

ROPEWALK — CHAMBERS —

Barristers regulated by the Bar Standards Board

Equality and Diversity Policy

2021 / 2022

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This policy was adopted on 26 November 2020.

1) Preamble

We have drafted this policy because we are committed to ensuring that Ropewalk Chambers has a positive and inclusive culture, where every member of our workforce is treated fairly, where diversity is encouraged and where discrimination on any ground will not be tolerated.

The Bar will not thrive unless the very best aspiring barristers are chosen, which necessarily means selecting from the widest possible pool.

This policy reflects our commitment to the notion that the public will benefit from a Bar which better reflects the diversity of the public that it serves.

2) Aims and purpose

2.1) Core duty not to discriminate

We have a legal and regulatory requirement not to discriminate unlawfully against, victimise or harass any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender reassignment, sexual orientation, marital or civil partnership status, disability, age, pregnancy and maternity/paternity, caring responsibilities, religion or belief.

To this end, this policy:

- Provides a framework for the promotion of equality and diversity and the resolution of complaints;
- Ensures that this core duty is adhered to by all personnel at Ropewalk Chambers in all aspects of our professional dealings; and
- Is available to clients, visitors and contractors and relevant parts will be communicated to them as appropriate.

2.2) Our commitment

We are committed to taking all reasonable steps to provide a work environment in which all individuals are treated fairly and with dignity and respect.

Such a commitment entails that positive steps be taken to identify and eliminate possible areas of discrimination.

Equality and diversity training is provided for all personnel and refresher courses are provided every three years, following initial training.

Serious or repeated breaches of this policy:

- **By a barrister** – may be deemed a breach of the BSB Handbook, constituting serious misconduct which would require reporting to the Bar Standards Board. It shall also be deemed to constitute a failure to maintain the professional standards which all barristers agree to maintain under Chambers' Constitution;
- **By a member of staff** - may be deemed to constitute serious misconduct and shall be investigated in accordance with the disciplinary and grievance procedures contained within the Staff Handbook;
- **By a pupil** – may be deemed a breach of the BSB Handbook, constituting serious misconduct which would require reporting to the Bar Standards Board. It shall also be considered in assessment against the competences in the BSB's Professional Statement, in evaluating any application for tenancy.

2.3) Specific areas

Specific areas addressed within this policy include:

- Equality monitoring;
- Diversity data collection and publication;
- Fair recruitment and selection;
- Fair access to work;
- Fair access to training;
- Dignity at work, harassment and anti-bullying;
- Parental leave;
- Flexible working and career breaks;
- Providing services to disabled people;
- Review; and
- Complaints.

2.4) Review

All policies and procedures are reviewed regularly to ensure that they comply with this policy and any actions necessary to remedy or investigate unfair outcomes are developed and added to the Equality Action Plan. Records are kept of the outcome of reviews and of action taken in response.

2.5) Complaints

Any complaint as to the application of this policy should in the first instance be addressed to the Head of Chambers who shall consider such complaint, so far as confidentiality permits, with the Management Committee and/or the Equality Officers and Senior Clerk. If not capable of informal resolution then the matter shall be treated as a grievance under the Complaints procedure (please see **Annex 3 – Complaints procedure**).

3) **Communication**

This policy is provided to all personnel at Ropewalk Chambers, who are required to confirm in writing that they have read the policy and understand their role in relation to it.

This policy is available on our website and also upon request from interested parties.

4) Roles and responsibilities

4.1) Equality and Diversity Committee

To ensure that the principles of equality and diversity are embedded into the ethos of Ropewalk Chambers and to prevent unlawful discrimination taking place, the Equality and Diversity Committee convenes regularly to oversee the operation of this and any associated policies. The Equality and Diversity Committee ensures that any actions necessary to remedy or investigate unfair outcomes are developed and added to the Equality Action Plan.

Members of the Equality and Diversity Committee are:

- Head of Ropewalk Chambers
- Equality Officers
- Senior Clerk.

4.2) Head of Chambers¹ and Management Committee

Responsibility to take reasonable steps to:

- Ensure this policy is complied with;
- Monitor this and any associated policies and the Equality Action Plan and to take any subsequent remedial action identified; and
- Provide final resolution of any complaints and grievances.

4.3) Equality Officers

Our Equality Officers are:

Clare Haddon

¹ All references to the Head of Chambers shall include the most senior member of the Management Committee who may assume the duties of the Head of Chambers, as defined in the Constitution.

Christopher Lowe

Cassandra Williams.

Responsibility to take reasonable steps to:

- Ensure this policy is adopted, implemented, reviewed and kept up to date;
- Ensure all chambers' policies and procedures are reviewed regularly to ensure they comply with this policy and that records are kept of the outcome of reviews and of action taken in response;
- Ensure that equality and diversity training for all personnel is provided and that refresher courses are provided every three years, following initial training.
- Offer advice to the Head of Chambers, Senior Clerk, Pupillage Committee, Management Committee, individual barristers and staff on equality and diversity issues, both in response to a request and whenever the Equality Officer considers that equality and diversity issues arise;
- Be available to individual barristers or staff to offer advice on equality issues and to provide an informal route, if requested, for the resolution of grievances; and
- Ensure that monitoring data from pupillage, barrister or staff recruitment exercises, chambers' membership and the allocation of unassigned work is analysed regularly and that any actions necessary to remedy or investigate unfair outcomes are developed and added to the Equality Action Plan.

4.4) Diversity Data Officer

Our Diversity Data Officer is

- Clare Haddon.

Responsibility to take reasonable steps to:

- Register as the Diversity Data Officer with the Bar Standards Board;
- Invite all personnel to provide diversity data in respect of themselves;
- Ensure that such data is anonymised and that an accurate and updated summary of it is published on chambers' website every three years;

- Ensure the data is collected and processed securely and in accordance with the provisions of the GDPR and the Data Protection Act 2018;
- Ensure that the published summary of anonymised data shall:
 - Exclude diversity data relating to the characteristics of sexual orientation and religion or belief, unless there is consent from each of the members of the workforce;
 - Exclude diversity data in relation to any characteristic where there is a real risk that individuals could be identified, unless all affected individuals consent; and
 - (Subject to the foregoing) include anonymised data in relation to each characteristic, categorised by reference to the job title and seniority of the workforce.

4.5) The Senior Clerk²

Responsibility to take reasonable steps to:

- Ensure this and any associated policies are complied with;
- Ensure fair access to work and the allocation of unassigned work;
- Ensure discriminatory instructions are not accepted; and
- Make available monitoring data.

4.6) Pupil Supervisors, temporary Pupil Supervisors and those responsible for supervising Mini-pupils

Responsibility to take reasonable steps to:

- Ensure this and any associated policies are complied with;
- Where requested, assist in the resolution of informal grievances at first instance.

² All references to the Senior Clerk shall include the Deputy Senior Clerk.

4.7) All barristers, pupils and staff

Responsibility to take reasonable steps to:

- Confirm in writing that they have read the policy and understand their role in relation to it;
- Ensure this and any associated policies are complied with;
- Undertake all allocated equality and diversity training;
- Undertake any equality and diversity tasks allocated to them or to draw attention to any problems if they are unable to do so.

5) The legislation and regulatory requirements

This policy reflects the relevant legislative framework provided in the Equality Act 2010:

- <http://www.legislation.gov.uk/ukpga/2010/15/contents;>

And the regulatory requirements of the Bar Standards Board Handbook:

- [https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/;](https://www.barstandardsboard.org.uk/regulatory-requirements/bsb-handbook/)

And supporting Equality Rules:

- <https://www.barstandardsboard.org.uk/for-barristers/compliance-with-your-obligations/equality-and-diversity-rules.html>

6) Equality monitoring

6.1) Aims and purpose

It is the aim of this policy to:

- Ensure that our equality and diversity policies are being carried out and assess whether they are working;
- Identify the nature or extent of any inequality, any areas where action is most needed, and whether measures aimed at reducing inequality are succeeding;
- Ensure that work is not unfairly allocated;
- Ensure that people are not refused appointments because of their protected characteristics;
- Ensure the fair treatment of staff with respect to terms and conditions of employment, pay reviews, training opportunities, promotion and appraisals, requests for flexible working and shared parental leave;
- Comply with all legal and regulatory requirements.

6.2) Monitoring

Monitoring data from recruitment exercises, mini-pupillage and work shadowing, Chambers' membership, and the allocation of unassigned work is analysed regularly and any actions necessary to remedy or investigate unfair outcomes in respect of protected characteristics are developed and added to our Equality Action Plan.

In addition to an annual review, the Head of Chambers, Equality Officers and Senior Clerk meet quarterly to review all aspects of equality and diversity.

Any actions necessary to remedy or investigate unfair outcomes are developed and added to the Equality Action Plan.

6.3) Data

The monitoring of data is essential to ensure that we fulfil our commitments to equality and diversity.

The process is not compulsory and requests for anonymity will be respected. The data gathered is purely for monitoring purposes, particularly in respect of any questions concerning disability, save for any reasonable adjustments requested.

The information collected may be shared, so far as confidentiality permits, with the Head of Chambers, Equality Officers, the Senior Clerk and Management Committee. The data is not made available to those conducting any recruitment process, save in the event of Positive Action initiatives.

6.4) Complaints

Any complaint as to the application of this policy should in the first instance be addressed to the Head of Chambers who shall consider such complaint, so far as confidentiality permits, with the Management Committee and/or the Equality Officers and Senior Clerk. If not capable of informal resolution, then the matter shall be treated as a grievance under the Complaints procedure (please see **Annex 3 – Complaints procedure**).

7) Diversity data collection and publication

7.1) Aims and purpose

It is the aim of this policy to:

- Comply with all regulatory requirements;
- Provide transparency to all interested parties, including clients and potential recruits;
- Identify areas for Positive Action initiatives.

7.2) Data Controller

The name of our registered data controller is Jayne Adams QC and the data controller's registration number on the Data Protection register is Z2937610.

7.3) Diversity Data Officer

The name of our Diversity Data Officer is Clare Haddon.

7.4) Collection of diversity data

Our personnel are given the opportunity to provide their diversity data for collection in accordance with the Bar Standards Board's requirements. The Diversity Data Officer is responsible for arranging and supervising the collection of Diversity Data.

7.5) Why diversity data is collected

Individuals have the opportunity to provide their diversity data in order for us to publish an anonymous summary of such data. This provides transparency concerning recruiting and employment activities across Chambers and analysis of diversity data encourages a strong, diverse and effective legal profession.

Personnel and potential recruits are not obliged to provide diversity data. Potential participants are free to provide all, some or no diversity data.

7.6) How diversity data is collected

Diversity data will be collected through the Diversity data questionnaire (please see **Annex 2 – Diversity data questionnaire**).

Potential participants will be provided with an electronic questionnaire, together with a request for explicit consent to the processing and publication of the data.

7.7) Keeping Diversity Data secure

All diversity data that is collected from individuals will be kept and disposed of securely, in accordance with our Information Security Management System.

We will not share raw diversity data with any third parties.

7.8) Anonymising Diversity Data

We are required to anonymise diversity data before publishing it in summary form. We will securely anonymise diversity data through the deletion of all identifying information.

7.9) Publication of the anonymised summary of diversity data

We are required to publish diversity data in an anonymised summary format in accordance with the requirements of the Bar Standards Board. The summary will break down the information in a way which categorises each diversity characteristic against job status and role, in a manner which reflects seniority within Chambers. The summary will be published on our website.

Where there are fewer than 10 individuals within each published category who identify through the questionnaire with the same diversity characteristic, for example, 4 individuals with a job role at the same level of seniority identify themselves as disabled, we will not publish the anonymous data relating to those individuals unless there is informed consent to do so.

Diversity data was initially published on Chambers' website in December 2012. It is a requirement of the Bar Standards Board that the data is updated every three years.

7.10) Destruction of diversity data

We will securely destroy the diversity data collected promptly after the data has been anonymised and in any event after 3 years following the date of collection, in accordance with our Records Retention and Protection Policy.

7.11) Withdrawal of consent

All participants have the right to withdraw consent or object to the use of their diversity data at any time.

Where the data has already been provided and consent to its use is now withdrawn, the Diversity Data Officer should be informed in writing. The data shall be promptly deleted and/or destroyed and the Diversity Data Officer will confirm that this step has been taken within 21 days of receiving notification.

Where the anonymised data has been published in summary form, the Diversity Data Officer will not extract the personal data from the published summary unless it is likely that continued publication could lead to substantial damage or distress. In such circumstances, the Diversity Data Officer will consider the reasons put forward and shall respond within 21 days from the date of notification with the decision as to whether the continued publication of the data is justified and, if not, to confirm the action taken to extract the data from the published summary and to delete or destroy any copies.

7.12) Review

These processes are reviewed regularly and any actions necessary to remedy or investigate unfair outcomes are developed and added to the equality action plan.

7.13) Complaints

Any complaint as to the application of this policy should in the first instance be addressed to the Data Diversity Officer. If not capable of informal resolution then the matter shall be treated as a grievance under the Complaints procedure (please see **Annex 3 – Complaints procedure**).

8) Fair recruitment and selection

8.1) Aims and purpose

It is the aim of this policy to:

- Ensure that the selection criteria for recruitment should be free from discrimination;
- Ensure all appointments are made strictly on the basis of merit, according to published criteria; and
- Comply with all legal and regulatory requirements.

To ensure compliance with the aims and purpose of this policy, all vacancies are advertised and all applicants are assessed against published criteria, based upon the four underlying principles of fair and objective selection:

- Reliability;
- Validity;
- Objectivity; and
- Transparency.

Selection processes are described in the following:

- Pupils: Pupil selection criteria as set out in the Pupillage Policy;
- Barristers: Tenancy selection criteria as set out the Pupillage Policy;
- Staff: The Information Security Management System.

All members of panels responsible for recruitment have received recent training in fair recruitment and selection processes.

8.2) Positive action

The data collected as part of our equality and diversity monitoring is analysed to identify, *inter alia*, whether:

- There is an under-representation of particular groups in Chambers; and/or

- There are any disparities between the relative success rates of particular groups at the various stages of Chambers' recruitment processes.

Where under-representation of particular groups is identified, we will consider taking positive action, which may include:

- Encouraging applications from members of those groups;
- Offering support such as mentoring and/or training to help members of those groups to overcome any disadvantage or barrier they might face in the recruitment process;
- The appointment of a candidate with a protected characteristic from an under-represented group where two candidates are found to be of equal merit.

Where any disparities between the relative success rates of particular groups at the various stages of Chambers' recruitment processes are identified, these will be investigated to ensure that there are no discriminatory practices in the recruitment process.

8.3) Review

These processes are reviewed regularly and any actions necessary to remedy or investigate unfair outcomes are developed and added to the equality action plan.

8.4) External resources

Bar Council – Positive action

<https://www.barcouncilethics.co.uk/documents/positive-action/>

8.5) Complaints

Any complaint as to the application of this policy should in the first instance be addressed to the Head of Chambers who shall consider such complaint, so far as confidentiality permits, with the Management Committee and/or the Equality Officers and Senior Clerk. If not capable of informal resolution then the matter shall be treated as a grievance under the Complaints procedure (please see **Annex 3 – Complaints procedure**).

9) Fair access to work

9.1) Aims and purpose

It is the aim of this policy to:

- Ensure that our affairs are conducted in a manner which is fair and equitable to all;
- Ensure particular safeguards are in place in respect of the fair distribution of work opportunities amongst pupils and barristers, appropriate to their skills and experience; and
- Comply with all legal and regulatory requirements.

9.2) Allocation of work

Care is taken to ensure that work is allocated fairly, particularly in respect of pupils, starter barristers and those returning from parental or adoption leave.

We seek to ensure, insofar as is possible, that instructions and briefs are not delivered at such times as to preclude those with childcare and other dependent care commitments or those with disabilities who may need adjustments made, from being eligible for that work.

We have a policy of actively rotating briefs to ensure that pupils in the practising period of their pupillage receive a fair range of different types of work. This is monitored during the formal pupillage review process, at the start of tenancy and during practice reviews.

In addition to the clerks, more senior barristers may play an important role in the allocation of work, if asked for a recommendation of a junior colleague. All have received equality and diversity training and understand their role in this regard.

The fair allocation of unassigned work is monitored on a quarterly basis (please see **Section 6 – Equality monitoring**).

9.3) Discriminatory requests/instructions

It is unlawful for any person in instructing a barrister, to discriminate against others. In addition, the Solicitors Regulation Authority prohibits solicitors from discriminating unlawfully against any person in the course of their professional dealings, including the instruction of barristers.

Any requests that are discriminatory, for example, a barrister or pupil of a particular sex or race being requested for a particular piece of work, are referred immediately to the Senior Clerk who will take the following steps:

- Explore the reasons for the request;
- Explain that such a request is unlawful, even if it has originated from the lay client, and must be rejected;
- If the request is not modified or withdrawn, the work will not be accepted;
- A full note of the incident is made immediately; and
- In the case of a solicitor making the request, they would be reported to their professional disciplinary body.

9.4) Practice development

Practice review meetings with the Senior Clerk are available for all barristers on an annual and *ad hoc* basis. The purpose of these meetings is to enable discussion of work allocation, work opportunity and development of individual practices.

Similarly, pupils should discuss these issues with their supervisor and, where appropriate, the clerks and, if necessary, the Equality Officers.

Mentoring with more senior barristers is available, where advice and guidance can be offered regarding practice development for junior barristers, pupils and those returning from parental or adoption leave, and on his or her return to practice.

9.5) Marketing activities

We ensure, so far as practicable, that marketing activities are organised so that all pupils and barristers can be equally involved. This extends to opportunities for pupils and junior barristers to get to know more senior barristers and the clerks.

All barristers are members of relevant Business Development Groups and participate in marketing opportunities, which are publicised within chambers and allocated fairly. Pupils are encouraged by their supervisor to attend such events.

9.6) External resources

Bar Council – Discriminatory instructions

<https://www.barcouncilethics.co.uk/documents/discriminatory-instructions/>

9.7) Review

These processes are reviewed regularly and any actions necessary to remedy or investigate unfair outcomes are developed and added to the equality action plan.

9.8) Complaints

Any complaint as to the application of this policy should in the first instance be addressed to the Head of Chambers who shall consider such complaint, so far as confidentiality permits with the Management Committee and/or the Equality Officers, Senior Clerk and pupil supervisors. If not capable of informal resolution then the matter shall be treated as a grievance under the Complaints procedure (please see **Annex 3 – Complaints procedure**).

10) Dignity at work, harassment and anti-bullying

10.1) Aims and purpose

It is the aim of this policy to:

- Ensure we provide a safe environment in which all individuals, clients and the public are treated with dignity and respect;
- Promote a work environment in which everyone is treated equally and can flourish; and
- Comply with all legal and regulatory requirements.

This policy covers all forms of harassment, bullying and any inappropriate behaviour by personnel of Ropewalk Chambers.

We aim to achieve this through:

- Offering guidance as to what is and is not unacceptable behaviour in chambers;
- Taking appropriate practical steps to reduce the chances of harassment, bullying or other inappropriate behaviour occurring;
- Providing an effective, appropriate and transparent system for raising concerns about inappropriate behaviour;
- Taking effective steps to address incidents of inappropriate behaviour; and
- Offering practical support for those who feel they may have been targeted by inappropriate behaviour.

10.2) Harassment and bullying

Harassment is unlawful and will not be tolerated at Ropewalk Chambers. Harassment includes any unwanted conduct of a sexual nature or related to race, colour, ethnic or national origin, nationality, citizenship, sex, gender reassignment, sexual orientation, marital or civil partnership status, disability, age, pregnancy and maternity/paternity, caring responsibilities, religion or belief which violates another's dignity.

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; and
- 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 allocation of work or tenancy decision.

The following are examples of types of verbal and non-verbal inappropriate behaviour which may amount to harassment:

- Sexist, suggestive or sexual comments, “jokes” or “banter”;
- Sexual innuendo;
- Sexist, sexual or offensive comments regarding someone’s appearance;
- Overly personal comments or over-familiar behaviour, including questions about someone’s relationships, sex life or gender identity;
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- Racist, sexist, anti-LGBTQI³+ or ageist jokes, or derogatory or stereotypical remarks about a those of a particular ethnic or religious group, gender, gender identity or sexual orientation;
- Outing or threatening to out someone as gay, lesbian, transgender or any form of LGBTQI+;
- Knowingly mis gendering someone;
- Offensive or intimidating comments or gestures;
- Insensitive jokes or pranks;
- Mocking, mimicking or belittling a person’s disability;
- Exclusion from social networks or activities, or other forms of isolation;
- Staring or inappropriate/suggestive looks;

³ Lesbian, Gay, Bisexual, Transgender, Queer, Intersex

- Invading someone's personal space;
- Sexual or offensive gestures;
- Inappropriate sexual advances or repeated unwelcome sexual advances;
- Inappropriate or unwelcome physical contact;
- The displaying or sending of pornographic or sexually suggestive pictures or written material;
- Initiating or continuing sexual contact with someone who is unable, for example through drink, to give truly informed consent;
- Sexual and physical assault; and
- Dealing with complaints of harassment inappropriately or inadequately.

Unlawful harassment does not require a course of conduct and an isolated incident can amount to unlawful harassment. That a person may not have intended their conduct to be offensive does not preclude it from amounting to harassment. In considering whether conduct has this effect, it is necessary to take into account all of the circumstances, the perception of the other person and whether it is reasonable for the conduct to have had that effect.

An incident does not have to fulfil the legal definition of "harassment" to be dealt with appropriately under this policy.

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear of intimidation.

Examples of bullying may include:

- Shouting at someone;
- Being sarcastic towards, ridiculing or demeaning someone;
- Overbearing or intimidating levels of supervision;
- Inappropriate and/or derogatory remarks about someone's performance;
- Abuse of authority or power by those in positions of seniority; and

- Deliberately excluding someone from meetings or communications without good reason.

When considering whether a comment or action is appropriate or inappropriate the following questions may assist:

- Would you say or do it to someone of a different gender to the person you are addressing?
- Would you say or do it to someone of the same level of seniority as yourself?
- Would you want someone else to say or do it to your spouse, child or sibling?

10.3) Challenging inappropriate behaviour, harassment and bullying

All personnel are encouraged to take steps to stop, deter and prevent harassment, bullying and inappropriate behaviour.

Anyone who witnesses such behaviour directed at another, including hearing harassing or bullying comments, is encouraged to challenge it rather than ignore it (unless to do so would place themselves in danger).

Anyone who witnesses such behaviour directed at another, including hearing harassing or bullying comments, is encouraged to bring it to the attention to the Head of Chambers, Equality Officer or Senior Clerk (as set out below).

Anyone who learns of such behaviour by another should encourage those involved to raise a concern, informally or formally,

Any barrister who has reasonable grounds to believe that there has been sexual or other harassment by another barrister has a professional duty to report it to the Bar Standards Board. There is also a duty to report their own misconduct. A failure to report serious misconduct is, itself, serious misconduct, unless it is reasonably believed that the misconduct has already been reported to the BSB by someone else. If unsure whether an incident should be reported, or has already been reported, advice can be sought from the Head of Chambers, BSB or the Bar Council.

Further details are below – **External resources**.

10.4) Raising concerns

We recognise that it takes courage to raise a concern about someone's conduct and aim to make it easy and as stress-free as possible to do so. Concerns about someone's behaviour can be raised formally or informally. Advice and support can be sought informally or anonymously.

Anyone who has been the target of inappropriate behaviour and anyone who has witnessed or learnt of such behaviour by another, is strongly encouraged to raise their concerns within Chambers in order that appropriate support can be provided, and appropriate, proportionate action taken.

Advice can also be sought anonymously through the confidential Bar Council Equality and Diversity helpline or through advisors authorised under the BSB waiver scheme. Further details are below – **External resources**.

Please also see Annex 3 – Complaints procedure).

10.5) Pupils

Chambers recognises that pupils are in a unique position within our organisation and full support is provided to them in all matters concerning equality and diversity and harassment and bullying.

Pupils shall be provided with a copy of this policy and introduced to the Equality Officer as part of the onboarding process. Thereafter the Equality Officer shall make contact with the pupil from time to time, to offer advice and support. The Equality Officer shall explain this policy to them and participate in a private and confidential question and answer session with the pupils in order to give them the opportunity to ask any questions and discuss chambers' practices in a comfortable environment.

Where a pupil has any concern about any perceived harassment, bullying or inappropriate behaviour they may raise that concern informally with their pupil supervisor if they feel comfortable doing so, or the Head of the Pupillage Committee, or, if they would prefer, the Head of Chambers, Equality Officer or Senior Clerk. Alternatively they may use the formal process at **Annex 3 – Complaints procedure**.

Where their concern relates to conduct by their pupil supervisor, consideration will be given immediately as to whether it is appropriate to allow them a different pupil supervisor, temporarily or permanently.

If any pupil has a concern and does not feel comfortable raising it via the procedures set out herein, they are invited to call the confidential Bar Council Pupil Advice and Support team: See <https://www.barcouncil.org.uk/becoming-a-barrister/pupil-barristers/pupils-helpline.html>

Pupils will routinely be given the opportunity, shortly after taking tenancy, to raise any concerns regarding inappropriate behaviour, harassment or bullying which took place during their pupillage which they did not feel able to raise at the time.

10.6) Judicial conduct

Where there is concern regarding the conduct of a judge, Chambers can provide advice and support from the Head of Chambers and/or Equality Officer. Alternatively, advice can be secured from the Bar Council's confidential equality and diversity helpline.

Where appropriate, a formal complaint should be made to the Judicial Conduct Investigations Office and Chambers can provide advice and support in relation to this.

Further details are below – **External resources**.

10.7) External resources

Bar Council – Advice to the Bar about bullying by judges

<https://www.wellbeingatthebar.org.uk/problems/bullying-barristers/>

Bar Council – Equality and diversity helpline

020 7611 1426.

Bar Council – Ethics helpline

020 7611 1307.

Bar Council -Discrimination, Harassment, Bullying and Inappropriate Behaviours: Information for Barristers:

http://www.barcouncilethics.co.uk/wp-content/uploads/2019/08/Bar-Council-Guide_Explaining-Discrimination-Harassment-Bullying-and-Inappropriate-Behaviours_August-2019.pdf

Bar Council Pupil Advice and Support Team

<https://www.barcouncil.org.uk/supporting-the-bar/bar-council-services/pupils'-helpline/>

Bar Council - Serious Misconduct Guidance

<https://www.barcouncilethics.co.uk/wp-content/uploads/2017/10/Serious-Misconduct-1.pdf>

Bar Council -Tackling Sexual Harassment: Information for Individuals

https://www.barcouncilethics.co.uk/wp-content/uploads/2017/10/Bar-Council-Guide_Dealing-with-Sexual-Harassment-in-Chambers_April-2019.pdf

Bar Standards Board

020 7611 1444.

Bar Standards Board – Misconduct reporting form

https://www.barstandardsboard.org.uk/media/1687156/bsb_guidance_on_reporting_serious_misconduct_of_others_-_external_produced_by_reg_pol_.pdf

Judicial Conduct Investigations Office – For raising a complaint about judicial conduct (please note that complaints should preferably be lodged within 3 months of the incident)

<http://judicialconduct.judiciary.gov.uk/making-a-complaint/>

10.8) Review

These processes are reviewed regularly and any actions necessary to remedy or investigate unfair outcomes are developed and added to the Equality Action Plan.

10.9) Complaints

Any complaint as to the application of this policy should in the first instance be addressed to the Head of Chambers who shall consider such complaint, so far as confidentiality permits, with the Management Committee and/or the Equality Officers and Senior Clerk. If not capable of informal resolution then the matter shall be treated as a grievance under the Complaints procedure (please see **Annex 3 – Complaints procedure**).

11) Parental or adoption leave

11.1) Aims and purpose

It is the aim of this policy to:

- Encourage barristers following parental or adoption leave to return to chambers and continue to build successful practices;
- Prevent discrimination on grounds of parental responsibility;
- Encourage and support barristers taking time off following the birth or adoption of a child without suffering financial hardship;
- Ensure that proper provision is made for the raising of revenue to ensure we are properly administered; and
- Comply with all legal and regulatory requirements.

11.2) Parental Leave

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

This period may be extended by agreement on terms with the Management Committee, whose decision on any such request shall be final. If a barrister is absent for more than 12 months without agreeing an extension with the Management Committee, that barrister's automatic right to return ceases unless such absence is due to consecutive births.

Where membership ceases by virtue of the above provision, a barrister may re-apply to Chambers for a tenancy in the usual way.

A barrister taking parental or adoption leave shall be entitled to a single continuous period free from Chambers rent⁴ of the same length as the period of absence from practice and up to a maximum of 6 months.

⁴ Clerks' fees remain payable throughout any period of parental leave.

To reflect that rent levied on receipts will initially be unaffected by absence and to cover initial lower receipts on return, the rent free period shall start in the 3rd complete month of absence and continue after return to practice to match the period of parental or adoption leave taken.

For example, leave starts 10th January and ends 10th July. Rent free period starts 1st April and ends 30th September.

For administrative purposes, months for rebate will always be complete calendar months agreed in advance.

In any calculation of whether and if so when a barrister taking parental or adoption leave has paid the maximum rent due in any year under the percentage/cap scheme then:

- In the case of a barrister who immediately prior to the period of parental or adoption leave was paying one twelfth of the maximum annual rent each month, that barrister shall be deemed to have continued to pay the same monthly payment in any complete month of parental or adoption leave; and
- In the case of a barrister paying rent assessed by reference to receipts in the previous month that barrister shall be deemed to have continued to pay monthly rent at the rate of the average for the last three complete months prior to the commencement of leave.

Upon return to practice following a period of parental or adoption leave, a barrister will be liable to pay Chambers rent levied as a percentage of receipts in the usual way.

A barrister wishing to take parental or adoption leave shall notify the Head of Chambers and the Senior Clerk of their intention to take a period of parental leave not less than 3 months before the proposed commencement of the period of leave, indicating the estimated commencement date and likely date of return.

Any request for an extension of an agreed rent-free period, up to the maximum of 6 months, shall be made as soon as practicable to the Head of Chambers.

If any period of parental leave commences during the first 12 months of a tenancy awarded following pupillage undertaken here then the rent free period will commence at the end of that period of 12 months and will match the duration of parental leave taken to a maximum of 6 months.

11.3) Secondary carer leave

A barrister is entitled to a single continuous period free from Chambers rent⁵ of up to 1 month to be taken within 3 months of birth or adoption.

The rent free period will be calculated upon the basis that each working day of leave means an abatement of 1/20 a month's rent, so that if the period of secondary care leave is 2 weeks or 10 working days then the reduction is 10/20 or 50%.

For administrative purposes, the rent-free period will always commence upon the first day of the month after that in which absence commences.

For a barrister paying fixed monthly rent, having achieved earnings at or above the cap in the previous calendar year, then the abatement of rent shall be calculated by reference to the monthly rent being paid.

For a barrister paying as a percentage of earnings assessed month by month then the rebate shall be calculated on an assumed rental liability of the average of rent liability in the 3 complete months immediately preceding the commencement of the period of leave.

In any calculation of whether and if so when a barrister taking secondary carer leave has paid the maximum rent due in any year under the percentage/cap scheme then that barrister shall be deemed to have paid rent to the extent of any sum rebated under this procedure.

A barrister wishing to take secondary carer leave shall notify the Head of Chambers and the Senior Clerk of their intention to take such leave not less than 3 months before the proposed commencement of the period of leave indicating the estimated commencement date and likely date of return.

If any period of secondary carer leave commences during the first 12 months of a tenancy awarded following pupillage undertaken here then the rent free period commences at the end of that period of 12 months.

11.4) Arrangements during leave

A barrister on parental or adoption leave is encouraged to maintain contact with Chambers and will be:

⁵ Clerks' fees remain payable throughout any period of secondary carer leave.

- Offered opportunities to do appropriate work if this is requested (please see below – **Undertaking work during leave**);
- Invited to training events, social occasions, marketing events and chambers meetings;
- Informed of any significant issues affecting the practice of chambers; and
- Given assistance with the reestablishment of their practice on return to work, including, where requested, the arrangement of a practice meeting with the Senior Clerk within two weeks before the barrister returns to work.

11.5) Undertaking work during leave

Informal working arrangements during a period of parental or adoption leave do not affect a barrister's entitlement to the six month period free of rent, provided that the Head of Chambers is kept informed of the arrangements by the barrister and is satisfied that the level of work being undertaken does not constitute a return to practice.

Secondary carer leave is taken upon the understanding that the barrister will not be in practice for the declared period of leave.

11.6) Return from leave

It is our policy to enable parents to work reduced hours on return from a period of parental or adoption leave (please see **Section 12 – Flexible working and career breaks**).

11.7) Pupils

Subject to approval by the Bar Standards Board, a pupil is entitled to take periods of parental or adoption leave or secondary carer leave upon the same terms as a barrister. Whilst we will provide all reasonably required assistance in the obtaining of Bar Standards Board approval, it remains the pupil's responsibility.

A pupil taking parental or adoption leave shall have the option of postponing or continuing to receive the pupillage award during the period of leave, up to the sum originally awarded, with the proviso that any sum paid during the period of leave shall be repayable if the pupil does not return to complete the pupillage.

Where a pupil has taken a period of parental or secondary carer leave that shall not affect any application for tenancy, which shall be considered solely in accordance with our published criteria.

11.8) Staff

All staff issues in respect of parental or adoption leave are dealt with by reference to their Statement of Particulars of Employment and the Staff Handbook.

11.9) External resources

Bar Council; - Family Career Breaks – Advice Pack

<https://www.barcouncilethics.co.uk/documents/family-career-breaks-advice-pack/>

11.10) Review

These processes are reviewed regularly and any actions necessary to remedy or investigate unfair outcomes are developed and added to the equality action plan.

11.11) Complaints

Any complaint as to the application of this policy should in the first instance be addressed to the Head of Chambers who shall consider such complaint, so far as confidentiality permits, with the Management Committee and/or the Equality Officers and Senior Clerk. If not capable of informal resolution then the matter shall be treated as a grievance under the Complaints procedure (please see **Annex 3 – Complaints procedure**).

12) Flexible working and career breaks

12.1) Aims and purpose

It is the aim of this policy to:

- Enable a barrister to take a career break, to work part-time, to work flexible hours or to work from home so as to enable them to manage their family responsibilities or disability (please see **Section 13 - Providing services to disabled people**) without giving up work;
- Prevent discrimination on grounds of parental responsibility;
- Ensure that proper provision is made for the raising of revenue to ensure we are properly administered; and
- Comply with all legal and regulatory requirements.

Our ethos is that, except where engaged upon part time judicial duty, our barristers are all engaged exclusively in practice from here. We recognise that the continued success of Chambers requires proper investment and funding of its resources and is an objective to be met by all barristers in a manner fair as between them.

Any long term alteration of working pattern from the “normal” full time practice to meet family and other commitments or for other personal reasons must be agreed in advance with the Head of Chambers who shall consider such request, so far as confidentiality permits, with the Management Committee, who shall, in turn, consult the Senior Clerk upon any such proposal. Any agreement reached must be reduced to writing.

Any such arrangement may require the applicant to move rooms in Chambers if it is deemed such a change to be reasonably required in the circumstances and in the interests of Chambers as constituting a better use of our limited resources.

Absent any agreed arrangement for flexible working our ethos is that our barristers are all engaged in full time, year-round practice.

No specific financial provision is deemed necessary for flexible working, given that Chambers’ rent and clerks’ fees are levied on an agreed percentage of actual receipt of income.

A barrister with flexible working arrangements is encouraged to maintain contact with Chambers and will be:

- Invited to training events, social occasions, marketing events and chambers meetings; and

- If necessary, given assistance with the reestablishment of their practice on return to “normal” full time practice, including, where requested, the arrangement of a practice meeting with the Senior Clerk.

Staff within Chambers are covered by legislation relating to the entitlement to request flexible working arrangements.

12.2) External resources

Bar Council – Career Break – Advice Pack

<https://www.barcouncilethics.co.uk/documents/career-breaks-advice-pack/>

12.3) Review

These processes are reviewed regularly and any actions necessary to remedy or investigate unfair outcomes are developed and added to the equality action plan.

12.4) Complaints

Any complaint as to the application of this policy should in the first instance be addressed to the Head of Chambers who shall consider such complaint, so far as confidentiality permits, with the Management Committee and/or the Equality Officers and Senior Clerk. If not capable of informal resolution then the matter shall be treated as a grievance under the Complaints procedure (please see **Annex 3 – Complaints procedure**).

13) Providing services to disabled people

13.1) Aims and purpose

It is the aim of this policy to:

- Confirm our commitment to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working within chambers or receiving legal services, without compromise of dignity; and
- Comply with all legal and regulatory requirements.

This policy covers all those working in chambers, visiting and providing services to us.

13.2) 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”.

13.3) Types of reasonable adjustment

We have already made physical adjustments to our premises (level access and lift, dedicated accessible washroom facilities for wheelchair users, installation of hearing induction loops etc).

This policy does not provide an exhaustive list of other reasonable adjustments that we will make for those working in chambers, visiting and providing services to us. However, the following types of adjustment that may be made are listed below:

- Provision of information in alternative formats;
- Paid leave for disabled employees of Chambers;
- Provision of auxiliary aids; and
- Provision of a reader or interpreter.

13.4) Staff, barristers and others in chambers

Staff or barristers with specific requirements should make requests to the Senior Clerk 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 Equality and Diversity Officers and where it is not possible to make the adjustment requested, the Head of Chambers or Senior Clerk will discuss viable alternatives with the applicant.

The Head of Chambers is responsible for considering whether or not disabled staff, barristers or pupils require assistance during an emergency evacuation and if so whether 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.

13.5) 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 Senior Clerk.

13.6) Cost of making reasonable adjustments

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

13.7) External resources

Bar Council – Access to Work Guide

<https://www.barcouncilethics.co.uk/documents/access-work-guide/>

Bar Council – Dyslexia: Supporting Colleagues, Pupils and Students

<https://www.barcouncilethics.co.uk/documents/dyslexia-supporting-colleagues-pupils-students/>

13.8) Review

These processes are reviewed regularly and any actions necessary to remedy or investigate unfair outcomes are developed and added to the Equality Action Plan.

13.9) Complaints

Any complaint as to the application of this policy should in the first instance be addressed to the Head of Chambers who shall consider such complaint, so far as confidentiality permits, with the Management Committee and/or the Equality Officers and Senior Clerk. If not capable of informal resolution then the matter shall be treated as a grievance under the Complaints procedure (please see **Annex 3 – Complaints procedure**).

14) Review

Aims and purpose

It is the aim of this policy to:

- Ensure that our equality and diversity policies are being carried out and whether they are working;
- Identify the nature or extent of any inequality, any areas where action is most needed, and whether measures aimed at reducing inequality are succeeding; and
- Comply with all legal and regulatory requirements.

In addition to an annual review, the Head of Chambers, Equality Officers and Senior Clerk meet quarterly to review all aspects of equality and diversity:

- Barristers of 10 years post-tenancy and those returning from parental or adoption leave;
 - Allocation of unassigned work;
 - Earnings; and
 - Quantity of work.
-
- Pupils
 - Allocation of unassigned work;
 - Earnings; and
 - Quantity of work.
-
- Recruitment
 - Shortlisting;
 - Interview stage;

- Appointments;
 - Remuneration / awards; and
 - Training.
-
- Staff
 - Terms and conditions of employment;
 - Pay reviews;
 - Training opportunities;
 - Promotion; and
 - Appraisals.
-
- Equality and diversity policies
 - Diversity data
 - Grievances
 - Other feedback
 - Training
 - Legislation and regulatory changes
 - Budget
 - Equality Action Plan.

Any actions necessary to remedy or investigate unfair outcomes are developed and added to the Equality Action Plan.

Annex 1 – Definitions

Protected characteristics

Race: includes nationality, colour and ethnic or national origins.

Sex: protects both men and women from discrimination on grounds of sex.

Marriage and civil partnership: covers anyone who is married or who is a civil partner.

Pregnancy and maternity: covers anyone who is pregnant or taking a period of maternity leave to look after a child.

Disability: a person has a disability 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.

- Disability includes not only physical disability but also mental impairments such as bi-polar disorder;
- It covers severe disfigurement, progressive conditions and recurring impairments;
- Specific rules are made in respect of conditions such as cancer, HIV and multiple sclerosis which are deemed impairments for the purposes of the Act; and
- There is also a positive duty to make 'reasonable adjustments' to prevent a provision, criterion or practice, or physical feature of premises, placing the disabled person at a substantial disadvantage.

Religion or belief: includes any religious or 'philosophical belief' such as humanism or pacifism, and encompasses discrimination based on the lack of religion or belief.

Sexual orientation: covers sexual orientation towards:

- Persons of the same sex;
- Persons of the opposite sex; or
- Persons of the same sex and of the opposite sex.

Sexual orientation does not cover gender reassignment which is a separately protected characteristic.

Gender reassignment: covers anyone who is undergoing, proposing to undergo or has undergone a process, or part of a process, of reassigning their sex.

Age: covers particular ages and also age ranges. It does not cover under 18's in service delivery. However, the Code of Conduct prohibits all discrimination on all grounds, so although certain types of age discrimination against under 18's in service delivery are not currently unlawful, generally age discrimination in service delivery is prohibited by the Code of Conduct.

Types of discrimination – main categories

The main categories of unlawful discrimination are:

Direct discrimination

A person directly discriminates against another if because of a protected characteristic s/he treats that person less favourably than s/he treats or would treat others.

With the exception of certain types of age discrimination, direct discrimination cannot be justified.

It is unlawful to discriminate based on false perception. For example, a person can be unlawfully discriminated against if the discrimination is based on the incorrect assumption that he is gay.

Discrimination arising from disability

A person discriminates against a disabled person if s/he treats that person unfavourably because of something arising in consequence of that person's disability and it cannot be shown that such treatment is a proportionate means of achieving a legitimate aim.

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. The provision, criterion or practice can be justified if it is a proportionate means of achieving a legitimate aim. For example, it could be indirect discrimination if all chambers' social events took place in the evening which could affect pupils and barristers with primary childcare commitments.

Discrimination by people with the same protected characteristic

Individuals with the same protected characteristic can discriminate unlawfully against each other: a woman can unlawfully discriminate against another woman, or a barrister from one ethnic group can unlawfully discriminate against another member of that group.

Unintentional discrimination

It is not a defence to claims for discrimination, including harassment and victimisation, that there was no intention to discriminate. Any less favourable treatment, commonly referred to as 'detriment', because of a protected characteristic and in a protected area, for example, employment or provision of services, is likely to amount to unlawful discrimination.

Both direct and indirect discrimination can be either intentional or unintentional.

Duty to make adjustments

Where a provision, criterion, physical feature or practice puts a disabled person at a substantial disadvantage in comparison with non-disabled people, the law places a duty on individual barristers to take such steps as are reasonable to avoid the disadvantage.

This duty also covers the requirement to provide auxiliary aids for disabled people where reasonable.

Harassment

Harassment is any form of any unwanted conduct of a sexual nature or related to race, colour, ethnic or national origin, nationality, citizenship, sex, gender reassignment, sexual orientation, marital or civil partnership status, disability, age, pregnancy and maternity/paternity, caring responsibilities, religion or belief which violates another's dignity.

Unlawful harassment does not require a course of conduct and an isolated incident can amount to unlawful harassment. That a person may not have intended their conduct to be offensive does not preclude it from amounting to harassment. In considering whether conduct has this effect, it is necessary to take into account all of the circumstances, the perception of the other person and whether it is reasonable for the conduct to have had that effect.

Harassment is unlawful under equality legislation and can also constitute a criminal offence. An incident does not have to fulfil the legal definition of "harassment" to be dealt with appropriately under this policy.

Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear of intimidation.

Victimisation

A person victimises another person if s/he subjects that person to a detriment because s/he believes that person has done or is about to do a protected act such as:

- Giving evidence in proceedings relating to an act or acts of discrimination;
- Bringing proceedings relating to an act or acts of discrimination;
- Making an allegation of discrimination; and
- Doing any other thing for the purposes of equality legislation or in connection with it.

Other relevant concepts

Positive action

Positive action is the term used for permitted measures under the Equality Act to remedy the under-representation or disadvantage experienced by members of protected groups in the work place and in specific cases in the provision of goods, facilities or services.

Positive action may be taken to improve the under-representation of particular groups in pupillage and tenancy as well as any employed position in chambers.

Positive action may also include providing encouragement to disadvantaged groups to apply for a particular type of work, and/or training to help fit them for that work.

Service provision

In relation to service provision, it is unlawful to discriminate against someone by:

- Refusing or deliberately omitting to provide him or her with the service;

- Refusing or deliberately omitting to provide him or her with services of the same or similar quality or standard; and/or
- Refusing or deliberately omitting to provide him or her with services in the same manner and on the same terms as would otherwise be provided.

The duty not to discriminate applies to all aspects of the services provided by individual barristers, including but not confined to, core elements of practice, such as accepting instructions, advising in writing or in conference, and providing representation at hearings. The duty also applies in relation to other services provided. For example, where a chambers hires out its conference rooms, it would, on the face of it, be unlawful for the chambers to refuse this service to a religious organisation on the grounds that members of the organisation had views that senior barristers considered unpalatable.

The rules relating to provision of services apply in exactly the same way to *pro bono* (unpaid) work as to that for which payment is received.

There is an additional duty in relation to disability, to make reasonable adjustments to enable disabled people to make use of a service. There is also a regulatory requirement for chambers to have a reasonable adjustments policy aimed at supporting disabled barristers, staff and visitors to chambers.

Most of the protected grounds contain limited exceptions from the general prohibition of discrimination in relation to the provision of services. Those exceptions will rarely if ever be applicable to the provision of services by a chambers or barrister, although the ability to provide justification for certain elements of discrimination in relation to disability may be relevant.

Other definitions

Barrister: a member or tenant of Ropewalk Chambers.

BSB: the Bar Standards Board.

Chambers rent: monthly payments of costs and expenses but excludes building rent, loan interest and clerks' fees.

Client: a lay or professional client of an individual barrister.

Management Committee: the Management Committee of Ropewalk Chambers.

Mini-pupil: a temporary work placement for prospective barristers.

Parental or adoption leave: leave taken by the main carer of a child in connection with the child's birth or adoption. This could be the mother, father, or adoptive parent of either sex.

Pupil: a pupil of Chambers in their first, second or third six months of pupillage or a squatter.

Secondary carer leave: leave taken by a parent who shares parental responsibility for a child born or adopted by his/her partner.

Staff: employees of Ropewalk Chambers.

Unassigned work: Unassigned work includes both instructions which are sent into Chambers, whether in hard copy, electronically or by any other means, and instructions in respect of which any enquiry is made, whether in hard copy, electronically, by telephone, in person or by any other means, prior to them being sent into Chambers. Work is unassigned work if at the point of enquiry and/or at the point at which it is sent into Chambers the person instructing does not state that it is to be assigned to a named barrister or pupil.

Work shadowing: a temporary work placement for students.

Annex 2 – Diversity data questionnaire

Notification and consent for diversity data provision

We are required by the Bar Standards Board to give you the opportunity to submit diversity data so that such data may be published in anonymised summary form.

You are under no obligation to provide diversity data and if you submit diversity data, you do so voluntarily.

Any diversity data that you submit will be processed for the purposes of publishing an anonymous summary on our website.

The data collected shall be retained for a period of 3 years, after which it shall be fully anonymised and used for trend analysis purposes.

If you would like further information about the collection and use of diversity data, please refer to our Diversity Data Policy available within our Equality and Diversity Policy. You have a right to object to the use of your diversity data at any time, or withdraw your consent to its use, by contacting the Diversity Data Officer, Clare Haddon.

Consent Questions

1. I explicitly consent to the processing and publication of my data as set out in this form and Ropewalk Chambers' diversity data policy.

Yes / No

2. I explicitly consent to the publication of my data in anonymous form even if there are fewer than 10 individuals identified against one or more of the characteristics.

I understand that this may result in identification.

Yes / No

Diversity data questionnaire

Please answer each question in turn by choosing one option only, unless otherwise indicated. If you do not wish to answer the question please choose the option "Prefer not to say" rather than leaving the question blank.

About you

If you are an authorised person⁶ for the purposes of the Legal Services Act 2007 (i.e. you hold a practising certificate issued by one of the approved regulators), please indicate your professional qualification(s) and role (tick all that apply if you are dual qualified and have a current practising certificate from more than one approved regulator):

		<input type="checkbox"/>
Barrister	QC	<input type="checkbox"/>
	Tenant / Member	<input type="checkbox"/>
	Other (including Pupil)	<input type="checkbox"/>

If you do not fall into any of the categories listed above, please indicate which of the following categories best fits your role:

⁶ The definition of an "authorised person" is set out in the Legal Services Act 2007, Section 18(1). For the purposes of this Act "authorised person", in relation to an activity ("the relevant activity") which is a reserved legal activity, means – (a) a person who is authorised to carry on the relevant activity by a relevant approved regulator in relation to the relevant activity (other than by virtue of a licence under Part 5), or (b) a licensable body which, by virtue of such a licence, is authorised to carry on the relevant activity by a licensing authority in relation to the reserved legal activity.

	<input checked="" type="checkbox"/>
Any other fee earning role (e.g. trainee solicitor, legal executive (not Fellow), paralegal)	
Any role directly supporting a fee earner (e.g. legal secretary, administrator, barristers clerk, practice manager, legal assistant, paralegal)	
A managerial role (e.g. Director / non-lawyer Partner / Chief Executive / Practice Director or similar, Head of Legal Practice (HoLP) / Head of Finance & Administration (HoFA) or similar)	
An IT / HR / other corporate services role	
Prefer not to say	

Your role in your organisation

Please note that this question applies to self-employed as well as employed persons.

(a) Do you have a share in the ownership of your organisation?

	<input checked="" type="checkbox"/>
Yes	
No	
Prefer not to say	

(b) Do you have responsibility for supervising or managing the work of lawyers or other employees?

	<input checked="" type="checkbox"/>
Yes	
No	
Prefer not to say	

Age

From the list of age bands below, please indicate the category that includes your current age in years:

	<input checked="" type="checkbox"/>
16 – 24	
25 – 34	
35 – 44	
45 – 54	
55 – 64	
65+	
Prefer not to say	

Gender

What is your gender?

	<input checked="" type="checkbox"/>
Male	
Female	
Other	
Prefer not to say	

Gender Identity

This following question is designed to gather trans data i.e. whether your gender identity and/or gender expression differs from your birth sex. A trans person may or may not seek to undergo gender reassignment hormonal treatment/surgery.

Is your gender identity the same as the sex that you were assigned at birth?

	<input checked="" type="checkbox"/>
Yes	
No	
Prefer not to say	

Disability

The Equality Act 2010 generally defines a disabled person as someone who has a mental or physical impairment that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

(a) Do you consider yourself to have a disability according to the definition in the Equality Act?

	<input checked="" type="checkbox"/>
Yes	
No	
Prefer not to say	

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

	<input checked="" type="checkbox"/>
Yes, limited a lot	
Yes, limited a little	
No	
Prefer not to say	

Ethnic Group

What is your ethnic group?

Asian / Asian British

	<input checked="" type="checkbox"/>
Bangladeshi	
Chinese	
Indian	
Pakistani	
Any other Asian background (please specify)	

Black / African / Caribbean / Black British

	<input checked="" type="checkbox"/>
African	
Caribbean	
Any other Black / Caribbean / Black British (please specify)	

Mixed/multiple ethnic groups

	<input checked="" type="checkbox"/>
White and Asian	

White and Black African	
White and Black Caribbean	
White and Chinese	
Any other mixed/multiple ethnic background (please specify)	

White

	<input checked="" type="checkbox"/>
British / English / Welsh / Northern Irish / Scottish	
Irish	
Gypsy or Irish Traveller	
Any other White background (please specify)	

Other ethnic group

	<input checked="" type="checkbox"/>
Arab	
Any other ethnic group (please specify)	

Prefer not to say

Prefer not to say	
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Religion or belief

What is your religion or belief?

	<input checked="" type="checkbox"/>
No religion or belief	
Buddhist	
Christian (all denominations)	
Hindu	
Jewish	
Muslim	
Sikh	
Any other religion (please specify)	
Prefer not to say	

Sexual orientation

What is your sexual orientation?

	<input checked="" type="checkbox"/>
Bisexual	
Gay man	
Gay woman / lesbian	
Heterosexual / straight	
Other	
Prefer not to say	

Socio-economic background

(a) If you went to University (to study a BA, BSc course or higher), were you part of the first generation of your family to do so?

	<input checked="" type="checkbox"/>
Yes	
No	
Did not attend University	
Prefer not to say	

(b) Did you mainly attend a state or fee-paying school between the ages 11 – 18?

	<input checked="" type="checkbox"/>
UK State School	
UK Independent / Fee-paying School	
Attended school outside the UK	
Prefer not to say	

Caring responsibilities

(a) Are you a primary carer for a child or children under 18?

	<input checked="" type="checkbox"/>
Yes	
No	
Prefer not to say	

(b) Do you look after, or give any help or support to family members, friends, neighbours or others because of either:

- Long-term physical or mental ill-health / disability
- Problems related to old age

(Do not count anything you do as part of your paid employment)

	<input checked="" type="checkbox"/>
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No	
Yes, 1 – 19 hours a week	
Yes, 20 – 49 hours a week	
Yes, 50 or more hours a week	
Prefer not to say	

Thank you for completing this questionnaire.

Annex 3 – Complaints procedure

Introduction

The following sets out Chambers' procedure for consideration of concerns, grievances and complaints in respect of harassment, bullying and equality and diversity, hereafter "complaint".

The procedure seeks to strike a balance between the need to investigate complaints thoroughly, the need for confidentiality and the need to maintain good working relationships in a relatively small organisation. The overarching requirement is one of fairness, both to the person instigating the grievance or the subject of alleged harassment, hereafter "the complainant", and to any subject of such complaint, hereafter "the subject".

Chambers recognises that this is a particularly sensitive area where fear of adverse judgment may prevent a complaint being made in the first place.

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether providing support to any persons or involved in any investigation, is responsible for observing the highest level of confidentiality. A breach of confidentiality may itself amount to serious professional misconduct. Details must only be disclosed where absolutely necessary, and with the prior consent of the person(s) involved where at all possible.

All persons shall be treated equally and fairly under this policy. In particular, a person's "seniority" shall have no bearing whatsoever on how they are treated; nor shall their personal relationship to any particular member of Chambers or staff.

Anyone who raises a complaint in good faith or provides information pertinent to a complaint raised by another, or makes a report to the Bar Standards Board, shall be protected against receiving less favourable treatment as a result. Victimisation of anyone who raises a complaint or has been involved in the investigation of a complaint, or who makes a report to the Bar Standards Board, shall be considered a serious disciplinary matter.

Deliberately providing false information or otherwise acting in bad faith, including as part of an investigation:

- **By a barrister** – may be deemed a breach of the BSB Handbook, constituting serious misconduct which would require reporting to the Bar Standards Board. It shall also be deemed to constitute a failure to maintain the professional standards which all barristers agree to maintain under Chambers' Constitution;
- **By a member of staff** - may be deemed to constitute serious misconduct and shall be investigated in accordance with the disciplinary and grievance procedures contained within the Staff Handbook;

- **By a pupil** – may be deemed a breach of the BSB Handbook, constituting serious misconduct which would require reporting to the Bar Standards Board. It shall also be considered in assessment against the competences in the BSB's Professional Statement, in evaluating any application for tenancy.

The following general principles apply, in that we:

- Ensure we provide a safe environment in which all individuals, clients and the public are treated with dignity and respect;
- Promote a work environment in which everyone is treated equally and can flourish;
- Provide an effective user-friendly and transparent system for raising equality and diversity concerns;
- Offer guidance as to the type of behaviour which may be considered inappropriate;
- Take appropriate practical steps to reduce or prevent the chances of such behaviour occurring;
- Take effective steps to address any equality and diversity issues and deal with them in a fair and proportionate way;
- Offer practical support for those who feel they have been adversely affected;
- Resolve, informally and without blame, genuine misunderstandings and disagreements about whether such behaviour has occurred; and
- Comply with all legal and regulatory requirements.

Whether a complaint or concern is raised informally, formally or anonymously, we shall:

- Respond promptly;
- Ensure confidentiality in so far as possible;
- Discuss a desired outcome;
- Discuss the most appropriate route, informal or formal, to achieve the desired outcome;
- Explain what support Chambers can provide to the person raising the concern, or anyone else who appears to have been affected by the issue in question;

- Discuss any BSB reporting requirement; and
- Agree a way forward that the person raising the concern is happy with, in so far as is possible.

Where the conduct in question may amount to a criminal offence, further advice and support specific to this will be offered to be provided by an appropriately qualified person.

Chambers reserves the right to depart from this policy if circumstances make that necessary in Chambers' interests, but only where such departure will not significantly detract from the fairness of the procedure as a whole.

This policy does not apply where both complainant and any subject are members of staff, in which case the policies and procedures in the Staff Handbook will apply.

Communal agreement as to the making of a prompt complaint

It is the common understanding of all members of Chambers in the adoption of this policy and in the general interests of all members of Chambers that any and all matters potentially the subject of complaints under this policy should be raised as soon as practicable in accordance with this policy and if not resolved satisfactorily on an informal basis should be made on a formal basis.

Procedure

A person who thinks they are the subject of discrimination, harassment or bullying or who has any other grievance may choose to deal with the matter in several ways as set out below.

Raising concerns

Where a complainant wishes to voice a concern and no more, they can approach either the Head of Chambers or Equality Officer, for a confidential discussion, and should do so as soon as practicable after the occurrence of the matter giving cause for concern. This process is intended to serve as a means of support, advice and guidance without recourse to the informal or formal procedure. If the concern is raised with an Equality Officer, the Head of Chambers must be made aware of this as soon as practicable.

Informal complaint

The second option is the making of an informal complaint or concern. An informal complaint may be appropriate in less serious cases and/or where the complainant expressly wishes the matter to be dealt with informally.

This can be done orally initially to either the Head of Chambers or the Equality Officer, as deemed appropriate, for a confidential discussion and should be done as soon as practicable after the occurrence of the event giving cause for concern. Those wishing to raise a concern should not feel in any way constrained as to which of these individuals they choose to approach but should simply choose the individual they feel most comfortable talking to about their concern.

Alternatively, concerns may be raised with any trusted member of Chambers or staff who must then seek advice from either the Head of Chambers or the Equality Officer.

Any person raising a concern informally is welcome to have a friend with them for any discussions regarding their concern.

If an informal complaint is raised, the Head of Chambers must be made aware of this as soon as practicable.

Possible outcomes from raising a concern informally could include (but are not limited to), by way of example:

- Simply providing emotional support or guidance to any person who needs it;
- A meeting with the person whose behaviour was reported to advise them their behaviour was inappropriate, to explain why it was unwelcome and to inform them that if further similar incidents are reported the consequences might be a formal investigation;
- Arrangements being made so that the person about whom the concern was raised, and the target of their alleged behaviour are not clerked into the same cases;
- The person about whose behaviour concern was raised agreeing not to attend Chambers/Bar social functions for a period, or not to consume alcohol at such events;
- The person about whose behaviour concern was raised agreeing to attend a harassment training course;
- Making a report to the Bar Standards Board on behalf of the person raising the concern, or assisting them in making such a report;
- Support in lodging a complaint with the Judicial Conduct Investigations Office, if the concern relates to the conduct of a judge;
- Support in lodging a complaint with the Solicitors' Regulatory Authority, if the concern relates to the conduct of a solicitor;
- Support in accessing alcohol misuse advice;

- Support in accessing counselling;
- Ongoing monitoring of the person whose behaviour caused concern;
- Where the complaint concerns a decision taken within Chambers, it may be that such a decision can be reviewed or, if appropriate, overturned; and
- Ongoing support for anyone involved who may benefit from it.

The person who raised the concern will be kept informed of the outcome of any action taken, and a record will be kept.

A record of any upheld informal complaint is retained confidentially by the Head of Chambers.

Formal complaint

A formal complaint raised by a Member of Chambers, an unsuccessful pupillage or tenancy applicant or by a mini-pupil or pupil or member of staff should be made in writing and submitted to the Head of Chambers. In the event of the complaint relating to the Head of Chambers it should be submitted to the Deputy Head of Chambers. A complaint should be raised promptly and in any event within 28 days of the occurrence complained of in order to enable any investigation being carried out when the matters remain fresh in people's minds.

Upon receipt of the written complaint the Head of Chambers or the Deputy Head of Chambers will:

- Acknowledge receipt of the complaint and notify the complainant of the fact that the matter is to be investigated, in writing; and
- Nominate a person, "the investigator" being the Head of Chambers or the Deputy Head of Chambers or a senior member of the Management Committee who has been trained in matters of equality and diversity and is wholly unconnected with the complaint being raised to investigate and report upon the complaint.

How any particular complaint is to be investigated will depend on the precise nature of the complaint being raised. This will be a matter for the judgment and experience of the investigator but the following is a template.

The investigator will consider the complaint and may request amplification or clarification from the complainant and may request further information/evidence to be supplied by that person.

The investigator will then investigate the complaint as quickly and as fully as possible. The investigator will liaise with the complainant as to what form that investigation should take and how to have regard, in so far as is possible, to the need to retain confidentiality. The final decision as to the scope and nature of the inquiry will be the investigator's. The investigator will also be mindful of the need for sensitivity and the need to have due regard to the rights of both the complainant and the subject.

It is recognised that in investigating a complaint raised under this procedure, it may be necessary to invoke the staff disciplinary procedure if the grievance is raised against a member of staff as opposed to another member of Chambers.

The investigator must ask any subject and / or others whom he reasonably considers can assist to respond to or comment upon the complaint. This request and any response should be in writing.

The investigation will commence and will be completed as soon as practicable. The complainant should be kept informed of the progress of the investigation.

On conclusion, the investigator will prepare a written report for submission to the Head of Chambers or the Deputy Head of Chambers. That report shall be strictly confidential to the Head of Chambers or Deputy as the case may be, but the Head of Chambers shall as soon as reasonably practicable inform both the complainant and any subject in writing of the outcome of the investigation and its main findings.

A complainant or subject who is aggrieved by a finding that a complaint is or is not held substantiated shall be entitled to an appeal under the procedure set out below.

If the complaint is held not to be substantiated, the complainant will be informed in writing of the right, if dissatisfied with the outcome of the investigation, to make an appeal under the procedure set out below and/or to take the complaint to the Bar Standards Board, the County Court or Employment Tribunal as well as the Equality and Human Rights Commission.

If the complaint is held to be substantiated, then the Head of Chambers must decide the most appropriate action to be taken against the subject. Subject to any need for confidentiality, the Head of Chambers may seek to elicit the views upon this matter of both the complainant and the Management Committee. The range of action that may be considered appropriate must depend on the nature of the complaint found substantiated.

If the substantiated complaint relates to the conduct of a member of Chambers, in an appropriate case the Head of Chambers may make recommendations for the expulsion of the subject from membership of Chambers in accordance with Clause 22 of the Chambers' Constitution or for the following sanctions:

- A direction that the subject is to give a formal apology to the complainant, orally or in writing;
- Advice to the subject as to future conduct, to be recorded in writing;
- A formal reprimand, to be recorded in writing; and
- A report of the complaint, the investigation and its conclusions to the Bar Standards Board.

If a substantiated complaint relates to an aspect of Chambers' procedures, then the Head of Chambers in consultation with the Management Committee will consider what, if any, immediate or future action is necessary to mitigate the effects of that complaint and to seek to avoid future repetition and will take such action so far as reasonably practicable.

In an appropriate case the Head of Chambers may consult with the Bar Standards Board and/or others for guidance.

The written complaint, any amplification, clarification or evidence in support thereof, together with any evidence gathered during the course of the investigation, the investigator's report and notes made by the Head of Chambers in connection with his conclusion and the decision shall be kept confidentially for at least 12 months.

A complainant whose complaint has been held substantiated shall be notified as soon as reasonably practicable of the action to be taken against the subject or other appropriate remedial action to seek to mitigate the effects and avoid repetition in the future.

The Head of Chambers will at all times seek to maintain harmonious relations within Chambers.

Appeal process

A complainant or subject who is aggrieved by a finding that a complaint is or is not held substantiated shall be entitled to make further representations in writing within 7 days to Head of Chambers, which representations must be seen and can be responded to in writing within a further 7 days by the other party and the investigator.

The Head of Chambers will reconsider the matter. If the Head of Chambers considers that there is an arguable case that the investigation was so flawed or its findings so perverse that its conclusion is unsafe, "an arguable appeal" then the Head of Chambers shall inform the complainant and subject accordingly. Otherwise the result of the original investigation shall stand.

If the Head of Chambers has concluded that there is an arguable appeal then he shall convene a panel of three Members of the Management Committee, which may include Head of Chambers, being wholly unconnected with the complaint and who have not otherwise been involved in the investigation. The appeal panel will review all material available and shall be entitled to call for such further information as it reasonably believes necessary to consider the matter. The appeal panel will make a final binding ruling upon the complaint which may be by a majority.

If the matter has been considered by an appeal panel and the finding is that the complaint is substantiated the matter shall be referred to the Head of Chambers for his decision as to measures to be taken under the procedure set out above.

Grievance said to arise from a decision of the Management Committee

The above procedure is not appropriate for a grievance said to arise from a decision of the Management Committee. In such circumstances the following procedure will be adopted.

The Member or Members wishing to submit the grievance should do so in writing to the Head of Chambers for consideration by the Management Committee.

So far as reasonably practicable all Members of the Management Committee shall consider the grievance.

Unless clearly inappropriate, the Management Committee must obtain the written views of at least one Equality Officer upon the grievance, which views shall be communicated to the Complainant.

The Management Committee may but is not bound to seek further guidance, but if obtaining such guidance then such shall be communicated to the Complainant.

The Management Committee shall make its decision upon the grievance and communicate the same in writing to the Complainant. That decision may be made by a majority of the Management Committee, in which case the casting of votes to uphold or dismiss the grievance shall remain strictly confidential to the Management Committee.

In making its decision upon any grievance the Management Committee shall be entitled to have regard to the wider and long term interests of Chambers as a whole and the position of other Members of Chambers, recognising so far as appropriate that action to promote equality of opportunity will generally be in Chambers' interests.

Annex 4 – External assistance

This section lists organisations and information resources in the field of equality and diversity.

ACAS

Website: www.acas.org.uk

Information and advice on employment and discrimination law.

Jobcentre Plus

Website: www.jobcentreplus.gov.uk

Provides funding for adjustments for disabled people in the workplace through the 'Access to Work' Scheme. Contact the Disability Employment Advisor in the local Jobcentre for information on how to apply.

Action on Hearing Loss (formerly RNID)

www.actiononhearingloss.org.uk

Judicial Studies Board

Website: www.jsboard.co.uk/etac

Equal treatment resources.

The Association of Muslim Lawyers

Website: www.aml.org.uk

Email: aml@aml.org.uk

Midland Circuit Support helpline

Confidential helpline: 0121 246 2040

A support service for barristers on the Midland Circuit. Staffed by trained barrister volunteers, the Support Line offers guidance and support for anyone feeling bullied or harassed in Chambers or at Court.

The Association of Women Barristers

LawCare

Website: www.womenbarristers.co.uk

Website: www.lawcare.org.uk

Helpline: 0800 018 4299

An advisory and support service to help lawyers, their staff and their immediate families to deal with health problems such as depression and addiction, and related emotional difficulties.

Bar Council Equality and Diversity helpline

Lawyers' Christian Fellowship

Email: acampbell@barcouncil.org.uk

Website: www.lawcf.org

Confidential helpline: 020 7611 1310

Email: admin@lawcf.org

Open to practising barristers, pupils and law students.

Bar Lesbian and Gay Group

MIND – National Association for Mental Health

Website: www.blagg.org

Website: www.mind.org.uk

Email: info@blagg.org

This is a mental health charity which works to support people with mental health problems and their carers. Provide advice on employment matters.

Bar Standards Board Handbook

Royal National Institute of Blind People

Website: www.barstandardsboard.org.uk

Website: www.rnib.org.uk

Email: helpline@rnib.org.uk

Telephone: 0303 123 9999

Includes detailed information about website accessibility.

Deaf Lawyers UK

Website: www.deaflawyers.org.uk

Society of Asian Lawyers

Website: www.societyofasianlawyers.org

Email: info@societyofasianlawyers.com

Discrimination Law Association

Website: www.discriminationlaw.org.uk

Telephone: 0845 478 6375

Society of Black Lawyers

Website: www.blacklawyer.org

Equality Advisory Support Service

Website: www.equalityadvisoryservice.com

Stonewall

Website: www.stonewall.org.uk

A campaigning and advisory charity working to achieve equality and justice for lesbians, gay men and bisexual people.

Equality and Human Rights Commission

Website: www.equalityhumanrights.com

The United Kingdom Association of Jewish

Lawyers and Jurists

Email: info@equalityhumanrights.com

Website: www.jewishlawyers.co.uk

Includes the websites of the former Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission. Telephone: 020 8958 6110

The Gender Trust

Website: www.gendertrust.org.uk

Helpline: 0845 231 0505

A UK charity providing support and advice to adults who are Transsexual, Gender Dysphoric, Transgender (i.e. those who seek to adjust their lives to live as women or men, or come to terms with their situation despite their genetic background), or those whose lives are affected by gender identity issues.

Wellbeing at the Bar

Website: www.wellbeingatthebar.org.uk

Specifically designed by the Bar Council, Inns of Court and Institute of Barristers' Clerks for barristers and staff that may need wellbeing assistance and also for those worried about their colleagues.