



The Bar Tribunals & Adjudication Service

The Council of the Inns of Court

Equality and Diversity Policy

Contents

1. Introduction	2
2. Our position	3
3. General Application of the Policy.....	4
4. Complaints	6
5. Monitoring	6
6. Equality Analysis.....	7
7. Communication.....	7
8. Review	7
ANNEX 1	8

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The Bar Tribunals & Adjudication Service

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1. Introduction

1.1 The Bar Tribunals and Adjudication Service (BTAS) is committed to promoting equality, diversity and inclusion in carrying out its functions and will accordingly pay due regard to the need to eliminate all forms of unlawful or unfair discrimination, victimisation, bullying and harassment. It is recognised that in promoting and safeguarding the highest standards, BTAS has both moral and legal duties in respect of equality and diversity practice.

Staff employed to provide administrative support to BTAS are covered by the equality and diversity policy for the Council of the Inns of Court (COIC) in relation to employment matters, and the BTAS policy is therefore silent in relation to this aspect.

1.2 BTAS is responsible for appointing and administering:

- 1) Disciplinary Tribunals for barristers facing charges of professional misconduct under the Code of Conduct for the Bar of England and Wales;
- 2) Fitness to Practice panels, Appeal panels and Interim Suspension panels; and,
- 3) Inns' Conduct Committee panels appointed to consider admission and disciplinary cases brought by the Inns of Court against student members or applicants for admission to an Inn of Court.

1.3 In the course of so doing, BTAS:

- 1) provides services to the public – including complainants and witnesses;
- 2) provides services to respondent barristers, referred student members/prospective members of the Inns of Court;
- 3) recruits and trains panel members – barrister and lay;
- 4) recruits and trains clerks to panels;
- 5) engages with partner organisations, including the Inns of Court, Bar Professional Training Course Providers, the Bar Standards Board; and,
- 6) trains BTAS employees.

2. Our position

2.1 BTAS is committed to ensuring that no individual with whom it deals with in the course of providing services suffers discrimination, harassment and victimisation on the grounds of a protected characteristic, namely:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Sex
- Sexual orientation
- Religion or belief
- Marriage and civil partnership¹

2.2 BTAS is committed to playing its part in furthering the regulatory objective set out in the Legal Services Act 2007 to encourage an independent, strong, diverse and effective legal profession. It is also committed to meeting in full the Equality Duty (section 149 of the Equality Act 2010), as well as complying with the requirements of the Equality Act 2010 (Specific Duties) Regulations 2011.

2.3 BTAS will therefore have due regard to the need to take steps to meet the aims of Equality Duty, namely to:

- eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and,

¹ *N.B.: Marriage and civil partnership are covered by the equality duty but only in relation to eliminating unlawful discrimination.*

- foster good relations between people who share a protected characteristic and people who do not share it.

2.4 BTAS will ensure that the process of having due regard will be documented and transparent (see Annex 1). It will publish relevant, proportionate equality evidence and set specific and measurable equality objectives to demonstrate compliance with the Equality Duty.

2.5 BTAS recognises that exclusion from opportunities not only disadvantages those who experience discrimination and harassment but also deprives an organisation of the benefit of deriving the fullest contribution of talents and energies. It will therefore take an active and vigorous approach to promoting equality.

3. General Application of the Policy

3.1 Recruitment and selection

BTAS will ensure through appropriate procedures, training and advice that those making selection decisions in relation to both panel members and clerks do so in accordance with fair and objective recruitment and selection methods and in adherence with the BTAS Recruitment and Selection Policy.

The list of BTAS competences for panel members and clerks includes "sensitive to issues of equality and diversity when examining the evidence, during discussion and decision making" and "adopts an objective approach avoiding bias or prejudice" and these competencies will be embedded in all recruitment and selection, as well as the arrangements for performance and appraisal (see 3.3 below).

3.2 Training

Equality and diversity training will be a mandatory part of induction training for panel members, clerks and staff, with briefing on the requirements of the BTAS Equality and Diversity Policy forming part of that induction training. Induction training will cover fair hearing procedures, as well as the need to consider the requirements of the Equality Act in carrying out assigned functions. In addition, equality and diversity will be embedded in all training including that concerned with selection, performance and appraisal, staff training and resource allocation. BTAS will keep training under review and in line with current developments.

Training will be provided for panel members and staff to assist them in managing the needs of, and arranging such appropriate reasonable adjustments as may from time to time be required by, users of BTAS services (see BTAS Reasonable Adjustment Policy for further information).

3.3 Performance and Appraisal

Equality and diversity will be embedded in the BTAS Performance and Appraisal Policy and this will include providing those being appraised with an opportunity to self-assess/receive feedback from others on how they continue to meet equality and diversity competencies.

Appraisals provide an opportunity to confirm with staff or panel members that any additional needs are being met by BTAS, in line with the BTAS Reasonable Adjustments Policy.

3.4 Fair distribution of sitting opportunities

Only administrative staff who have undergone training on the need to consider the Equality Act in the course of performing their duties shall be permitted to convene panels and allocate sitting opportunities. Staff will follow Equality Act compliant procedures in performing this function. The aim of BTAS is to convene panels in a fair and non-discriminatory way so that across a year, as far as possible, there is equality of opportunity for each panel member and clerk in terms of sitting on panels. Sitting opportunities will be monitored and any significant differences across protected characteristics will be investigated and appropriate action taken.

3.5 Adjudication

Through training and guidance, BTAS will highlight the need for panellists to:

- make sure that the panel is unbiased and that there are no perceived conflicts of interest;
- be fair minded and willing to hear the full facts of the case before reaching a decision;
- be prepared to take into account appropriate expert advice, where provided;
- make sure proceedings are fair and proportionate;
- ensure that decisions are transparent and sanctions applied in a transparent and consistent manner; and,
- know and understand the legal requirements and good practice of equality and diversity as they relate to proceedings.

3.6 Provision of services

In relation to all those with whom it deals in the course of proceedings, BTAS will pay due regard to the need to meet the requirements of the Equality Duty. In support of this, BTAS will emphasise to panel members, clerks and staff that they should remain objective and impartial when dealing with all users of BTAS services. BTAS will consult service users about the quality and equality of service provision and how services could be made more inclusive.

3.7 Reasonable Adjustments

Reference should be made to the BTAS Reasonable Adjustment Policy for details on the reasonable steps that BTAS will take to ensure that our staff, panel members or service users are not disadvantaged.

4. Complaints

Anyone who believes that they have experienced any form of unfair or unlawful discrimination, harassment or victimisation should raise their concern through the procedures set out in the BTAS Service Complaints Policy. BTAS employees, panel members and clerks who, after investigation, have been found to have unlawfully discriminated, harassed or victimised BTAS service users will be subject to disciplinary procedures.

5. Monitoring

BTAS recognises that examining the effects of policy and programmes of action on a regular and structured basis is a fundamental part of the process of successfully embedding equality and diversity. Monitoring will be used to identify specific issues for action, as well as ensuring that BTAS is held to account on progress.

BTAS will:

- monitor and review diversity data for panel members and clerks;
- monitor the distribution of cases to panel members and clerks, to ensure that panels are convened in a fair and non-discriminatory way; and
- assess the effect of procedures and practices to identify any unintentional impact on particular groups.
- review and reshape its policies and programme of action.

The Registrar shall be responsible for collecting and analysing data across the protected characteristics. The results of monitoring will be published on the BTAS website via the BTAS Annual Report, save where the analysis reveals personal or sensitive information (in line with the BTAS Information Security Policy).

6. Equality Analysis

BTAS is committed to ensuring that consideration of the need to advance equality forms an integral part of its decision making process. BTAS will therefore equality analyse all major BTAS policies and procedures to reduce the risk of unlawful discrimination occurring and to explore ways to advance equality of opportunity, having regard to relevant Equality and Human Rights Commission Guidance. Any major policy that is presented to the Council of the Inns of Court for approval will be accompanied by an equality analysis of the effects of the proposed policy (see Annex 1). BTAS will analyse the effect on equality for all of the protected characteristics, and all aims of the Equality Duty, apart from in relation to marriage and civil partnership, where only the discrimination aim applies.

7. Communication

This policy will be communicated widely and effectively; this shall include publishing this policy on the BTAS website and issuing the policy to panel members and clerks. The policy shall be referred to, where appropriate, in any guidance issued to those for whom BTAS provides services. It is the responsibility of management at all levels to ensure that such communication takes place and that the policy is adhered to.

8. Review

This policy will be monitored and reviewed annually.

ANNEX 1

Date of Assessment	
Assessor Name & Job Title	
Name of Policy/Function to be Assessed	
Aim/Purpose of Policy	

1. Evidence

What evidence will you use to assess impact on equality?

2. Impact on Equality

Consider whether the evidence listed above shows the potential for differential impact, either adverse or positive, for different groups. If there are negative impacts, explain how you will attempt to mitigate these. Mitigating actions can be described in more detail in your Action Plan (Section 4).	
Race	
Gender	
Disability	
Age	
Sexual Orientation	
Religion/Belief	
Gender Reassignment	
Pregnancy/Maternity	

Consider whether the evidence listed above shows the potential for differential impact, either adverse or positive, for different groups. If there are negative impacts, explain how you will attempt to mitigate these. Mitigating actions can be described in more detail in your Action Plan (Section 4).

Marriage and Civil Partnership

How does the policy advance equality of opportunity and/or promote good relations between different groups?

3. Summary of Analysis

Now you have considered the potential impacts on equality, what action are you taking? (Mark 'X' next to one option and give a reason for your decision)

<p>a. No change to the policy (no impacts identified)</p>	<p>Your analysis demonstrates that the policy is robust and the evidence shows no potential for discrimination. You have taken all appropriate steps to advance equality and foster good relations between groups.</p>	<p><input type="checkbox"/></p>
<p>b. Continue the policy (impacts identified)</p>	<p>Continue with the proposal, despite any adverse impacts, provided it is not unlawfully discriminatory and is justified.</p>	<p><input type="checkbox"/></p>
<p>c. Adjust the policy and continue</p>	<p>Take steps to remove barriers, mitigate impacts or better advance equality before continuing with the policy.</p>	<p><input type="checkbox"/></p>
<p>d. Stop and remove the policy</p>	<p>There are adverse effects that are not justified and cannot be mitigated. The policy is unlawfully discriminatory.</p>	<p><input type="checkbox"/></p>

Now you have considered the potential impacts on equality, what action are you taking? (Mark 'X' next to one option and give a reason for your decision)

Reason for decision:

4. Action Plan for Improvement

Give an outline of the key actions that need taking based on any challenges, gaps and opportunities you have identified. Include here any action to address negative equality impacts or data gaps.

Action Required	Desired Outcome	Person Responsible	Timescale

Signed

Dated