

**PARK COURT CHAMBERS**  
**EQUAL OPPORTUNITIES POLICY**

**1. Introduction**

1.1 Park Court Chambers is committed to the implementation and promotion of equal opportunities and to ensuring an absence of direct or indirect discrimination on grounds of race, colour, ethnic or national origin, nationality, citizenship, gender, sexual orientation, age, marital status, disability, religion or political persuasion. Such a commitment entails that positive steps be taken to identify and eliminate possible areas of discrimination in relation to:

- The recruitment of pupils, tenants and staff
- The treatment of pupils, tenants and staff both professionally and socially
- Relations between staff, pupils and tenants both professionally and socially
- The treatment of lay and professional clients

1.2 Underlying this Code of Conduct is our intention that every individual should be accorded equal dignity and respect and be judged on merit and ability alone, free from judgements or treatment based on prejudice or assumptions of collective characteristics. To this end, this Code provides a framework for the promotion of equal opportunities and the internal resolution of complaints involving members of chambers be they pupils, squatters, tenants or members of staff.

**2. The Legislation**

2.1 The Code reflects the legislative framework provided by Parliament including :

- Equal Pay Act 1970
- Sex Discrimination Act 1975 (as amended)
- Race Relations Act 1976 (as amended)
- Courts & Legal Services Act 1990
- Disability Discrimination Act 1995
- PartTime Workers (PLFT) Regulations 2002
- Fixed Term Employees (PLFT) Regulations 2002
- The Employment Equality (ROB) Regulations 2003
- The Employment Equality (SO) Regulations 2003

2.2 Section 64 of the Courts & Legal Services Act 1990 introduced amendments to the Race Relations Act 1976 and the Sex Discrimination Act 1975. Sections 26A of the Race Relations Act and Section 35A of the Race Relations Act 1975 now contain provisions to the following effect:

- 1) It is unlawful for any barrister or barristers clerk, in relation to any offer of pupillage or tenancy to discriminate against a person on grounds of race or sex :
  - a) In the arrangements which are made for the purpose of determining to whom it should be offered;
  - b) In respect of any terms on which it is offered; or
  - c) By refusing or deliberately omitting to offer it to him or her
  
- 2) It is also unlawful for a barrister or a barrister's clerk in relation to a pupil or tenant in the Chambers in question to discriminate against him or her:
  - a) In respect of any terms applicable to him or her as a pupil or tenant;
  - b) In the opportunities for training, or gaining experience, which are afforded or denied to him or her;
  - c) In the benefits, facilities or services which are afforded or denied to him or her;
  - d) In the volume or type of work which is offered or denied to him or her;
  - e) By termination of his or her pupillage or by subjecting him or her to any pressure to leave chambers or other detriment.
  
- 3) It is unlawful for any person in relation to giving, withholding or acceptance of instructions to a barrister to discriminate against any woman

2.3 Section 204 of the Bar Code of Conduct of England and Wales States that :

A practising barrister must not, in relation to any other person (including a lay client, professional client, another barrister, pupil or student member of an Inn of Court) on grounds of race, ethnic origin, sex, religion or political persuasion, treat that person for any purpose, less favourably than he or she would treat other such persons.

2.4 By virtue of Section 802 (1) of the Code, a failure to comply with the Code shall constitute professional misconduct rendering a barrister liable to disciplinary proceedings.

### **3. Organisation for Equality**

Chambers has an established organisation in place to ensure this policy and related procedures are implemented. This involves the follows personnel / authorities:

3.1 The Equality Officer is responsible for:

- Monitoring changes in legislation and updating Chambers policy and procedures accordingly
- Promotion of this policy within Chambers and externally where appropriate
- Analysis and review of Equal Opportunity monitoring data
- Review of reports to ensure the fair distribution of work to pupils / junior members

3.2 The Senior Clerk is responsible for:

- Ensuring the fair distribution of unallocated work to pupils and very junior members

3.3 The Equality Officer is responsible for:

- Hearing and resolution of grievances relating to equality in the first instance

3.4 The Head of Chambers is responsible for:

- Final resolution of grievances or referral to outside sources if this is not possible

#### 4. **Defining Discrimination**

4.1 **Direct Discrimination**: a member of chambers (whether tenant, pupil, squatter or member of staff) must not act in relation to another member of chambers, to a present or aspiring member of the Bar or Chambers or to a lay or professional client in a manner which directly or indirectly is either discriminatory, consists of harassment or victimises that person on grounds of race, colour, ethnic or national origin, nationality, citizenship, gender, sexual orientation, marital status, disability, religion or political persuasion.

4.2 **Indirect Discrimination**: indirect discrimination occurs where:

- a requirement or condition is applied equally to everyone but a considerably smaller proportion of one gender or group than of the other persons to whom it applies can comply with it;
- a particular individual cannot comply with the requirement;
- it results in a detriment to them and
- the requirement cannot be shown to be objectively justifiable in spite of its discriminatory effect.

#### 5. **Harassment**

5.1 Harassment creates an intimidating or unpleasant working environment which may affect career advancement and thereby constitute discrimination. It is defined as unwelcome conduct which is offensive to the recipient in that it affects their dignity, where such conduct would not have occurred but for the collective qualities or characteristics of the recipient. Such conduct will be considered as harassment whatever the motive or intention of the perpetrator. It should never be assumed that because a similar remark or act did not appear to cause offence in the past that it is therefore inoffensive. A more detailed **Harassment Policy** is attached to this document as **Appendix 2**.

## **6. Victimisation**

6.1 Victimisation consists of less favourable treatment to those who have brought proceedings, or given evidence or information for the purpose of legal or disciplinary proceedings or made a complaint based upon an allegation of discrimination. Such treatment is unlawful under the Sex Discrimination Act 1975 as amended and the Race Relations Act 1976 as amended and will also breach paragraph 204 of the Bar Code of Conduct.

## **7. Grievances**

7.1 Anyone who considers that they have been subject to discrimination has recourse to **Chambers Grievance Procedure** shown in **Appendix 1**. [A similar process for anyone who feels they are subject to harassment is in place and is defined in the **Harassment Policy** shown in **Appendix 2**.]

## **8. The Selection of Pupils and Tenants**

8.1 It is paramount, given the nature of entry into the profession, that the selection criteria for pupillage and tenancy should be free from discrimination. Park Court Chambers therefore undertakes that the recruitment policy towards pupils and tenants should:

- Be transparent and set out in a document which is available to all on request [Title: Pupillage Policy]
- Be based on objective and explicit criteria which relate to the demands of the work and chambers' needs;
- Be free from assumptions based on stereotypical views or expectations of the behaviour and characteristics of any particular group;
- Save in exceptional circumstances, be applied equally to all potential recruits;
- Not be subject to the will or unexplained veto of any one person alone, but instead reflects the views of a broad spectrum of people;
- Not be subject to change during the selection process.

8.2 The selection process for staff is described in 'Chambers Procedures Manual' and that for pupils is described in the 'Pupillage Recruitment Policy'. The procedures for tenants recruited from outside the pupillage process by advertising is as follows:

- i. Selection criteria will be drawn up and agreed prior to promoting the vacancy/ies;
- ii. The vacancy/ies will be promoted openly in relevant media and will include the minimum requirements for applicants. An application form will usually be made available. Chambers will still continue to recruit individual applicants on merit without advertising.
- iii. Application forms with EOM (Equal Opportunity Monitoring)(Appendix 4) forms attached will be issued to those requesting them;
- iv. EOM forms will be detached for analysis before the selection process starts and will not be seen by those involved in the selection process;
- v. Applicants will be individually reviewed by a panel who will each draw up their own short-list for comparison and debate until an agreed shortlist is arrived at;
- vi. Interviews will be conducted and comments / scores recorded on the Tenancy Selection Form;
- vii. Panel members will draw-up their own shortlists individually as before and then compare and debate with other panel members until an agreed selection of one or more candidates is made;
- viii. The panel will recommend the proposed new member(s) to Chambers who will have opportunity to meet the proposed new member(s) and then vote in accordance with the Constitution;
- ix. All new members must sign up to the Constitution which includes the requirement to abide by Chambers Policies and Procedures including this Equal Opportunities Policy.

## **9. Equality of Opportunities in Chambers**

9.1 The allocation of work to all members of chambers, those members of the Bar who are neither pupils nor tenants and pupils and must be carried out in a manner that is fair to all and without discrimination. Selection of counsel must however be on the basis of the skills and experience required for the particular case and the clerks will enjoy the ability to exercise discretion in offering members of chambers for particular cases and to particular firms of solicitors.

No applicant for pupillage or tenancy shall suffer discrimination:

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

9.2 Furthermore, no pupil or tenant shall suffer discrimination:

- In respect of any terms applicable to him or her as a pupil or tenant;

- In the opportunities for training, or gaining experience, which are afforded or denied to him or her;
- In the benefits, facilities or services which are afforded or denied to him or her;
- In the volume or type of work which is offered or denied to him or her;
- By termination of his or her pupillage or by subjecting him or her to any pressure to leave chambers or other detriment.

9.3 Paragraph 404(2) of the Bar Code of Conduct requires that Chambers takes all reasonable steps to ensure that the affairs of chambers are conducted in a manner which is fair and equitable for all barristers and pupils. This responsibility extends to the distribution of work amongst pupils and members of chambers.

9.4 Any complaints about allegedly unfair allocation of work should be addressed jointly to the Head of Chambers and the Equality Officer.

## **10. Maternity, Paternity and Flexible Working Policy**

The Policy for tenants reflects the Bar Council's Equality and Diversity Code. The maternity and paternity policy for employees is in accordance with the Statutory requirements. The policy for tenants will take account of any obligations in respect of mortgage payments and be subject to prior discussion and agreement with the Head of Chambers. Advice may be sought from the Equality Officer in advance of such discussions.

## **11. Monitoring**

11.1 In seeking to identify and eliminate sources of unintended discrimination, chambers shall monitor:

- the recruitment of applicants for employment, pupillages and tenancy;
- the allocation of work between pupils in chambers;
- the allocation of work between members of chambers.

11.2 The monitoring data will be analysed at least once per year (or following specific recruitment drives where this is more appropriate) and where under-representation of a particular group is identified, chambers will seek to improve the position of the under-represented group. However, chambers will not engage in positive discrimination or quotas as both these practices are unlawful in the United Kingdom.

11.3 EOM forms will be issued to all applicants of vacancies open for employment, tenancy or pupillage. This will be via attachment to the relevant application form. On receipt of the application form, the EOM forms will be immediately removed from their application.

All forms will be forwarded to the Equality Officer who will analyse the data and review the results.

## **12. Communication of the Equality Policy**

12.1 A copy of this policy will be provided to all members, employees, pupils of Chambers. Members of chambers will familiarise themselves with its terms.

12.2 All new personnel will receive awareness training as part of their induction training.

12.3 Chambers commitment to Equality may be promoted in publicised materials where appropriate such as the brochure, web-site and training materials, in the absolute discretion of the Management Committee.

**Complaints/Grievances Procedure****1. Introduction**

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

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

**2. The Procedure**

2.1 A person who thinks they are the subject of discrimination, harassment or victimisation may choose to deal with the matter in several ways as set out below.

i) **Raising Concerns**

Where an aggrieved person wishes to voice a concern and no more, they can approach either the Head of Chambers, Deputy Head of Chambers or the Equality Officer for a confidential discussion. This process is intended to serve as a means of support, advice and guidance without recourse to the informal or formal procedure. These three officers will however share the receipt of any report for the purposes of discussion amongst them.

ii) **Informal complaint**

The second option is the lodging of an informal complaint. This can be done orally by contacting one of those persons nominated in i) above, for a confidential discussion.

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

iii) Formal Complaint

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

iv) External Help

Numerous organisations are available for advice and these are listed in Appendix 3 to this Policy. Every complainant has a right to consult with the Bar Council Equal Opportunities Officer for confidential advice and to lodge a formal complaint of professional misconduct with the Bar Council. Complainants of unlawful discrimination have a legal right to apply, subject to time limits, to the County Court or for Chambers' employees, to the Industrial Tribunal.

Sources of external assistance are shown in **Appendix 3** to this Policy.

**Harassment Policy****1. Statement of Policy**

1.1 Park Court Chambers is committed to providing a working environment in which all individuals including members, pupils, mini-pupils, employees, clients and the public are treated with dignity and respect. Chambers aims to promote a working environment that is conducive to the professional growth of its members and employees and to the promotion of equality of opportunity.

1.2 Park Court Chambers will not tolerate any form of harassment and will take all necessary steps to ensure that its members and employees are not subject to harassment. Harassment constitutes professional misconduct and is prohibited by the Bar Council's Code of Conduct. Harassment on the grounds of sex, race, disability (see 8.11 of Introduction) is unlawful under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.

**2. The Scope of the Policy**

2.1 This policy applies to all members, pupils and employees of chambers. The policy applies to:

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

**3. Definition of Harassment**

3.1 The essence of all harassment is that it is unwelcome conduct that is offensive to the recipient. The test is a subjective one and the fact that one person may be able to ignore or deal comfortably with certain behaviour does not mean that it is acceptable if directed at another.

3.2 Chambers prohibits any behaviour which causes offence or distress to another and which is perceived by that person as relating to or arising from his or her race, religion, political belief, sex, sexual orientation or disability and which constitutes less favourable treatment on such grounds.

3.3 Harassment towards someone based on his/her sex, race or disability is contrary to Park Court Chamber's equal opportunity policy and must not be tolerated under any circumstances.

3.4 It is the duty and responsibility of Park Court Chambers and every member of chambers and employees to stop all types of harassment and discrimination in the workplace. It is only through the efforts of individual employees that harassment and discrimination can be prevented. We must all recognise that every member of Park Court Chambers has the right not to be subjected to any form of harassment or discrimination.

3.5 Harassment includes unwanted verbal and physical abuse and/or advances and/or behaviour which an employee finds offensive and which causes him/her to feel threatened, humiliated, patronised, distressed and harassed. It may be deliberate or unconscious, open or covert, direct or indirect, an isolated incident or a series of repeated actions. It may also include, in certain circumstances, off-duty conduct.

3.6 It is no defence for such incidents or behaviour to be regarded as "common place" or intended as a "joke".

3.7 Any complaint of harassment or discrimination made by another member of chambers, professional client or lay client of Park Court Chambers will be promptly investigated. The harasser/discriminator will be subject to Park Court Chamber's disciplinary procedure and in serious cases, may be suspended or dismissed from chambers.

3.8 Disciplinary action will be considered if necessary, instituted, against any member or employee of chambers found to have harassed a colleague or other person in the conduct of their work.

#### **4. Resolving Complaints of Harassment**

4.1 Chambers is committed to providing a supportive environment in which to resolve problems of harassment, and has put in place a number of options for resolving problems. A non-adversarial approach will be adopted. A person therefore subject to harassment may, at their choosing, deal with the matter in a number of ways.

4.2 A person experiencing harassment should raise a complaint at an early stage. Raising a complaint at an early stage is more likely to result in a satisfactory resolution. If left unresolved, the harassment may escalate to the point where the situation becomes much more difficult to deal with effectively.

4.3 Any member, employee, pupil or mini-pupil in chambers has the right to bring to the attention of an appropriate person any behaviour that they consider to be contrary to the harassment policy, irrespective of whether they are the recipient of the harassment. A member or employee of chambers who witnesses behaviour that they consider contravenes the

harassment policy should take immediate action to indicate that such behaviour is unacceptable as failure to do so could be interpreted as condoning such behaviour.

#### 4.3.1 Informal complaint

This can be done orally in the same way as for voicing a concern. An informal complaint is designed to act as a method of resolving disputes without the need for a formal investigation to determine the issue. If the complaint concerns the conduct of a person in chambers, it may be that such a person can be made aware that they are causing offence and so cease the offending behaviour.

#### 4.3.2 Formal complaint

The third option is the lodging of a formal complaint. This must be in writing and must set out the allegation(s) complained of so as to enable chambers to carry out a thorough investigation of all the matters concerned. The complainant has a right to make representations and/or to be independently represented, as does the person whom the complaint has been lodged against. An investigation should not, save in exceptional circumstances, last longer than six weeks from the date of the complaint. Following an investigation, a representative panel (The Head of Chambers, the Equality Officer and two or three senior members of chambers to be appointed by the Head of Chambers plus the Senior Clerk if a member of staff is involved) will determine the issue. No member of such a panel should have a conflict of interest between themselves and the complainant. If harassment has been found, remedial steps will be taken immediately. These may include any of the following:

- Formal apology
- Counselling
- Written warning
- Change of work assignment
- Report to the relevant Inn recommending the removal of pupil supervisor status
- Suspension or discharge of member of chambers or employee
- Referral to Professional Conduct Committee (PCC).

In addition to the sanction that may be imposed on a member, pupil or an employee by chambers as part of a complaint resolution, members of chambers who engage in harassment may be liable for damages in the event of a civil lawsuit or may face further sanctions imposed by the Bar Council's Professional Conduct and Complaints Committee.

## 5. Standard of Proof

Park Court Chambers applies the criminal standard, beyond reasonable doubt, to complaints alleging professional misconduct by a barrister or serious contravention of these policies.

## 6. Victimisation

Chambers is committed to ensuring that no one who brings forward a harassment concern in good faith may do so freely and without fear of reprisal. The raising of such a complaint will not have any adverse consequences for the complainant.

## 7. Avenues of Further Redress

In addition to the chambers' procedures there are a number of other avenues of redress. These include:

- Raising a complaint with the relevant Inns Students' Officer about a sponsor or pupil supervisor. The Inns' complaints process will determine the outcome of such complaints;
- Complaint to the Bar Council's Professional Conduct and Complaints Committee where the alleged harasser is a barrister;
- Take action in the county court or industrial tribunal alleging harassment as a form of unlawful direct discrimination;
- Through the Bar Council's Equal Opportunities Officers / the Bar Council's Mediation Panel members. Their role is to advise the complainant and, with his or her permission, seek to mediate between the complainant and the alleged harasser. The Panel can be approached in confidence and will aim to achieve an end to the conduct complained of without necessarily finding fault or blame and without the imposition of sanctions.

The Bar Council's Equal Opportunities Officers are available at the Bar Council to offer advice in confidence to any recipient of harassment or to any member of chambers responding to a complaint of harassment.

Other external sources of help are detailed in **Appendix 3** to this Policy.

**Further Information**

The following organisations may assist in queries or problems:

**The Bar's Equal Opportunities Officers**

The Race Relations Committee  
The Sex Discrimination Committee  
The Disability Panel  
The General Council of the Bar  
3 Bedford Row  
London WC1R 4DB  
Tel: 0207 242 0082  
Fax: 0207 831 9217

**Society of Asian Lawyers (SAL)**

12 Michleham Down  
Woodside Park  
London N12 7JM  
Tel: 0207 772 5994

**Society of Black Lawyers (SBL)**

Unit 314 Brixton Enterprise Centre  
444 Brixton Road  
London SW9 8 EJ  
Tel: 0207 274 4000 Ext 346

**African, Caribbean and Asian (ACA) Lawyers Group**

c/o The Law Society Shop  
227/228 The Strand  
London WC2R 1BA  
Tel: 0207 242 1222

**Commission for Racial Equality (CRE)**

Elliot House  
10/12 Allington Street  
London SW1E 5EH  
Tel: 0207 828 7022

**Bar Lesbian and Gay Group (BLAGG)**

c/o The Chambers of Mr Robert Latham  
1 Pump Court  
Temple  
London EC4Y 7AB  
Tel: 0207 353 4341 or 0207 583 2012

**The Equal Opportunities Commission (EOC)**

Overseas House  
Quay Street  
Manchester  
M3 3HN  
Tel: 0161 833 9244

**Royal Association for Disability and Rehabilitation (RADAR)**

12 City Forum  
250 City Road  
LONDON EC1V 8AF  
Tel. 0207 250 3222 Fax. 0207 250 0212

**Royal National Institute for the Blind (RNIB)**

224 Great Portland Street  
LONDON W1N 6AA  
Tel. 0207 388 1266 Fax. 0207 388 2034

**Arbitration Conciliation Advisory Service (ACAS)**

www.acas.org.uk  
Tel. 08456 003444

**Royal National Institute for the Deaf (RNID)**

105 Gower Street  
LONDON WC1E 6AH  
Tel. 0207 387 8033 Fax. 0207 388 2346