

Fountain Chambers  
Middlesbrough

# Equality & Diversity Policy

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There are a number of connected policies which may be relevant where problems arise:

- Harassment Policy
- Grievance Procedure
- Disciplinary Procedure
- External Complaint Policy
- Reasonable Adjustments Policy
- Parental Leave

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## **Introduction**

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

Fountain Chambers is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. Fountain Chambers is determined to promote a work environment in which everyone is treated equally and can flourish.

A copy of this policy is provided to all those for whom Chambers constitutes a working environment, including members of Chambers, pupils, clerks and other employees or temporary workers. It is available on Chambers' website.

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## **Definitions**

### ***Discrimination***

1. Chambers adopts the definitions of discrimination and victimisation as set out in the Equality Act 2010 and by the Bar Council in its Equality and Diversity Guides, namely:

- (i) Direct discrimination occurs where one person is treated less favourably than another was or would be treated in the same or similar circumstances because of a protected characteristic.
- (ii) Indirect discrimination occurs where an apparently neutral provision, criterion or practice puts the victim and those with whom the victim shares a protected characteristic at a particular disadvantage when compared with others who do not share it, and where the provision, criterion or practice is not a proportionate means of achieving a legitimate aim.
- (iii) Victimisation occurs when a person is subject to detrimental treatment because they have brought proceedings under the anti-discrimination legislation, given evidence or information in connection with such proceedings or have alleged that unlawful discrimination has occurred (or is suspected of doing or believed to have done any of the above).

2. The protected characteristics contained within the Equality Act 2010 are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

### ***Harassment***

3. Chambers adopts the definition of harassment as set out in the Equality Act 2010 and by the Bar Council in its Equality and Diversity Guides, namely that there is a spectrum of conduct that can be properly described as harassment. As a guide, the Equality Act 2010 describes it as unwanted conduct which has the purpose or effect of violating the victim's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim. A single incident can constitute harassment.

4. Determining whether unlawful harassment has taken place involves an objective and a subjective element; analysis must be made both of the factual event which took place but also of both the alleged perpetrator's intention and the victim's perception of that event. Even if the alleged perpetrator's intention was not to harass or cause offence, where their conduct has had this effect – whether on the target or a witness – appropriate action will be taken.
5. In considering whether an action / actions amount to harassment Chambers will take into account the conduct by the alleged harasser from the perspective of the victim. Conduct may be perceived as more serious if, for example, the victim is a more junior member of chambers than the alleged perpetrator, or in some other way vulnerable.
6. Examples of inappropriate behaviour include the following (but the list is not exhaustive):
  - 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-LGBT+ or ageist jokes, or derogatory or stereotypical remarks about 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 LGBT+.
  - 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.
- Invading someone's personal space.
- Sexual or offensive gestures.
- Inappropriate sexual advances or repeated unwelcome sexual advances.
- Inappropriate or unwelcome physical contact.
- Suggesting that sexual favours or a sexual relationship may result in favourable treatment, provide work opportunities or career advancement, or suggesting that refusing such may lead to less favourable treatment, the loss of work opportunities or damage career advancement.
- Displaying or sending or 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.
- Dealing with complaints of harassment inappropriately or inadequately.

### ***Bullying***

7. 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.
- Deliberately excluding someone from meetings or communications without good reason.

8. Other examples of potentially bullying behaviour may include:

- An unreasonable exchange outside of court.
- Unreasonable pressure to concede a point or accept an offer during negotiations.
- Unwanted physical contact.

- Unwelcome remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip, slander.
  - Improper pressure to take on work you cannot accommodate.
  - Improper pressure to reduce fees.
  - Personal intrusion from pestering, spying and stalking.
  - Failure to safeguard confidential information.
  - Shouting and / or directed angry outbursts either in front of others or one to one.
  - Setting unrealistic deadlines.
  - Persistent unwarranted criticism.
  - Personal insults.
9. A victim of bullying will be supported by Chambers to make a complaint.
10. When any allegation of bullying is made the Head of Chambers should be notified and appropriate steps will be taken to investigate. A decision will be made
- (i) as to any action to be taken by Chambers; and
  - (ii) whether the incident should be reported to the BSB or other authority.

### ***Other Help***

11. Further help can be found as follows:
- Confidential advice in relation to harassment, bullying and inappropriate behaviour is available via the Bar Council Helpline (0207 611 1426) who can provide support and advice and discuss options. Further help can be found in the Bar Council's Equality and Diversity Guides Discrimination, Harassment, Bullying and Inappropriate Behaviours: Information for Barristers”.
  - The TalktoSpot.com platform where you can discuss and record inappropriate moments.
  - Wellbeing at the Bar provides resources for barristers and clerks: [www.wellbeingatthebar.org.uk](http://www.wellbeingatthebar.org.uk)
  - Judicial conduct investigations office: [www.judicialconduct.judiciary.gov.uk](http://www.judicialconduct.judiciary.gov.uk)

### *Equality and Diversity*

12. Chambers (through its members of Chambers and its staff) will make fair and non-discriminatory decisions regarding:
  - (i) the selection of pupils or tenants (including third-six pupils);
  - (ii) the way in which a pupil or tenant is offered access to opportunities to gain experience, access training, be offered work (including “unallocated work” or otherwise participate in Chambers;
  - (iii) termination of pupillage or tenancy;
  - (iv) consideration of complaints or grievances;
  - (v) the delivery of legal services;
  - (vi) the recruitment of staff;
  - (vi) the way in which a member of staff is offered access to opportunities to gain experience, access training or otherwise participate in Chambers;
  - (vii) considerations of parental leave.
  
13. Chambers will make reasonable adjustments to avoid disadvantage wherever possible.
  
14. Chambers shall have in place an Equality and Diversity Plan which shall be renewed annually.
  
15. All members of Chambers (and staff) shall ensure that they behave in a way consistent with this policy in their dealings with each other and any of Chambers’ clients.
  
16. Chambers will appoint an Equality and Diversity Officer who will be responsible for ensuring that:
  - (i) there is a written equality and diversity policy and action plan;
  - (ii) the equality and diversity policy is implemented, reviewed and kept up-to-date;
  - (iii) that Chambers policies and procedures comply with the equality and diversity policy;
  - (iv) that records are kept of the outcome of any reviews and any action taken;
  - (v) advice is offered when required or when it appears to the Equality and Diversity Officer that it is required;
  - (vi) they are available to provide advice (formally or informally) to members of Chambers or staff;

- (vii) they monitor / there is monitoring of data from pupillage, recruitment exercises, Chambers membership and the way in which work is allocated and that any actions required to remedy any issues identified are developed and added to the equality plan;
  - (viii) regular diversity reviews are undertaken.
17. Chambers shall ensure that those responsible for recruitment / selection panels have received appropriate training in fair recruitment and selection processes. This shall include, as a minimum, consideration of the Bar Council's "Fair Recruitment Guide for the Bar".
18. Chambers shall regularly conduct a diversity data audit. The provision of such data is voluntary but members of Chambers and staff are encouraged to participate in the recognition that such data can help Chambers to recognise any shortcomings in recruitment or retention. Such data:
- (i) will be collected in writing;
  - (ii) be held confidentially by the Equality and Diversity Officer and not viewed by other members of Chambers;
  - (iii) will be collated into anonymous format by the Equality and Diversity Officer;
  - (iv) will be destroyed within 30 days of receipt (following collation into anonymous format).
19. An anonymous review of the diversity data will be published on the Chambers' website as recommended by the Bar Council and Bar Standards Board.
20. Members of Chambers / staff can withdraw consent to the use of their own data at any point by notifying the Equality and Diversity Officer. If such consent is withdrawn after the publication of the anonymised data and after the destruction of the original data the anonymised data will remain on the website until the next review.

*This policy was adopted in November 2020 and will be reviewed in November 2021.*