

# 1GC | Family Law

## Equal Opportunities & Diversity Policy

### 1 Commitment to equal opportunities and diversity

1GC Family Law of 10 Lincoln's Inn Fields, London WC2A 3BP ('Chambers') is committed to ensuring that no one in Chambers, whether member, pupil, mini-pupil, member of 1GC Management Limited staff or freelance worker will discriminate directly or indirectly against or victimise anyone on the grounds of:

- Age
- Sex or gender
- Marital status
- Disability
- Race, colour, nationality, ethnicity or national origin
- Religion or religious belief
- Political persuasion, or
- Sexual orientation.

Chambers is committed to taking positive steps to identify and eliminate possible areas of discrimination so as to ensure equality of access to all applicants, equality of treatment to all members, pupils, mini-pupils, staff members and freelance workers and equality of service to both professional and lay clients. Chambers recognises that it is unlawful for a person to instruct, induce or attempt to induce another person to discriminate on the grounds above. Equally, it is unlawful to act on such instruction or inducement. Chambers prohibits any behaviour which causes offence or distress to another person and which is perceived by that person as relating to or arising from any of the grounds above and which constitutes less favourable treatment on such grounds.

This Policy will be reviewed regularly, and overall responsibility for implementation of the Policy belongs to the Joint Heads of Chambers and the Chambers Management Committee (ManCom). All members of Chambers and staff will receive a copy of this Policy, and the Policy will be made known to potential or prospective tenants, pupils, mini-pupils and members of staff. The Joint Heads of Chambers, the members of ManCom and the other Chambers committees, the Chambers Director and the Senior Clerk will monitor the Policy to ensure its success and to identify any barriers to equality of opportunity that may arise, and revise existing employment practices, procedures and policies where appropriate.

This Policy reflects and is based on the legislative framework provided by Parliament and the more extensive Equality and Diversity Code for the Bar provided by the Bar Council and applicable to individual members of Chambers under the Code of Conduct. Disciplinary action will be taken against any person in Chambers found to have discriminated against, harassed and/or victimised another person in the conduct of their work.

## **2 Defining discrimination**

**Direct discrimination.** Unlawful and prohibited direct discrimination consists of treating a person on the grounds above less favourably than others are or would be treated in the same or similar circumstances. Less favourable treatment is regarded as occurring when, but for that person's sex, race or disability etc, they would not have been subjected to the less favourable treatment.

**Indirect discrimination.** This occurs where:

- a requirement is applied equally to everyone but a considerably smaller proportion of one sex or racial group than of the other persons to whom it applies can comply with it
- the particular individual cannot comply with the requirement
- it results in a detriment to them, and
- the requirement cannot be shown to be objectively justifiable in spite of its discriminatory effect.

Examples of direct and indirect discriminatory behaviour are shown at Appendix 1.

**Harassment.** Harassment is unwelcome conduct which is offensive to the recipient in that it affects their dignity where such conduct would not have occurred but for the collective qualities or characteristics of the recipient. Such conduct will be considered as harassment whatever the motive or intention of the perpetrator. It creates an intimidating or unpleasant working environment that may affect career advancement and thereby constitute discrimination. Harassment which would not have occurred but for the race, sex or disability etc of the recipient may constitute unlawful direct discrimination.

**Victimisation.** Victimisation consists of less favourable treatment to those who have brought proceedings under the Race Relations or Sex Discrimination Act, have given evidence or information relating to such legal or disciplinary proceedings or have alleged that discrimination has occurred.

## **3 Recruitment of 1GC Management staff**

Where vacancies are advertised, the number of female and male applicants will be recorded and data regarding ethnic origin of applicants will be collected for monitoring purposes only. Chambers will ensure that job descriptions and person specifications relate to the vacancy and contain no discriminatory wording or intention. Where vacancies are not advertised, Chambers will ensure that the recruitment procedure does not discriminate either directly or indirectly.

See Appendix 2 for details of the implementation of this section.

#### **4 Selection of tenants, pupils and mini-pupils**

Selection of tenants includes not only from pupils, but also lateral recruitment from other sets of chambers. Chambers undertakes that its recruitment policy towards tenants and pupils and should:

- be transparent
- not be subject to change during the selection process
- be based on objective and explicit criteria which relate to the demands of the work
- save in exceptional circumstances, be applied equally to all potential recruits
- be free, at all stages, from assumptions based on stereotypical views or expectations of the behaviour and characteristics of any particular group, and
- not be subject to the will or unexplained veto of one person alone, but instead should reflect the views of a broad spectrum of people.

No applicant for tenancy or pupillage shall suffer discrimination:

- in the arrangements which are made for the purpose of determining to whom it should be offered, and
- in respect of any terms on which it is offered, or by a refusal or deliberate omission to offer it to them.

Please refer to Appendix 3 for details of the implementation of this section.

#### **5 Equality of opportunity in Chambers**

Chambers states its commitment to equality of opportunity by reference to the Bar Council's Equality & Diversity Code. Distribution of work will not be influenced by stereotypical assumptions about 'appropriate' areas of work for men and women, ethnic groups, disabled people or because of a person's sexual orientation. Chambers aims to ensure that at an early stage in their careers young tenants have an opportunity to experience a wide range of work and to have access to good quality work in all areas of family law. Distribution of work to all members of Chambers and working pupils will be carried out in a manner that is fair to all and without discrimination. Selection of Counsel shall be on the basis of the skills and experience required for the particular case.

Furthermore no tenant or pupil shall suffer discrimination:

- in respect of any terms applicable to them as a pupil or tenant
- in the opportunities for training, or gaining experience, which are afforded or denied to them
- in the benefits, facilities or services which are afforded to them
- in the volume or type of work which is offered to them, and
- by termination of their pupillage or by subjecting them to any pressure to leave Chambers.

Please refer to Appendix 4 for details of the implementation of this section.

## **6 Parental leave and career breaks for members**

Chambers policy on leave and career breaks involves more than just setting out the financial implications. It involves ensuring that a supportive environment is created to deal with the requirements of all those needing or wishing to change their current arrangements. Chambers policy therefore deals with three areas:

- The right to return
- Chambers rent
- Work during leave and on return to Chambers.

## **7 Service provision for disabled clients**

It is the policy of Chambers to provide the best possible service to clients. In order to achieve this, Chambers will endeavour to tailor its service to the needs of individual clients. Clients will never be refused assistance, or be treated less favourably, because of disability. Chambers' professional standards will be exactly the same for disabled clients, and will be offered on exactly the same terms.

It is Chambers policy to be proactive in seeking to make its service and workplace as accommodating as possible for people with disabilities and, to that end, Chambers will continue to review its facilities and service and take into account the inconvenience, effort, discomfort or loss of dignity involved to the client if necessary adjustments are not made. Chambers will always seek to understand and implement any reasonable adjustments that can be made.

## **8 Monitoring**

In seeking to identify and eliminate sources of unintended discrimination, Chambers will monitor both the recruitment of applicants at all stages and the allocation of work to tenants and pupils. Monitoring will take the form of:

- Gathering data
- Analysing the data, and
- Defining programmes of action necessary to overcome any inequalities.

In March 2021, Chambers undertook an equality and diversity survey of members, in accordance with the Bar Standards Board Code of Conduct. This voluntary survey was completed by 37 of the 84 members. The results of this survey are published on the 1GC website.

## **9 Complaints procedure**

A copy of this Policy will be provided to all members, pupils and Chambers staff. Chambers recognises that this is a particularly sensitive area where a person may be prevented from making a complaint out of simple embarrassment or due to a fear of causing a fuss, of being labelled or of not being believed.

It is therefore Chambers' policy that, as far as is practicable, names of complainants should not be released (save to those persons conducting the investigation and to the person complained against) without their consent. Equally, complainants will not be victimised or suffer detriment because of a complaint made in good faith. To protect the interests of the complainant, of the person complained against and of any others who may report or be witnesses to incidents of harassment, confidentiality will be maintained throughout any investigatory process to the extent that it is practicable and appropriate in the circumstances.

Examples of situations that may give rise to complaints are:

- Selection of tenants, pupils and staff from internal or external applicants
- Conduct of pupillage
- Distribution of work in Chambers
- Pressure or instruction to discriminate in the distribution of work
- Harassment or other discrimination originating within or outside Chambers.

### **APPENDIX 1 – EXAMPLES OF DISCRIMINATION**

#### **A Examples of potential indirect discrimination**

A requirement that a Chambers meeting or interview takes place on a Friday evening in circumstances where a member of the Jewish faith would be unable to attend.

A requirement that members or staff members should attend and partake in Chambers' social or professional events where only alcoholic refreshments are provided, notwithstanding that a member or staff member being of the Muslim faith is precluded from consuming alcohol.

#### **B Examples of unlawful direct and indirect discrimination**

The victimisation of persons by treating them less favourably because they have brought proceedings under the Race Relations or Sex Discrimination Act, have given evidence or information relating to proceedings or have alleged that discrimination has occurred.

Instructing a person or inducing or attempting to induce another person to discriminate on grounds of race or colour. Equally, it is unlawful to act on such instruction or inducement.

## **APPENDIX 2 - RECRUITMENT OF STAFF**

Selection procedures for clerks and other staff employed by Chambers will so far as relevant follow Chambers' procedure for the selection of pupils and tenants.

Chambers will keep all job application and selection records for at least six months.

The Joint Heads of Chambers will ensure that there is open and objective recruitment for all Chambers' vacancies and that there is no discrimination on the grounds of race, sex, gender, sexual orientation or disability etc in affording terms of employment and providing benefits, facilities and services for employees.

The equal opportunity policy regarding staff will be communicated to all employees.

In line with this Policy and advice in the Equality Code for the Bar, Chambers will collect ethnic origin and gender information from all job applicants so that the effectiveness of this Policy can be assessed. The ethnic origin categories used are those recommended by the Bar Council. The information collected is treated as confidential information. It will be used to compile statistical analyses and reports and will not be released to anyone in a way that might identify any individual. The data collected is not used in the selection process and is kept only for monitoring purposes.

## **APPENDIX 3 - SELECTION OF TENANTS AND PUPILS**

### **A Election of members involved in the selection process**

The election of the members of the Tenancy Committee and the Pupillage Committee (which select the tenants and pupils respectively) is by vote of all members of Chambers, in order to include as diverse a group as is reasonably possible on each committee. No decision about an applicant's suitability is taken by any one individual. All members of the two committees are familiar with the Equality Code and Chambers' procedures and have received training in selection and interviewing skills.

### **B Timetable for selection**

For each Committee, the timetable for selection will be publicised to prospective tenants and pupils and adhered to.

### **C Selection criteria**

For each Committee, written assessment criteria will be agreed by all the members. This will demonstrate the rational basis of their decisions and their commitment to an objective and fair procedure, as well as facilitating review. The selection criteria will be derived from an analysis of the work to be done and identify the knowledge and skills required. Once agreed, they will not be changed during the selection process.

The following questions will be asked about any selection criterion proposed:

- Is it directly related to the requirements of the work to be done?
- Is it essential, or only desirable?
- Is it measurable in terms of behaviour, skill, abilities and knowledge?
- Is it free from discriminatory assumptions?
- Is it amenable to scoring? If so, what is the scoring system?

#### **D Publicising vacancies**

Unless consideration is being given only to current pupils, all tenancy vacancies will be published on the Chambers' website and will normally be advertised in Counsel magazine.

Pupillage vacancies will be published on the online Bar Council Pupillage Gateway, on the Chambers' website and, if considered appropriate by the Pupillage Committee, in other publications.

Notices will specify where tenancy or pupillage applicants can obtain:

- clear and accurate information about the work undertaken by Chambers
- the selection procedures and timetable
- a statement that Chambers have implemented the Bar Council's Equality and Diversity Code and that procedures for fair selection are in place
- guidance on the selection criteria, and
- (for prospective pupils) information about any awards or other financial arrangements made for pupils.

#### **E Processing applications**

For tenancy applications, CVs or a form supplied by Chambers will generally be used. For all pupillage applications, Pupillage Gateway application forms will be used, inviting applicants to show how their knowledge, skills and abilities meet the selection criteria.

Photographs of applicants will not be requested. Reasonable adjustments will be made if necessary at the application stage of the recruitment process. Applications will be acknowledged in writing and decisions notified as soon as possible.

#### **F Shortlisting**

Committee members will make their judgments independently and will select for shortlisting the candidates whom they consider should be interviewed.

## **G Interviews**

For each committee, the interview selection criteria will be screened for potential discrimination. There will be comparability between interviews, for example by using a planned sequence of questions. Interviews will be of sufficient length to enable informed decisions to be made and to minimise the potential prejudices involved in 'gut feeling'.

Scoring guidelines will be agreed before the interviewing round starts at a pre-interview meeting between all committee members. Chambers will ensure that any reasonable adjustments required have been made and that candidates are not disadvantaged at interview.

## **H Interview questions**

Questions to all applicants will cover similar areas and give applicants similar opportunities to demonstrate the skills required. Key questions will be planned in advance and written down and any follow-up questions will be relevant to the selection criteria.

Candidates who have notified Chambers of a disability will be asked what adjustments, if any, may be needed to enable the candidate to practise as a barrister.

## **I Questions to avoid**

Women will not be asked questions not asked of men (for example, about family or domestic responsibilities) and ethnic candidates will not be asked questions not asked of white candidates (for example, about 'fitting in').

Disabled candidates will not be asked questions using words which reinforce negative stereotyping (for example 'victim of', 'suffering from' or 'wheelchair-bound') or questions which assume that the applicant has not thought through the consequences of their disability. Chambers will ask how it might be able to help in any way that might not be evident to Chambers.

Questions will not assume anything regarding the applicants' previous experience, financial resources or lifestyle.

Interviewers will not ask questions designed to elicit an interviewee's sexual orientation and will avoid questions about personal relationships which are irrelevant to professional performance.

## **J Use of case studies in interviews**

Case studies will be related to the skills required for the work that Chambers does. For pupillage applicants, the standard of performance will be appropriate to the level of experience of students or pupils applying at that stage of their training. The assessment of the applicant's performance will focus fairly on skills and application of knowledge and not be influenced by evidence of differences in background, financial resources or lifestyle. Applicants will be advised in advance that case studies will form part of the interview.

## **K Use of references**

If references are taken up, they will be used as a cross-check, not as determinative. Referees will be asked to supply information that relates strictly to the selection criteria.

## **L Making decisions and offers of tenancy and pupillage**

Chambers will only take the final decision after the round of interviews has been completed. Chambers will set out the terms of the offer in writing to tenants and pupils. Chambers will promptly inform applicants who are not selected, will respond positively to requests for feedback and will ensure that sufficient information is kept as a record of the assessment to enable this to be done. All documentation will be retained for 12 months and referred to in the event of a complaint or where an unsuccessful candidate requires feedback.

Chambers will monitor the recruitment process by keeping records of the gender, race, disability and age of the persons applying, being shortlisted and being recruited.

## **M Selecting experienced tenants**

Advertisements for tenancies will indicate areas of practice and number of years' call. Selection will be made in accordance with the principles set out in this Schedule. The Tenancy Committee will attempt to gain comparable information about all candidates, who will be asked to complete the same application form and be assessed by the same procedure against the same selection criteria.

The two situations which may fall outside these criteria are when Chambers approach or are approached by a particular barrister whom Chambers wish to recruit because of their particular skills or area of practice. Such recruitment will be justified in terms of the needs of Chambers and the skills of the barrister being recruited, though discrimination in this process must be avoided.

## **N Selecting tenants from pupils**

Each pupil supervisor will independently assess the pupil against predetermined criteria and record their assessment in writing before they are discussed. Particular cases undertaken by the pupil towards the end of their pupillage may be specifically designated for assessment.

The Tenancy Committee will take care to avoid bias in the assessment of pupils. Members will aim to identify ability and potential with objectivity. An explicit framework for the assessment of pupils' work will be agreed by the committee. The decision will be made by more than one member of the committee, and minutes of the full meeting of the committee at which tenancy decisions are taken will be recorded, including the reasons for the decisions.

## **APPENDIX 4 - EQUALITY OF OPPORTUNITY IN CHAMBERS**

### **A Career development**

Junior tenants will be encouraged by the Joint Heads of Chambers to discuss their career development individually with the Senior Clerk. Each tenant should aim to meet six monthly with the Senior Clerk to discuss the progress of their practice and any areas of concern, with a view to agreeing a strategy for the oncoming year.

### **B Allocation of work**

All Chambers' clerks will be briefed on the need to avoid discrimination in the distribution of work. The Joint Heads of Chambers will monitor the distribution of work done by pupils and junior tenants and review the situation with the Senior Clerk and report any issues arising to the member of ManCom responsible for equal opportunities.

For this purpose, the clerks shall compile relevant data using the Chambers diary system. The analysis of work will include the amount of work done, the type of work, fees earned and received and solicitors instructing. In the case of junior tenants, the data shall be analysed every three months during the first year of tenancy, and annually thereafter for a further two years. If there is a disproportionate allocation between junior tenants then the reason for that will be looked at and any matters raised by the investigation addressed. In the case of working pupils, the data shall be analysed regularly and if there is a disproportionate allocation between the pupils then the reason for that will be looked at and any matters raised by the investigation addressed.

In the event of a formal or an informal complaint, the Joint Heads of Chambers may, if thought appropriate or if agreed by the complainant, conduct a period of at least four weeks' duration of detailed monitoring of the distribution of work to the complainant and to other comparable tenants and working pupils. This will be followed by an assessment in the context of the preferences, abilities and experience of the individuals concerned.

Pupil supervisors will ask all pupils at regular intervals whether they feel that the distribution of work has been fair, and that pupils are satisfied that they have been given the opportunity to experience the full range of training available. If discrimination is identified, the Joint Heads of Chambers will take action to prevent it happening again.

### **C Instructions to discriminate**

The Joint Heads of Chambers will make clear to Chambers' clerks that they must not accede to unlawfully discriminatory instructions from professional clients, whether solicitors or other instructing agents (such as local authorities).

If a solicitor or instructing agent refuses to withdraw a discriminatory instruction, the matter will be reported by whoever received the request to the Joint Heads of Chambers who will report it to the Chairman of the Race Relations Committee of the Bar Council if it relates to race or ethnic origin, the Chairman of the Sex Discrimination Committee if it relates to sex or sexual orientation, the Chairman of the Disability Panel if it relates to disability or the Chairman of the Professional Standards Committee in any other case.

Chambers will seek to ensure where possible that instructions and briefs are not delivered by solicitors at such times as to preclude those with childcare and other dependent care commitments from being eligible for that work. Similarly, Chambers will remain mindful of the fact that late delivery of briefs may disadvantage disabled barristers who may require the Court to make adjustments for them that cannot be made on the morning of the hearing.

### **D Training in equal opportunities and diversity**

All members of Chambers and staff will be briefed regarding this Equal Opportunities & Diversity Policy, both from the point of view of ensuring compliance and from the point of view of ensuring that they are beneficiaries of it.

### **E Marketing of tenants and pupils**

Chambers will endeavour to ensure that marketing strategies will take into account equal opportunities considerations. Chambers will encourage tenants and pupils to take part in Chambers' seminars and lectures, attend outside seminars and lectures, write or contribute to articles in professional publications and become involved in professional organisations connected to their line of work.

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