

## **4 PUMP COURT**

### **EQUAL OPPORTUNITIES POLICY**

**24 October 2007**

1. This is the Equal Opportunities Policy for 4 Pump Court (“Chambers”) dated 24 October 2007 which supersedes all earlier Equal Opportunities policies.

#### **COMMITMENT TO EQUAL OPPORTUNITIES**

2. Chambers will not in relation to any person discriminate directly or indirectly or victimise because of race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, religion or political persuasion.
3. Chambers will not in relation to any offer of a pupillage or tenancy discriminate directly or indirectly against any person on grounds of age, save where such discrimination can be shown to be objectively and reasonably justifiable.

#### **APPLICATION AND IMPLEMENTATION**

4. This Policy has been produced having regard to the recommendations made in the Equality and Diversity Code for the Bar.
5. All members of Chambers, pupils, and members of staff will be provided with a copy of this Policy.
6. Chambers shall at all times have an Equal Opportunities Officer. Currently James Cross QC is the Equal Opportunities Officer (“the EOO”).
7. All members of Chambers, staff of Chambers, and pupils, are required to comply with the obligations imposed by this Policy and the further policy documents referred to in it, and are urged
  - 7.1. to read this Policy;
  - 7.2. to read the further policy documents to which it refers;

7.3. to raise any concerns or questions they may have about its content with the EOO.

8. This Policy can be reviewed at any time.

9. The balance of this document sets out the policy adopted by Chambers in relation to each of the Action Areas (A) to (H) of the Equality and Diversity Code for the Bar.

**(A) RECRUITMENT**

**RECRUITMENT OF PUPILS AND STARTER TENANTS**

10. We are conscious that selection of pupils, and selection of starter tenants from amongst our pupils, is the principal determinant of the future composition of Chambers, and we attach great importance to ensuring that our selection and treatment of pupils and candidates for pupillage or tenancy is fair and meets the objectives of the Equality and Diversity Code for the Bar.

**(i) Recruitment of Pupils**

11. Chambers has devised objective selection criteria for the recruitment of pupils. These criteria are set out in the Pupillage section of the Chambers website.

12. All pupillages are advertised. Advertisements state Chambers' commitment to equal opportunities.

13. Chambers has a standard Application Form which is designed to enable candidates to be assessed (and compared) by reference to the objective selection criteria. A copy of the Application Form is available on the Chambers website.

14. Applicants are shortlisted for interview by a shortlisting panel of two members of Chambers who assess the applications independently against the standard selection criteria, before liaising to agree on the shortlist. Following

shortlisting, the shortlisting panel members take no further part in the process of recruiting pupils.

15. Each applicant called for interview is interviewed by an interviewing panel of at least three, and usually four, members of Chambers. Interviewers are given a guidance document prior to interview and interviews are planned in advance. The composition of the interviewing panel is the same for each interview; and all interviews follow a standardised structure (and include discussion of a problem question) and are of the same length of time. Each interviewer assesses each candidate independently against Chambers' objective selection criteria, before scores are compared between panel members with a view to reaching a consensus.
16. On rare occasions Chambers recruits third six pupils. The policy set out above is not designed to cater for those circumstances. Chambers' policy is to advertise if it intends to recruit third six pupils, and then to adapt the procedures above, dependent on the circumstances, and having regard to the guidance in the Equality and Diversity Code for the Bar.

**(ii) Pupillage**

17. Pupillages in Chambers are normally for 12 months. In the first (non-practising) 6 months, each pupil has 2 pupil supervisors (one for 3 months from October to Christmas and one for 3 months from Christmas to April). In the second (practising) 6 months each pupil has 1 pupil supervisor.
18. During each of the first and second 3-months, pupils perform an assessed written exercise and an assessed advocacy exercise (4 assessed exercises in all). Each advocacy exercise is assessed by a panel of 3 members of Chambers (none of whom is a pupil supervisor of a current pupil), against the criteria. Feedback is given after each exercise. Each written exercise is undertaken anonymously by the pupil and marked by a panel of 2 members of Chambers (neither of whom is a pupil supervisor of a current pupil). Feedback is given after each exercise.

19. There is a written policy for the distribution of work to pupils (see below at paragraph 25). Any work done for a member of Chambers is assessed by that member.

**(iii) Recruitment of starter tenants**

20. Chambers has a written policy on **recruitment from pupils**. A copy is available to all members of Chambers, pupils and staff.

**(iv) Monitoring**

21. Applicants for pupillage are asked to complete monitoring forms. These will be analysed having regard to the recommendations and guidance in the recommendations in Annex E of the Equality and Diversity Code for the Bar.

**RECRUITMENT OF MINI-PUPILS**

22. Applicants for mini-pupillages are selected by an assessment of their CV against Chambers' selection criteria for pupillage. There is no assessment of mini-pupils.

**RECRUITMENT OF ESTABLISHED PRACTITIONERS**

23. Chambers has a written policy on the recruitment of **established practitioners**. A copy is available to all members of chambers.

**RECRUITMENT OF STAFF**

24. Recruitment of staff is dealt with under section H below.

**(B) FAIR ACCESS TO WORK**

**(i) Allocation of work in chambers**

25. Chambers attaches great importance to ensuring that pupils and tenants are afforded the opportunity to develop their practices in a fair and equal manner. Chambers ensures that all clerks are fully briefed on the need to distribute work in a fair and non-discriminatory manner and to monitor work allocation. Chambers' Chief Executive is responsible for overseeing the monitoring of work and meets with senior clerks on a regular basis (usually

weekly) for the purposes of ensuring that work is distributed in a manner which is fair.

26. Chambers has a written policy on the **distribution of work to pupils**. A copy is available to all members of Chambers, pupils and staff. Unnamed work is distributed on a rota basis which eliminates any opportunity for discrimination in the distribution of this work.

27. Chambers' Compliance Committee considered the issue of **monitoring the distribution of unnamed work to tenants** in 2003, and in particular a Bar Council proposal that the clerks room computer record the reasons for allocation of each such piece of work. Their conclusion was that any such monitoring would be most unlikely to yield useful information, would probably tend to obscure, rather than to highlight, the existence of any discrimination that was in fact taking place, and would be administratively burdensome. In the light of that conclusion, Chambers decided it would be wrong to institute a system to monitor the distribution of unnamed work to tenants.

**(ii) Practice development**

28. Chambers' policy is that regular practice development meetings for each tenant should take place to enable discussion between tenant and clerks of work allocation and opportunity and the development of individual practices.

29. Chambers operates and encourages an open door policy whereby junior tenants may freely seek advice and guidance from more senior members of Chambers. Chambers also has appointed liaison officers for the purposes of fulfilling a mentoring role as necessary.

**(iii) Marketing of barristers and pupils**

30. Chambers is active in organising and/or taking advantage of marketing and networking activities and always strives to do so in ways that, so far as practicable, are fair to all pupils and tenants.

31. Chambers is active in encouraging pupils and tenants to take part in Chambers' seminars and lectures, to prepare and present papers at seminars

and lectures and other events organised by others, to write or contribute to books and articles and generally to comply with all Continuing Professional Development obligations.

**(C) MATERNITY PATERNITY AND PARENTAL LEAVE**

32. In relation to members of Chambers, Chambers has a written policy on **maternity, paternity and parental leave**. A copy is available to all members of Chambers.

33. In relation to staff, see under Section H below.

**(D) FLEXIBLE AND PART-TIME WORKING AND CAREER BREAKS**

34. According to the terms of Chambers' Constitution the Heads of Chambers determine, as a matter of discretion, whether or not a member will be permitted to work on a flexible or on a part time basis or take career breaks, whether following maternity or for another reason. This is decided on a case by case basis.

35. The Heads of Chambers recognise that members are self-employed and are entitled to organise their own working lives. Accordingly, they will be sympathetic to any application made by a member to work on a flexible or part time basis or to take a career break, especially following maternity leave; but in exercising their discretion the Heads of Chambers will also bear in mind the need to avoid any such arrangement having an unfairly adverse impact upon other members of Chambers.

36. Individuals' practices and personal circumstances, and the circumstances giving rise to a request for a career break, vary so much that it would be difficult to draft a more detailed policy which would adequately deal with every situation, and there is a risk that the effect of such a formal policy might be unduly to restrict the exercise of discretion.

**(E) HARASSMENT**

37. Chambers has a written policy on **harassment** which is available to all members of Chambers, pupils and staff. .

**(F) COMPLAINTS AND GRIEVANCES**

- 38. Chambers has a formal written grievance procedure for members of Chambers. A copy is available to all members of Chambers, pupils and staff.
- 39. Chambers has a formal written grievance procedure for staff. A copy is available to all members of Chambers, pupils and staff. .
- 40. Chambers has a formal written grievance procedure for pupils. A copy is made available to pupils on arrival in Chambers and is available to all members of Chambers and staff.
- 41. In addition to or as part of these formal procedures, any person who has a grievance may raise the issue first with the EOO who will act as an informal adviser and will assist, if asked, to attempt an informal resolution of the grievance. If the grievance involves the EOO, then an informal approach may be made to any other member of Chambers.

**(G) SERVICE PROVISION AS IT RELATES TO DISABILITY**

- 42. Chambers will not discriminate against a disabled person
  - 42.1. by refusing to provide (or deliberately not providing) any service which it provides (or is prepared to provide) to members of the public;
  - 42.2. in the standards of service which it provides to the disabled person or the manner in which it provides that service; or
  - 42.3. in the terms on which it provides a service to the disabled person.
- 43. Chambers will not without justification fail to make reasonable adjustments within the meaning of section 22 of the Disability Discrimination Act 1995.
- 44. In March 2004 Chambers produced a report entitled “4 Pump Court and the Disability Discrimination Act”. The report considered (amongst other things) whether Chambers complied with its duties under the Act and concluded that it did. Improved (wheelchair) access to Chambers is highly desirable, but this requires action to be taken by Middle Temple, not by Chambers.

**(H) STAFF IN CHAMBERS**

45. Selection of potentially suitable prospective staff employees is usually made by professional recruitment consultants, and Chambers then interviews from amongst those individuals put forward by the agency. Staff involved in interviewing potential staff recruits have equality training. The formal employer of staff is Judgment Ltd, the chambers service company.
46. Chambers has a formal written procedure for staff grievances (see paragraph 34 above).
47. In relation to maternity paternity and parental leave for staff, Chambers' policy is to meet the legislative requirements.

**GENERAL**

48. Chambers does not, by this Policy, bind itself to the detail of the policies and procedures which it describes. There may be occasions, for instance, when the precise details of the systems for the assessment of pupils need to be varied in the light of the prevailing circumstances. However, if Chambers does depart from the detail of the policies set out in this document, it will not do so in a way which is discriminatory.
49. This Policy is not intended to have contractual effect.

JAMES CROSS QC

EQUAL OPPORTUNITIES OFFICER