



## **KENWORTHY'S CHAMBERS EQUALITY AND DIVERSITY POLICY**

**Chambers is committed to equal opportunities and diversity in all aspects of its work. All Barristers and Pupils have committed to observe the Bar Council Code of Conduct in relation to non discrimination in the acceptance of work, the carrying out of that work and all dealings with clients, colleagues, staff and others.**

**All staff have committed to comply with this Policy.**

**Chambers Equal Opportunities and Diversity Officer - Mr Bruce Henry and  
Data Diversity Officer – Sarah Johnson**

### **Statement of intent**

1. Chambers values the rich diversity and creative potential that men and women with differing backgrounds and abilities bring to it and wishes positively to encourage a culture of equal opportunities for all in which personal success depends upon personal merit and performance. It is firmly committed to achieving equality of opportunity and to ensuring at all times that no-one should be treated less favourably on the grounds of their sex, sexual orientation, gender reassignment, marital or civil partnership status, colour, race, nationality (including citizenship) or ethnic or national origin or on the grounds of disability, religion or age (without justification).

This commitment is integrated into all individual policies set out below.

### **Code of Conduct**

1.1 Barristers in Chambers acknowledge that they are bound by the Bar Code of Conduct on equality, specifically Rule 305.1 which states:

“A barrister must not, in his professional practice, discriminate unlawfully against, victimize or harass any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief or pregnancy and maternity”.



1.2 All Members of Chambers are committed to ensure that Kenworthys Chambers have in force and ensure that Chambers complies with the requirements set out , specifically Rule 408, 408.1 and 408.2 of the Bar Code of Conduct Equality and Diversity Rules, whereby

‘A written statement of policy of equality and diversity is in force, and  
‘A written plan implementing that policy is in force’

### **Scope**

2. This policy will apply to every aspect of life within Chambers including Chambers as an employer of staff, provider of services to the public, to the selection of pupils, recruitment of new tenants, relationships between members and engagement and treatment of third parties visiting Chambers.

### **Co-operation**

3. Each employee should remember that should they be guilty of an act of discrimination then this may be actionable personally against that employee as well as possibly being actionable against Chambers as such.

3.1 Acts of discrimination or harassment by employees or Barristers will normally result in disciplinary action. Chambers will not tolerate or condone any form of harassment or discrimination to employees, members of chambers, pupils or any visitors. Employees are required to co-operate in any measures introduced by Chambers designed to ensure equal opportunity and non-discrimination and to draw to the attention of the Practice Manager suspected discriminatory acts or practices. The Practice Manager will use her best endeavours to ensure that staff supervision is such that this Policy is rigorously followed.

3.2 Chambers further recognises that it may also be guilty of discrimination if it allows any third party to act in a discriminatory way when it could have reasonably prevented that from occurring. Chambers is committed to ensuring that this does not occur.



## The legislation

4. Chambers' Equality Policy is designed to ensure that all anti-discrimination legislation is fully complied with including but not limited to the Equality Act (2010) and the Equal Pay Act (1970) and all relevant Guidance and Codes of Practice.

## SPECIFIC EQUALITY POLICIES:

5. This policy applies to all aspects of Chambers' operations and operates in conjunction with the following policies:

(a) **[Harassment Policy](#)** - See Annex (a) of this document for full policy document.

Chambers harassment policy will not tolerate or condone any form of harassment to employees, members of chambers, pupils or others temporarily in chambers such as mini-pupils. This relates to all unwelcomed conduct, which is offensive to the recipient, violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Chambers prohibits any behaviour which causes offence or distress. If anyone is subjected to such behaviour they will have a right to complain. Disciplinary action will be taken against any member or employee of chambers found to have harassed a colleague or other person in the conduct of their work.

(b) **[Disability and Reasonable Adjustment Policy](#)** – See Annex (b) for full policy document.

Chambers recognises the need to make reasonable adjustments in the way that we work with disabled people so that they are not disadvantaged in comparison to people who are not disabled. This policy (annex b) covers all employees of chambers, barristers, pupils, mini-pupils and all visitors.

(c) **[Recruitment Policy](#)** – See annex(c) for full policy document

Kenworthys Chambers is committed to fair recruitment and selection process that is designed to be fair and free from bias. All vacancies will be advertised. We will ensure the best candidates are selected regardless of background or any



other relevant factor. We have a detailed policy on fair recruitment and selection processes which covers Pupillage, Tenancy and Employee vacancies.

**(i) Pupillage**

Chambers Pupillage Policy Document contains full commitment to the Code of Conduct Equal Opportunities and Diversity requirements, and will apply to all aspects in the selection and recruitment of pupils. The Policy Document sets out full procedures and should be read in conjunction with Chambers 'Fair Recruitment and Selection Process Policy'.

**(ii) Tenancy**

Chambers Tenancy Policy Document contains full commitment to the Code of Conduct Equal Opportunities and Diversity requirements, and will apply to all aspects in the selection and recruitment of tenants. The Policy Document sets out full procedures and should be read in conjunction with Chambers 'Fair Recruitment and Selection Process Policy'.

**(iii) Staff**

Chambers Staff Recruitment Policy is fully committed to Equal Opportunities in the workplace. Equal Opportunities and Diversity requirements are set out in annex (c) Fair Recruitment and Selection Process Policy'

**(d) Fair Access to Work Policy – see annex (d) for full policy document.**

The affairs of chambers will be conducted in a manner which is fair and equitable; this includes but is not limited to fair distribution to work Chambers is committed and will take all reasonable steps to making sure that all Members and Pupils receive fair allocation and equal access to work.

**(e) Maternity, Paternity and Parental Leave Policy – See annex (e) for full policy document.**



Chambers recognises the right of its members to take time off to care for children. The obligations of Chambers in relation to members who take time off in such circumstances are set out in annex (e) of this code

(f) [Flexible Working Policy](#) – See annex (f) for full policy document.

It is the policy of Chambers to make all reasonable efforts to assist any member to work flexible or part-time or partly from home to assist with caring for their family members including older, young or disabled dependants or relatives. Full details are set out in annex (f) of this code.

### Promotion

6. Chambers will take the following positive action to support this policy:-

- (a) In recruitment Chambers will take steps to try and attract applications from all interested applicants regardless of race, religion, disability age etc and will ensure that there are equal opportunities at all stages of the recruitment process to review this.
- (b) Promotion within Chambers will be based solely on merit.
- (c) Clerks will ensure that all work is offered equally to those of similar skills and experience (subject to availability) and will take the necessary action under the Bar Code of Conduct should any professional client seek to unfairly influence the use of a particular barrister or decline to use a barrister on discriminatory grounds.
- (d) All selection of pupils and tenants will be guided by this policy, as further detailed in the specific sections of the Pupillage, Tenancy and Fair Selection and Recruitment Policies.

### Monitoring



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7. Chambers recognises the importance of monitoring so as to ensure effective implementation of its Equality and Diversity Policy. Thus, in seeking to identify and eliminate sources of unintended discrimination, Chambers shall monitor:-

- (a) the consideration of the applications for pupillage;
- (b) the recruitment of established practitioners;
- (c) the career development and marketing of tenants;
- (d) parental leave entitlement;
- (e) the recruitment of staff;
- (f) the allocation of work between members of chambers.

7.2 The allocation of work to all members of chambers, those members of the Bar who are either pupils or tenants, must be carried out in a manner that is fair to all and without discrimination. Selection of counsel must however be on the basis of the skills and experience required for the particular case and the clerks will exercise the appropriate discretion on that basis only when offering members of chambers for particular cases

7.3 The monitoring will be arranged by the Practice Manager and will be analysed annually with The Equality and Diversity Officer

### **Discrimination Complaints procedure**

8. Confidentiality: complaints will be kept confidential and fear of lack of anonymity or reprisals should not discourage individuals from making complaints.

2. A person subject to discrimination in any form may at their choosing deal with the matter in a number of ways:-

(i) Voicing a concern: where an aggrieved person merely wishes to voice their concerns and no more they may approach the Head of Chambers, the Practice Manager, or a member of the Equal Opportunities Committee, for a confidential discussion. This is primarily intended to provide support and advice without the matter going any further.

(ii) Informal complaint: the second option is the lodging of an informal complaint. This can be done orally to either the Head of Chambers, the Practice Manager, a



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member of the Management Committee or one of the Equal Opportunities officers (currently Barry Harwood-Gray). An informal complaint is designed to act as a method for resolving disputes without the need for a formal investigation to determine the issues. 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 solely of seeking advice.

(iii) Formal complaint: the third option is the lodging of a formal complaint. This must be made in writing and must set out the allegations complained of so as to enable Chambers to carry out a thorough investigation of all the matters concerned. The complaint should be made as soon as reasonably practicable to the Head of Chambers or alternatively the Practice Manager. The complaint will be referred to a delegation of three members of Chambers including one member of the Management Committee as nominated by the Head of Chambers as appropriate for the investigation and its resolution. Any complaint will be treated in the utmost confidence. The complainant has a right to make representations and/or be independently represented as does the person against whom the complaint has been made. The procedure should be carried out expeditiously and any formal decision and/or action arising from a complaint should be communicated in writing to the complainant and/or the person complained against as soon as reasonably practicable.

11.3. If actual or potential discrimination has been found remedial steps will be taken immediately. These may include a re-evaluation of a decision, the further opportunity to be considered for an interview for pupillage or tenancy; the further opportunity to be considered for a particular brief or post as the case may be; a change in working practices; further advice, training or support; the comparative monitoring of work allocation; and any other action including disciplinary steps against the offender that appear to the delegation appointed to be appropriate.

11.4. Every complainant has a right to consult with the Bar Council Equal Opportunities Office for confidential advice and to lodge a formal complaint of professional misconduct with the Bar Council. Complaints of unlawful discrimination have a legal right to apply subject to time limits to the County



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Court or for Chambers' employers to the Employment Tribunal. The Commission for Racial Equality and the Equal Opportunities Commission are also available for consultation.

### **Appeals**

12. Any appeals against any decision taken in respect of Chambers' Equality Policy may be made through the grievance procedure or, as considered appropriate.

### **Awareness**

13. Copies of this Equality Policy shall be provided for Members of Chambers, Pupils, and Members of Staff who by virtue of their Membership of Chambers or employment will accept their duty to comply with this policy.