



NEW COURT CHAMBERS

NEW COURT | TEMPLE | LONDON EC4Y 9BE

EQUALITY AND DIVERSITY POLICY

Revised June 2022

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, contained in the Bar Standards Board handbook (in particular the Equality and Diversity rules), and recommended as best practice for the Bar of England and Wales.

The Policy will be reviewed on a regular basis by the Chambers Management Committee. Familiarity and compliance with this Policy is considered to be an essential requirement of membership or employment with Chambers.

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INTRODUCTION

New Court Chambers is 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. Chambers is not the forum for members to push any form of one-sided political agenda, and similarly, this is not the intention of the EDO or this policy.

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.

To ensure compliance with regulation and best practice Chambers will, at all times, have a nominated Equality Diversity Officer (EDO) and Diversity Data Officer (DDO). Those roles shall be appointed in accordance with paragraph 57 of the Chambers constitution.

The responsibilities of the EDO and DDO are set out in paragraphs 58 and 59 of the constitution.

Between May 2021 and May 2023 Chambers' has appointed:

EDO: Kiran Channa & Samuel Prout

DDO: As above.

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

2. 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.

Barristers' responsibilities:

3. By their core duties under the BSB handbook all members of Chambers must:
- a. Not discriminate unlawfully against any person (Core Duty 8); and
 - b. Take reasonable steps to manage their practice, or carry out their role within their practice, competently and in such a way as to achieve compliance with their legal and regulatory obligations (Core Duty 10).
4. And, specifically, all barristers must ensure that in relation to Chambers:
- a. there is in force a written statement of policy on equality and diversity; and
 - b. there is in force a written plan implementing that policy; and
 - c. all other requirements in Rule C110 are complied with.

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 as inclusive as possible. In pursuit of this aim Chambers undertakes that its recruitment policy for 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. No applicant for pupillage or tenancy shall suffer discrimination:

- a. In the arrangements which are made for how the interview is conducted, whether in person or remote;
- b. In the arrangements which are made for the purpose of determining to whom it shall be offered;
- c. In respect of any terms on which it is offered, or by refusal, or deliberate omission, to offer it to him/her.

3. 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 Heads of Chambers are kept informed of the arrangements by the member of chambers and are satisfied that the level of work being undertaken does not constitute a full 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.

FLEXIBLE WORKING: HOT-DESKING, PART-TIME, AND CAREER BREAKS

Aims and purpose

1. It is the aim of this policy to:
 - a. Encourage members who wish to work flexibly or part-time to be able to have successful practices;
 - b. Encourage and support members who wish to work flexibly or part time or take a career break.

Hot-desking

1. 'Hot desking' means that a member does not maintain their own desk in Chambers but is still entitled to use shared facilities.
2. A member of Chambers who wishes to hot desk must notify Chambers management not less than three months prior to the intended commencement of their hot desking arrangement.
3. A member of Chambers who no longer wishes to hot desk must notify Chambers management not less than three months prior to the intended conclusion of their hot desking arrangement.
4. Members of Chambers who hot desk are entitled to a reduction in Chambers rent of one month per calendar year, or as otherwise agreed with the management committee.
5. It is the responsibility of all members of Chambers to ensure that their data protection procedures, documentation, and security adequately cover any flexible working arrangement.

Part-time working

6. Some members cannot - or prefer not to - work at certain times or on certain days.
7. A member of Chambers who wishes to work part-time must notify Chambers management and clerks not less than three months prior to the intended commencement of their hot desking arrangement.
8. A member of Chambers who no longer wishes to work part-time must notify Chambers management and clerks not less than three months prior to the intended conclusion of their part-time working arrangement.
9. Members of Chambers who work part-time may be entitled to a reduction or variation of Chambers rent. This should be discussed and arranged directly with Chambers management.

10. Any member of Chambers who wishes to condense, reduce, or re-structure their working pattern (without reducing their time available such that they will be working only part-time) is requested to notify Chambers management and clerks not less than three months prior to the intended commencement of their reduced or condensed working arrangement.

Career breaks

11. A member of Chambers who wishes to take a career break is requested to notify Chambers management not less than three months prior to the intended commencement of their career break (indicating their estimated commencement date and likely date of return).

12. A member of chambers who wishes to extend a career break (once commenced) must agree arrangements for that extension with Chambers management.

13. It is ordinarily expected that a member of Chambers taking a career break will not be expected to pay the fixed-fee component of Chambers rent while they are on their career break.

Ongoing arrangements

14. Any member of Chambers taking a career break is invited to keep in touch with Chambers during their break.

15. Heads of Chambers will ensure that any member who works part-time or flexibly 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. Assisted in the event they wish to re-evaluate their practice with the arrangement of a 'practice meeting' with the relevant clerk.

HARASSMENT

1. This policy covers all those working in chambers, visiting chambers and providing services to chambers in any capacity.
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:
 - a. Conduct which is unwanted by the recipient,
 - b. Conduct which gives rise to a hostile or threatening work environment,
 - c. 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:
 - a. Physical or sexual assault,
 - b. Requests for sexual favours in return for career advancement,
 - c. Unnecessary physical contact,
 - d. Exclusion from social networks and activities or other forms of isolation,
 - e. Bullying,
 - f. Compromising suggestions or invitations,
 - g. Suggestive remarks or looks,
 - h. Display of offensive materials, including on a computer screen,
 - i. Tasteless jokes or verbal abuse, including any sent by email,
 - j. Offensive remarks or ridicule,
 - k. 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 Heads of Chambers or another senior member of chambers 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.

REASONABLE ADJUSTMENT 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. Where it is not possible to make the adjustment requested New Court Chambers will discuss viable alternatives with the applicant.

6. The Heads of Chambers (with advice from the relevant Health and Safety individuals) are 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 the clerks.

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 2022.

Collection of Diversity Data

2. Members of Chambers' workforce (that means barristers and staff members) 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.

3. Any individual may opt out of providing their data. It is not necessary for any individual to inform the EDO / DDO that they will or will not be taking part in the survey.

Why Diversity Data is collected

4. 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: No member of Chambers or staff will be obliged to provide their Diversity Data. Any member or staff is free to provide all, some, or none of their Diversity Data (without explanation).

How Diversity Data is collected

5. Diversity Data will be collected through completion of an online Equality & Diversity Monitoring survey, circulated by the EDO / DDO once each three years.

6. By participating in the questionnaire each individual gives their consent to the Diversity Data being collected, analysed and stored for the purposes set out in this policy.

7. The Diversity Data will be collected, stored, and published only in an anonymised form. No member of Chambers or staff will be identifiable (or identified) at any stage in the survey.

Keeping Diversity Data secure

8. 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.

9. New Court Chambers will not share Diversity Data with any third parties, save where this is necessary, under the data policy, to ensure compliance with the objectives of this policy, best practice or regulations.

10. 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

11. New Court Chambers will anonymise Diversity Data before publishing it in summary form.
12. The questionnaire will not require anyone to identify themselves by name.

Publication of the anonymised summary of Diversity Data

13. 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 shared in a way which categorises each diversity characteristic. The summary will be published on the New Court Chambers website.

Destruction of Diversity Data

14. New Court Chambers will securely destroy any identifying Diversity Data collected promptly after the Data has been anonymised and in any event within 3 (three) months following the date of collection.
15. 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.
16. Anonymised data will be kept securely for the purpose of continuing review, recruitment, and improvement.

Questions or complaints

17. You have a right to withdraw your consent or object to the use of your Diversity Data at any time.
18. 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.
19. 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.
20. Should you have any questions or complaints about this Diversity Data Policy, please contact the Diversity Data Officer.

FAIR ACCESS TO WORK

1. The distribution of work to all members of chambers and second six pupils shall be carried out in a manner that is fair to all and free from discrimination.
2. Clerks will not accept discriminatory instructions from professional clients, whether solicitors or instructing agents.
3. Counsel will be selected only on the basis of skills and experience required for a particular case.
4. Allocation of work will be periodically reviewed by the EDO in accordance with the BSB Handbook equality rules.

OTHER

1. It is a matter for each individual member of chambers, clerks and staff as to whether they wish to include identifying information (for example their preferred pronoun/s) in their email signature.
2. It is at the discretion of each individual member of chambers, clerks and staff as to whether they wish to include their preferred business title in their email signature (and whether they wish for their preferred title to be on the board(s) outside of Chambers). No individual shall be criticised either way for their choice or asked to explain the decision they have made.
3. Every member of chambers, clerk, and member of staff is encouraged to undertake the Bar Council's Introduction to Equality and Diversity Training. At the discretion of Chambers management the course fee for this training may be met (or reimbursed) by Chambers.
4. These policies shall be reviewed by Chambers' management committee every two years.

COMPLAINTS & CONCERNS

1. Any person who wishes to make a complaint regarding a breach of the above policies, or on any matter which they consider to be an equality, diversity, or inclusion issue, should in the first instance contact Chambers' EDO.
2. Any person who wishes to make a complaint may ask the EDO to treat their complaint as anonymous and anything discussed in connection with a complaint shall be treated in confidence, save where the person complaining authorises the EDO to share information with others.
3. The EDO shall, on receiving a complaint, notify the Heads of Chambers and inform both the complainant and the Heads of Chambers how the EDO intends to investigate and deal with the complaint.
4. On receiving a complaint the EDO shall respond to the complainant within 21 days providing an update on the steps being taken in response to the complaint.
5. Any person who wishes to discuss any other concern they may have relating to an equality, diversity or inclusion issue should also, in the first instance, contact Chambers' EDO.

IMPLEMENTATION (and Rolling Action Plan)

1. This Policy is effective from the date of revision on page 1.
2. This Policy will be implemented by the following action plan:
 - a. The provisions of this Policy shall be reviewed by the EDO each calendar year to ensure ongoing compliance with the equality and diversity rules in the BSB handbook and best practice;
 - b. This policy shall be reviewed by Chambers' management committee every two years;
 - c. All members and staff shall be reminded to familiarise themselves with this policy following each review by Chambers' management committee;
 - d. A survey of Chambers' diversity (that is amongst barristers, clerks, and members of staff) shall be undertaken at least every three years and anonymised results published in accordance with the data policy above;
 - e. In accordance with Chambers' recruitment policy anonymised diversity data relating to pupillage recruitment shall be published each year;
 - f. A survey of work allocation shall be undertaken by the EDO every three years;
 - g. Any individual appointed as EDO or DDO must have undertaken the Advanced Equality and Diversity training course offered by the Bar Council no longer than two years prior to appointment.
 - h. Chambers will, at the discretion of the management committee, cover the cost for any EDO / DDO (or prospective EDO / DDO) to undergo the Bar Council's "Advanced" level training (or equivalent).