



cornerstone barristers

# EQUALITY AND DIVERSITY POLICY

Revised September 2016



## Equality and Diversity

### Statement of Policy

1. The principles of equal opportunity and diversity are a fundamental part of Cornerstone Barristers' philosophy and are essential to our success as a thriving set. It is our unequivocal policy not to discriminate against anyone – either directly or indirectly – on grounds of race, colour, ethnic or national origin, sex, sexual orientation, gender reassignment, marital or civil partnership status, pregnancy, maternity or paternity, disability, religion or belief, age, part-time, fixed-term or contractual status, or on any other irrelevant or irrational basis.
2. In particular, Chambers is committed to ensuring that pupils, tenants and employees are selected without discrimination, that discriminatory considerations play no part in the allocation of work within chambers, and that no instructions are accepted from solicitors who seek to select Counsel on a discriminatory basis. We endeavour to treat everyone – both inside and outside Chambers – with attention, courtesy, respect and consideration. We also aim to ensure that our pupillage, work experience, employment and membership opportunities are open and accessible to all based on individual qualities and personal merit.
3. The Equality Act 2010 sets out nine protected characteristics. These are all included above. It is illegal to discriminate against anyone on the grounds of these characteristics. The Act specifically provides legal protection against discrimination in the provision of services and the treatment of pupils by a barrister.
4. Further, Chambers does not permit or condone harassment on the grounds of any of the factors set out at paragraph 1 above. Harassment is also unlawful under the Act.
5. Chambers has also adopted policies on anti-harassment, parental leave, flexible working, reasonable adjustments and diversity data. We publish these separately. The diversity data policy specifically aims to ensure that that effective and secure



procedures are in place for the collection and retention of data from all appropriate sources. We will record, evaluate and report on the data to help ensure the effectiveness of our diversity measures.

### **Equality and Diversity Action Plan**

6. In order to ensure that we embed the principles of equality and diversity into the framework of our day to day activities, and to prevent unlawful discrimination, we have drawn up an action plan. This specifies the actions required to achieve our aims. The plan is SMART (specific, measurable, affordable, realistic and timely). We will keep the plan under review and update and amend it as necessary.

### **Equality and Diversity Officer**

7. Cornerstone Barristers has appointed a senior Member as Equality and Diversity Officer (EDO). The EDO will: be available to Members and staff to give advice and discuss any issues that may arise from this policy and other policies affected by it; advise the Head of Chambers and the CEO on equality and diversity issues; and monitor and evaluate data. In EDO's absence, the CEO will act as their deputy and ensure we deal with any issues, questions or comments in a timely manner.
8. The EDO will review all relevant policies and procedures, including those referred to above, to ensure these comply with this policy as well as all relevant equality laws and regulations. The EDO will ensure we provide adequate training, as necessary, to meet the requirements of the Code of Conduct.
9. The EDO will also ensure that procedures used in the selection and recruitment of pupils and staff are fair and meet the requirements of the Code of Conduct and that there is sufficient training amongst members of the panels to ensure fairness in the ultimate selection, as specified below.
10. You should address any questions relating to the content of this policy, suggestions for its



improvement or questions relating to its scope or operation to the EDO, or, in their absence, to the CEO.

## **Training**

11. Online equality and diversity training has been facilitated and is available for all Members, pupils and staff via our NatWest Mentor subscription (please see the Risk and Compliance Officer for access details). All personnel are encouraged to participate.
  
12. The Act strictly prohibits discrimination in recruitment and selection on any of the protected characteristics. We base all recruitment and selection on objective and fair criteria. It is unlawful to ask questions about health or protected characteristics. All members of selection panels have received training in fair recruitment and selection practices either through external professional training or through study of the [Bar Council's Fair Recruitment Guide](#). We will arrange further external training as required.

## **Fair and Objective Criteria**

13. Cornerstone Barristers and its relevant Committees, Sub-Committees and staff shall observe and follow this policy in recruiting all Members, pupils and staff. We will make reasonable adjustments to facilitate access for interviews for disabled candidates, if given due notice. Similarly, we will make reasonable adjustments to accommodate successful applications from pupils, Members or staff.
  
14. We will advertise all vacancies for pupils, mini-pupillages or tenancies as widely as practicable, and we will draft the advertisements to comply with this policy and our commitment to equality. We use the Bar Council's Pupillage Gateway system<sup>1</sup> to recruit pupils.

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<sup>1</sup> <http://www.pupillagegateway.com/>



15. We review any external Third Six applications using the same criteria as applications for pupillage. We will review any subsequent application for tenancy from a Third Six pupil on the same terms as we review other applications for tenancy.
16. We will either advertise vacancies for members of staff openly in media that ensures access to a broad pool of applicants, or offer them through employment agencies, depending on factors such as the seniority of the position. We will advise any employment agency, whether those specifically catering to Chambers or general agencies, of this policy.
17. To ensure an open selection procedure, we will assess all applicants for every role against objective criteria relating the requirements of the post. We will base this process on a job description and person specification appropriate to the position. We will conduct interviews using an appropriately sized panel, and there will be an agreed structure for interviews to ensure a fair process for all interviewees. All members of any such panel will have had appropriate and recent training in fair selection and recruitment processes.
18. We will adopt this policy in all appropriate literature relating to our Pupillage Policy and Mini-Pupillages. We will document the stages in the selection of pupils and draw-up a formal timetable of events. All members of the panel will use the same evaluation sheet for any preliminary review of applications. Similarly, all interviews held during the process of pupil selection will be before a panel, which will have an agreed set of notes to assist them at interview. At the final interview, we will give all candidates the same standard exercise on which to provide an oral and/or written report, as required by the panel.
19. The Constitution of Cornerstone Barristers governs the criteria for application for tenancy. We apply these criteria to all candidates equally.
20. We shall keep all applications for pupillage or tenancy, and documentation with regard to them, for at least two years. After a pupillage selection exercise, in particular, there will be a review of diversity data submitted by applicants. The CEO will report on this to the Management Board.



## **Equality Monitoring**

21. We will collect two types of diversity data: headcount (Members, staff, applicants – in accordance with the Diversity Data policy) and work allocation. Available data will be analysed at least annually and the results interrogated by the CEO and the EDO (eg against composite data for the Bar as a whole). We will give attention to underlying reasons for disparities identified and any appropriate remedial action will be considered (eg it may help to address an issue of under representation of women by female Members attending pupillage fairs and events). Please also see ‘Collection and Publication of Diversity Data’ below and the Diversity Data policy statement that governs the collection, publication, retention and destruction of diversity data.

## **Fair Access to Work**

22. It is Cornerstone Barristers’ policy to ensure that we give all Members and working pupils fair access to work. We have appointed a designated senior Member to lead on the fair allocation of work (the Designated Member). As far as practicable, the Designated Member and the CEO will act to ensure that we distribute work to Members and pupils without discrimination and they shall meet periodically to review practice and procedures. Fair allocation of work means that we take a barrister’s knowledge and level of expertise into account and that we allocate work for justifiable reasons.

23. We have imported diversity data for Members and staff into the LEX chambers management system. This will enable data about the origin or allocation of the work to be analysed against equality and diversity data. This information can be supplemented as required by the following process:

- a. a specific group of Members may be chosen, eg by year of call;
- b. from the LEX software both the Work Done and Payment Summary reports for each Member will be taken;
- c. an Excel report will be produced incorporating data for all those selected;
- d. the report will be reviewed by the Designated Member and the CEO; and
- e. for pupils, a review of their Work Done reports will be undertaken as part of



the selection process for tenancy. We will carry out the review in the same way as for Members.

24. The Designated Member will seek to ensure that the practices of the more junior Members develop satisfactorily. In the event that there appears to be any potentially inconsistent treatment, they shall make appropriate enquiries. In the light of these enquiries, the Designated Member will consider what further action might be required. This may include a requirement for further equality and diversity training. We may use the annual review of subsidy arrangements, and subsequent validation of this, as the trigger for review amongst more junior Tenants.
25. We will provide appropriate training to all Clerks and we will review the subject of work allocation regularly at relevant appraisals.
26. We will keep any relevant documentation for at least five years after its creation.
27. Discriminatory requests or instructions from solicitors are contrary to the Equality Act. On no account will Cornerstone Barristers accept discriminatory instructions. Clerks should look to explore the reasons for potentially discriminatory requests. If we receive instructions which the CEO considers may be discriminatory, the CEO may, after investigation into the circumstances of the brief, report the matter to the Head of Chambers who should consider whether we should refer the matter to the appropriate authority.
28. If any Member or pupil wishes to complain about the allocation of work, they should refer to the Complaints and Grievances section below.
29. Allocation of work will be a standard topic for discussion during any Practice Review Meeting.

## **Harassment**

30. Cornerstone Barristers will not tolerate harassment. Harassment is unwanted conduct relating to the protected characteristics which has the aim, or has the effect, of



violating a person's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment. We have adopted a separate Anti-Harassment Policy.

### **Parental Leave**

31. We will grant maternity, paternity and adoption leave to Members in accordance with our separate Parental Leave and Flexible Working (Following Return from Parental Leave) Policy.
  
32. Any Member on such leave will be included on all relevant e-mail distribution lists and the circulation of memos etc. If there is suitable work, and the Member has indicated a willingness to work whilst on maternity or adoption leave, we will take all appropriate steps to facilitate this.
  
33. We will grant maternity, paternity and adoption leave to members of staff in accordance with legislation and the procedures set out in our staff handbook, *How We Work in Chambers*.

### **Flexible Working**

34. The self-employed Bar is ideally suited to flexible working. Cornerstone Barristers sets out its rules in the separate Flexible Working (Family Responsibility, Illness and Disability) and Parental Leave and Flexible Working (Following Return from Parental Leave) Policies.
  
35. Provisions relating to staff are contained in the staff handbook.

### **Reasonable Adjustments**

36. We understand our duties under the Disability Discrimination Act 1995 and the Equality Act. Where a provision, criterion, practice, physical feature or lack of auxiliary aid puts a disabled person at a substantial disadvantage in comparison to those who



are not disabled we will take reasonable steps to avoid the disadvantage by ensuring that reasonable adjustments are made to allow candidates to attend interview and, if appointed, to work with us. The EDO or CEO will consider any requests, or suggestions, for such adjustments. We have adopted a separate policy on reasonable adjustments.

### **Diversity Data Officer**

37. Cornerstone Barristers has appointed a senior officer as a Diversity Data Officer (DDO) and has notified that appointment to the BSB. We will communicate any changes to the DDO appointment to the BSB as soon as is reasonably practicable.
  
38. The DDO is responsible for implementing our rules on diversity data collection and processing and ensuring that these are in accordance with the provisions of the Data Protection Act 1998.

### **Collection and Publication of Diversity Data**

39. A separate written policy statement is in effect on collection, publication, retention and destruction of diversity data. Please also see 'Equality Monitoring' above.

### **Complaints and Grievances**

40. Members should refer any grievance regarding equality and diversity issues to the EDO or the CEO, as appropriate, who will investigate the matters raised and report to the Head of Chambers. The Head of Chambers will decide what, if any, remedial action we should take. The procedure used shall be the same whether the complaint or grievance is formal or informal.
  
41. Pupils should similarly refer any grievance arising from their pupillage in respect of equality and diversity to the EDO or the CEO who will investigate the matters raised and, if they uphold the complaint, refer the matter to the Head of the Pupillage Committee and the Head of Chambers who shall decide what remedial action we



should take. The procedure used shall be the same whether the complaint or grievance is formal or informal.

42. Members of staff should normally raise problems regarding equality and discrimination with the EDO or the CEO, as appropriate. If the matter is not resolved at this level, the member of staff should ask for it to be referred to the Management Board or Head of Chambers, whichever is more appropriate. The procedure used shall be the same whether the complaint or grievance is formal or informal.
43. Once a complaint or grievance of any nature had been issued, the person receiving it must act on it as quickly as possible. The aim should be to ensure a resolution within four working weeks. We have adopted a staff Disciplinary and Grievance procedure which can be used as a basis for defining the nature of the review process. Wherever possible, all efforts should be made to ensure confidentiality is preserved. If anyone is asked to attend a meeting to review the complaint or grievance, that person may bring a friend or colleague with them. To facilitate this, reasonable notice of such a meeting must be given.
44. Once the complaint or grievance has been resolved, the person who dealt with it shall report to the Head of Chambers. The Head of Chambers shall then comply with their obligations under the BSB Code of Conduct in deciding what action they should take in respect of the findings of any investigation undertaken.
45. The Head of Chambers shall keep all paperwork relevant to the complaint or grievance for at least one year.

### **Review of the Policy**

46. We will review this policy will be reviewed at least annually and will amend it as necessary and take appropriate remedial action to ensure that it remains current and effective.