

# **NEW COURT CHAMBERS**

## **EQUALITY AND DIVERSITY POLICY**

Revised January 2014  
Approved by the Chambers Management Committee

Further revised May 2020

This document contains New Court Chambers' Equality and Diversity Policy. It incorporates and enhances the basic standards expected of Barristers and Chambers as advised by the General Council of the Bar and builds on Best Practice. The Policy will be reviewed on a regular basis by the Chambers Management Committee. Compliance with this Policy is considered an essential requirement of membership of or employment by Chambers.

## CONTENTS

1. INTRODUCTION	3
2. DEFINING DISCRIMINATION	4
3. RECRUITMENT/EQUALITY OF OPPORTUNITY IN CHAMBERS	5
4. PARENTAL LEAVE	6
5. HARASSMENT PROCEDURE	8
6. READJUSTMENT POLICY	9
7. DIVERSITY DATA POLICY	10
8. COMPLAINTS PROCEDURE	12

## **INTRODUCTION**

New Court Chambers is a modern set firmly committed to the active promotion of equal opportunities and to ensuring, at all relevant times, an absence of direct or indirect discrimination on grounds of race, colour, ethnic or national origin, nationality, citizenship, gender, sexual orientation, marital status, disability, religion or political persuasion.

Chambers recognises that such a commitment requires that positive steps be taken to eliminate possible areas of discrimination so as to ensure equality of access to all applicants, equality of treatment to all barristers and members of staff and equality of service to both professional and lay clients.

This policy reflects our aim that every individual should be accorded equal dignity and recognition and be judged on merit and ability alone, free from judgement or treatment based on prejudice or assumptions of collective characteristics. To this end, this document provides a framework for the promotion of equal opportunities and the internal resolution of complaints involving members of chambers, be they pupils, tenants or members of staff. The policy also reflects and borrows from the legislative framework provided by Parliament and the more extensive Equality Code provided by the Bar Council.

## **DEFINING DISCRIMINATION**

Any member, employee, pupil or mini-pupil at New Court Chambers must not act in relation to another individual associated with New Court Chambers (be it somebody working within chambers or a professional or lay client) in a manner which directly or indirectly is either discriminatory, consists of harassment or victimises that person on grounds of race, colour, ethnic or national origin, nationality, citizenship, gender, sexual orientation, marital status, disability, religion or political persuasion.

### **Direct Discrimination**

1. Direct discrimination consists of treating such a person less favourably than others are, or would be, treated in the same or similar circumstances.

### **Indirect Discrimination**

1. Indirect discrimination occurs when four conditions are met;
  - a. A requirement or condition is applied equally to all but a considerably smaller proportion of a relevant group, than of the other person to whom it applies, can comply with;
  - b. The particular individual cannot comply with the requirement;
  - c. It results in a detriment to them, and;
  - d. The requirement cannot be shown to be objectively justifiable in spite of its discriminatory effect.

## RECRUITMENT/EQUALITY OF OPPORTUNITY IN CHAMBERS

1. Given the nature of entry into the profession, New Court Chambers is committed to ensuring that the selection criteria for pupillage, tenancy or other employed roles within chambers should be free from discrimination. In pursuance of this aim chambers undertakes that recruitment policy towards pupils, tenants and members of staff should:
  - a. Be transparent, set out in a document which is available to all upon request;
  - b. Not be subject to change during the selection process;
  - c. Be based on objective and explicit criteria which relate to the demands of the work;
  - d. Save in exceptional circumstances, be applied equally to all potential recruits;
  - e. Be free, at all stages, from assumptions based on stereotypical views or expectations of the behaviour and characteristics of any particular group;
  - f. Not be subject to the will or unexplained veto of one person alone, but instead reflect the views of a broad spectrum of people.
  
2. This document must be read in conjunction with the Pupillage Recruitment Policy.
  
3. No applicant for pupillage or tenancy shall suffer discrimination:
  - a. In the arrangements which are made for the purpose of determining to whom it shall be offered;
  - b. In respect of any terms on which it is offered, or by refusal, or deliberate omission, to offer it to him/her.
  
4. Furthermore, no actual pupil or tenant shall suffer discrimination:
  - a. In respect of any terms applicable to him/her as a pupil or tenant;
  - b. In the opportunities for training, or gaining experience, which are afforded or denied to him/her;
  - c. In the benefits, facilities or services which are afforded or denied to him/her;
  - d. In the volume or type of work which is offered or denied to him/her;
  - e. By termination of his/her pupillage or by subjecting him/her to any pressure to leave the chambers or other detriment.

## PARENTAL LEAVE

### Definitions

1. "Parental leave" refers to leave taken by the main carer of a child following birth or adoption. This could be the mother, father or adoptive parent of either sex.

### Aims and purpose

2. It is the aim of this policy to:
  - a. Encourage members following parental leave to return to chambers and continue to build successful practises;
  - b. Prevent discrimination on the grounds of parental responsibility;
  - c. Encourage and support members taking time off following the birth or adoption of a child without suffering financial hardship;
  - d. Comply with the requirements of the Code of Conduct and accompanying guidelines.

### Circulation

3. This policy is circulated to all members, clerks and staff all of whom are required to:
  - a. Read and understand the policy, and
  - b. Understand their role in relation to the policy.

### Review of this Policy

4. This policy is reviewed by the Chambers Management Committee every two years.

### Parental Leave

5. Every member of chambers is entitled to return to chambers within a period of one year after giving birth or adopting a child for whom they are the primary carer.
6. A member of chambers taking a period of parental leave is entitled to 12 months' free of chambers rent and expenses.
7. Members of chambers are required to notify chambers management and clerks of their intention to take a period of parental or adoption leave not less than 3 months before the commencement of the period of leave indicating the estimated commencement date and likely date of return.
8. If a member wishes to take more than twelve months' rent free parental or adoption leave he or she should notify chambers' management and clerks 6 weeks before the end of that period stating the estimated date on which he or she intends to return.
9. If a member wishes to take leave for a period longer than 12 months, this should be arranged with chambers management.
10. If a member is absent from chambers for more than 12 months without agreeing an extension with chambers management, her/his automatic right to return to chambers ceases unless such absence is due to consecutive births.
11. Where membership ceases by virtue of the provisions in paragraph 10, a member can re-apply to chambers in the usual way.
12. A member not returning after a period of parental leave, for whatever reason, remains liable to chambers for expenses occurring during their notice period, as set out in the chambers constitution.

### Arrangements During Leave

13. A member on parental or adoption leave is encouraged to maintain contact with chambers.
14. Head of Chambers will ensure that the member is:
  - a. Offered opportunities to do appropriate work if this is requested, and

- b. Invited to training events, social occasions, marketing events and chambers meetings, and
- c. Is consulted on any significant issues affecting the practice of chambers, and
- d. Receives assistance with the re-establishment of their practice on return to work, including (where requested) the arrangement of a 'practice meeting' with the relevant clerk within two weeks before the member returns to work.

#### Undertaking work during leave

- 15. Informal working arrangements during a period of parental leave do not affect a member's entitlement to the 12 month period free of rent, provided that the Head of Chambers is kept informed of the arrangements by the member of chambers and is satisfied that the level of work being undertaken does not constitute a return to practice.

#### Return from Leave

- 16. It is the policy of New Court Chambers to enable parents to work reduced hours on return from a period of parental or adoption leave. This should be discussed with chambers' management and clerks.

## HARASSMENT

1. This policy covers all those working in chambers, visiting chambers and providing services to chambers.
2. New Court Chambers is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. New Court Chambers is determined to promote a work environment in which everyone is treated equally and with dignity and can flourish.
3. Harassment in any form will not be tolerated at New Court Chambers. Harassment includes any unwanted conduct related to sex, race, disability, gender re-assignment, religion or belief, sexual orientation or age. Such behaviour may take many forms including:
  - | Conduct which is unwanted by the recipient,
  - | Conduct which gives rise to a hostile or threatening work environment,
  - | Conduct which creates an atmosphere in which it is feared that rejection or submission will be used as a basis for decisions which have an impact on the recipient at work such as an allocation of work or tenancy decision.
4. The following are examples of types of behaviour which may amount to harassment:
  - | Physical or sexual assault,
  - | Requests for sexual favours in return for career advancement,
  - | Unnecessary physical contact,
  - | Exclusion from social networks and activities or other forms of isolation,
  - | Bullying,
  - | Compromising suggestions or invitations,
  - | Suggestive remarks or looks,
  - | Display of offensive materials, including on a computer screen,
  - | Tasteless jokes or verbal abuse, including any sent by email,
  - | Offensive remarks or ridicule,
  - | Dealing inappropriately or inadequately with complaints of harassment.
5. Harassment is unlawful under the Equality Act 2010. In addition to the above unwanted conduct, it can arise where a person engages in any kind of unwanted sexual behaviour (or gender reassignment or sex related behaviour).
6. Complaints of harassment may be raised informally in the first instance with New Court Chambers' Equality and Diversity Officer, the Head of Chambers or Complaints Handling (a member of the CMC) who will agree an appropriate response. Formal complaints should be made under the New Court Chambers grievance procedure.
7. Harassment is misconduct for employees or a breach of the Bar Handbook for barristers. Allegations of harassment will be dealt with under the New Court Chambers' disciplinary procedure.
8. Chambers is committed to ensuring that no-one who makes an allegation of harassment in good faith should be subjected to any detriment as a result. Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint will be viewed as a disciplinary matter.
9. A copy of this policy is provided to all those for whom chambers constitutes a working environment, including members of chambers, pupils, squatters, clerks and other employees, temporary workers, those who provide services to chambers such as contract cleaners, accountants and IT consultants, and mini-pupils and work experience students.

## **READJUSTMENT POLICY**

### Aim and remit of policy

1. New Court Chambers is committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working with chambers or receiving legal services. This policy covers all employees of chambers, barristers, clerks, pupils, mini-pupils and visitors to chambers.

### Circulation

2. This policy is circulated to all members, staff, pupils, clerks and those who are required to read and understand it.

### Definition of disability

3. For the purposes of this policy the definition of disability follows that set out in the Equality Act 2010 s.6. A person is therefore disabled if he or she has a physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day-to-day activities. "Substantial" means more than minor or trivial and "long term" means 12 months or more".

### Types of reasonable adjustment

4. This policy does not provide an exhaustive list of the reasonable adjustments that chambers will make for staff, barristers, pupils or visitors however the following types of adjustment that may be made are listed below:
  - a. Provision of information in alternative formats (e.g. large print, Braille etc)
  - b. Paid leave for disabled employees of chambers
  - c. Provision of auxiliary aids e.g. induction loops
  - d. Provision of accessible conference room facilities
  - e. Provision of a reader or interpreter.

### Staff, barristers and others in chambers

5. Staff or barristers with specific requirements should make requests to the Chambers Management Committee for reasonable adjustment decisions. All requests for reasonable adjustments will be considered on a case by case basis with the advice and assistance of chambers' Equality and Diversity Officer and where it is not possible to make the adjustment requested New Court Chambers will discuss viable alternatives with the applicant.
6. Head of Chambers is responsible for considering whether or not disabled staff, barristers or pupils require assistance during an emergency evacuation and if so whether or not a personal emergency evacuation plan is required for the individual/s concerned. If so, the plan will be developed in partnership with the individual concerned in order to ensure that adjustments to the emergency evacuation procedure may be made.

### Visitors to chambers

7. Barristers are responsible for considering reasonable adjustment requests for their visitors. They are also responsible for anticipating any likely reasonable adjustments that will need to be made for visitors whom they know to be disabled and are likely to require assistance. Visitor requests for specific reasonable adjustments may be made by contacting Paul Bloomfield (Senior Clerk).

### Cost of making reasonable adjustments

8. In no circumstances will New Court Chambers pass on the cost of a reasonable adjustment to a disabled person.

## **DIVERSITY DATA POLICY**

1. This is the Data Diversity Policy for New Court Chambers. This policy is effective as of 1 January 2014.

### Collection of Diversity Data

2. Members of chambers' workforce are given the opportunity to provide their Diversity Data for collection in accordance with the Bar Standards Board's requirements. The Diversity Data Officer is responsible for arranging and supervising the collection of Diversity Data.

### Why Diversity Data is collected

3. Individuals have the opportunity to provide their Diversity Data in order for New Court Chambers to publish an anonymous summary of such data. This provides transparency concerning recruiting and employment activities across chambers and analysis of diversity data encourages a strong, diverse and effective legal profession.

Please note: You are not obliged to provide your Diversity Data. You are free to provide all, some or none of your Diversity Data.

### How Diversity Data is collected

4. Diversity Data will be collected through completion of the New Court Chambers Equality & Diversity Monitoring Form which is available from the clerks.
5. You will be provided with a copy of the form by email and/or in paper form, together with a copy of the consent form which you must complete if you wish to provide your Diversity Data.

### Keeping Diversity Data secure

6. All Diversity Data that is collected from individuals will be kept securely. New Court Chambers shall put the following security measures in place to protect Diversity Data: Information will be stored electronically and in encrypted form.
7. New Court Chambers will not share Diversity Data with any third parties, save as set out in paragraph 5 above.
8. Should you access or disclose Diversity Data accidentally or intentionally when you are not authorised to do so, you must notify the Diversity Data Officer immediately.

### Anonymising Diversity Data

9. New Court Chambers is required to anonymise Diversity Data before publishing it in summary form.
10. We will securely anonymise Diversity Data.

### Publication of the anonymised summary of Diversity Data

11. New Court Chambers is required to publish Diversity Data in an anonymised summary format in accordance with the requirements of the Bar Standards Board. The summary will break down the information in a way which categorises each diversity characteristic. The summary will be published through the New Court Chambers website.
12. Diversity Data relating to sexual orientation and religion or belief will not be included in the anonymised summary format for publication.
13. Where there are fewer than 10 (ten) individuals within each published category who identify through the questionnaire with the same diversity characteristic (for example, 4 (four) individuals with a job role at the same level of seniority identify themselves as disabled), New Court Chambers will not publish the anonymous data relating to those individuals unless it has their informed consent to do so.

### Destruction of Diversity Data

14. New Court Chambers will securely destroy the Diversity Data collected promptly after the Data has been anonymised and in any event within 3 (three) months following the date of collection. Secure destruction means that as far as possible we shall not hold the Diversity Data in any way where it is possible to identify an individual.
15. Anonymised data will be kept for 12 months before being destroyed as above.

#### Questions or complaints

16. You have a right to withdraw your consent or object to the use of your Diversity Data at any time.
17. Where your data has already provided and you wish to withdraw your consent to its use, please notify the Diversity Data Officer in writing. He/she will promptly delete or destroy any Diversity Data which includes your personal data and will confirm to you that this step has been taken within 21 days of receiving notification from you.
18. Where the anonymised data has been published in summary form, the Diversity Data Officer will not extract your personal data from the published summary unless it is likely that continued publication could cause you or someone else substantial damage or distress. In such circumstances, the Diversity Data Officer will consider the reasons you have put forward and shall respond within 21 days from the date you notify him/her of your belief to let you know whether he/she has determined that the continued publication of the data is justified and, if not, to confirm the action taken to extract your data from the published summary and to delete or destroy any copies.
19. Should you have any questions or complaints about this Diversity Data Policy, please contact the Diversity Data Officer.
20. The Diversity Data Officer is Paul Bloomfield (senior clerk).

1. Any person who wishes to make a complaint regarding a breach of the above policies should in the first instance contact chambers' Equality and Diversity Officer who will provide a copy of chambers' complaints procedure.
2. Chambers Equality and Diversity Officer is Wing Yan Chan.
3. This policy will be reviewed every 2 years.