

EQUALITY PROCEDURES

References to Chambers in this policy include Brick Court Chambers and its service company, Little Essex Street Service Company Ltd. References to employees are to former employees of Brick Court Chambers and current and former employees of Little Essex Street Service Company Ltd, as appropriate.

A. Introduction

1. This document sets out Chambers' Equality Procedures. It is effective, in this version, from the date of its approval by the Executive Committee, set out below.
2. This is one of a number of specific policies aimed at achieving the objectives of Chambers' Equality and Diversity Policy, which sets out Chambers' overarching rules, principles and procedures for preventing discrimination, ensuring equality of opportunity, and promoting diversity, and which should be read together with this policy. Any queries or concerns in respect of this policy generally should be raised by one of the means set out in the Equality and Diversity Policy. Specific issues, grievances or complaints should be raised as set out below.

B. Purpose and scope

3. These Equality Procedures define how Chambers will address issues, concerns, complaints or grievances relating to equality and diversity matters.
4. This policy applies to all individuals working at all levels of Chambers, including members of Chambers, employees, pupils, mini-pupils, consultants, contractors, casual and agency staff ("**persons working within Chambers**").

C. Persons responsible for addressing issues, grievances or complaints relating to equality and diversity matters

5. The Equality and Diversity Officer (who is identified on the equality and diversity section of Chambers' website) will be available to persons working within Chambers to offer advice on equality and diversity issues and to provide an informal route, if requested, for the resolution of issues, grievances or complaints.

6. Chambers also maintains an Equality and Diversity Panel (the “**Panel**”) to consider any equality and diversity issue, grievance or complaint from members of Chambers, pupils, mini-pupils and employees. These include, but are not limited to, complaints of harassment or discrimination. The names of the Panel are published on the equality and diversity section of Chambers’ website.
7. The Panel may request other members of Chambers to assist it in the resolution of any dispute.

D. Initial response to a concern or complaint

8. In all cases, whether responding to an informally raised concern or a formal complaint; whether the matter raised is alleged harassment, bullying and inappropriate behaviour or some other equality and diversity issue; and whether these Procedures, the Employee Grievance Procedure and/or the Employee Disciplinary Procedure apply, the person to whom the concern or complaint is transmitted shall:
 - (1) respond promptly;
 - (2) ensure confidentiality;
 - (3) listen to and discuss the concern;
 - (4) explain Chambers’ relevant policies and procedures;
 - (5) discuss what outcome the person raising the concern would ideally like;
 - (6) discuss which Chambers’ procedures, formal or informal, would be the most appropriate to achieve that outcome;
 - (7) explain what support Chambers can provide to the person raising the concern, or anyone else who appears to have been affected by the conduct in question;
 - (8) discuss the Bar Standards Board’s reporting requirement, if appropriate; and
 - (9) agree a way forward that the person raising the concern or complaint is happy with, in so far as is possible.

E. Raising concerns informally

9. Concerns relating to harassment, bullying and inappropriate behaviour can be raised informally by one of the means set out in Chambers’ Dignity at Work Policy, which is available on the equality and diversity section of Chambers’ website.

10. Any other concern relating to an equality and diversity can be raised informally with the Equality and Diversity Officer (or, if the issue relates to that person, to another member of the Panel), who will attempt to resolve the matter by informal enquiry and, if appropriate, mediation.
11. If the person raising the concern is not satisfied by the handling of the matter by the person seeking to resolve it, or wishes to raise a formal complaint, or if the person seeking to resolve the matter considers that the matter warrants more formal resolution, a formal complaint should be raised and dealt with as follows.

F. Raising a formal complaint

12. Employees who wish to raise a formal complaint should use the Employee Grievance Procedure.
13. Other persons working within Chambers who wish to raise a formal complaint should put their complaint in writing and submit it to any member of the Panel, giving as much detail as possible of the alleged facts giving rise to the complaint.

G. How Chambers will respond to a formal complaint

14. Where a complaint made in respect of an equality and diversity matter, or in respect of alleged harassment, bullying or inappropriate behaviour, relates to the conduct of an employee, it shall be dealt with in accordance with the both the procedures set out below and the Employee Disciplinary Procedure.
15. Before initiating the procedures set out below, the member of the Panel who receives the formal complaint shall respond to the person making the complaint as set out in paragraph 8 above.
16. If the complaint relates to a member of the Panel or the Equality and Diversity Officer, an alternative will be appointed by the Head(s) of Chambers or (if the complaint relates to that person) by the other members of the Panel; and for those purposes references to the Panel below are to the Panel as so reconstituted.
17. If the complaint appears to involve an allegation of criminal conduct the matter may be referred to the police.
18. In cases not referred to the police, the Panel will determine whether it is necessary for a private independent investigation to be conducted by an external body or whether it is appropriate for the Panel to deal with the matter itself.
19. Where the Panel deals with the matter itself, the following procedures shall apply.

20. If appropriate and if the allegation relates to the allocation of work, those investigating will collect details of the practices of the complainant and of other members of Chambers of the same or similar call to determine whether there is any significant disparity in the quality or quantity of work they do.
21. If the complaint consists of an allegation of discrimination, harassment, bullying or inappropriate behaviour against a member of chambers, a pupil or an employee:
 - (1) The complaint will be circulated promptly to the person accused of harassment or discrimination (the “**respondent**”) and the other members of the Panel.
 - (2) Within three working days of receipt of the written complaint, the respondent shall provide a written response to the Panel which will be circulated promptly to the complainant.
 - (3) As soon as the written complaint and response have been obtained, the Panel may, without limitation:
 - (a) dismiss a complaint on the ground that it does not disclose discrimination, harassment, bullying or inappropriate behaviour;
 - (b) arrange a meeting at which both the complainant and the respondent shall attend and state their respective positions, and at which they and the Panel shall be free to call witnesses and the Panel shall be free to adopt an inquisitorial approach; or
 - (c) arrange a meeting at which one or more of the clerks may be asked for their views on the reasons for any apparent disparity between the practice of the complainant and the practices of his or her peers.
 - (4) Where appropriate, the Panel will reach a determination as to what occurred or did not occur as the case may be, and decide whether any facts found to have occurred constitute discrimination, harassment, bullying or inappropriate behaviour. It will produce a written report incorporating the written submissions of the parties, a summary of their relevant evidence and of its decision. If the Panel considers that the complaint was made in bad faith it shall say so in the report.
 - (5) Where a complaint is upheld, the Panel may give directions to eliminate the discrimination, harassment, bullying or inappropriate behaviour. It may itself admonish any persons found to have perpetrated such conduct against the complainant. If it thinks fit after due consideration of the views of the

complainant and the respondent, it may circulate its report to members of Chambers for consideration at a Chambers meeting, which shall consider what further measures are appropriate to be taken.

22. Both the complainant and respondent shall have a right of appeal. An appeal must be raised by providing brief grounds in writing to the Heads of Chambers within 14 days of being notified of the decision. Any appeal will be a review and not a re-hearing, although both the complainant and the respondent will be entitled to make oral or written submissions. The Heads of Chambers will ensure that any appeal is determined by one or more appropriate persons independent of both the parties and the original decision. The person(s) determining the appeal shall be at liberty to take whatever steps they consider appropriate for that purpose.
23. The above procedure will be adapted as appropriate if the complaint consists of an allegation of discrimination, harassment, bullying or inappropriate behaviour against a person who is not a member of chambers, a pupil or an employee (including if that person is a mini-pupil), or if it concerns some other equality and diversity matter.
24. In the case of complaints against barristers, the Panel will also consider whether there is any duty to report the matter complained of to the Bar Standard Board.
25. A person shall not be prejudiced in any way as a result of raising a concern informally, or raising a formal complaint, under these Procedures in good faith. However, if it is established that a concern or complaint was raised in bad faith, Chambers reserves all rights against the person raising it.
26. Subject to paragraph 7 and any mandatory requirement of disclosure or use in any formal dispute between the parties, all complaints and their resolution by Chambers will remain strictly confidential between the parties.
27. Any person invoking these procedures will be offered support, including counselling in appropriate cases.

Approved by the Executive Committee on 6 May 2021.

To be reviewed by the Equality and Diversity Committee every two years.