



cornerstone barristers

# EQUALITY AND DIVERSITY POLICY

Reviewed July 2021



## Equality and Diversity Policy

### Statement of Policy

1. The promotion of 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.
2. 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.
3. This policy applies to:
  - Members (including door tenants);
  - Pupils (including mini-pupils);
  - Employees (including all casual, contract and volunteer workers);
  - Tenancy, pupillage, or staff applicants;
  - Clients (lay and professional clients) and other service users;
  - Suppliers and contractors;
  - Visitors.
4. The Equality Act 2010, section 47, specifically provides legal protection against discrimination in the provision of services and in the treatment of pupils by a barrister.
5. In particular, Chambers is committed to ensuring that tenants, pupils 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.
6. We endeavour to treat everyone – both inside and outside Chambers – with courtesy, respect and consideration. We value the benefits of a diverse workforce. We also aim to ensure that our pupillage, mini-pupillage, employment, promotion,



membership, supplier and contractor opportunities are open and accessible to all based on individual qualities and personal merit.

7. Chambers does not permit or condone harassment on the grounds of any of the factors set out in paragraph 2. Harassment is also unlawful under the Act.
8. Chambers has adopted policies on anti-harassment and diversity data. Chambers has also adopted an alternative contribution structure, to enable members to work flexibly, work part-time or take extended leave in accordance with Chambers policies. We publish these policies separately. The diversity data policy specifically aims to ensure that effective and secure procedures are in place for the collection and retention of data from all appropriate sources. Chambers records, evaluates and reports on the data, to help ensure the effectiveness of our diversity policies.
9. All members, pupils and employees are required to adhere to Chambers' policy.
10. From time to time Chambers may take positive action in accordance with sections 158 and 159 of the Equality Act 2010 to encourage persons who share a protected characteristic and are underrepresented at the Bar to apply for pupillage.

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

11. 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. Chambers will keep the plan under review and update and amend it as necessary.

### **Equality and Diversity Officer**

12. Cornerstone Barristers has appointed two Members as Equality and Diversity Officers (EDOs). The current EDOs are Robin Green and Ruchi Parekh. The EDOs 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; monitors changes in legislation and regulatory requirements updating chambers policies accordingly, hearing and seeking resolution of concerns relating to equality and diversity issues and monitor and evaluate data. In the EDOs' absence, the CEO will act as their deputy and ensure we deal with any issues,



questions or comments in a timely manner.

13. The EDOs 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 regulatory requirements. The EDOs will ensure we provide adequate training, as necessary, to meet the requirements of the BSB's Code of Conduct.
14. The EDOs 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 selection panels to ensure fairness in the ultimate selection, as specified below.
15. You should address any questions relating to the content of this policy, or suggestions for its improvement to the EDOs or the CEO.

### **Training**

16. Chambers will provide or procure regular Equality and Diversity training for its staff and members.
17. The Act strictly prohibits discrimination in recruitment and selection on any of the protected characteristics. All members of selection panels must receive training in fair recruitment, unconscious bias and selection practices either through 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**

18. Cornerstone Barristers and its relevant Committees, Sub-Committees and staff shall observe and follow a policy of applying fair and objective criteria in recruiting all Members, pupils and staff. Chambers asks candidates, as a matter of course, whether it is necessary to make reasonable adjustments to facilitate access for interviews for disabled candidates and will facilitate reasonable adjustments if given due notice. Similarly, we will make reasonable adjustments to accommodate successful applications from pupils, Members or staff.



19. Chambers will advertise all vacancies for pupils, mini-pupillages or tenancies as widely as practicable, and will draft the advertisements to comply with this policy and our commitment to equality. Any recruitment service we use is required to demonstrate that they are drawing from a wide pool of candidates and present any shortlist using fair and objective criteria.
20. We use the Bar Council's Pupillage Gateway system<sup>1</sup> to recruit pupils.
21. To ensure an open selection procedure, Chambers will assess all applicants for every role against objective criteria relevant to 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 be required to have had appropriate and recent training in fair selection and recruitment processes.
22. Chambers 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.
23. The Constitution of Cornerstone Barristers governs the criteria for application for tenancy. We apply these criteria to all candidates equally.
24. We shall keep all applications for pupillage or tenancy, and documentation with regard to them for 12 months. 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 Pupillage Committee and the Management Board.

### **Equality Monitoring**

25. Chambers collects two types of diversity data: headcount (Members, staff, applicants



– in accordance with the Diversity Data policy) and work allocation. Available data is analysed at least annually and the results interrogated by the CEO and the EDOs (e.g. against composite data for the Bar as a whole). Particular attention will be given to identifying underlying reasons for disparities identified and any appropriate remedial action will be taken; for example, 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**

26. It is Cornerstone Barristers’ policy to ensure that all Members and working pupils are entitled to fair access to work. As far as practicable, the EDOs and the CEO will act to ensure that unassigned work is fairly allocated to Members and pupils without discrimination on the basis of any protected characteristic and shall meet periodically with the senior clerk to review practice and procedures. Fair allocation of work includes taking a barrister’s knowledge and level of expertise into account and allocating work to Members for justifiable reasons. We have imported diversity data for Members and staff into the LEX chambers management system and have adopted the LEX fair allocation of work tool. This will enable data about the origin or allocation of the work to be analysed against equality and diversity data. This information will be analysed by the CEO for any disparities who will alert the EDOs of any concerns. Where there is an unjustified disparity in the allocation of unassigned work, appropriate remedial action will be taken.
27. We will provide appropriate training to all Clerks and we will review the subject of work allocation regularly.
28. 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.



29. If any Member or pupil wishes to complain about the allocation of work, they should refer to the Complaints and Grievances section below.
30. Allocation of work will be a standard topic for discussion during any Practice Review Meeting.

### **Harassment**

31. 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 and Flexible Working**

32. Any member of Chambers may decide not to work for an extended period or reduce the time they spend working as barristers and do not need to provide a reason for doing so. Chambers has adopted an alternative contribution structure to ensure that members who are taking time away from Chambers or working reduced hours can maintain their practices without having to pay a substantial standing charge.
33. 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, paternity or adoption leave, we will take all appropriate steps to facilitate this.
34. 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*.
35. Flexible working provisions relating to staff are contained in the staff handbook.

### **Reasonable Adjustments**

36. We understand our duties under the Equality Act to make reasonable adjustments. 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 in the provision of legal services and the recruitment and retention of Members and staff. The EDOs or CEO will consider any requests, or suggestions, for such adjustments. Chambers has adopted a separate policy on Reasonable Adjustments.

### **Diversity Data Officer**

37. Cornerstone Barristers has appointed the CEO as a Diversity Data Officer (DDO) and has notified that appointment to the BSB.
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 2018 and the UK General Data Protection Regulation.

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

39. A separate written policy statement is in effect on collection, publication, retention and destruction of diversity data. Chambers collects and publishes its anonymised workforce data every three years.

### **Complaints and Grievances**

40. Members should refer any grievance regarding discrimination, equality and diversity issues to the EDOs 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 EDOs 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 EDOs 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 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.
46. Chambers aims to ensure that no member, pupil, employee or job applicant is subject to victimisation following their giving evidence in or bringing proceedings or making allegations in relation to an act of discrimination in accordance with the Equality Act 2010.

### **Review of the Policy**

47. The EDO will review this policy at least every two years, or sooner if new legal or regulatory requirements are implemented.