

# **CHAPTER 7: EQUALITY AND DIVERSITY POLICY & PROCEDURES**

REVIEW CYCLE EVERY TWO YEARS OR AS NEEDED

## **Version control**

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## **1. Equality and Diversity Policy Statement**

- 1.1. 7BR is committed to providing a working culture in which all individuals are treated with dignity, respect and fairness.
- 1.2. We will not discriminate, or tolerate discrimination, on grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender reassignment, sexual orientation, gender identity, pregnancy and parental status, age, marital status, disability, religion or beliefs. This applies to all aspects of our work, whether concerning staff, clients, members or pupils.
- 1.3. Harassment on any of the grounds set out above, or harassment constituting bullying or unfair pressure, by any member of Chambers, pupil or member of staff, is unacceptable and will not be tolerated or condoned. Those members, staff, pupils or others temporarily in Chambers who suffer harassment have a right of complaint by following the procedure set out in paragraph 11 of this policy.
- 1.4. We will seek to encourage applications from groups which are under-represented in Chambers and are prepared to make reasonable adjustments for candidates with a disability.
- 1.5. Accordingly, the Head of Chambers and CEO have ensured that we have in place written policies and procedures to encourage equality of opportunity in every area of Chambers' activity, and to provide a framework for the resolution of complaints which both adheres to the requirements laid down by the Bar Standards Board ("BSB"), and enforces these policies and procedures.
- 1.6. Members are also expected to use the means available to them under their Articles of Association to take reasonable steps to ensure that these policies and procedures exist, and that they are enforced.

## **2. The Role of Chambers' Equality and Diversity Officers**

- 2.1. Responsibility for implementing and monitoring Chambers' equality and diversity policy and procedures lies with the equality and diversity Officers ("the Officers"). The current Officers are identified in Chapter 22 of this manual.
- 2.2. The Officers shall conduct an annual appraisal of the application, implementation and monitoring of Chambers' equality and diversity policy and report their findings to Chambers' AGM. The report will include, but not necessarily be limited to:
  - a) Selection of pupils;
  - b) Selection of established practitioners;
  - c) Selection of staff;
  - d) Diversity monitoring;
  - e) Allocation of work;
  - f) Efficacy of parental or other leave and flexible working policies.
- 2.3. In accordance with the procedure set out at Section 13 of this chapter the Officers shall also be responsible for advising on the handling of any concerns or grievances in respect of the application of this policy.

### **3. The Role of Chambers' Diversity Data Officer**

- 3.1. Responsibility for gathering and analysing Chambers' equality and diversity data at least every three years lies with the Diversity Data Officer ("DDO"). Chambers' DDO will ensure that all data is anonymised prior to publication of data in accordance with the Code of Conduct.
- 3.2. In advance of the collection of data the DDO shall seek explicit consent from members and staff to the provision and processing of their diversity data in accordance with a policy statement drafted by the DDO, which is found immediately below in paragraph 4 of this policy. The policy statement to set out:
  - a) The method for the collection of data
  - b) Chambers' intentions in respect of the publication of the analysed data
  - c) Chambers' policy for the retention and destruction of data
  - d) That the provision of data is voluntary

### **4. Diversity Data Policy**

- 4.1. In order to assist the Officers and DDO in monitoring the effectiveness of Chambers' equality and diversity policy and procedures, pupils, staff and members of Chambers will be invited to complete the appropriate equality and diversity monitoring form. Monitoring data will also be obtained in relation to the recruitment of 12 month pupils, 3<sup>rd</sup> 6 pupils, established practitioners and staff. This monitoring data will be published by Chambers in an anonymised summary in order to provide transparency concerning recruiting and employment activities across Chambers. Analysis of this monitoring data encourages a strong, diverse and effective legal profession.
- 4.2. The monitoring form will be limited to requesting information ("monitoring data") by reference to the following protected characteristics: age, disability, ethnicity, gender, religion or belief, sexual orientation, and caring responsibilities; information relating to socio-economic background will also be requested. Any data collected will be treated in compliance with the Data Protection Act 1998.
- 4.3. Monitoring data will be collected from time to time by DDO by asking members, staff and pupils to complete a hard-copy of the BSB's *Model Diversity Data Questionnaire* and consent form, which will then be returned to DDO.
- 4.4. The completion of this monitoring form is an entirely voluntary process, and those invited to complete the form are free to provide all, some or none of their monitoring data.
- 4.5. All monitoring data that is collected from individuals will be kept securely. The following security measures will be put in place to protect monitoring data:
  - a) the monitoring data will be placed in a secure cabinet; and/or
  - b) the monitoring data will be placed in a secure electronic environment.
- 4.6. Data and any statistical analysis of that data will only be provided to an outside recipient (for example, The Crown Prosecution Service, the Attorney General's Office, The Bar Council or The Bar Standards Board) in anonymised form. Care shall always be taken to ensure that no data is provided in such a form that it can be used to identify an individual. DDO will not share any collected monitoring data with any third parties, save for those identified in this Policy.

- 4.7. Should members, pupils or staff access or disclose monitoring data accidentally or intentionally when they are not authorised to do so, they must notify DDO immediately.
- 4.8. DDO is required to anonymise monitoring data before publishing it in summary form (see paragraph 4.9, below). Monitoring data will be securely anonymised by DDO, or DDO's nominated representative, who will conceal the identity of individuals in the analyses of data by identifying individuals only by a number that can be independently linked back both to their monitoring data and their name.
- 4.9. Chambers is required to publicise monitoring data in an anonymised summary format in accordance with the requirements of the BSB. The summary will break down the information in a way which categorises each protected characteristic against job status and role, in a manner which reflects seniority within Chambers. The summary will then be published on Chambers' website.
- 4.10. Monitoring data relating to sexual orientation and religion or belief will **not** be included in the anonymised summary format for publication.
- 4.11. Where there are fewer than 10 individuals within each published category who identify through the questionnaire with the same protected characteristic (e.g. 4 individuals with a job role at the same level of seniority identify themselves as disabled), Chambers' will not publish the anonymous data relating to those individuals unless DDO has obtained their informed consent to do so.
- 4.12. DDO will securely destroy monitoring data collected promptly after the data has been anonymised, and in any event within 3 months following the date of collection. Secure destruction means that, as far as possible, Chambers shall not hold the monitoring data in any way where it is possible to identify an individual. In practice this will be achieved by shredding and disposing of confidential documents, and electronic documents, in the usual way.
- 4.13. Anonymised data will be kept for 12 months before being destroyed, as above.
- 4.14. Individuals who complete the BSB's *Model Diversity Data Questionnaire* have the right to withdraw their consent, or object to the use of their monitoring data, at any time. Where data has been provided, and members, staff or pupils wish to withdraw consent to its use, written notification should be provided to DDO. DDO will then promptly delete or destroy the monitoring data concerned and will provide written confirmation that this step has been taken within 21 days of receiving the original notification withdrawing consent for Chambers' to use the monitoring data.
- 4.15. Where anonymised data has been published in summary form, DDO will not extract monitoring data from the published summary, unless it is likely that continued publication could cause the individual to whom the published monitoring data relates substantial damage or distress. In such circumstances, DDO will consider the reasons the individual concerned puts forward in this regard, and shall respond within 21 days from the date of receiving notification that there may be such a risk of damage or distress being caused to them. In responding, DDO will explain that she has determined whether or not the continued publication of the data is justified and, if not, will confirm the action taken to extract the monitoring data from the published summary, and to delete or destroy any copies of it.
- 4.16. Any questions or complaints about this policy should be directed to DDO, who is identified in Chapter 22 of the Yellow Book.

## **5. Training**

- 5.1. Chambers recognises that it is important that all members of Chambers and staff are aware of our equality and diversity policy and procedures both from the point of view of ensuring compliance with it and also ensuring that they are beneficiaries of it. To this end Chambers undertakes training as follows.

### Members

- 5.2. Members of Chambers are provided with a copy of the policies and procedures manual on joining Chambers and are required to familiarise themselves with its contents, which includes the equality and diversity policy and procedures.
- 5.3. All members are made aware that electronic copies of the equality and diversity policy and procedures, are available on Chambers' intranet.
- 5.4. All members are encouraged to undertake accredited training in equality and diversity.

### Pupils

- 5.5. As part of their induction into Chambers new pupils are taken through our equality and diversity policies and procedures and the Bar Equality and Diversity Code by one of the Officers and made aware of their rights and obligations.
- 5.6. All pupils are made aware that electronic copies of the equality and diversity policy and procedures are available on the Chambers' intranet.
- 5.7. All pupils are required to attend an accredited seminar on equality and diversity.

### Pupil Supervisors

- 5.8. Pupil-supervisors are required to be registered with their Inn and to be trained in their duties and responsibilities. Such training includes awareness of and compliance with equality and diversity requirements.

### Members of Interview Panels

- 5.9. From July 2014 Chambers will ensure that all members of any interview panels for prospective tenants, pupils or staff have been trained in fair selection techniques in accordance with the BSB's Fair Recruitment Guide.

### Staff

- 5.10. As part of their induction into Chambers new members of staff are taken through Chapter 7 (Equality and Diversity) of the Yellow Book and made aware of their rights and obligations. In particular, all members of staff whose duties are concerned with the allocation of work to members and pupils are made aware of the need to comply with Chambers' equality and diversity policy.
- 5.11. All members are made aware that electronic copies of the equality and diversity policy and procedures are available on the Chambers intranet.
- 5.12. Chambers will seek to ensure that all members of staff receive training on equality and diversity.

## **6. Fair Selection of Pupils, Tenants and Staff**

- 6.1. Chambers' equality and diversity policy applies to the selection of pupils for a 12-month pupillage, third six pupils, mini-pupils, starter tenants, established practitioners and staff.
- 6.2. Twelve Month pupils: Chambers selects up to three candidates for funded 12 month pupillages each year. Vacancies are advertised on Chambers' website. Details of the pupil recruitment procedures are set out in Chapter 5 of this manual. The criteria and procedure by which pupils are selected and the nature of pupillage in Chambers are also set out on Chambers website.
- 6.3. At the conclusion of the selection process for 12 month pupils, the Secretary to the Pupillage Committee will provide the Officers with an anonymised schedule giving a breakdown, at each stage of the selection process, of the applicants by equality strand.
- 6.4. Third–six pupils: Where Chambers intends to take on third six pupils, applications will be sought by advertisement. Applications are considered and suitable candidates interviewed and selected in accordance with the procedures set out in Chapter 6 of this manual.
- 6.5. Tenancy offers to pupils: All decisions as to tenancy are taken in compliance with our equality and diversity policy and are made at a full Chambers' meeting following full and reasoned discussion. Any decision takes into account the written reports prepared in advance by pupil supervisors, the clerks and any client feedback assimilated via the pupillage secretary. No Member has a right to an unexplained veto.
- 6.6. Mini-pupils: Chambers offers a limited number of mini-pupillages each year. These are allocated on a non-discriminatory, first come–first served basis. Mini-pupillages are not assessed. Further details concerning the selection of mini-pupils are set out in Chapter 5 of this manual.
- 6.7. Established practitioners: Details of recruitment procedures for established practitioners are set out in Chapter 6.
- 6.8. The Secretary to the Recruitment Committee will maintain an anonymised schedule showing a breakdown by equality strand of the applications received from established practitioners. If appropriate the Secretary to the Recruitment Committee will maintain a similar schedule covering applications for 3<sup>rd</sup> 6 pupillage.
- 6.9. Staff: All advertisements for staff vacancies, whether made directly or via a recruitment agency should include a reference to our equality and diversity policy, explain that the policy is available on the Chambers website and state our willingness to make reasonable adjustments for disabled candidates. The procedure to be followed in selecting and interviewing candidates for staff positions is set out in Chapter 6 of this manual.

## **7. Fair Allocation of Work**

- 7.1. Instructions from clients will only be accepted in accordance with Chambers' equality and diversity policy and with any current guidance from The Bar Council and The Bar Standards Board. It shall be the responsibility of the Chief Executive and the Officers to ensure that any changes in the policy of The Bar Council and/or The Bar Standards Board are brought to staff's attention promptly.
- 7.2. The allocation of work between members and pupils shall be recorded on the Lex software in accordance with the Clerking procedures set out in Chapter 1.
- 7.3. The allocation of work will be monitored periodically by the Officers and Chief Executive. This monitoring will include:

- a) The allocation of work to pupils;
  - b) The allocation of work to junior tenants of four years call and under;
  - c) The allocation of unnamed work across the membership of Chambers.
- 7.4. Any suspected unequal or unfair treatment will be investigated by the Officers and the Chief Executive, and dealt with appropriately. A written record will be made of any investigation. Any records so created will be stored confidentially.
- 7.5. Chambers will make every effort to enable all pupils and tenants, so far as practicable, to be equally involved in any marketing activity.

## **8. Career Breaks/Flexible Working**

### Members of Chambers

- 8.1. This section applies where a Member decides that he or she is not going to be available to undertake work through Chambers in the usual way for a continuous period of 3 months or more. This may be because a Member wishes to take an extended holiday or a sabbatical, to manage family responsibilities or for some other reason.
- 8.2. A Member wishing to take such a break should notify the Head of Chambers of his or her intention in writing not less than 3 months before the commencement of the break.
- 8.3. Any such break must be planned and managed so as to ensure so far as possible the return of outstanding work in circumstances which do not prejudice the interests of any client, the efficient administration of Chambers or Chambers' reputation.
- 8.4. Save in exceptional circumstances, no Member will be encouraged to take a career break of 3 months or more within the first 5 years of becoming a member of Chambers since this can materially affect the establishment of a Member's practice and undermine work done by Chambers to that end.
- 8.5. Subject to the discretion of the Head of Chambers on a case by case basis, a Member taking such a break shall normally be entitled to remain a member and return to Chambers as such at the end of the break providing that the total length does not exceed 12 months.
- 8.6. It is recognised that a member may wish to take a break of longer than 12 months in order to raise young children for whom he or she is the primary carer. This will not be discouraged and arrangements will normally be made on a case by case basis to facilitate this.
- 8.7. During the period of any break, however long, Chambers will continue to be responsible for billing and fee collection in respect of the member. Subject to the Head of Chambers' discretion, that Member shall continue to be liable for any rent (at the normal rate, from time to time in force) and any percentage contributions on any fees collected, and for any other liabilities to Chambers, as if that member were still practising in Chambers.
- 8.8. Chambers also recognises that from time to time, and while remaining in practice, members may wish to work flexible hours, part time or partly from home in order to manage their family responsibilities, care for disabled dependents, or for some other reason. In so far as it is practicable to do so, Chambers will endeavour to support such flexible working patterns.
- 8.9. Members on such leave are kept in touch with developments in Chambers' news via Chambers' intranet and via email. They are invited to attend business, marketing and social functions put on by Chambers as for any Member of Chambers.

## Staff

- 8.10. Chambers will also consider requests from members of staff for part-time and flexible work. Such a request should be made to the Chief Executive in the first instance. In considering whether the request should be granted, and if so, on what terms the Chief Executive will have regard to the staff member's job description, duties and responsibilities. The outcome of any request will be reported to the EDWSM Committee.

## **9. Disability – Service Provision**

- 9.1. The facilities available within Chambers for the use of clients with a disability include wheelchair access, a lift and a disabled lavatory. Chambers also has teleconference and videoconference facilities for those clients who cannot travel. Chambers is committed to developing a disability policy which anticipates, and is tailored to, the individual needs of a client with a disability. Accordingly, Chambers will from time to time carry out an audit of our service provision to such clients in order to ensure that we are complying with our obligations under current disability legislation.

## **10. Reasonable Adjustments Policy**

- 10.1. Chambers is committed to making reasonable adjustments in order to remove or reduce substantial disadvantages for disabled people working with Chambers or receiving legal services. This policy covers all members, pupils, staff, mini-pupils and visitors to Chambers.
- 10.2. For the purposes of this policy, the definition of "disability" follows that set out in 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 their ability to carry out normal day-to-day activities. "Substantial" means more than minor or trivial, and "long term" means 12 months or more.
- 10.3. This policy does not provide an exhaustive list of the reasonable adjustments that Chambers will make for members, pupils, staff, 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; and
  - e) provision of a reader or interpreter.
- 10.4. Members or staff with specific requirements should make requests to the CEO for reasonable adjustment decisions. All requests for reasonable adjustments will be considered on a case-by-case basis with the assistance of Chambers' Equality and Diversity Officer, and where it is not possible to make the adjustment requested, Chambers will discuss viable alternatives with the applicant.
- 10.5. 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 evacuation plan is required for the individuals concerned. If so, the plan will be developed in partnership with the individuals concerned to ensure that adjustments to the emergency evacuation procedure may be made.



10.6. 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. Visitor requests for specific reasonable adjustments may be made by members by contacting the CEO.

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

## **11. Grievance Procedure**

11.1. Chambers is committed to providing a supportive environment in which problems of alleged discrimination or harassment are resolved swiftly. We are committed to ensuring that no one who raises a concern of discrimination or harassment or who is otherwise involved in the investigation of a grievance suffers any adverse consequences as a result.

11.2. This procedure applies to all grievances concerning alleged discrimination or harassment raised by a member of Chambers, pupil, mini-pupil or member of staff and involving Chambers. It does not prevent or limit any member of Chambers or pupil from taking a matter to (or seeking advice from) their Inn, the Complaints Committee of the Bar Standards Board, or the Bar Council's Equality and Diversity Advisers.

11.3. A member of Chambers will be appointed to act as an informal adviser to any person who may be considering raising a grievance or concern about discrimination or harassment, if requested or advised. He/she will treat all approaches with complete confidentiality and will, as far as possible, give confidential advice and assistance.

11.4. It may be possible to resolve a matter concerning discrimination or harassment through an informal process.

11.5. Pupils are encouraged at first instance to take such a grievance to their pupil supervisor, unless the complaint is against that person, in which case they should discuss it with one of the Chambers Equality and Diversity Officers.

11.6. Tenants should first address any grievances or concerns to the Head of Chambers, Chief Executive or the Equality and Diversity Officers.

11.7. Members of Staff should first raise such a matter with a Senior Clerk or the Chief Executive.

11.8. Should an attempt to resolve the grievance or concern through informal procedures be unsuccessful then a formal complaint should be made in writing to the Officers. Any member of Chambers, or member of staff, who receives such a complaint shall treat it with confidentiality and pass it on for investigation to one of the Officers.

11.9. The Officers and Chief Executive will be responsible for investigating formal complaints, unless the complaint is against one of them. In such a situation, the Head of Chambers will be asked to nominate another member of Chambers to replace the Officer or Chief Executive as an investigator.

11.10. The receipt of a formal complaint will be acknowledged within seven days. The identity of the complainant will not be revealed without his/her consent, except to those investigating the complaint and where appropriate the Head of Chambers. Where practicable, the result of the investigation will be reported to the complainant within 28 days of the complaint; if the investigation takes longer, a reply explaining this will be sent to the complainant within four weeks.

- 11.11. If discrimination or harassment is identified, the matter will be put to the Head of Chambers and appropriate action will be taken. Any breach of the equality and diversity policy shall be treated as serious and potentially a disciplinary matter.
- 11.12. Complainants will be informed within the four weeks of their right to address complaints to the appropriate Bar Standards Board Committee and/or other bodies.
- 11.13. The Head of Chambers will be provided with a written report on every complaint investigated. All written records shall be kept confidential.
- 11.14. A complaint made by a lay or professional client which involves an issue of discrimination or harassment will be dealt with by the Chief Executive under the complaints procedure set out in Chapter 9 of this manual. If appropriate, the Chief Executive may consult with the Officers in the course of investigating any such complaint. Complaints concerning the pupillage selection process or the recruitment of established practitioners will be dealt with in a similar manner.