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CHAMBERS

Equality and Diversity Policy

Policy statement

4 New Square ("***4NS***", "***Chambers***") is committed to equality of opportunity and ensuring that the environment of Chambers is inclusive of all. We will not tolerate discrimination of any kind including direct & indirect discrimination, victimisation and harassment.

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.

We will ensure employment, promotion, training, and any other opportunities within Chambers are available to all. :

Scope

This policy applies to Members of Chambers, pupils and other Non-Member Legal Practitioners (NMLPs) and clerks, staff and any temporary personnel associated with 4NS (i.e. mini-pupils, individuals on work experience, contractors)[1]. Together all such individuals are referred to below as "***relevant personnel***". Where relevant, this policy also applies to our clients and any visitors.

What is discrimination?

Discrimination is treating a person unfairly because of who they are or because they possess certain characteristics. 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:

1. age;
2. disability;
3. gender reassignment;

[1] This encompasses "Members of Chambers" and "Non-Member Legal Practitioners" as defined In Chambers' written constitution from time-to-time.

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4. marriage and civil partnership;
5. pregnancy and maternity;
6. race;
7. religion or belief;
8. sex; and
9. sexual orientation.

Discrimination because of a protected characteristic is unlawful and will not be tolerated or condoned by Chambers.

1. Direct discrimination

Direct discrimination in the workplace is when a person is treated less favourably than someone else or put at a disadvantage because of a protected characteristic they have. It is impossible to define all circumstances where direct discrimination could arise but examples include acts or omissions (that are based on an individual's protected characteristic) 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.

Direct discrimination can also occur by association. Discrimination by association occurs when someone is discriminated against because of their connection with someone who has a protected characteristic or a group who have a protected characteristic (this does not apply to marriage and civil partnership).

In some limited circumstances and only in respect of age and disability, direct discrimination is allowed. There has to be "objective justification" which means it is only allowed if an employer can evidence that there is a good business reason. For example, if a role involved working at heights and an individual suffered a visual impairment which would mean they could not fulfil the role safely.

2. 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 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

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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.

3. 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 or access to certain work/cases as a result of their complaint, 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.

4. Harassment and bullying

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 is not defined under the Equality Act as prohibited conduct but is referred to here as it is often connected to harassment and will not be tolerated within Chambers. Bullying is offensive, intimidating, humiliating behaviour that attempts to undermine an individual or group of individuals. Bullying does not need to relate to a protected characteristic, can take many forms and is often a pattern of behaviour (but serious one off incidents may also amount to bullying). Please see the 4 New Square Anti-Harassment and Anti-Bullying Policy for further information.

Disability discrimination

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. Chambers is committed to ensuring that anyone who has a disability is not treated less favourably as a result and are not unlawfully discriminated against.

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

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- 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.

Chambers will make all reasonable adjustments required by law to:

1. remove any provision, criterion or practice, or any physical feature of Chambers which places a disabled person (be it a member of relevant personnel, client or visitor) at a substantial disadvantage to someone who is not disabled; or
2. provide appropriate technology or equipment to remove such a disadvantage.

Please be aware that Chambers can only make such reasonable adjustments where a relevant disability is known or ought reasonably to be known by Chambers.
Chambers understands that individuals may not wish to discuss their disability. However, all those affected are encouraged to discuss any reasonable adjustments that may be required with either the Head of Chambers, Senior Clerk or an Equality and Diversity Officer (EDO). For further information please read the 4 New Square Reasonable Adjustment Policy.

Equal pay

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.

We are therefore committed to ensuring that all relevant personnel receive equal remuneration for the same work, work rated as equivalent and for work of equal value.

Rehabilitation of offenders

Chambers will not 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.

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Breach of this policy

Breach of this policy will not be tolerated and may be unlawful. Any reported breaches will be managed in accordance with the 4 New Square Reporting Concerns Policy and the 4 New Square Disciplinary and Internal Investigations Policy.

Anyone who wishes to raise a concern relating to this Policy is encouraged to do so and can discuss any matter arising with the Head of Chambers, Deputy Head of Chambers, CEO or an EDO. Please read the Reporting Concerns Policy for more information.

Commitment to non-retaliation

Anyone who raises a concern in good faith will not be penalised or suffer any detriment as a result. Any form of retaliation against anyone who has raised a report or concern will not be tolerated and will itself be treated as a serious disciplinary matter.

Confidentiality

Every effort will be made to retain confidentiality of any matter raised in relation to this policy as far as is possible, with disclosure only being made to those who require knowledge of the matter, such as the individuals involved, those managing the issue and those appointed to investigate and/or advise. Additionally, reporting to external authorities, including regulators, may be required.

Bar Standards Board

We strongly encourage individuals to raise matters internally in the first instance but you are reminded that if a concern relates to a barrister, a report can be made with the Bar Standards Board. This can be done via an online submission form (see link) or the contact details set out below.

Ask us a question or report a concern (barstandardsboard.org.uk)

- Email contactus@barstandardsboard.org.uk
- Call us on 020 7611 1444

Members are reminded of their obligations under Rule C66 which provides that a report must be made where there are "reasonable grounds to believe that there has been serious misconduct by a barrister or a registered European lawyer."

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Implementation of the policy

In order to implement our Equality & Diversity policy we:

- 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 is also 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

Chambers has appointed 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.

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.

Policy review

This policy was last reviewed in March 2024.