

4 New Square Chambers Equality & Diversity Policy

Policy statement

1. We are committed to equality of opportunity and diversity within Chambers and ensuring that the environment at 4 New Square ("4NS") is inclusive of all. We will not tolerate discrimination of any kind including direct & indirect discrimination, victimisation and harassment.
2. We work together in pursuit of a common purpose; however, it is the contribution which we make as individuals which creates our success. We recognise that the provision of equal opportunities in Chambers will help us to develop our full potential, talent and resources and allow us as an organisation to succeed.
3. We will provide employment, promotion, training, and opportunity equality in Chambers to all, irrespective of:
 - Age;
 - Disability;
 - Gender reassignment
 - Being married or in a civil partnership
 - Being pregnant or on maternity leave
 - Race (including colour, nationality, ethnic or national origin)
 - Religion or belief (including political belief)
 - Sex;
 - Sexual orientation;
 - Caring responsibilities; or
 - Social or economic background.
4. All individuals defined in the scope section are required to adhere to this policy, breach of which may be unlawful, result in professional misconduct or disciplinary action, and individuals may be personally liable.

Scope

5. This policy applies to members of Chambers and members of staff, pupils, mini-pupils, pupillage and tenancy applicants, job applicant, contract workers, agency workers, trainee workers, and students on work experience or placements, volunteer workers, former members of Chambers and former members of staff. Our clients (both lay and professional) are also protected from discrimination.
6. This policy applies to all activities in respect of recruitment and selection; fair access to work; the allocation of unassigned work; equality monitoring; complaints and grievances. This is not intended to be an exclusive list of the areas covered by this policy.

Implementation of the policy

7. In order to implement our Equality & Diversity policy we shall:
 - Communicate the policy to all members of Chambers, pupils and all members of staff and ensure it is accessible internally for all those defined in the scope of policy section. The policy shall also be publicly available on our website.
 - Provide equality training and guidance as appropriate.
 - Ensure that those who are involved in assessing candidates for recruitment of pupils, tenants and members of staff, or the promotion of members of staff, are trained in non-discriminatory selection techniques.
 - Ensure that adequate resources are made available to fulfil the objectives of this policy.
 - Ensure there are internal mechanisms for concerns to be raised.

Monitoring

8. Chambers has appointed Equality & Diversity Officers (“the EDOs”) in accordance with the Equality & Diversity Officers and Diversity Data Officer Policy. Together with other appropriate members of Chambers, the EDOs will monitor the effective implementation of our Equality & Diversity Policy as well as review the policy’s effectiveness regularly.
9. The EDOs are also responsible for preparing and implementing an action plan which will be produced to run for each calendar year and is annexed to this policy. By its nature this action plan will change and be updated as its specific aims and targets are met.

What is discrimination?

10. The Equality Act 2010 defines four types of discrimination or prohibited conduct: direct discrimination, indirect discrimination, victimisation and harassment. The Act recognises nine protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation). Discrimination because of a protected characteristic is unlawful and will not be tolerated or condoned by Chambers.

11. a. Direct discrimination

This occurs when a person in the workplace is treated less favourably than someone else because of a protected characteristic, for example, their race or gender, or perhaps because of their partner’s protected characteristic. This could include, for example, decisions, actions or omissions such as:

- Refusing to employ someone or refusing to offer that person a pupillage;
- Dismissing someone;
- Denying employment opportunities, such as training or promotion;
- Unfair allocation of work; or
- Subjecting someone to detriment.

b. Indirect discrimination

In contrast to direct discrimination, indirect direct discrimination occurs where a provision, criterion or practice is applied equally to many individuals across an organisation, but that equal treatment puts a particular class of persons in the organisation (e.g., women, disabled persons) at a disadvantage compared to others. If the imposition of that provision, criterion or practice cannot be justified, it will be unlawful.

Such treatment may not be obviously discriminatory. It could happen if, for example, Chambers applied a provision, criterion or practice that, in order to be considered for cases lasting 20 days or more, candidates must be 12 year's call or above. Such treatment would particularly disadvantage younger members of Chambers, who are less likely to be 12 year's call. In those circumstances, Chambers would have to show that it was a justified requirement of the business, perhaps due to the experience required for such case.

c. Victimisation

Victimisation occurs when a person suffers a detriment as a result of asserting their rights or, the rights of another, under the Equality Act 2010. For example, a person who has made a complaint of sex discrimination and who is then denied a promotion as a result has been unlawfully victimised.

To prevent any such detrimental action occurring, those who in good faith assert their right, the rights of others or assist others in asserting their right are protected, even if the assertion is proven false.

d. Harassment and bullying

Harassment of any form will not be tolerated by Chambers. Harassment is unlawful under the Equality Act 2010 and involves unwanted conduct related to a protected characteristic that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. A one off incident can amount to harassment.

Bullying will not be tolerated within Chambers. Bullying is behaviour that is unwanted, unreasonable and offensive to the recipient. It does not need to relate to a protected characteristic, can take many forms and is often a pattern of behaviour. 4 New Square's Anti-Harassment and Anti-Bullying Policy is annexed to this policy.

Disability discrimination

12. Chambers is committed to providing equality of opportunity to all those to whom the policy applies who have a disability or have done in the past.
13. A disability within the meaning of the Equality Act 2010 is 'any physical or mental impairment which has a substantial and long-term adverse effect on a person's ability

to carry out their normal day-to-day activities'. Such a disability may include, but is not limited to:

- Deficiencies in sight, smell and hearing
- Progressive conditions such as cancer, multiple sclerosis and muscular dystrophy
- Severe disfigurement such as scars and skin diseases
- Limb or postural deformities, including conditions which require wheelchair use
- Mental illnesses, such as depression or bi-polar disorder.

Such persons who are disabled will not be:

- Less favourably treated in Chambers because of a disability; whether it be their disability or someone else's disability who is associated with that person;
- Treated unfavourably for an unjustified reason arising from disability; or
- Indirectly disability discriminated against without justification.

14. Chambers will also make all reasonable adjustments required by law to remove any provision, criterion or practice, or any physical feature of Chambers which places a disabled person, be it a client, member of Chambers, member of staff, pupil or visitor at a substantial disadvantage to someone who is not disabled, or to provide an auxiliary aid to remove such a disadvantage. However, Chambers can only make those reasonable adjustments if we know about that disability, or ought reasonably to know about it. 4 New Square's Reasonable Adjustment Policy is annexed to this policy.

15. Chambers understands that those people with a disability may wish for this to be considered more confidentially than with other issues. In these circumstances, they should raise any such matters confidentially with an appropriate person, such as one of the Equality & Diversity officers, the Head of Chambers or Senior Clerk.

Equal pay

16. Chambers is committed to equal pay for all without bias on the grounds of a protected characteristic. Whilst we acknowledge that pay discrimination based on sex continues to cause the biggest and most persistent pay gap in society (i.e., the pay gap between men and women), we also recognise that pay discrimination may occur on the basis other protected characteristics.

17. We are therefore committed to ensuring that all members of Chambers and members of staff receive equal remuneration for the same work, work rated as equivalent and for work of equal value.

Rehabilitation of offenders

18. It is Chambers' policy not to discriminate against anyone who has a spent conviction under the Rehabilitation of Offenders Act 1974. Under that Act it is unlawful to refuse to engage or to dismiss on the grounds of a spent conviction. A conviction becomes spent after a period of time which runs from the start of the sentence. It is Chambers' policy to comply with the Act.

Complaints

19. In the case of a complaint of discrimination or harassment that cannot be resolved informally, Chambers' Grievance Procedure must be used. All complaints of discrimination or harassment will be dealt with seriously, promptly, confidentially (as far is possible) and in accordance with the Grievance Procedure.

Policy review

20. This policy was last reviewed in May 2022.