers' services and make recommendations regarding reasonable adjustments to be made by Chambers for disabled persons. In particular they will consider and keep under review arrangements for access to Chambers, for the provision of information (including the identity of nominated contacts) in all Chambers' publications, including publications relating to Chambers' services to clients and those relating to recruitment of members, pupils and employees, and for the provision of information in electronic format on Chambers' website or otherwise. The Equality and Diversity Officers will report regularly to the Management Committee recommending adjustments to be made by Chambers and its members, and means for implementing them.

#### **IX Monitoring**

25. Chambers (through the Diversity Data Officer working with the Equality and Diversity Officers) regularly reviews data relating to the number and percentages of its workforce from different groups; recruitment and the allocation of unassigned work. Such reviews include collecting data broken down by race, disability and gender, and taking appropriate remedial action.

#### **X Employees in Chambers**

26. The principles and policies set out above in this Policy should apply equally to employees so far as possible unless there is a specific policy for them. Employees may also invoke any rights or procedures available to them as employees.

Date Reviewed – December 2020

## PARENTAL LEAVE CODE

1. These provisions apply in any case where any Member of Chambers is planning to take leave as the carer of a child following birth or adoption. In any such case, the Member of Chambers in question shall have the rights and be subject to the obligations of this Code, subject to and from expiry of at least 1 months' notice in writing to the Chambers Chief Operating Officer of his or her intention to invoke this Code.

Chambers Chief Operating Officer and Chambers Management Committee will have power to waive any failure to give the full period of notice and any application to do so is to be considered compassionately.

This policy should be read in conjunction with Bar Council's *parental leave guide* <https://www.barcouncilethics.co.uk/wp-content/uploads/2018/02/Bar-Council-Parental-Leave-Guide-28revised-including-Shared-Parental-Leave29-February-2018.pdf>

### Leave of Absence – Initial 6 Months

2. A Member of Chambers shall be entitled to take a period of up to 6 months leave of absence per birth or adoption, during which time the Member of Chambers shall be entitled to have his or her room (if any) reserved for them. The period of absence may be taken commencing at any time not earlier than 3 months before the expected date of birth or adoption and not later than 12 months following the actual date of birth or adoption.
3. The Member shall pay no room rent in respect of this initial period of absence and shall not make contribution towards chambers expenses in respect of fees received during this initial period of absence. If room rent is not being paid the Management Committee has discretion to permit the use of the Member's room by others or for other purposes, subject to the requirement to return the room to the use of the Member insofar as required under paragraph 2.
4. Subject to paragraphs 2 and 3 above, all rights and obligations of the Member shall continue during this initial period of absence. Limited working arrangements, as set out below at paragraph [5], in the initial period of absence do not affect the Member's entitlement to the six month period free of rent and chambers contribution, provided that the Chief Operating Officer is kept informed of the arrangements (and fees earned) and that the Member has not returned to practice.
5. In addition to the entitlement of a primary carer to Keeping in Touch (KIT) Days, a Member on parental leave is entitled to undertake work amounting to total billings of £75,000 without being deemed to have returned to practice. The Member is under an obligation to inform the Chief Operating Officer if this figure is exceeded. The Chief Operating Officer will independently require the accounting department to check the position upon the Member's return from leave.

### Keeping in Touch (KIT) days

6. KIT days can be used for any work-related activity e.g. training or team events. The content, frequency and number of KIT days should be designed to make the return to work following leave easier for the Member of Chambers. KIT days are taken during leave. Prior to the commencement of leave, the Member of Chambers in consultation with the Practice Manager should agree the

number of KIT days to be used subject to a maximum of 10 days. Preliminary agreement should also be reached as to the dates of the KIT days, although this can remain flexible. During the period of leave, the barrister member should be reminded by the Practice Manager (or other appropriate member of the Practice Management Team) by e-mail of the dates of KIT days. Where possible the agenda for the KIT days should be planned in advance. There should be at least one meeting with the head of the relevant practice management team which would be similar in content to a practice review. Consideration should be given to arranging a meeting with one or more barrister members of the relevant practice team.

#### Pre-return to practice meeting

7. At least three months prior to the barrister member's return to practice consideration must be given to the following by the Practice Management Team:
  - a. Identification and appointment of a mentor who will assist the barrister member in settling back into practice should the barrister member wish to be a mentee;
  - b. The likely working hours, the type, duration and location of any hearings that the barrister member may undertake.
  - c. Any need for the barrister member to attend a "refresher" course in their relevant practice area;
  - d. Review the barrister member's website profile in conjunction with the Practice Management Director (or other appropriate clerk) and Chambers marketing director, and where necessary update the profile;
  - e. Announce the barrister member's return to practice on chambers' website (if the barrister member so requests);
  - f. Identify a list of solicitors and write to each of them announcing the barrister member's return to practice if the barrister member so requests; and
  - g. If requested by the barrister member, assist in arranging the attendance of the barrister member at marketing events.

#### Leave of Absence – Beyond 6 Months

8. A Member of Chambers shall be entitled to extend their initial period of absence by up to 18 months (i.e. for a total 2-year period of absence). Working during this extended period of absence will not affect any waiver on the Member's rent provided that the Member does not during the period of absence undertake work exceeding total billings of [£75,000]. The Member is under an obligation to inform the Chief Operating Officer if this figure is exceeded. The Chief Operating Officer will independently require the accounting department to check the position upon the Member's return from leave.
9. During any such extended period of absence, the Member shall not be obliged to pay room rent but their room (if any) shall not be reserved for them. In exceptional circumstances the Management Committee has discretion to reserve a Member's room beyond the initial 6-month period of absence. For the avoidance of doubt, during such extended period of absence, a Member must pay chambers contribution in the normal way.

10. Subject to paragraphs 7 and 8 above, all rights and obligations of the Member shall continue during any such extended period of absence.

#### Returning to Chambers

11. Members of Chambers on parental leave should be invited to all Chambers meetings, training, marketing and social activities.
12. The Member may, upon giving not less than one month's notice in writing to the Head of Chambers and the Chambers Chief Operating Officer, return to Chambers at any time up to 2 years from the date on which they first absented themselves from Chambers under paragraph 2 above, whereupon their rights and obligations of Membership shall be resumed in full.
13. Should the Member wish to amend the date of return (and/or to amend dates of periods of Shared Parental Leave) the Member shall endeavour to give not less than one month's notice to the Head of Chambers and the Chambers Chief Operating Officer. It is understood that there will be circumstances in which it is not possible and/or practicable to advise of a change in accordance with this timeline.
14. At the expiry of 2 years from the date on which a Member of Chambers first absented him or herself from Chambers under paragraph 2 above, they must (unless this Code has been validly invoked in respect of a further birth or adoption), return to practice in Chambers or terminate their Membership of Chambers in accordance with Clause 23 of Chambers constitution. Applications for a longer career break, an additional period of parental leave or periods of part time practice will also be considered in the normal way.
15. After parental leave of any length, the returning Member should receive assistance with re-establishing their practice following return to work. This will include the consideration and assistance set out at paragraph 7 above. The Practice Management Team should keep a record of enquiries made about the Member during their leave and make it available to the Member. The Chief Executive Office and the Practice Management Team, together with the Member, should take positive steps to maximise the prospect of the availability of work for the Member following their return in every manner considered appropriate. Upon return the Practice Management Team will arrange a practice development meeting with the returning Member to discuss steps to be taken towards the development and re-establishment of practice.
16. Any grievance arising out of this code may be dealt with under Chambers' grievance policy.

#### Misuse of Policy

17. In accordance with Bar Council guidance, it is advised that any individual found to have misused this policy could be referred to the Bar Standards Board on the basis that Core Duty 3 may have been breached.

### Policy Review

18. The Chambers' Equality and Diversity Officer will review every two years the effectiveness of this policy, and where appropriate will make proposals for change to the Management Committee.

Date Reviewed – December 2020



## **CHAMBERS' COMPLAINTS AND GRIEVANCE PROCEDURE**

### Scope of Procedure

1. This procedure is applicable to any complaint, grievance or dispute including but not limited to complaints of discrimination or harassment. Complaints from members of the public concerning Members, employees and pupils will be dealt with in accordance with Bar Code of Conduct requirements (see Bar Standards Board website) and the Chambers complaint procedure (published on the Chambers website). This procedure does not apply to complaints by employees for whom the grievance procedure is set out in The Employee Handbook.
2. Chambers is committed to providing a working environment in which all individuals are treated with dignity, respect and fairness. No one will be victimised or suffer a detriment because they raise a complaint or grievance in good faith under this procedure.
3. A copy of this procedure will be available on Chambers' website.
4. Confidentiality will be maintained as far as possible and appropriate in the circumstances.

### Informal Procedures

5. Complaints of grievances are more easily resolved if dealt with at an early stage. Individuals with complaints or grievances are recommended to seek the assistance of one of the Members nominated for this purpose (whose names are available from the Chief Operating Officer) who will, as far as possible, give confidential advice and assistance.

### Informal complaints by pupils

6. Pupils are encouraged to discuss any grievances which they may have during their pupillage promptly with their pupil supervisors, or (if the pupil prefers) with the Chair of the Pupillage Committee or the Head of Chambers. It is hoped that this would generally solve the problem.
7. If informal resolution of the complaint is not possible, the pupil should set out the complaint in writing to the Head of Chambers or the Equality and Diversity Officers.
8. A pupil will not suffer any detriment as a result of making a complaint in good faith.

### Informal complaints by Members of Chambers

9. If a Member has a complaint about a clerking matter, in the first instance he/she should attempt to resolve it with the Chief Executive Officer or seek the assistance of the Head of Chambers or Equality

and Diversity Officers. Any other issue may be raised with the Equality and Diversity Officers. If resolution of the complaint is not possible through these informal channels, the complaint should be referred in writing to the Head of Chambers or Equality and Diversity Officers.

### Formal Complaints

#### Time Scales

10. Complaints will be dealt with promptly in accordance with this procedure. A formal complaint must be made as soon as reasonably possible and in any event within six months of the act being complained of, or within six months of the end of any informal action taken, save where good reason is shown. A formal complaint, which should be made in writing to the Head of Chambers or the Equality and Diversity Officers, will be acknowledged by the Head of Chambers or Equality and Diversity Officers (as the case may be) within seven days of receipt. Any investigation should be completed within 28 days of receipt, unless there are good reasons for delay. Investigations should be conducted in accordance with standards of natural justice. Where possible, two Members of Chambers not directly involved in the complaint should be appointed by the Head of Chambers to undertake the investigation, one of whom should be a QC. All parties to the complaint should be permitted to be accompanied by a colleague or friend at any hearing.

#### Remedial Action

11. The complainant will receive a written response on the outcome of the complaint with a clear indication of the action Chambers will take if the complaint is upheld. Solutions which rely on changes to working arrangements which may unreasonably disadvantage the complainant should be avoided as this could amount to victimisation.
12. If the formal grievance or complaint is found to have substance appropriate steps in the circumstances will be taken to remedy the problem. A brief confidential report on all formal complaints and on the outcome will be made to the Head of Chambers and Equality and Diversity Officers and records will be retained for a period of one year from the conclusion of the case with a discretion to keep longer if necessary.

## **REASONABLE ADJUSTMENTS POLICY**

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

1. Chambers is committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working in or with chambers. This policy covers all members of chambers, employees, and self-employed contractors (collectively called support personnel), pupils, mini-pupils and visitors to chambers.

### **Definition of disability**

2. For the purposes of this policy the definition of disability follows that set out in the Equality Act 2010 s.6. A person is deemed disabled if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on his/her ability to undertake normal day-to-day activities. "Substantial" means more than minor or trivial and "long term" means 12 months or more.

### **Types of reasonable adjustment**

3. This policy does not provide an exhaustive list of the reasonable adjustments that chambers will make for members, support personnel, pupils or visitors, although the following types of adjustment may be considered:

- Provision of information in alternative formats (e.g. large print)
- Provision of auxiliary aids e.g. induction loops
- Provision of accessible conference and washroom facilities

4. Members and support personnel with specific requirements should make requests to the Facilities Manager. All such requests for reasonable adjustments will be considered on a case by case basis with the advice and assistance of the Chief Operating Officer and the Equality and Diversity Officer. The emphasis will always be to try to accommodate the necessary adjustments, but where it is not possible to effect the adjustment(s) requested Chambers will discuss viable alternatives with the applicant.

### **Visitors to chambers**

5. Chambers has in place the following adjustments for people with disabilities:

- Disabled washroom/toilet.
- Induction loop in main conference room.
- Disabled access to building.
- Entrance communication facilities.
- Temporary ramp facilities to front of building.

6. Members and support personnel 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.

7. Visitor requests for specific reasonable adjustments should be made by contacting the Facilities Manager in the first instance.

**Monitoring and review**

8. This policy is reviewed by the Chambers' Equality and Diversity Officer at regular intervals.

Date Reviewed – 10 December 2020

## CHAMBERS' ANTI-HARASSMENT POLICY

1. This policy covers all those working in Chambers, visiting Chambers and providing services to Chambers. It covers, amongst others, tenants, pupils, employees and instructing solicitors.

2. Twenty Essex is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. Members of Chambers are determined to promote a work environment in which everyone is treated equally and with dignity and can flourish. This Anti-Harassment Policy is a central plank of Chamber's commitment and will be applied rigorously.

3. Harassment in any form will not be tolerated at Twenty Essex. Harassment includes any unwanted conduct related to race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital status, age, disability, religion or belief, political persuasion, pregnancy or maternity or paternity. 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.

4. 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;
- Victimisation
- 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.

5. 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).

6. Complaints of harassment may be raised informally in the first instance with one of Chambers' Equality and Diversity officers, the Head of Chambers or another senior member of Chambers who will offer advice on the appropriate course of action. Formal complaints should be made under the Chambers Grievance Procedure.
7. Harassment is misconduct or gross misconduct for employees or a breach of the Bar Code of Conduct for barristers. Allegations of harassment against employees will be dealt with under the Chambers' Disciplinary procedure.
8. Allegations which may amount to serious misconduct by a barrister may be reported to the BSB under its reporting procedure.
9. Chambers is committed to ensuring that no one who makes an allegation of harassment in good faith is 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.
10. A copy of this policy is published on Chambers' website and applies to all those for whom Chambers constitutes a working environment, including members of Chambers, pupils, squatters, practice managers, clerks and other employees, temporary workers, those who provide services to Chambers such as contract cleaners, accountants and IT consultants, and mini-pupils and work experience students.

Date Reviewed – 13 November 2020

## CHAMBERS MENTORING SCHEME FOR NEW JOINERS AND EXISTING MEMBERS

### The origin and purpose of the scheme

1. Chambers decided to adopt a mentoring scheme in its new Equal Opportunities Code at the end of 2011.
2. Mentoring in this context is intended to be a process whereby an experienced member of Chambers acts as a confidential adviser to a joining member (or a member returning from a career break).
3. The function of a mentor is to give the new member (or returning member) someone experienced and independent with whom to discuss difficult issues. A mentor is intended to provide support, advice and guidance when needed and **when compatible with his or her own professional and personal commitments**. In Chambers the fact that members have their own individual practices will be relevant to the guidance given by and expected from a mentor.
4. The mentoring scheme is intended to provide additional guidance alongside the existing informal support provided by pupil supervisors and colleagues.
5. The mentor is not intended to provide legal advice or to take any legal responsibility for the mentee. The mentor is not expected to provide any training to the mentee or play any formal role in practice management. A mentor is not provided with training or expected to have any formal training.

### Workings of the policy

6. Newly joining members of Chambers shall be offered a mentor to cover the 2 years after joining Chambers.
7. Members of Chambers returning after a career break shall be offered a mentor to cover the 2 years after returning to Chambers.
8. The scheme is not restricted to new or returning members. Members of Chambers at any stage in their practice may also request a mentor, again for a 2 year term.
9. A mentor will be chosen from a panel of members of Chambers willing to act as mentors. Chambers equal opportunities officers will select the panel of mentors and allocate mentors. Members will be consulted on selection and allocation, and may express their preferences as to proposed mentor or mentee.

10. A mentor may at any time stand down (permanently or temporarily) from the panel or from acting as mentor for any individual.
11. A member of Chambers offered a mentor may decline to have (or continue to have) a mentor.

Date Reviewed – 10 December 2020