

4 STONE BUILDINGS

EQUALITY, DIVERSITY AND INCLUSION

CODE

JULY 2020

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I. INTRODUCTION

4 Stone Buildings ('Chambers') aims for excellence in all that we do. We provide our clients with exceptional services by recruiting and retaining members and staff of the highest ability and integrity. We recruit from as wide a pool as possible. We are open to all.

We are committed to providing a working environment in which all individuals including members of Chambers, pupils, mini-pupils, staff, clients and the public are treated with dignity, respect and fairness, in which everyone is treated equally and can flourish, and which is conducive to the professional growth of its members, pupils, mini-pupils and staff and to the promotion of equality of opportunity.

It is in our, and our clients', interests that our members and staff build successful and fulfilling careers. We fully support practice development, with flexibility in working practices, assistance with leave or career breaks, whether for parental or other reasons, help at all stages, and a working atmosphere that encourages motivation and wellbeing.

We make no distinctions of social, educational or economic background or circumstances. We will never allow discrimination on grounds of race, sex, gender reassignment, sexual orientation, marriage or civil partnership, pregnancy and maternity, disability, age or religion or belief; nor will we allow harassment, victimisation, bullying or an unsafe working environment. Any such conduct would be anathema to our principles of fairness. It would also be unlawful.

We are proud of our standards, our friendliness and sense of community, and of the services that we provide. We are committed to promoting and advancing equality and diversity.

This Policy and Code is a crucial part of the process. It states our policies and practices on:

- equality, diversity and inclusion
- equality and diversity monitoring
- recruitment and selection
- fair access to work and practice development
- parental leave
- flexible and part-time working and career breaks
- reasonable adjustments
- anti-harassment
- complaints and grievances.

It is given to members of Chambers, pupils and staff and is posted on the Chambers website at www.4stonebuildings.com. Mini-pupils and anyone working with Chambers may download it from the website or be given a copy on request.

The Equality and Diversity Officers and Diversity Data Officer review it regularly to ensure it remains effective and fair and that it complies with the law and with the Bar Standards

Board's ('BSB') Handbook. Anyone with suggestions for improvement should contact the Officers or the Head of Chambers.

The Equality and Diversity Team are:

- Christopher Harrison: Equality and Diversity Officer
c.harrison@4stonebuildings.com
- Tiran Nersessian: Equality and Diversity Officer
tn@4stonebuildings.com
- Gregory Denton-Cox: Diversity Data Officer
g.dentoncox@4stonebuildings.com
- Nicola Timmins
n.timmins@4stonebuildings.com

The Head of Chambers is George Bompas QC: g.bompas@4stonebuildings.com

Anyone who considers that they may have been affected by a breach of this Code should contact one of the Officers or the Head of Chambers. They can each be contacted formally or informally, face to face, or by telephone (020 7242 5524), email (at the addresses listed above), or by letter.

II. EQUALITY, DIVERSITY AND INCLUSION POLICY

No discrimination, victimisation or harassment

It is Chambers' policy ('the Policy') that the members, pupils and staff of Chambers will not, directly or indirectly, in their professional practice:

- discriminate unlawfully against
- victimise
- harass
- permit any unlawful discrimination, victimisation or harassment against

any person on the grounds of the protected characteristics ('protected characteristics') of:

- race (including colour, nationality, ethnic or national origin)
- sex
- gender re-assignment
- sexual orientation
- marriage or civil partnership
- pregnancy and maternity
- disability
- age
- religion or belief.

Without prejudice to its generality, the Policy covers in particular:

- the relationships that members of Chambers have with each other
- the relationships between members of Chambers, pupils, mini-pupils and staff
- applications to Chambers for pupillage, mini-pupillage, tenancy and employment
- the provision of legal services by members of Chambers to their clients
- dealings by members of Chambers and staff with instructing solicitors and their staff
- dealings with the Judiciary and with Court staff
- dealings with other barristers.

The protected characteristics and the definitions of discrimination, victimisation and harassment are stated in Part 2 Chapters 1 and 2 of the Equality Act 2010. These are also set out with an accompanying narrative in the Bar Council's Equality and Diversity Guide on 'Discrimination, Harassment, Bullying and Inappropriate Behaviours' at:

http://www.barcouncilethics.co.uk/wp-content/uploads/2019/08/Bar-Council-Guide_Explaining-Discrimination-Harassment-Bullying-and-Inappropriate-Behaviours_August-2019.pdf. A copy is at Annex A.

The Equality Rules set out in the BSB's Handbook are at:

<https://www.barstandardsboard.org.uk/uploads/assets/8020c32b-01e7-47ae-9b93675cbffd0fe8/d4187f73-840b-4a9f-9557c2db3e412e03/02020401-BSB-Equality-Rules-Extract-2019-website.pdf>. A copy is at Annex B.

The Policy incorporates the specific requirements relating to barristers and clerks stated in section 47 of the Equality Act 2010. A copy is at Annex C.

Discrimination

Direct discrimination occurs where one person is treated less favourably than another was or would be treated in the same or similar circumstances because of a protected characteristic.

Indirect discrimination occurs where an apparently neutral provision, criterion or practice puts the victim and those with whom the victim shares a protected characteristic at a particular disadvantage when compared with others who do not share it, and where the provision, criterion or practice is not a proportionate means of achieving a legitimate aim.

Victimisation

Victimisation occurs when a person is subject to detrimental treatment because they have brought proceedings under the anti-discrimination legislation, given evidence or information in connection with such proceedings or have alleged that unlawful discrimination has occurred, or because it is believed that have done or may do any of the above.

Harassment

There is a spectrum of conduct that can be properly described as harassment. As a guide, the Equality Act 2010 describes it as unwanted conduct which has the purpose or effect of violating a person's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment for the person. A single incident can constitute harassment. An incident, or conduct, does not have to fulfil any legal definition of 'harassment' to be regarded as inappropriate behaviour for the purposes of this Code.

Determining whether harassment has taken place involves an objective and a subjective element. Analysis must be made both of the factual event which took place and also of both the alleged perpetrator's intention and the victim's perception of that event. Even if the alleged perpetrator's intention was not to harass or cause offence, where their conduct has had this effect – whether on the target or a witness – appropriate action should be taken.

What may appear, superficially, to have been innocuous conduct by the alleged harasser, might from the perspective of the victim be more serious - particularly if, for example, the victim is a more junior member of chambers than the alleged perpetrator, or in some other way vulnerable.

Chambers' detailed anti-harassment policy is at Section IX below.

Complaints and grievances procedures

If any person considers that they may have a complaint or grievance in relation to the Policy, they may refer it to be dealt with in accordance with the Complaints and Grievances Procedures set out in Section X below.

Monitoring and review

The Equality and Diversity Officers will review the Policy approximately annually in conjunction with the rest of this Code.

III. EQUALITY AND DIVERSITY MONITORING

Collection and publication of diversity data

The Diversity Data Officer will ensure that Chambers has a written policy statement on the collection, processing and publication of Diversity Data. A copy is at Annex D.

Diversity Data in this context is information relating to the following characteristics:

- age
- gender
- gender re-assignment
- sexual orientation
- ethnic group
- religion or belief (including lack of belief)
- disability
- socio-economic background
- caring responsibilities.

In particular, the Diversity Data Officer shall: (i) invite the members of Chambers, pupils and staff to provide Diversity Data using the BSB's model questionnaire; and (ii) ensure that such data is anonymised and that an accurate and updated summary of it is published on Chambers' website every three years, in accordance with the requirements of the BSB's Handbook. A copy of the questionnaire and consent form is at Annex E.

The Diversity Data Officer shall notify the members of Chambers, pupils and staff of the written policy statement, and ask for explicit consent to the provision and processing of diversity data in accordance with the written policy statement in advance of collecting their diversity data. The Diversity Data Officer shall take all reasonable steps to ensure that Diversity Data is not shared with any third parties except as permitted under the BSB's Handbook.

Collection of recruitment data

Chambers shall collect data broken down by gender, race and disability in relation to applications for staff, membership of Chambers, pupillage and (if any) assessed mini-pupillage, provided that applicants shall be told why the information is being requested, the purposes for which it will be used, that it is confidential, who will have access to it and that the provision of the data is voluntary.

Collection of unassigned work data

'Unassigned work' includes instructions sent into Chambers and instructions in respect of which any enquiry is made prior to their being sent into Chambers, if the person instructing

or proposing to instruct does not state that the work is to be assigned to a named member of Chambers.

Chambers shall collect data in relation to the allocation of unassigned work. The data shall be in such a form that it may be broken down by gender, race and disability, and for that purpose Chambers shall collect data relating to those characteristics from members of Chambers.

Reviews of data

Chambers will regularly review the data collected as referred to above, relating to:

- the number and percentages of staff, barristers, pupils and (if any) assessed mini-pupils from different groups
- applications for staff, membership of Chambers, pupillage and (if any) assessed mini-pupillage
- the allocation of unassigned work (including, but not limited to, work allocated to (i) pupils; (ii) barristers of fewer than four years' standing; and (iii) barristers returning from parental leave).

The reviews shall include:

- analysing the data broken down by gender, race and disability
- investigating the reasons for any disparities in that data, which means considering the reasons for disparities such as:
 - under- or over-representation of particular groups, e.g. men, women, different ethnic groups or disabled people
 - absence of particular groups
 - success rates of particular groups
 - over- or under-allocation of unassigned work to particular groups.
- taking appropriate remedial action, which means any action aimed at removing or reducing the disadvantage experienced by particular groups.

The reviews shall be:

- as often as is necessary to ensure that effective monitoring and review takes place
- in respect of data on pupils, at least annually
- in respect of data on tenants, every three years unless the numbers change to such a degree as to make more frequent monitoring appropriate.

The reviews shall be carried out by the Equality and Diversity Team, who shall make such recommendations to Chambers as may be appropriate. The reviews of unassigned work data shall be carried out in conjunction with a senior member of the clerking team.

Complaints and grievances procedures

If any person considers that they may have a complaint or grievance in relation to equality and diversity monitoring, they may refer it to be dealt with in accordance with the Complaints and Grievances Procedures set out in Section X below.

Monitoring and review

The Equality and Diversity Officers will review the equality and diversity monitoring policy approximately annually in conjunction with the rest of this Code.

IV. RECRUITMENT AND SELECTION

Application of Equality and Diversity Policy

Chambers applies the Policy to all aspects of its recruitment and selection of:

- tenants
- pupils
- mini-pupils
- staff.

Fair and Objective Criteria

Chambers uses fair and objective criteria in its recruitment and selection processes.

Chambers' policy in relation to pupillage and the recruitment of tenants is set out in the document 'Pupillage Policy at 4 Stone Buildings'. A copy is at Annex F.

Recruitment training

Every member of all selection panels involved in the recruitment of:

- tenants
- pupils
- mini-pupils
- staff

will be trained in fair recruitment and selection processes.

In relation to the above, 'trained' means completing any course of study covering all of the following areas:

- Fair and effective selection
- Avoiding bias, both conscious and unconscious
- Selection criteria
- Assessment methods
- Attraction and advertising
- Application processes
- Shortlisting skills

- Interviewing skills
- Work samples
- Assessment and making a selection decision
- Making an offer
- Effective feedback
- Monitoring and evaluation

Training may be undertaken in various ways including:

- Classroom sessions
- Online sessions
- Private study of relevant materials such as the Bar Council's 'Fair Recruitment Guide', available at:
https://www.barcouncilethics.co.uk/wp-content/uploads/2017/10/fair_recruitment_guide_2015_april_final.pdf

Complaints and grievances procedures

If any person considers that they may have a complaint or grievance in relation to the recruitment and selection policy, they may refer it to be dealt with in accordance with the Complaints and Grievances Procedures set out in Section X below.

Monitoring and review

The Equality and Diversity Officers will review the recruitment and selection policy approximately annually in conjunction with the rest of this Code.

V. FAIR ACCESS TO WORK; PRACTICE DEVELOPMENT

Fairness and equality

Chambers is committed to ensuring that members of Chambers have access to work in accordance with the Policy and in a manner that is non-discriminatory and fair to all.

Chambers shall therefore conduct its affairs in a manner that gives every member of Chambers the opportunity to develop their practice fairly and without being subject to direct or indirect discrimination, victimisation, harassment or bias.

Attempted discrimination by solicitors

Chambers will not accept requests from solicitors to allocate work in a manner that is directly discriminatory. Any attempts by solicitors to insist on a directly discriminatory allocation of work will be reported to the Head of Chambers and the Equality and Diversity Officers to identify appropriate action.

Distribution of work; Allocation of unassigned work

Where the clerks or members of Chambers have any influence on the distribution of work, this influence will be exercised so that work is distributed on the basis of the skills, experience and availability required for the particular case.

Chambers will collect and review data relating to the allocation of unassigned work in accordance with the requirements of this Code set out in Section III above.

Practice development meetings

Each member of Chambers may, if they wish, have a practice development meeting with a senior member of the clerking team at least once every 6 months. This will be to discuss the nature and development of their practice and to identify any concerns regarding the distribution of work.

If there are any such concerns and if they are not satisfactorily addressed, the member of Chambers may meet with the Head of Chambers and/or the Equality and Diversity Officers to discuss the concerns and to identify any appropriate action.

Mentoring and support

Members of Chambers may, if they wish, have a more senior member of Chambers as a mentor. The mentor will be available to offer advice and guidance on practice development and on any particular issues that may arise. Mentors will be available for:

- each junior member of Chambers from the time when they join Chambers as a tenant, for their first three years in practice
- each member of Chambers who takes parental leave, before, during and after the period of leave, for up to a year after the return to practice

- any other member of Chambers who wishes at any time to have a mentor, if the Head of Chambers or the Equality and Diversity Officers agree that this would be helpful and if another member of Chambers is willing to act as the mentor.

Pupils

Because of the work undertaken by Chambers, it is not usual for pupils to work in their own right. To the extent that any work is undertaken by pupils, the Senior Clerk will ensure that it is distributed in accordance with the Policy and fairly between all pupils.

Complaints and grievances procedures

If any person considers that they may have a complaint or grievance in relation to the access to work etc policy, they may refer it to be dealt with in accordance with the Complaints and Grievances Procedures set out in Section X below.

Monitoring and review

The Equality and Diversity Officers will review the access to work etc policy approximately annually in conjunction with the rest of this Code.

VI. PARENTAL LEAVE

Introduction

'Parental Leave' is leave by any:

- member of Chambers
- pupil
- prospective pupil

who is, or is to be, a carer of a child, preceding or following birth or adoption.

This could be the mother, father or adoptive parent of either sex, and includes the married, civil or de facto partner of a biological or adoptive parent.

Chambers recognises and fully supports the importance of parental leave and of retention at the Bar both for the Bar as a whole and specifically for Chambers.

Chambers therefore will:

- strongly encourage anyone taking leave to return to Chambers following the period of leave
- offer support to enable persons taking parental leave to continue to build successful practices and not to suffer any detrimental effects to their practice
- ensure that there is no discrimination on grounds of parental responsibility.

Period of leave

A person may take parental leave for up to 12 months following the birth or adoption.

Members of Chambers

Pre-leave

Any member of Chambers intending to take parental leave shall discuss their plans with the Senior Clerk as soon as they feel able to do so. They shall give such indication as they are able of the estimated commencement date and the anticipated date of return, subject to their right to vary such dates at any time. They shall do their best to keep the Senior Clerk fully informed of their intentions at all times. The Senior Clerk will do their best to foster open communication with the person about their plans as far as possible and will respect their confidentiality.

Prior to the commencement of leave, the person should meet with the Senior Clerk (or another appropriate clerk) to discuss and where appropriate agree:

- the level and type of contact they would like to have during parental leave

- any outstanding cases and appropriate cover
- any outstanding billing
- a proposed return date
- how, when and by whom solicitors will be informed of the start and end date of parental leave
- arrangements for the forwarding of post and paying in of cheques
- whether they should suspend their practising certificate: they should bear in mind that while suspension means that they will be free from CPD obligations for the period of suspension, it also means that they will not be able to take on any work during the period of leave
- whether they will be undertaking work during parental leave.

Chambers will also accommodate time-off for fertility treatment, ante-natal care and related medical and other appointments and will cooperate with the person with the aim of minimising disruption to the person's practice wherever possible.

Finances

Member's room; Rent

Chambers will waive the rent payable by the member for the period for which they are absent from practice by virtue of parental leave, or for 12 months, whichever is the shorter, on the expectation that the member will permit Chambers to make such alternative use of their room as is practicable during their absence.

If the member wishes to be on leave for more than 12 months, Chambers will (at the option of the member) make reasonable endeavours to put the member's room to alternative use in so far as practicable. To the extent that this is achievable, Chambers will make a commensurate waiver of the rent payable by the member for the additional period.

Where the member makes their room available for alternative use, the member shall not be required unreasonably to remove any furniture, books or other belongings from the room, and Chambers will undertake to take reasonable care of any property of the member which is left in the room, and will arrange for repair or replacement of any damage to the room or its contents during the member's absence.

On the member's return to practice, the room occupied at the time parental leave began will be made available as before.

Expenses

The member will remain responsible for Chambers' expenses (which include clerks' fees and are calculated as a percentage of receipts) during the period of parental leave.

Exceptions

The Head of Chambers (acting, where the Head of Chambers considers it necessary, with the endorsement of a meeting of Chambers) may make exceptions to the financial matters set out above in any case of need on the part of the person taking parental leave.

Involvement with Chambers while on Parental Leave

Continuation of work

The member is entitled to work during parental leave if they wish to do so. The Senior Clerk will respond positively to any such wish expressed by the member and will try to find and offer opportunities to do appropriate work if this is requested. Any such working arrangements during a period of parental leave will not affect the member's entitlement to the rent-free period, provided that the level of work is discussed with the Head of Chambers and is agreed not to constitute a return to practice.

Information and participation

The Senior Clerk will ensure that any person on parental leave is kept informed of:

- Chambers' meetings, by circulating the agenda in advance and inviting the member to attend in person or by telephone if they wish, and endeavouring, so far as practicable, to ensure that the member is directly consulted in relation to any major Chambers' decisions that may affect the member's practice
- any training events
- any social or other Chambers' events and any marketing events
- any significant news or developments within Chambers.

The clerks will monitor the person's pigeonhole on a regular basis. Where necessary the contents will be posted to the person on leave at least monthly at no cost to that person.

Any cheques received during parental leave will be dealt with in accordance with any arrangement reached with the person on leave.

KIT days

Prior to the commencement of leave, the person, in consultation with the Senior Clerk, may arrange to have a number of keeping in touch (KIT) days.

KIT days may be used for any work-related activity e.g. training or team events. Agreement should also be reached as to the dates of the KIT days, although this should remain flexible. The content, frequency and number of KIT days should be designed to make the return to work following leave easier for the person. The KIT days are taken during leave.

During the period of leave, the person should be reminded by the Senior Clerk (or another appropriate clerk) by e-mail of the dates of the KIT days. These days should not affect the calculation of the parental leave benefit.

Where possible the agenda for the KIT days should be planned in advance. There should be at least one meeting with a senior member of the clerking team which should be similar in content to a practice development meeting. Consideration should also be given to arranging a meeting with one or more appropriate barrister members.

Return to Chambers

Right to return

For the avoidance of doubt, persons who have taken parental leave have a right to return to Chambers without the need to apply for readmission.

Support from Chambers

Chambers recognises that the return to practice after parental leave requires particular support, and is committed to doing whatever is possible to ensure that a person taking such leave can re-establish and develop a successful practice on returning to work.

The Senior Clerk will take positive steps to help the person in this regard. These include (where requested) the arrangement of a meeting (in addition to the KIT days referred to above) shortly before the person returns, to discuss the development of the person's practice in the period following the return.

Chambers will also help members to work reduced hours on the return from a parental leave if they wish. This should be discussed with the Head of Chambers and the Senior Clerk.

The following adjustments in particular will be made to accommodate the needs of persons returning from parental leave:

- The timing of Chambers meetings, team meetings and practice reviews will take into consideration childcare needs, and attendance at evening/weekend meetings should not be expected.
- Conference call facilities will be made available to enable persons to participate in meetings from home.

Pupils

Parental Leave before pupillage

Chambers may defer for up to 12 months the commencement of pupillage of prospective pupils who wish to take parental leave before the commencement of pupillage.

Parental Leave during pupillage

Pupils who wish to take parental leave during pupillage may defer completion of the remainder of pupillage for up to 12 months, subject to the BSB's and Bar Council's requirements for completion of pupillage. If the pupil wishes to seek an exemption from the requirements, the Pupillage Committee will assist in trying to obtain the exemption.

Such a deferral will not affect the overall pupillage award which shall be paid monthly during the period in which the pupil is undertaking pupillage and not on parental leave. In the event of a rise in the pupillage award following deferral and prior to commencement of the deferred period, the pupil shall be paid at the increased rate during the deferred period.

In the event of deferral, the pupil's supervisor shall be their point of contact with Chambers during the pupil's period of parental leave.

Childcare commitments

Pupils with childcare commitments may discuss with the Pupillage Committee how their working hours during pupillage can accommodate such commitments. Chambers will arrange for them to work flexible working hours provided that they meet the BSB's and Bar Council's requirements for completion of pupillage and that they are able to complete the work that their pupil supervisor requires of them.

Any such need to work flexible hours will not, as far as possible, affect any allocation of work to pupils during the period of pupillage. As stated in Section V above, however, it is not usual for pupils to work in their own right. Where work is allocated to pupils, pupils should be aware of the demands of the court schedule and the necessity sometimes for evening and last-minute briefs and should arrange childcare with this in mind wherever possible.

Any such need to work flexible hours will not affect the pupil's prospects of being recruited as a tenant pursuant to Chambers' policy on recruitment of tenants from pupils.

Complaints and grievances procedures

If any person considers that they may have a complaint or grievance in relation to the parental leave policy, they may refer it to be dealt with in accordance with the Complaints and Grievances Procedures set out in Section X below.

Staff

The entitlements of members of staff in respect of parental leave are in accordance with Chambers' statutory obligations and their contracts of employment.

Monitoring and review

The Equality and Diversity Officers will review the parental leave policy approximately annually in conjunction with the rest of this Code.

VII. FLEXIBLE AND PART-TIME WORKING AND CAREER BREAKS

Working practices

The extent to which members of Chambers conduct their practices from Chambers or from home, the hours and days that they choose to work, the length of their holidays and their timing (e.g. to fit in with school holidays), is left to members' discretion.

Chambers recognises that flexible working practices are important and that accordingly members of Chambers have the right to:

- take a career break
- work part-time
- work flexible hours
- work from home

particularly in order to enable them to manage family responsibilities (which includes caring responsibilities for older, young or disabled dependents or relatives) or disability and to remain in practice.

Chambers therefore seeks to make reasonable efforts (subject to cost) to facilitate working from home through the use of methods such as:

- e-mail
- access to online research tools
- telephone and video conferencing
- telephone patching
- virtual office facilities.

However, members are encouraged to organise their affairs so that Chambers as a whole can meet the reasonable expectations of Chambers' clients and prospective clients.

Leave

Chambers recognises that all members of Chambers are self-employed and are entitled to take leave from Chambers for such periods and at such times as they choose.

Rent and Expenses

Subject to the Parental Leave policy above and the matters set out below, all members of Chambers remain responsible for rent and Chambers' expenses (which include clerks' fees and are calculated as a percentage of receipts) irrespective of the hours, days and locations at which they choose to work.

Temporary part-time work; Temporary cessation of work

Members of Chambers and the Senior Clerk will respond positively and supportively when members of Chambers experience ill-health or difficulties in meeting their family responsibilities which require them to work part-time temporarily or to cease work temporarily.

In particular:

- Chambers will be sympathetic to any realistic and fair proposals for adjustments to financial arrangements.
- For instance, in the case of temporary cessation from work, Chambers will (at the option of the member) make reasonable efforts to put the member's room to alternative use in so far as this is practicable, and to the extent that this is achievable, thereby to relieve the member of some or all of their rent. However, it is recognised that in the case of part-time work or short temporary absences in particular, putting the room to such alternative use may not be realistically achievable.
- Members of Chambers will make reasonable efforts to help by providing cover for hearings and dealing with requests for advice to be provided urgently.

Exceptions may also be made in the discretion of the Head of Chambers (acting, where necessary, with the endorsement of a meeting of Chambers) in any case of need on the part of the relevant member.

Substantial absences

In the case of substantial absences from Chambers, for instance for career breaks or sabbaticals:

- arrangements (if any) in respect of rent and Chambers' expenses will have to be agreed with Chambers on a case by case basis
- in the absence of any agreement to some such alternative arrangement, members of Chambers will remain responsible for rent and Chambers' expenses.

The Senior Clerk will ensure that any member who is away from Chambers on a career break or sabbatical is kept informed of:

- Chambers' meetings, by circulating the agenda in advance and inviting them to attend in person or by telephone if they wish and endeavouring, so far as practicable, to ensure that the member is directly consulted in relation to major Chambers' decisions which may affect the member's practice
- any training events
- any social or other Chambers' events
- any important news or developments within Chambers.

The Senior Clerk will respond positively to a member's wishes to work during any career break or sabbatical.

When any member takes a career break or sabbatical for more than 6 months, the Senior Clerk will take positive steps to help the member to re-establish practice on returning to work, including offering to hold discussions with such a member at monthly intervals for 3 months from return, then every 2 months for the remainder of the first year of return.

Staff

Any request for flexible working by a member of staff will be dealt with in accordance with any statutory obligations as a minimum. Chambers will consider sympathetically in specific cases requests by members of staff for special arrangements.

Complaints and grievances procedures

If any person considers that they may have a complaint or grievance in relation to the flexible and part-time working etc policy, they may refer it to be dealt with in accordance with the Complaints and Grievances Procedures set out in Section X below.

Monitoring and review

The Equality and Diversity Officers will review the flexible and part-time working etc policy approximately annually in conjunction with the rest of this Code.

VIII. REASONABLE ADJUSTMENTS

Non-discrimination; Reasonable adjustments

Chambers' commitment to the Policy includes a requirement that it shall not discriminate against any disabled person, whether in the standard of service provided, the terms on which and manner in which services are provided, or in its being prepared to provide services to disabled persons.

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.

Chambers is committed to making reasonable adjustments in order to remove or reduce any 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.

The members of Chambers and staff recognise and will comply with the duty to make reasonable adjustments imposed by the Equality Act 2010, including the requirement to make reasonable adjustments where:

- there is a provision, criterion or practice which puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled
- a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled
- a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled.

No disabled person will be discriminated against by:

- being treated less favourably for a reason related to that person's disability
- any failure to comply with a duty to make a reasonable adjustment, causing the person to find it either impossible or unreasonably difficult to use Chambers' services.

Where practicable, Chambers will take all reasonable steps to ensure that no person is prevented from access to Chambers or to the services of a member of Chambers due to that person's condition. Chambers recognises that the purpose of reasonable adjustments is to provide access to the services of Chambers for a disabled person as close as it is reasonably possible to get to the standard normally offered to other persons who are not disabled.

This policy does not provide an exhaustive list of the reasonable adjustments that Chambers will make for clients, staff, barristers, pupils or visitors. The types of adjustment that may be made include the following:

- Members of Chambers will be willing to travel to attend conferences at a venue which is accessible and convenient for a disabled person attending the conference (e.g. at the instructing solicitors' offices) where reasonable to do so, or to conduct conferences remotely.
- Accessible conference facilities will be made available as close to Chambers' premises as possible.
- Disabled parking is available in Lincoln's Inn.

Chambers will not pass on the cost of a reasonable adjustment to a disabled person.

No person (whether disabled or not) will be treated less favourably by reason of the fact that they have brought proceedings under, or given evidence or information or made allegations in relation to, any disability legislation.

Staff, members and others in Chambers

Staff or members of Chambers with specific requirements should make requests to the Head of Chambers for reasonable adjustment decisions. All requests for reasonable adjustments will be considered on a case by case basis with the advice and assistance of the Equality and Diversity Officers and where it is not possible to make the adjustment requested the Head of Chambers will discuss viable alternatives with the applicant.

The Head of Chambers is responsible for considering whether or not disabled staff, members, pupils or mini-pupils require assistance during an emergency evacuation and if so whether or not a personal emergency evacuation plan is required for the individual 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

Members of Chambers 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 a senior member of the clerking team.

Complaints and grievances procedures

If any person considers that they may have a complaint or grievance in relation to the reasonable adjustments policy, they may refer it to be dealt with in accordance with the Complaints and Grievances Procedures set out in Section X below.

Monitoring and review

The Equality and Diversity Officers will review the reasonable adjustments policy approximately annually in conjunction with the rest of this Code.

IX. ANTI-HARASSMENT

Anti-harassment policy

As noted in the Introduction above, Chambers is committed to providing a working environment:

- in which all individuals including members of Chambers, pupils, mini-pupils, staff, clients and the public are treated with dignity, respect and fairness
- in which everyone is treated equally and can flourish
- which is conducive to the professional growth of its members, pupils, mini-pupils and staff and to the promotion of equality of opportunity.

Harassment is unlawful under the Equality Act 2010.

It constitutes serious misconduct under the BSB's Handbook.

Chambers will not tolerate or condone any form of harassment.

Chambers will take all reasonable steps to ensure that harassment does not occur or continue.

Definition

Harassment includes any unwanted conduct related to sex, race, disability, gender reassignment, religion or belief, sexual orientation, or age. It can also arise where a person engages in any kind of unwanted sexual behaviour, or gender reassignment or sex related behaviour.

Such behaviour may take many forms. It includes, without limitation, conduct which:

- is unwanted by the recipient and perceived as hostile or threatening
- gives rise to a hostile or threatening work environment
- creates an atmosphere in which it is feared that rejection of or submission to unwanted conduct will be used as a basis for decisions which have an impact on the recipient at work such as (but without limitation) decisions relating to the award of pupillage, any offer of tenancy or of promotion, or other opportunities for career advancement such as allocation of work.

The following are examples of types of behaviour which may amount to harassment (or of behaviour which is regarded by Chambers as inappropriate):

- Sexual and physical assault
- Suggesting that sexual favours or a sexual relationship may result in favourable treatment, provide work opportunities or career advancement, or suggesting that refusing such may lead to less favourable treatment, the loss of work opportunities or damage career advancement

- Sexist, suggestive or sexual comments, 'jokes' or 'banter'
- Sexual innuendo
- Sexist, sexual or offensive comments regarding someone's appearance
- Overly personal comments or over-familiar behaviour, including questions about someone's relationships, sex life or gender identity
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- Racist, sexist, anti-LGBTQI+ (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and other sexual identities) or ageist jokes, or derogatory or stereotypical remarks about those of a particular ethnic or religious group, gender, gender identity or sexual orientation
- Outing or threatening to out someone as gay, lesbian, transgender or any form of LGBTQI+
- Knowingly mis gendering someone
- Offensive or intimidating comments or gestures
- Insensitive jokes or pranks
- Mocking, mimicking or belittling a person's disability
- Exclusion from social networks or activities, or other forms of isolation
- Staring or inappropriate/suggestive looks
- Invading someone's personal space
- Sexual or offensive gestures
- Inappropriate sexual advances or repeated unwelcome sexual advances
- Inappropriate or unwelcome physical contact
- Displaying or sending pornographic or sexually suggestive or otherwise offensive pictures or written material, including on a computer screen
- Initiating or continuing sexual contact with someone who is unable, for example through drink, to give truly informed consent
- Dealing with complaints of harassment inappropriately or inadequately
- Bullying. Examples of bullying may include shouting at someone, being sarcastic towards, ridiculing or demeaning someone, overbearing or intimidating levels of supervision, inappropriate and/or derogatory remarks about someone's performance, abuse of authority or power by those in positions of seniority, or

deliberately excluding someone from meetings or communications without good reason.

A single incident may constitute harassment if it is sufficiently serious.

The motive or intention of the perpetrator may be (but is not invariably) relevant. The fact that a comment is intended as a joke does not mean that it is not capable of constituting harassment or inappropriate behaviour.

The fact that one person may be able to ignore or deal comfortably with certain behaviour does not mean that it is acceptable if directed at another.

A person can be harassed by behaviour which is not directed at him or her but at another person.

Communication of anti-harassment policy

A copy of this anti-harassment policy is available on Chambers' website as part of this Equality and Diversity Code and so is available to all those for whom Chambers constitutes a working environment, including members of Chambers, pupils, mini-pupils, work experience students, clerks, staff and other employees, temporary workers, those who provide services to chambers such as accountants, IT consultants and contract cleaners. Anyone working in Chambers or visiting Chambers will be provided with a copy on request.

If necessary, a briefing will be provided so that all members and staff are aware of behaviour which is unacceptable within the working environment and are aware of this anti-harassment policy and of the procedures for making complaints and of the assistance available.

Scope of anti-harassment policy

The policy applies to all those working in Chambers, visiting Chambers and providing services to Chambers. These include in particular:

- members of Chambers
- pupils
- mini-pupils
- work experience students
- clerks
- staff
- other employees
- temporary workers
- those who provide services to chambers such as accountants, IT consultants and contract cleaners
- others temporarily in chambers.

The policy applies to:

- all premises where Chambers' business is conducted
- all Chambers' activities performed away from Chambers' premises

- any social, business or other function where conduct or comments may have an effect on Chambers or relationships within Chambers.

Action

Everyone who works at Chambers is encouraged to take steps to stop, deter and prevent harassment, bullying and inappropriate behaviour.

Anyone who witnesses such behaviour directed at another, including hearing harassing or bullying comments, is encouraged to challenge it rather than let it pass (unless to do so would place themselves in danger), and to bring it to the attention of one of the Equality and Diversity Officers or the Head of Chambers.

Anyone who learns of such behaviour by another should encourage those involved to raise a concern, informally or formally, as set out below.

Any barrister who has reasonable grounds to believe that there has been sexual or other harassment by another barrister also has a professional duty to report it to the BSB, unless they believe that the misconduct has already been reported to the BSB by someone else. Guidance from the BSB can be found on the www.barstandardsboard.org.uk website and/or advice can be obtained from the BSB by calling them on 0207 611 1444 or from the Bar Council by calling their Ethical Queries Helpline on 0207 611 1307.

Raising concerns and resolving complaints of harassment

Any person who considers that they have been subjected to harassment is entitled to raise their concerns and has a right to complain.

Chambers is committed to providing a supportive environment in which to resolve any problems of harassment and inappropriate behaviour and has put in place a number of options, as set out below, for resolving any issues. A non-adversarial approach will be adopted so far as appropriate.

Anyone who has experienced harassment or inappropriate behaviour, and anyone who has witnessed or learnt of such behaviour by another, is strongly encouraged to raise their concerns formally or informally within Chambers in order that appropriate support can be provided, and appropriate, proportionate action taken.

Chambers recognises that it takes courage to raise a concern about someone's conduct and aims to make it easy and as stress-free as possible to do so. Concerns about someone's behaviour can be raised formally or informally. Advice and support can be sought informally or anonymously.

Raising a Concern Informally

Concerns can be raised informally with the Equality and Diversity Officers and/or the Head of Chambers, by speaking to them in person, calling them or emailing them. Those wishing to raise a concern should not feel in any way constrained as to which of these individuals they choose to approach but should simply choose the individual they feel most comfortable talking to about their concern.

Possible outcomes from raising a concern informally could include (but are not limited to) by way of example:

- simply providing support or guidance to any person who needs it or may benefit from it
- an Equality and Diversity Officer meeting with the person whose behaviour was reported to advise them that their behaviour was inappropriate (or was regarded as such), to explain why it was unwelcome, and to inform them that if further similar incidents are reported the consequences might be a formal investigation
- involving (if not already involved) the Head of Chambers for further advice, support or action
- arrangements being made to prevent or reduce the risk of the conduct which caused the concern occurring again
- making a BSB report on behalf of the person raising the concern or assisting them in making such a report
- support in lodging a complaint with the Solicitors' Regulatory Authority if the concern relates to the conduct of a solicitor
- support in lodging a complaint with the Judicial Conduct Investigations Office if the concern relates to the conduct of a judge
- support in accessing advice or counselling.

The person who raised the concern will be kept informed of the outcome of any action taken, and a record will be kept.

Where the concerning conduct is particularly serious, the person raising the concern may be encouraged to raise it formally.

Formal Resolution

The formal complaints resolution procedure is set out in Section X below.

Confidentiality

Chambers recognises that a recipient of harassment may find it difficult to come forward with a complaint and understands that recipients and alleged harassers may be particularly concerned about confidentiality and the effect that a complaint may have on career advancement.

To protect the interests of the complainant, the person complained against, and any others who may report or be witnesses to incidents of harassment, confidentiality will be maintained by everyone involved in the operation of this policy to the fullest extent that this is possible and except where disclosure is required for regulatory, disciplinary or other remedial processes.

A breach of confidentiality may itself amount to professional misconduct.

All records of complaints, including notes of meetings, interviews, results of investigations and other relevant material will be kept confidential by Chambers except where disclosure is required for regulatory, disciplinary or other remedial processes.

Anti-victimisation

Chambers is committed to ensuring that no one who makes an allegation, or raises a concern, of harassment in good faith should be subjected to any detriment as a result.

Anyone who raises a concern in good faith or provides information pertinent to a concern raised by another, or makes a report to the BSB, shall be protected against receiving less favourable treatment as a result.

Any victimisation of a complainant, witness or anyone else involved in the investigation of a concern or complaint will be referred to the Head of Chambers to be considered and treated as a disciplinary matter.

Pupillage

Pupillage is a period of professional training. Chambers regards it as inappropriate for the duration of pupillage for a sexual relationship to develop between a pupil supervisor or any other member or employee of Chambers and a pupil.

Complaints and grievances procedures

If any person considers that they may have a complaint or grievance in relation to the anti-harassment policy, they may refer it to be dealt with in accordance with the Complaints and Grievances Procedures set out in Section X below.

Monitoring and review

The Equality and Diversity Officers will review the anti-harassment policy approximately annually in conjunction with the rest of this Code.

X. COMPLAINTS AND GRIEVANCES PROCEDURES

Introduction

As stated above, Chambers is committed to providing a working environment:

- in which all individuals including members of Chambers, pupils, mini-pupils, staff, clients and the public are treated with dignity, respect and fairness
- in which everyone is treated equally and can flourish
- which is conducive to the professional growth of its members, pupils, mini-pupils and staff and to the promotion of equality of opportunity.

Any complaints or grievances will be addressed promptly, objectively and fairly, in accordance with the procedures set out below.

No-one will be victimised or suffer a detriment because they raise a complaint or grievance in good faith under this procedure or the grievance procedure for members of staff.

Scope of procedure

The procedure in this Section covers:

- members of Chambers
- pupils
- mini-pupils
- applicants for positions in Chambers.

This procedure is applicable to any complaint, grievance or dispute including but not limited to complaints of discrimination or harassment.

There shall be a separate procedure for complaints and grievances of members of staff, as set out in their contracts of employment or in a notice given to them.

There is a separate procedure for complaints by professional clients, lay clients and members of the judiciary. This is set out at Annex G.

Notification of procedure

A copy of the procedure, which includes details of the nominated persons for responding to formal and informal complaints and grievances, will be made available to

A copy of this complaints and grievances procedure is available on Chambers' website as part of this Equality and Diversity Code and so is available to all members of Chambers, pupils, mini-pupils and applicants for positions in Chambers. A written copy will be provided to anyone who asks for one.

Confidentiality

Confidentiality will be maintained as far as possible and appropriate in the circumstances.

Informal procedures

Complaints or grievances are more easily resolved if dealt with at an early stage.

Concerns in relation to harassment and inappropriate behaviour are dealt with in Section IX above. Individuals with other complaints or grievances should promptly seek the assistance of a senior member of Chambers who will, as far as possible, give confidential advice and assistance to see whether the matter may be resolved informally. In particular the Head of Chambers and the Equality and Diversity Officers will be available to give advice and assistance if the individual wishes to speak with them.

If the complaint or grievance relates to a clerking matter, the complainant in the first instance should attempt to resolve it promptly and informally with the Senior Clerk, seeking the assistance if necessary of the Head of Chambers or the Equality and Diversity Officers or another senior member of Chambers.

Formal procedures

If a complaint or grievance cannot be resolved informally, any formal complaint:

- must be made as soon as reasonably possible
- shall in any event be made within 6 months of the act being complained of, or within 6 months of the end of any informal action taken, save in exceptional circumstances (or in the case of complaints relating to harassment or inappropriate behaviour)
- should be made in writing to the Head of Chambers and will be acknowledged within 7 days of receipt unless there are good reasons for delay
- will be dealt with promptly in accordance with this procedure and in particular within 28 days of receipt of the complaint unless there are good reasons for delay
- will be investigated in accordance with standards of natural justice and in particular, where possible: (i) two members of Chambers not directly involved in the complaint will undertake the investigation; and (ii) if there is a hearing, all parties to the complaint will be permitted to be accompanied by a colleague or friend.

On the conclusion of the investigation:

- the complainant will receive a written response on the outcome of the complaint with a clear indication of the steps Chambers will take in the circumstances to remedy the problem if the complaint is upheld
- where the investigation has provided reasonable grounds to believe that serious professional misconduct has occurred, a recommendation should be made by those undertaking the investigation that reporting to the BSB should be considered. If it is determined that a report should be made to the BSB, consideration may be given to

whether to await the outcome of the report to the BSB prior to taking any action pursuant to the internal outcome

- solutions which rely on changes to working arrangements which may unreasonably disadvantage the complainant will be avoided.

In the case of complaints of harassment or inappropriate behaviour, if the person raising the concern is not satisfied with the outcome, he or she can appeal the outcome to the Head of Chambers, and must indicate their intention to do so, setting out brief grounds in writing to the Head of Chambers within 14 days of receiving the written response on the outcome. The appeal will be a review and not a re-hearing of the concern, although the person raising the concern, the person about whom the concern is raised, and one of the members of Chambers who undertook the investigation will be entitled to make oral or written submissions to the Head of Chambers. The Head of Chambers will be at liberty to take whatever steps he or she feels is appropriate in order to consider and determine the appeal.

A brief confidential report on all formal complaints and on the outcomes will be made to the Head of Chambers and records will be retained for a period of one year from the conclusion of each case with a discretion to keep for longer if necessary.

Complaints or grievances by pupils

Before invoking the procedures set out above, pupils are encouraged to try to resolve any grievances or concerns by discussion with:

- their pupil supervisor, if possible and appropriate
and/or
- the Senior Clerk
and/or
- any member or members of the Pupillage Committee.

XI. FURTHER RESOURCES AND SUPPORT

Chambers draws the attention of all persons connected with Chambers to the further resources and support services provided by the Bar Council, BSB and other organisations.

These include the following.

Bar Council

Equality and Diversity confidential helpline

Any person may call the helpline and speak to a member of the Bar Council's Equality & Diversity team in confidence.

In particular the helpline can provide support and advice to members of the profession, staff and members of chambers, employed barristers, pupils and Bar students about any equality and diversity, parental leave or bullying and harassment issue.

The barrister members of the team staffing the helpline have a special exemption from BSB reporting requirements and are able to provide advice without being required to report the incident to the BSB.

The number is 020 7611 1426.

Details are on the Bar Council's website at:

<https://www.barcouncil.org.uk/support-for-barristers/wellbeing-personal-career-support/helplines.html>

Pupils' confidential helpline

The Pupils' Helpline gives confidential advice and support to pupils by putting them in touch with an experienced and independent barrister who can help with problems encountered during pupillage.

The number is 020 7611 1415. The email contact is pupilhelpline@barcouncil.org.uk

Details are on the Bar Council's website at:

<https://www.barcouncil.org.uk/support-for-barristers/wellbeing-personal-career-support/helplines.html>

'Spot' reporting tool

'Spot' is a web-based application for confidentially reporting instances of bullying, harassment and discrimination. It uses AI to ask meaningful questions about what happened.

It is a secure tool designed to help people working at the Bar to record and report inappropriate behaviour. It enables persons to make a record of exactly what happened, who did it, who saw it, where it happened and when. It generates a date stamped contemporaneous record of the incident. No one else will see it. It belongs only to the person who created the record.

If the person who made the record deems it necessary, they can use the record to support a complaint about the incident.

Details are on the Bar Council's website at:

<https://www.barcouncil.org.uk/support-for-barristers/equality-diversity-and-inclusion/talk-to-spot.html>

Parental leave support

The Bar Council provides useful sources of information and assistance, including information packs, to enable parents to manage their parental leave and childcare responsibilities whilst maintaining a practice at the self-employed or employed Bar.

Details are at:

- <https://www.barcouncilethics.co.uk/documents/family-career-breaks-advice-pack/>
- <https://www.barcouncil.org.uk/support-for-barristers/wellbeing-personal-career-support/parental-support.html>

Career breaks

The Bar Council publishes an information pack with guidance for barrister planning career breaks.

Details are at:

<https://www.barcouncilethics.co.uk/documents/career-breaks-advice-pack/>

Access to work

The Bar Council publishes an information pack with guidance for access to work for those with disabilities.

Details are at:

<https://www.barcouncilethics.co.uk/documents/access-work-guide/>

Mentoring

Several mentoring schemes are available.

Details are on the Bar Council's website at:

<https://www.barcouncil.org.uk/support-for-barristers/wellbeing-personal-career-support/mentoring.html>

BSB

Further information is available from the BSB at:

www.barstandardsboard.org.uk

particularly in its 'Supporting Information: BSB Handbook Equality Rules' at:
<https://www.barstandardsboard.org.uk/uploads/assets/bea4dc04-7acd-49a8-98a23a4d345f644d/8b833ea5-5d8f-4d67-a1156687cbdce27/Supporting-Info-Chambers.pdf>.
A copy is at Annex H.

The BSB's Equality and Access to Justice Team can assist with queries about equality and diversity at the Bar, including the Equality Rules. The Team can be contacted at:
equality@barstandardsboard.org.uk.

Equality and Human Rights Commission

Further information is available from the Equality and Human Rights Commission at:
www.equalityhumanrights.com

Wellbeing

Chambers recognises the importance of the wellbeing of its members, staff and pupils. Wellbeing is defined as being as physically fit as you can be, enjoying life and work, being connected to positive others, and retaining an ability both to keep perspective about and to recover from difficult times. Chambers encourages its members, staff and pupils to follow the five drivers of wellbeing: to 'connect', 'be active', 'take notice', 'keep learning', and 'give'.

Resources for the wellbeing of barristers and staff and sources of wellbeing advice and support are available at:
<https://www.wellbeingatthebar.org.uk/>
<https://www.lawcare.org.uk/>

ANNEX A

BAR COUNCIL'S EQUALITY AND DIVERSITY GUIDE **'DISCRIMINATION, HARASSMENT, BULLYING AND** **INAPPROPRIATE BEHAVIOURS'**



Bar Council Equality and Diversity Guides
Discrimination, Harassment, Bullying and Inappropriate Behaviours:
Information for Barristers

This guide provides a legal definition for discrimination, including harassment, and lists the types of inappropriate behaviours that cause concern.

Contents:

Discrimination	1
Harassment	3
Reporting to the Bar Standards Board (BSB)	6
Bullying	7
Useful Resources	8

Discrimination

1. Direct discrimination occurs where one person is treated less favourably than another was or would be treated in the same or similar circumstances because of a protected characteristic.
2. Indirect discrimination occurs where an apparently neutral provision, criterion or practice puts the victim and those with whom the victim shares a protected characteristic at a particular disadvantage when compared with others who do not share it, and where the provision, criterion or practice is not a proportionate means of achieving a legitimate aim (for example, holding an internal Chambers training seminar at a time when a particular group of members will find it difficult to attend and when the meeting could reasonably be held at some other time which would not exclude any particular group).
3. Victimisation occurs when a person is subject to detrimental treatment because he or she has brought proceedings under the anti-discrimination legislation, given evidence or information in connection with such proceedings or has alleged that unlawful discrimination has occurred (or is suspected of doing or believed to have done any of the above).

The protected characteristics and the definition of discrimination is contained in the Equality Act 2010. This provides that:

Chapter 1

4 The protected characteristics

The following characteristics are protected characteristics—

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Chapter 2

13 Direct discrimination

- (1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

19 Indirect discrimination

- (1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.
- (2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—
- (a) A applies, or would apply, it to persons with whom B does not share the characteristic,
 - (b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,
 - (c) it puts, or would put, B at that disadvantage, and
 - (d) A cannot show it to be a proportionate means of achieving a legitimate aim.

27 Victimisation

- (1) A person (A) victimises another person (B) if A subjects B to a detriment because—
- (a) B does a protected act, or
 - (b) A believes that B has done, or may do, a protected act.
- (2) Each of the following is a protected act—

- (a) bringing proceedings under this Act;
- (b) giving evidence or information in connection with proceedings under this Act;
- (c) doing any other thing for the purposes of or in connection with this Act;
- (d) making an allegation (whether or not express) that A or another person has contravened this Act.

Harassment

4. There is a spectrum of conduct that can be properly described as harassment. As a guide, the Equality Act 2010 describes it as unwanted conduct which has the purpose or effect of violating the victim's dignity or which creates an intimidating, hostile, degrading, humiliating or offensive environment for the victim. A single incident can constitute harassment.

5. Under the Equality Act 2010, determining whether unlawful harassment has taken place involves an objective and a subjective element; analysis must be made both of the factual event which took place but also of both the alleged perpetrator's intention and the victim's perception of that event. Even if the alleged perpetrator's intention was not to harass or cause offence, where their conduct has had this effect – whether on the target or a witness – appropriate action should be taken.

6. What may appear, superficially, to have been innocuous conduct by the alleged harasser, might from the perspective of the victim be more serious - particularly if, for example, the victim is a more junior member of chambers than the alleged perpetrator, or in some other way vulnerable. Equally, the fact that an individual has a long-standing reputation which is a bit of a joke in chambers ("oh that's just so-and-so, he's harmless") does not mean that their conduct should be excused or overlooked.

The definition of harassment is contained in section 26 of the Equality Act 2010. This provides that:

- (1) A person (A) harasses another (B) if—
 - (a) A engages in unwanted conduct related to a relevant protected characteristic, and
 - (b) the conduct has the purpose or effect of—
 - (i) violating B's dignity, or
 - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- (2) A also harasses B if—

- (a) A engages in unwanted conduct of a sexual nature, and
(b) the conduct has the purpose or effect referred to in subsection (1)(b).
- (3) A also harasses B if—
- (a) A or another person engages in unwanted conduct of a sexual nature or that is related to gender reassignment or sex,
(b) the conduct has the purpose or effect referred to in subsection (1)(b), and
(c) because of B's rejection of or submission to the conduct, A treats B less favourably than A would treat B if B had not rejected or submitted to the conduct.
- (4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—
- (a) the perception of B;
(b) the other circumstances of the case;
(c) whether it is reasonable for the conduct to have that effect.
- (5) The relevant protected characteristics are—
- age;
 - disability;
 - gender reassignment;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.

7. Examples of inappropriate behaviours include:

- Sexist, suggestive or sexual comments, “jokes” or “banter”
- Sexual innuendo
- Sexist, sexual or offensive comments regarding someone’s appearance
- Overly personal comments or over-familiar behaviour, including questions about someone’s relationships, sex life or gender identity
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome
- Racist, sexist, anti-LGBT+ or ageist jokes, or derogatory or stereotypical remarks about a those of a particular ethnic or religious group, gender, gender identity or sexual orientation
- Outing or threatening to out someone as gay, lesbian, transgender or any form of LGBTQI+¹
- Knowingly mis gendering someone
- Offensive or intimidating comments or gestures

¹ Lesbian, Gay, Bisexual, Transgender, Queer, Intersex

- Insensitive jokes or pranks
- Mocking, mimicking or belittling a person's disability
- Exclusion from social networks or activities, or other forms of isolation
- Staring or inappropriate/suggestive looks
- Invading someone's personal space
- Sexual or offensive gestures
- Inappropriate sexual advances or repeated unwelcome sexual advances
- Inappropriate or unwelcome physical contact
- Suggesting that sexual favours or a sexual relationship may result in favourable treatment, provide work opportunities or career advancement, or suggesting that refusing such may lead to less favourable treatment, the loss of work opportunities or damage career advancement
- Displaying or sending or pornographic or sexually suggestive pictures or written material
- Initiating or continuing sexual contact with someone who is unable, for example through drink, to give truly informed consent
- Sexual and physical assault
- Dealing with complaints of harassment inappropriately or inadequately

Examples of sexual harassment (IBA Report)

- ✓ Sexist comments, including inappropriate humour or jokes about sex or gender
- ✓ Sexual or sexually suggestive comments, remarks or sounds
- ✓ Being looked at in an inappropriate manner, which made you feel uncomfortable
- ✓ Inappropriate physical contact, for example patting, pinching, brushing up against the body and any inappropriate touching or feeling
- ✓ Sexual propositions, invitations or other pressure for sex
- ✓ Seriously inappropriate physical contact, for example, kissing, fondling or groping
- ✓ Receiving sexually explicit content or propositions via email or social media
- ✓ Implicit or explicit demands for sexual favours in exchange for employment or promotion
- ✓ Implicit or explicit demands for sexual favours in exchange for work opportunity (i.e., to be involved in a matter)
- ✓ Receiving sexually explicit presents, cards or letters
- ✓ Being the subject of sexist behaviour on work WhatsApp groups
- ✓ Physical assault or rape
- ✓ Implicit or explicit demands for sexual favours in exchange for a favourable performance appraisal

(in order of most common) See Page 56, <https://www.ibanet.org/bullying-and-sexual-harassment.aspx>

Reporting to the Bar Standards Board (BSB)

8. When any allegation of harassment by a barrister is made, a decision must be made as to whether it is to be reported to the BSB or not.

Relevant BSB Rules

rC12 – "You must not discriminate unlawfully against, victimise or harass any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief, or pregnancy and maternity."

Relevant Core duties are:

- CD3 You must act with honesty and integrity
- CD5 You must not behave in a way which is likely to diminish the trust and confidence which the public places in you or in the profession
- CD8 You must not discriminate unlawfully against any person

rC65 You must report to the BSB promptly if you have committed serious misconduct.

rC66 You must report to the BSB if you have reasonable grounds to believe that there has been serious misconduct by a barrister.

gC96.2 Serious misconduct includes harassment.

9. Barristers have a duty to report harassment to the Bar Standards Board (BSB).

10. The BSB provides guidance on the reasons for and scope of the reporting obligation, as well as how to make a report, in the Handbook (gC97-gC99) and in separate BSB guidance available on their website².

11. The guidance notes that whether misconduct is "serious" may be a question of degree and is a matter of judgment (paras 6 & 7), and notes that discrimination, which includes harassment, can constitute serious misconduct depending on its severity and impact (para 8). This means that there may be instances of inappropriate conduct at the lesser end of the spectrum which do not mandate a BSB report.

²

https://www.barstandardsboard.org.uk/media/1687156/bsb_guidance_on_reporting_serious_misconduct_of_others_-_external_produced_by_reg_pol.pdf

12. Whilst the duty to report strictly applies to a victim of harassment, the guidance has recently been amended to state that the BSB has a policy not to take enforcement action against victims who do not report their harassment (para 16). The guidance also notes that the BSB will treat any report of harassment as sensitively as possible and, importantly, will not act without first consulting the victim.

Bullying

13. Examples of bullying may include:

- Shouting at someone
- Being sarcastic towards, ridiculing or demeaning someone
- Overbearing or intimidating levels of supervision
- Inappropriate and/or derogatory remarks about someone's performance
- Abuse of authority or power by those in positions of seniority
- Deliberately excluding someone from meetings or communications without good reason

14. A resource on the Wellbeing at the Bar website³ outlines other examples of potentially bullying behaviours:

- An unreasonable exchange outside court
- unreasonable pressure to concede a point or accept an offer during negotiations
- unwanted physical contact
- unwelcome remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip, slander
- isolation or non-cooperation and exclusion from social activities
- improper pressure to take on work you cannot accommodate
- improper pressure to reduce fees
- personal intrusion from pestering, spying and stalking
- failure to safeguard confidential information
- shouting and/or directed angry outbursts either in front of others or one to one
- setting unrealistic deadlines
- persistent unwarranted criticism
- personal insults

15. If a barrister has been bullied by a judge, the behaviour may include:

- shouting at them
- deliberately saying things to embarrass or humiliate them
- asking them to justify themselves in circumstances that are unfair
- calling them names

³ <https://www.wellbeingatthebar.org.uk/problems/bullying-barristers/>

- calling into question their professionalism in circumstances that are unfair
- accusing them of incompetence in circumstances that are unfair
- using various facial expressions to demean or intimidate them
- setting unrealistic time frames
- making them work through lunch breaks
- refusing to give them time to formulate an argument or response in circumstances where it is unfair to do so

Examples of Bullying (IBA Report)

- ✓ Ridicule or demeaning language
- ✓ Overbearing supervision, undermining of work output or constant unproductive criticism
- ✓ Misuse of power or position
- ✓ Being deliberately given too much or too little work, or work inadequate to the position
- ✓ Exclusion or victimisation
- ✓ Malicious rumours
- ✓ Implicit or explicit threats, other than relating to the categories above
- ✓ Unfounded threats or comments about job security
- ✓ Being blocked from promotion or training opportunities due to a protected characteristic (such as race, sex, religion)
- ✓ Other Violence, threatened or actual
- ✓ Exclusion from or bullying via social media, including work WhatsApp groups

(in order of most common) Page 39, <https://www.ibanet.org/bullying-and-sexual-harassment.aspx>

Useful Resources

16. Whether or not you are comfortable raising a concern within Chambers, confidential advice in relation to harassment, bullying and inappropriate behaviour can be sought at any time from the confidential Bar Council E&D Helpline 0207 611 1426. You will reach Sam Mercer, who is supportive, knowledgeable and helpful, or a member of her team, and they will provide you with support and advice and discuss your options. You need not give your name or the names of anyone else involved, or identify your chambers, unless you are comfortable doing so.

17. Alternatively, from October 2019, you can make a report of your experience on the TalktoSpot.com platform. Spot helps you talk through and record contemporaneously inappropriate moments at work, including court. You can then choose to print the report and send it to your chambers, your employer (if you are an employed barrister), the BSB or JCIO, and/or to submit the report to Bar Council or to

simply save the report for your own reference/use later. You can always edit your responses before submitting a report to Bar Council e.g. to remove names, identifiable details (though it is more helpful if Bar Council has this detail so we can map issues and hotspots). Any report submitted to Bar Council will be treated as strictly confidential and will be seen by the Equality & Diversity Policy Team only. If you choose, the Equality & Diversity Policy Team can also communicate with you through Spot but without knowing your identity or personal contact details if that is your preference.

IBA report – for useful background on harassment and bullying in the legal profession

<https://www.ibanet.org/bullying-and-sexual-harassment.aspx>

Wellbeing at the Bar (resources for Barristers' wellbeing; sources of advice and support

<https://www.wellbeingatthebar.org.uk/> Assistance Programme

<https://www.wellbeingatthebar.org.uk/ap/>

Lawcare (free and confidential helpline for lawyers, providing wellbeing and mental health support), T: 0800 2796888

Bar Council Guidance for chambers re sexual harassment

<https://www.barcouncilethics.co.uk/subject/developing-equality-diversity-policies-for-chambers/>

And for individual barristers <https://www.barcouncil.org.uk/supporting-the-bar/equality-and-diversity/bullying-and-harassment/>

BSB Guidance re reporting requirements

https://www.barstandardsboard.org.uk/media/1687156/bsb_guidance_on_reporting_serious_misconduct_of_others_-_external_produced_by_reg_pol_.pdf

BSB serious misconduct reporting form

https://www.barstandardsboard.org.uk/media/1702477/140619_-_pg22_-_procedure_for_dealing_with_reports_of_serious_misconduct_-_annex_a_-_form_-_live_updated_october_2015_.pdf

Bar Council Equality and Diversity Helpline T: 0207 611 1426

BSB Information Line T: 0207 6111 444

Bullying <https://www.wellbeingatthebar.org.uk/problems/bullying-barristers/>

Judicial Conduct Investigations Office <http://judicialconduct.judiciary.gov.uk/making-a-complaint/> (note: complaints should preferably be lodged within 3 months of the incident)

You may need to check online for up-to-date web addresses and telephone numbers.

ANNEX B

EQUALITY RULES

Rules C110-C112 - Equality and diversity

Rules

rC110

You must take reasonable steps to ensure that in relation to your *chambers* or *BSB entity*:

- .1 there is in force a written statement of policy on equality and diversity; and
- .2 there is in force a written plan implementing that policy;
- .3 the following requirements are complied with:

Equality and Diversity Officer

- .a *chambers* or *BSB entity* has at least one *Equality and Diversity Officer*;

Training

- .b removed.
- .c save in exceptional circumstances, every member of all selection panels must be trained in fair recruitment and selection processes;

Fair and objective criteria

- .d recruitment and selection processes use objective and fair criteria;

Equality monitoring

- .e your *chambers* or *BSB entity*:
 - .i conducts a regular review of its policy on equality and diversity and of its implementation in order to ensure that it complies with the requirements of this Rule rC110; and
 - .ii takes any appropriate remedial action identified in the light of that review;
- .f subject to Rule rC110.3.h *chambers* or *BSB entity* regularly reviews:
 - .i the number and percentages of its *workforce* from different groups; and
 - .ii applications to become a member of its *workforce*; and
- .iii in the case of *chambers*, the *allocation of unassigned work*,
- .g the reviews referred to in Rule rC110.3.f above include:
 - .i collecting and analysing data broken down by race, disability and gender;
 - .ii investigating the reasons for any disparities in that data; and
 - .iii taking appropriate remedial action;
- .h the requirement to collect the information referred to in Rule C110.3.g does not apply to the extent that the people referred to in Rule rC110.3.f.i and Rule rC110.3.f.ii refuse to disclose it.

Fair access to work

- .i if you are a *self-employed barrister*, the affairs of your *chambers* are conducted in a manner which is fair and equitable for all members of *chambers*, *pupils* and/or employees (as appropriate). This includes, but is not limited to, the fair distribution of work opportunities among *pupils* and members of *chambers*;

Harassment

- .j *chambers* or *BSB entity* has a written anti-*harassment* policy which, as a minimum:
 - .i states that *harassment* will not be tolerated or condoned and that *managers*, employees, members of *chambers*, *pupils* and others temporarily in your *chambers* or *BSB entity* such as mini-pupils have a right to complain if it occurs;

- .ii sets out how the policy will be communicated;
- .iii sets out the procedure for dealing with *complaints of harassment*;

Parental leave

- .k *chambers* has a *parental leave* policy which must cover as a minimum:
 - .i the right of a member of *chambers* to take *parental leave*;
 - .ii the right of a member of *chambers* to return to *chambers* after a specified period, or number of separate periods, of *parental leave*, provided the total leave taken does not exceed a specified maximum duration (which must be at least one year);
 - .iii a provision that enables *parental leave* to be taken flexibly and allows the member of *chambers* to maintain their *practice* while on *parental leave*, including the ability to carry out fee earning work while on *parental leave* without giving up other *parental leave* rights;
 - .iv the extent to which a member of chambers is or is not required to contribute to chambers' rent and expenses during parental leave;
 - .v the method of calculation of any waiver, reduction or reimbursement of *chambers'* rent and expenses during *parental leave*;
 - .vi where any element of rent is paid on a flat rate basis, the *chambers'* policy must as a minimum provide that *chambers* will offer members taking a period of *parental leave* a minimum of 6 months free of *chambers'* rent;
 - .vii the procedure for dealing with grievances under the policy;
 - .viii *chambers'* commitment to regularly review the effectiveness of the policy;

Flexible working

- .l *chambers* or *BSB entity* has a flexible working policy which covers the right of a member of *chambers*, *manager* or employee (as the case may be) to take a career break, to work part-time, to work flexible hours, or to work from home, so as to enable them to manage their family responsibilities or disability without giving up work;

Reasonable adjustments policy

- .m *chambers* or *BSB entity* has a reasonable adjustments policy aimed at supporting disabled *clients*, its *workforce* and others including temporary visitors;

Appointment of Diversity Data Officer

- .n *chambers* or *BSB entity* has a Diversity Data Officer;
- .o *chambers* or *BSB entity* must provide the name and contact details of the Diversity Data Officer to the *Bar Standards Board* and must notify the *Bar Standards Board* of any change to the identity of the Diversity Data Officer, as soon as reasonably practicable;

Responsibilities of Diversity Data Officer

- .p The Diversity Data Officer shall comply with the requirements in relation to the collection, processing and publication of *diversity data* set out in the paragraphs rC110.3.q to .t below;

Collection and publication of diversity data

- .q The Diversity Data Officer shall invite members of the *workforce* to provide *diversity data* in respect of themselves to the Diversity Data Officer using the model questionnaire in Section 7 of the BSB's Supporting Information on the BSB Handbook Equality Rules, which is available on the BSB's website;
- .r The Diversity Data Officer shall ensure that such data is anonymised and that an accurate and updated summary of it is published on *chambers'* or *BSB entity's* website every three years. If *chambers* or the *BSB entity* does not have a website, the Diversity Data Officer shall make such data available to the public on request;
- .s The published summary of anonymised data shall:
 - .i removed;
 - .ii exclude diversity data in relation to any characteristic where there is a real risk that individuals could be identified, unless all affected individuals consent; and
 - .iii subject to the foregoing, include anonymised data in relation to each characteristic, categorised by reference to the job title and seniority of the *workforce*.

.t The Diversity Data Officer shall:

- .i ensure that *chambers* or *BSB entity* has in place a written policy statement on the collection, publication, retention and destruction of *diversity data* which shall include an explanation that the provision of *diversity data* is voluntary;
- .ii notify the *workforce* of the contents of the written policy statement; and
- .iii ask for explicit consent from the *workforce* to the provision and processing of their *diversity data* in accordance with the written policy statement and these rules, in advance of collecting their *diversity data*.

rC111

For the purposes of Rule rC110 above, the steps which it is reasonable for you to take will depend on all the circumstances, which include, but are not limited to:

- .1 the arrangements in place in your *chambers* or *BSB entity* for the management of *chambers* or the *BSB entity*; and
- .2 any role which you play in those arrangements.

rC112

For the purposes Rule rC110 above “allocation of unassigned work” includes, but is not limited to work allocated to:

- .1 *pupils*;
- .2 *barristers* of fewer than four *years’ standing* ; and
- .3 *barristers* returning from *parental leave*;

Guidance to Rules C110-C112

Guidance

gC140

Rule rC110 places a personal obligation on all *self-employed barristers*, however they practise, and on the *managers of BSB entities*, as well as on the entity itself, to take reasonable steps to ensure that they have appropriate policies which are enforced.

gC141

In relation to Rule rC110, if you are a Head of *chambers* or a *HOLP* it is likely to be reasonable for you to ensure that you have the policies required by Rule rC110, that an *Equality and Diversity Officer* is appointed to monitor compliance, and that any breaches are appropriately punished. If you are a member of a *chambers* you are expected to use the means available to you under your constitution to take reasonable steps to ensure there are policies and that they are enforced. If you are a *manager* of a *BSB entity*, you are expected to take reasonable steps to ensure that there are policies and that they are enforced.

gC142

For the purpose of Rule rC110 training means any course of study covering all the following areas:

- a) Fair and effective selection & avoiding unconscious bias
- b) Attraction and advertising
- c) Application processes
- d) Shortlisting skills
- e) Interviewing skills
- f) Assessment and making a selection decision
- g) Monitoring and evaluation

gC143

Training should ideally be undertaken via classroom sessions. However, it is also permissible for training to be undertaken in the

following ways: online sessions, private study of relevant materials such as the Bar Council's Fair Recruitment Guide and completion of CPD covering fair recruitment and selection processes.

gC144

The purpose of Rule rC110.3.d is to ensure that applicants with relevant characteristics are not refused employment because of such characteristics. In order to ensure compliance with this rule, therefore, it is anticipated that the *Equality and Diversity Officer* will compile and retain data about the relevant characteristics of all applicants for the purposes of reviewing the data in order to see whether there are any apparent disparities in recruitment.

gC145

For the purpose of Rule rC110 "regular review", means as often as is necessary in order to ensure effective monitoring and review takes place. In respect of data on pupils it is likely to be considered reasonable that "regularly" should mean annually. In respect of managers of a *BSB entity* or tenants, it is likely to be considered reasonable that "regularly" should mean every three years unless the numbers change to such a degree as to make more frequent monitoring appropriate.

gC146

For the purposes of Rule rC110, "remedial action" means any action aimed at removing or reducing the disadvantage experienced by particular relevant groups. Remedial action cannot, however, include positive discrimination in favour of members of relevant groups.

gC147

Rule rC110.3.f.iii places an obligation on *practices* to take reasonable steps to ensure the work opportunities are shared fairly among its *workforce*. In the case of *chambers*, this obligation includes work which has not been allocated by the solicitor to a named *barrister*. It includes fairness in presenting to solicitors names for consideration and fairness in opportunities to attract future named work (for example, fairness in arrangements for marketing). These obligations apply even if individual members of *chambers* incorporate their practices, or use a "ProcureCo" to obtain or distribute work, as long as their relationship between each other remains one of independent service providers competing for the same work while sharing clerking arrangements and costs.

gC148

- a) Rule rC110.3.k applies to all members of *chambers*, irrespective of whether their partner or spouse takes *parental leave*.
- b) A flexible policy might include for example: keeping in touch (KIT) days; returns to practice in between periods of *parental leave*; or allowing a carer to practise part time.
- c) Any periods of leave/return should be arranged between *chambers* and members taking *parental leave* in a way that is mutually convenient.

gC149

Rule rC110.3.k.vi sets out the minimum requirements which must be included in a *parental leave* policy if any element of rent is paid on a flat rate. If rent is paid on any other basis, then the policy should be drafted so as not to put any *self-employed barrister* in a worse position than they would have been in if any element of the rent were paid on a flat rate.

gC150

For the purposes of Rule rC110 above investigation means, considering the reasons for disparities in data such as:

- .1 Under or overrepresentation of particular groups e.g. men, women, different ethnic groups or disabled people
- .2 Absence of particular groups e.g. men, women, different ethnic groups or disabled people
- 3 Success rates of particular groups
- .4 In the case of *chambers*, over or under allocation of unassigned work to particular groups

gC151

These rules are supplemented by the BSB's Supporting Information on the BSB Handbook Equality Rules ("the Supporting Information") which is available on the BSB's website. These describe the legal and regulatory requirements relating to equality and diversity and provide guidance on how they should be applied in *chambers* and in *BSB entities*. If you are a *self-employed barrister*, a *BSB entity*, or a *manager* of a *BSB entity*, you should seek to comply with the Supporting Information as well as with the rules as set out above.

gC152

The Supporting Information is also relevant to all *pupil supervisors* and *AETOs*. *AETOs* will be expected to show how they comply with the Supporting Information as a condition of authorisation.

gC153

Although the Supporting Information does not apply directly to *BSB authorised persons* working as *employed barristers (non-authorised bodies)* or *employed barristers (authorised non-BSB body)*, they provide helpful guidance which you are encouraged to take into account in your practice.

Rules C113-C118 - Pupillage funding**Rules****Funding****rC113**

The members of a set of *chambers* or the *BSB entity* must pay to each non-practising *pupil* (as appropriate), by the end of each month of the non-practising period of their *pupillage* no less than:

- .1 the *specified amount*; and
- .2 such further sum as may be necessary to reimburse expenses reasonably incurred by the *pupil* on:
- .3 travel for the purposes of their *pupillage* during that month; and
- .4 attendance during that month at courses which they are required to attend as part of their *pupillage*.

rC114

The members of a set of *chambers*, or the *BSB entity*, must pay to each practising *pupil* by the end of each month of the practising period of their *pupillage* no less than:

- .1 the *specified amount*; plus
- .2 such further sum as may be necessary to reimburse expenses reasonably incurred by the *pupil* on:
 - .a travel for the purposes of their *pupillage* during that month; and
 - .b attendance during that month at courses which they are required to attend as part of their *pupillage*; less
- c such amount, if any, as the *pupil* may receive during that month from their *practice* as a *barrister*; and less

.d such amounts, if any, as the *pupil* may have received during the preceding months of their practising *pupillage* from their *practice* as a *barrister*, save to the extent that the amount paid to the *pupil* in respect of any such month was less than the total of the sums provided for in sub-paragraphs rC114.2.a and .b above.

rC115

The members of a set of *chambers*, or the *BSB entity*, may not seek or accept repayment from a *chambers pupil* or an entity *pupil* of any of the sums required to be paid under Rules rC113 and rC114 above, whether before or after they cease to be a chambers pupil or an entity *pupil*, save in the case of misconduct on their part.

rC116

If you are a *self-employed barrister*, you must pay any *chambers pupil* for any work done for you which because of its value to you warrants payment, unless the *pupil* is receiving an award or remuneration which is paid on terms that it is in lieu of payment for any individual item of work.

Application**rC117**

Removed.

ANNEX C

BARRISTERS AND CLERKS

EQUALITY ACT 2010, SECTION 47



Equality Act 2010

2010 CHAPTER 15

PART 5

WORK

CHAPTER 1

EMPLOYMENT, ETC.

The Bar

47 Barristers

- (1) A barrister (A) must not discriminate against a person (B)—
 - (a) in the arrangements A makes for deciding to whom to offer a pupillage or tenancy;
 - (b) as to the terms on which A offers B a pupillage or tenancy;
 - (c) by not offering B a pupillage or tenancy.
- (2) A barrister (A) must not discriminate against a person (B) who is a pupil or tenant—
 - (a) as to the terms on which B is a pupil or tenant;
 - (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
 - (c) by terminating the pupillage;
 - (d) by subjecting B to pressure to leave chambers;
 - (e) by subjecting B to any other detriment.
- (3) A barrister must not, in relation to a pupillage or tenancy, harass—
 - (a) the pupil or tenant;
 - (b) a person who has applied for the pupillage or tenancy.

Changes to legislation: Equality Act 2010, Section 47 is up to date with all changes known to be in force on or before 24 June 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (4) A barrister (A) must not victimise a person (B)—
 - (a) in the arrangements A makes for deciding to whom to offer a pupillage or tenancy;
 - (b) as to the terms on which A offers B a pupillage or tenancy;
 - (c) by not offering B a pupillage or tenancy.
- (5) A barrister (A) must not victimise a person (B) who is a pupil or tenant—
 - (a) as to the terms on which B is a pupil or tenant;
 - (b) in the way A affords B access, or by not affording B access, to opportunities for training or gaining experience or for receiving any other benefit, facility or service;
 - (c) by terminating the pupillage;
 - (d) by subjecting B to pressure to leave chambers;
 - (e) by subjecting B to any other detriment.
- (6) A person must not, in relation to instructing a barrister—
 - (a) discriminate against a barrister by subjecting the barrister to a detriment;
 - (b) harass the barrister;
 - (c) victimise the barrister.
- (7) A duty to make reasonable adjustments applies to a barrister.
- (8) The preceding provisions of this section (apart from subsection (6)) apply in relation to a barrister's clerk as they apply in relation to a barrister; and for that purpose the reference to a barrister's clerk includes a reference to a person who carries out the functions of a barrister's clerk.
- (9) A reference to a tenant includes a reference to a barrister who is permitted to work in chambers (including as a squatter or door tenant); and a reference to a tenancy is to be construed accordingly.

ANNEX D

DIVERSITY DATA

POLICY STATEMENT

DIVERSITY DATA POLICY

This is the Diversity Data Policy for 4 Stone Buildings ('Chambers'), effective as of 2019.

- (1) The name of the registered data controller for Chambers is Gregory Denton-Cox and the data controller's registration number on the Data Protection register is Z6910583.
- (2) The name of the Diversity Data Officer is Gregory Denton-Cox.

Collection of Diversity Data

- (3) 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

- (4) Individuals have the opportunity to provide their Diversity Data in order for 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. Diversity Data is collected in the same manner (and using broadly the same categories) across the legal profession.

Please note that you are not required to provide your Diversity Data. You are free to choose whether or not you wish to provide all, some or none of your Diversity Data.

How Diversity Data is collected

- (5) Diversity Data will be collected through the completion of a Diversity Data Questionnaire ("the Questionnaire"), to be returned to the Diversity Data Officer.

You will be provided with a copy of the Questionnaire by the Diversity Data Officer, together with a copy consent form which you must complete if you wish to provide your Diversity Data. You will be notified of the deadline for completing the forms, which will be no less than 7 days from the date of notification.

Keeping Diversity Data secure

- (6) All Diversity Data that is collected from individuals will be kept securely. Chambers shall put the following security measures in place to protect Diversity Data:
 - (a) Copies of the questionnaire returned electronically will be printed into hard copy, and the electronic versions deleted. Diversity Data will not be stored electronically save in summary anonymised form.
 - (b) Hard copies of the Questionnaire will be stored in a secure locked drawer.

(c) Only those persons whose business role requires them to have access to the Diversity Data or any part of it (such as the Diversity Data Officer and the Equality and Diversity Officer(s)) will be given access to the Diversity Data or any part of it. Access will be through the Diversity Data Officer. Any person given access to Diversity Data will be informed of the confidentiality of the Diversity Data and where necessary receive appropriate training about how to use the Diversity Data.

(d) Diversity Data will be securely destroyed in accordance with paragraph (9) below.

Chambers will not share Diversity Data with any third parties, save as set out above.

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

- (7) Chambers is required to anonymise Diversity Data before publishing it in summary form. We will securely anonymise Diversity Data through recording the number of individuals in each “job role” category (e.g. QC, junior tenant, pupil, clerk, administrator) with a particular characteristic, and then converting that figure to a percentage: e.g. “[X]% of Chambers’ junior tenants are male”. The Diversity Data Officer will be responsible for producing the anonymised summary data suitable for publication.

Publication of the anonymised summary of Diversity Data

- (8) 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 against job status and role, in a manner which reflects seniority within Chambers. The summary will be published online on Chambers website.

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), Chambers shall not publish the anonymous data relating to those individuals and that diversity characteristic unless it has their informed consent to do so.

Destruction of Diversity Data

- (9) The Diversity Data Officer shall securely destroy the Diversity Data collected promptly after the Diversity 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 Chambers shall not hold the Diversity Data in any way where it is possible to identify an individual. In practice any electronic copies of Questionnaires will be deleted, and hard copy Questionnaires will be securely shredded.

Anonymised data will be kept for 12 months before being destroyed as above.

Questions or complaints

- (10) Individuals have a right to withdraw their consent or object to the use of their Diversity Data at any time.

Where your data has already been provided and you wish to withdraw your consent to its use, please notify the Diversity Data Officer in writing either by letter or by email to g.dentoncox@4stonebuildings.com. 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.

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 of the anonymised data 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 that continued publication is causing or could cause you or someone else substantial damage or distress 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.

Should you have any questions or complaints about this Diversity Data Policy, please contact the Diversity Data Officer in person or by telephone on internal extension 733 or by email to g.dentoncox@4stonebuildings.com.

ANNEX E

DIVERSITY DATA

QUESTIONNAIRE AND CONSENT FORM

COLLECTION OF DIVERSITY DATA

NOTIFICATION AND CONSENT FORM

4 Stone Buildings is required by the Bar Standards Board to give you the opportunity to submit diversity data so that, as further described below and in Chambers' Diversity Data Policy, such data may be published in anonymised summary form. This requirement is in order to provide transparency concerning recruiting and employment activities and aims to encourage an independent, strong, diverse and effective legal profession.

You are under no obligation to provide diversity data and if you submit diversity data, you do so voluntarily.

Any diversity data that you submit will be processed for the purposes of publishing an anonymous summary on 4 Stone Buildings' website. The anonymous summary will categorise each diversity characteristic against job status and role in a manner which reflects seniority within Chambers.

If you would like further information about the collection and use of diversity data, please refer to our Diversity Data Policy, provided herewith. You have a right to object to the use of your diversity data at any time, or withdraw your consent to its use, by contacting the Diversity Data Officer in person or by telephone on internal extension 733 or by email to g.dentoncox@4stonebuildings.com.

Consent Questions

1. I explicitly consent to the processing and publication of my diversity data as set out in this form and in 4 Stone Buildings' Diversity Data Policy.

Yes / No (please circle one)

2. I explicitly consent to the publication of my diversity data in anonymous form even if there are fewer than 10 individuals identified against one or more of the characteristics. I understand that this may result in identification.

Yes / No (please circle one)

Diversity Data Questionnaire

Please answer each question in turn by choosing one option only, unless otherwise indicated. If you do not wish to answer the question please choose the option “Prefer not to say” rather than leaving the question blank.

About you

- (a) If you are an authorised person¹ for the purposes of the Legal Services Act 2007 (i.e. you hold a practising certificate issued by one of the approved regulators), please indicate your professional qualification(s) and role (tick all that apply if you are dual qualified and have a current practising certificate from more than one approved regulator):

Barrister		✓
	QC	
	Tenant / Member	
	Other (including Pupil)	

- (b) If you do not fall into any of the categories listed above, please indicate which of the following categories best fits your role:

	✓
Any other fee earning role (e.g. trainee solicitor, legal executive (not Fellow), paralegal)	
Any role directly supporting a fee earner (e.g. legal secretary, administrator, barristers' clerk, practice manager, legal assistant, paralegal)	
A managerial role (e.g. Director / non-lawyer Partner / Chief Executive / Practice Director or similar, Head of Legal Practice (HoLP) / Head of Finance & Administration (HoFA) or similar)	
An IT / HR /other corporate services role	
Prefer not to say	

Your role in your organisation

Please note that this question applies to self-employed as well as employed persons.

- (a) Do you have a share in the ownership of your organisation (e.g. equity partner, shareholder, self-employed)?

¹ The definition of an “authorised person” is set out in the Legal Services Act 2007, Section 18(1). For the purposes of this Act “authorised person”, in relation to an activity (“the relevant activity”) which is a reserved legal activity, means – (a) a person who is authorised to carry on the relevant activity by a relevant approved regulator in relation to the relevant activity (other than by virtue of a licence under Part 5), or (b) a licensable body which, by virtue of such a licence, is authorised to carry on the relevant activity by a licensing authority in relation to the reserved legal activity.

	✓
Yes	
No	
Prefer not to say	

- (b) Do you have responsibility for supervising or managing the work of lawyers or other employees?

	✓
Yes	
No	
Prefer not to say	

Age

From the list of age bands below, please indicate the category that includes your current age in years:

	✓
16 – 24	
25 – 34	
35 – 44	
45 – 54	
55 – 64	
65+	
Prefer not to say	

Gender

What is your gender?

	✓
Male	
Female	
Prefer not to say	

The following question is designed to gather trans data i.e. whether your gender identity and/or gender expression differs from your birth sex. A trans person may or may not seek to undergo gender reassignment/hormonal treatment/surgery.

Is your gender the same as you were assigned at birth?

	✓
Yes	
No	
Prefer not to say	

Disability

The Equality Act 2010 generally defines a disabled person as someone who has a mental or physical impairment that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

- (a) Do you consider yourself to have a disability according to the definition in the Equality Act?

	✓
Yes	
No	
Prefer not to say	

- (b) Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

	✓
Yes, limited a lot	
Yes, limited a little	
No	
Prefer not to say	

Ethnic Group

What is your ethnic group?

Mixed / multiple ethnic groups

	✓
White and Asian	
White and Black African	
White and Black Caribbean	
White and Chinese	
Any other Mixed / multiple ethnic background (write in):	

Asian / Asian British

	✓
Bangladeshi	
Chinese	
Indian	
Pakistani	
Any other Asian background (write in):	

Black / African / Caribbean / Black British

	✓
African	
Caribbean	
Any other Black / Caribbean / Black British (write in):	

White

	✓
British / English / Welsh / Northern Irish / Scottish	
Irish	
Gypsy or Irish Traveller	
Any other White background (write in):	

Other ethnic group

	✓
Arab	
Any other ethnic group (write in):	

Prefer not to say

	✓
Prefer not to say	

Religion or belief

What is your religion or belief?

	✓
No religion or belief	
Buddhist	
Christian (all denominations)	
Hindu	
Jewish	
Muslim	
Sikh	
Any other religion (write in):	
Prefer not to say	

Sexual orientation

What is your sexual orientation?

	✓
Bisexual	
Gay man	
Gay woman / lesbian	
Heterosexual / straight	
Other	
Prefer not to say	

Socio-economic background

- (a) If you went to University (to study a BA, BSc course or higher), were you part of the first generation of your family to do so?

	✓
Yes	
No	
Did not attend University	
Prefer not to say	

- (b) Did you mainly attend a state or fee paying school between the ages 11 – 18?

	✓
UK State School	
UK Independent / Fee-paying School	
Attended school outside the UK	
Prefer not to say	

Caring responsibilities

- (a) Are you a primary carer for a child or children under 18?

	✓
Yes	
No	
Prefer not to say	

- (b) Do you look after, or give any help or support to family members, friends, neighbours or others because of either:

- Long-term physical or mental ill-health / disability
- Problems related to old age

(Do not count anything you do as part of your paid employment)

	✓
No	
Yes, 1 – 19 hours a week	
Yes, 20 – 49 hours a week	
Yes, 50 or more hours a week	
Prefer not to say	

Thank you for completing this questionnaire

ANNEX F

PUPILLAGE AND RECRUITMENT

PUPILLAGE POLICY AT 4 STONE BUILDINGS

Effective for all pupillages commencing after 1 May 2020

PUPILLAGE POLICY at 4 STONE BUILDINGS

This document sets out the way in which Chambers will deal with all aspects of pupillage, including the application process, the selection of pupils, the conduct of both pupils and their pupil supervisors during pupillage and the grievance procedure in operation in Chambers for pupils.

From 1 May 2020, pupils commencing pupillage in Chambers will be required to enter into a written pupillage agreement with Chambers.

The information is contained in the following sections;

- (1) The Pupillage Training Committee
- (2) Mini-pupillages
- (3) Pupillages and awards
- (4) Procedure for application
- (5) Selection criteria
- (6) The conduct of pupils
- (7) The duties of a pupil supervisor
- (8) Review of pupillage progress, tenancy decision and failure to satisfy the professional competences
- (9) Grievance procedure
- (10) Disciplinary procedure
- (11) Review of pupillage and pupillage application process

1. The Pupillage Training Committee

- 1.1. A Pupillage Training Committee ("**the Committee**") will deal with all matters relating to pupillage, subject to these Rules. The head of the Committee will be the Pupillage Training Principal ("**PTP**").
- 1.2. The Committee should consist of the PTP and at least 2 and up to 4 other full-time members each of whom has been trained in fair recruitment and selection processes (as required by r.C110.3.c of the Code of Conduct). It is desirable that the Senior Clerk should be one of the full-time members of the Committee.
- 1.3. If insufficient members of the Committee are present in Chambers at any one time, those Committee members who are present, or the Head of Chambers, may nominate ad hoc members to the Committee for particular purposes provided that each such member nominated has been trained in fair recruitment and selection processes.

2. Mini-pupillages

- 2.1. The completion of a mini-pupillage should not be a pre-condition to applying for a full pupillage, but all applicants should be encouraged to complete a mini-pupillage before applying for a full pupillage.
- 2.2. Applications for mini-pupillages shall be made on the Chambers Mini-Pupillage Application Form available on the Chambers website (or by request from the Senior Clerk).
- 2.3. Applications for mini-pupillages may be considered without having received 2 academic references.
- 2.4. Applications for mini-pupillages should be considered by at least 1 barrister member of the Committee as well as the Senior Clerk.
- 2.5. Mini-pupils shall sign a Confidentiality Agreement in the form prescribed by Chambers and shall have the nature and importance of maintaining confidentiality, the protection of data and legal professional privilege explained to them.

3. Pupillages and Awards

- 3.1. The provisions of this section 3 and section 4 below shall apply to pupillages offered by Chambers with a view to the pupil obtaining an offer of tenancy in Chambers thereafter. The pupillages offered by Chambers are the final component of the three-step pathway, the four-step pathway and the integrated academic and vocational pathway as described in the BSB's Authorisation Framework for the Approval of Education and Training Organisations.
- 3.2. Chambers shall not be obliged to accept any minimum or maximum number of pupils but shall generally aim to offer 2 pupillages each year.
- 3.3. All pupils shall be eligible for an award.
- 3.4. The maximum amount of the award should be fixed each year for the subsequent year. The award for pupillage commencing in October 2021 is £65,000.
- 3.5. All pupils shall be entitled to an award of equal amount (subject to exceptional circumstances, in which the Committee shall determine the appropriate amount).
- 3.6. Chambers shall offer pupillages of 12 months duration which shall be divided between a 6-month non-practising period and a 6-month practising period.

- 3.7. The PTP will, in conjunction with the Senior Clerk, consider any request for early draw-down of part of the pupillage award and they may, in their discretion, permit such a draw-down subject to such conditions as they think fit. Save in exceptional circumstances, the maximum amount which can be drawn down early will be 30% of the award and any early draw down will be repayable in the event that the pupil does not commence pupillage.
- 3.8. Chambers may offer such further or other pupillages as the Committee shall in its discretion determine and on such terms as the Committee thinks fit. The procedure for such applications shall be determined by the Committee. For the avoidance of doubt, sections 4 below applies to such additional pupillages.

4. Procedure for Applications

- 4.1. Applications for pupillage shall be made through the Pupillage Gateway in accordance with the timetable prescribed for the Gateway (which generally requires applications to be made by a date in early February each year for pupillage commencing in October the following year). The Committee shall aim to conduct interviews before the end of April in the year of application. This timetable is subject to the deadlines imposed under the Gateway which Chambers shall follow save in exceptional circumstances.
- 4.2. Applications should be supported by 2 academic references.
- 4.3. Application Forms and references should be considered by not less than 2 members of the Committee.
- 4.4. Applicants shall generally be invited to attend for an interview if not less than 2 members of the Committee consider it appropriate. The PTP shall review the applications of all applicants considered appropriate for interview by at least one member of the Committee.
- 4.5. Chambers' aim is that all applicants for any year selected for interview should be interviewed by the same full Committee. Interviews should in any event be conducted by not less than 3 members of the Committee. Interviews should, absent exceptional circumstances, take place in person.
- 4.6. Applicants who are invited for interview shall be requested to provide to the Committee such evidence as the Committee considers reasonably necessary to demonstrate that they meet the mandatory requirements for pupillage. In the event that an applicant is unable to provide such evidence, the Committee shall consider whether it is necessary to report that applicant to the BSB and/or the applicant's Inn of Court and, if so, shall make such a report.
- 4.7. Approximately half an hour before any interview the applicant should be given a short problem on which questions will be asked at the interview. The problem should be

designed to test the applicant's suitability to the Bar generally, and to Chambers in particular, and not to test the applicant's existing legal knowledge. Applicants shall also be provided with a brief explanation of the format which the interview is expected to take.

- 4.8. From those interviewed, the Committee should identify the applicants who appear to be suitable for pupillage. If in any year there are more suitable candidates than available pupillages, the Committee may conduct a second round of interviews and/or set a written test.
- 4.9. Subject to compliance with the Bar Standards Board (“**BSB**”) and/or Pupillage Gateway (“**the Gateway**”) requirements relating to the making of offers of pupillage, applicants should be notified in writing as soon as possible after any decision is made at any stage of the application procedure. Offers of pupillage shall be made through the Gateway and shall include the information mandated by the Bar Standards Board.
- 4.10. The Committee (or a nominated member thereof) shall use its reasonable endeavours to provide feedback where requested by unsuccessful applicants.

5. **Selection Criteria**

- 5.1. Applicants for pupillages and for tenancies should be selected exclusively on the basis of their suitability to the Bar in general and to Chambers in particular using objective and fair criteria as set out below.
- 5.2. The following criteria shall be applied in considering an applicant's suitability:
 - Intellectual ability:
 - Academic ability;
 - Knowledge of the law (but reflecting the legal experience of each applicant)
 - Logical analysis;
 - Common sense.
 - Skills:
 - practical eye for relevance;
 - fluency, accuracy and clarity;
 - persuasiveness;
 - agility in responding to questions;
 - sound judgment.

- Suitability to the Bar:
 - integrity;
 - application and motivation;
 - sensitivity to the audience;
 - coping under pressure;
 - working with others.

5.3. When considering applicants for pupillages or for a tenancy the Committee or Chambers (as the case may be) shall have due regard to the Equality Code.

6. **The Supervision Arrangements and the Conduct of Pupils**

6.1. Pupils shall sign a written pupillage agreement before commencing pupillage. That agreement shall be in the form of the draft agreement developed by the Committee (and itself based on the template prepared by the Bar Standards Board) subject to such amendments as shall be considered necessary by the Committee.

6.2. Pupils should normally be assigned to 2 successive pupil supervisors during any 6 month period, for a period of approximately 3 months each. Unless the Committee decides otherwise in its discretion, at least two of the pupil supervisors for each pupil should have at least 3 years previous experience of supervising pupils.

6.3. Pupils should in general work in their pupil supervisor's room and attend all conferences and Court appearances with their pupil supervisor during the normal working week, unless specific assignments require their attendance elsewhere. However, Chambers recognises the principle of Flexibility as provided for in the Authorisation Framework. This should be explained to pupils and pupil supervisors should have regard to the principle when considering any request from a pupil to adopt a different pattern of working. Where pupils travel with their pupil supervisor, the costs and expenses associated with that travel shall be paid by Chambers and/or the pupil supervisor.

6.4. A pupil shall be provided with the progress monitoring document developed by Chambers to be completed during the pupillage (a copy of which is appended to this Policy). This has been designed to ensure that the pupil reaches, as a minimum, the standard set out in the Professional Statement for Barristers prepared by the BSB by reference to the areas of work which a pupil should expect to see in pupillage. A pupil should provide any comments on the contents of this document to his pupil supervisor in the first instance.

6.5. Pupils should also be directed to Section C3 of the Bar Qualification Manual (“**BQM**”) which sets out a summary of the responsibilities of a pupil.

6.6. The matters which pupils will observe and deal with are confidential and generally

privileged. Accordingly, (except where the pupil supervisor confirms otherwise) they are not to be discussed other than with the pupil supervisor. Pupils are expressly subject to rC15.5 of the Code of Conduct relating to confidentiality which applies as if the pupil supervisor's client was the pupil's own client.

- 6.7. Pupils shall enter into a data processing agreement with the Head of Chambers. Pupil supervisors shall explain the importance to pupils of complying with best practice for data management and protection.
- 6.8. Normal Chambers hours for pupils are 9am to 6pm, Monday to Friday. Pupils are entitled to a lunch break.
- 6.9. Chambers shall supply each pupil with a laptop, a Chambers e-mail address and access to the online library services to which Chambers subscribes. Pupils should be provided with a copy of Chambers' policy for the use of devices outside of Chambers.
- 6.10. If and to the extent that the Working Time Regulations provide for any limitation on the working hours of pupils, each pupil agrees that such limitations shall be waived to the extent that it is permissible to do so.
- 6.11. During the period of the pupillage:
 - 6.11.1. Each pupil must complete the courses required by the Bar Council and/or BSB. Until 1 September 2021 the only compulsory course required by the BSB is the advocacy course which must be completed prior to the start of the practising period of pupillage. Thereafter pupils shall also complete the compulsory negotiations skills course and the professional ethics examination.
 - 6.11.2. Each pupil may also be required to complete the forensic accounting course (which is no longer compulsory but which Chambers has arranged privately with a number of other sets of chambers).
 - 6.11.3. The courses referred to in paragraphs 6.11.1 and 6.11.2 will be paid for by Chambers to the extent not paid for as determined by the BSB¹ and save that the cost of the second or any subsequent resit of the professional ethics examination shall be paid for by the pupil.
 - 6.11.4. Chambers also encourages pupils to attend relevant seminars organised by the Chancery Bar Association, COMBAR and other specialist Bar associations.
- 6.12. Although pupillage is divided into a 6-month non-practising and a 6-month practising

¹ As regards payment for the professional ethics examination which will be compulsory from 1 September 2021, the BSB has proposed that the cost of the examination and any first resit will be met from barristers' practising certificate fees and not by the pupil or by Chambers.

period, the nature of the work in Chambers and the fact that the emphasis of pupillage is on training makes it unlikely that there will be work for pupils during their second six months; if there is any such work, it will be distributed in conjunction with discussion with the pupil-supervisor and on a fair rotation basis. Such distribution will be reviewed at least every two months by each pupil supervisor to ensure fair and equal access to all pupils.

Absence from training and sickness

- 6.13. Subject to the requirements of the Bar Council and/or BSB, Pupils are entitled to 10 days holiday per each six-month period in addition to bank holidays. Chambers are flexible as to when holidays are taken, but it is usually better to take them in the court vacations, and pupils should discuss with their pupil supervisor the most appropriate time at which to take their holidays.
- 6.14. In the event that a pupil is unable to commence and/or is absent from training for an extended period of time by reason of sickness or any other reason, or the training is otherwise disrupted for some unforeseen reason (including the prolonged absence of a pupil supervisor from Chambers), such that (a) Chambers cannot reasonably and fairly make a tenancy decision in respect of that pupil pursuant to the usual timetable set out in section 8 below and/or (b) there is a risk that one or more of the competences in the Professional Statement will not be met by the scheduled conclusion of pupillage, the Committee shall as soon as is reasonably practicable and in its absolute discretion consider whether to:
- 6.14.1. Defer the commencement of pupillage; and/or
- 6.14.2. Defer the making of the tenancy decision; and/or
- 6.14.3. Extend the period of pupillage; and/or
- 6.14.4. Take such other steps as the Committee shall consider necessary
- so as to enable the pupil fairly to complete their training (with the duration of any permitted deferral or extension reflecting the period necessary to enable the pupil to demonstrate competence rather than the period of absence).
- 6.15. In determining whether to take any of the steps identified in paragraph 6.14 above and, if so, which ones, the Committee shall be entitled (but not obliged) to consult with the relevant pupil supervisor(s) of the pupil in question and with the pupil.
- 6.16. In the event that pupillage is extended pursuant to paragraph 6.14 above, the Committee shall also consider in its absolute discretion whether or not the Award should be increased so as to cover the period of the extension.

7. The Duties of Pupil Supervisor

- 7.1. The purpose of pupillage is to ensure that all pupils understand and satisfy, as a minimum, the Professional Statement for Barristers which identifies the knowledge, skills and attributes which a newly-authorised barrister would be expected to have.
- 7.2. The pupil supervisor is the person within Chambers with the primary responsibility for the training and education of his or her pupil and for ensuring the welfare within Chambers of that pupil.
- 7.3. In order for a member of Chambers to act as a pupil supervisor:
 - 7.3.1. unless the Committee decides otherwise in its discretion, that member should have a minimum of 10 years post-call experience.
 - 7.3.2. that member shall have received the required training as a pupil supervisor by attending a relevant course run by the Inns of Court or by such other method as shall be approved by the BSB; and shall have completed refresher training at least every 5 years since that initial training (or every three years if the supervisor has not supervised a pupil in that period). The member shall provide confirmation to the Committee of the completion of such training or refresher training as appropriate.
- 7.4. A pupil supervisor shall, when supervising any pupil:
 - 7.4.1. Have regard to the Professional Statement for Barristers referred to above;
 - 7.4.2. Take all reasonable steps to provide that pupil with adequate tuition, supervision and experience so as to reach the standard required for a tenancy in Chambers;
 - 7.4.3. Have regard to any pupillage guidelines issued by the BSB and to the Equality Code for the Bar; and
 - 7.4.4. Ensure that the pupil prepares for and attends any further training required by the BSB such as advocacy training provided by the pupil's Circuit or Inn.
- 7.5. As regards paragraphs 7.4.1 and 7.4.2 above, pupil supervisors shall have regard in particular to section C of the Bar Qualification Manual and shall endeavour to follow the good practice identified in that Manual.
- 7.6. In particular, pupil supervisors should;
 - 7.6.1. Conduct a formal induction process at the commencement of pupillage to inform their pupils of the matters set out in section C8 of the Bar Qualification Manual

including the selection criteria utilised by Chambers, the structure of pupillage and the grievance procedure defined herein. Chambers has prepared a checklist for the purposes of this induction which pupil supervisors should use. A copy of this checklist is appended to this Policy.

- 7.6.2. Ensure that their pupils are provided with and complete conscientiously and accurately the documents referred to above.
- 7.6.3. Ensure that their pupils complete the courses required by the BSB and also the forensic accountancy course (the latter to the extent that Chambers continues to arrange for participation in such a course). Until 1 September 2021 the only compulsory course required by the BSB is the advocacy course which shall be completed prior to the commencement of the practising period of pupillage. Thereafter pupils shall also complete the compulsory negotiations skills course and the professional ethics examination.
- 7.6.4. Ensure that their pupils do all such work and gain all such experience as is appropriate for a person commencing practice in the type of work done by the pupil supervisor. This will include the reading of the pupil supervisor's papers, draft pleadings and other documents as appropriate and accompanying the pupil supervisor to court and to conferences.
- 7.6.5. Discuss all work done by pupils and provide as much feedback as possible (and at least on a monthly basis). Such feedback should be recorded in writing.
- 7.6.6. Ensure that their pupils are well grounded in the rules of conduct and etiquette at the Bar.
- 7.6.7. If appropriate provide their pupils with the certificates referred to in section C6 of the Bar Qualification Manual or explain the process by which such certificates may be obtained in the absence of certification by the pupil supervisor. Where a pupil supervisor is unable to certify that a pupil has satisfactorily completed either the non-practising period (pursuant to section C6, paragraph 2.5 of the BQM) or the practising period of pupillage (pursuant to section C6, paragraph 3.11 of the BQM) for reasons other than absence from training (which is provided for in paragraphs 6.14 to 6.16 above), the provisions of paragraphs 8.10 to 8.12 below shall apply.
- 7.6.8. Ensure that, where they take over supervision of a pupil after completion of the non-practising period, the form certifying that completion (referred to in section C6 of the Bar Qualification Manual) has been filed with the BSB.
- 7.6.9. Ensure that notice of a change of pupil supervisor is given to the BSB when required.

7.6.10. Encourage their pupils to do occasional pieces of work for other members of Chambers (both juniors and silks) who have been trained in fair recruitment and selection processes, but not so as to interfere with the normal course of pupillage with the pupil supervisor.

8. Review of Pupillage Progress, Tenancy decision and Failure to satisfy the Professional Competences

Ongoing review

- 8.1. The progress of pupils should be overseen on an ongoing basis by their pupil supervisor and feedback should be provided regularly (and at least on a monthly basis). In addition a junior member of Chambers who is not a pupil supervisor should be available on reasonable notice to discuss any particular matters of concern.
- 8.2. Pupil supervisors shall, at the conclusion of their supervision of a pupil:
 - 8.2.1. provide the PTP with a report on the pupil using the template report produced by the Committee (a copy of which is appended to this Policy); and
 - 8.2.2. conduct a final review with the pupil of the progress made by the pupil.
- 8.3. There should be a review by the PTP and the relevant pupil supervisors of all pupils at the end of the first 6 months period, so that an assessment can be made by Chambers and/or the Committee of the position and progress of each pupil and their chances of tenancy; and so that the relevant pupil supervisor can consider whether to certify that a pupil has satisfactorily completed the non-practising period (pursuant to section C6, paragraph 2.5 of the BQM). The Committee and Pupils should be informed of the conclusion of this assessment.

Tenancy decision

- 8.4. Chambers will, unless it is not reasonably possible (and subject to any deferral or extension pursuant to paragraph 6.13 above), consider whether a pupil should be offered a tenancy in the tenth month of their pupillage (i.e in July for pupillages commencing the previous October). Pupils should expect to be informed of the date of their tenancy decision not less than 1 month in advance of that date.
- 8.5. All pupils will be considered for tenancy unless, prior to the date of their tenancy decision notified pursuant to paragraph 8.4 above, they inform the Head of Chambers that they do not wish to be so considered.
- 8.6. Not more than 2 weeks prior to the date for the tenancy decision, the pupil supervisors

who have supervised a pupil during the relevant pupillage year shall conduct a review of all pupils to consider whether to recommend to Chambers whether any of those pupils should be offered tenancies.

- 8.7. The decision as to whether or not to make an offer of tenancy to a pupil shall be taken at a Chambers meeting which as many members of Chambers as possible who have been trained in fair recruitment and selection processes shall attend. Only those members of Chambers who have been trained in fair recruitment and selection processes shall take part in the decision whether to make an offer of tenancy.
- 8.8. The criteria to be used in deciding whether to recommend and/or make an offer of tenancy are those set out in paragraph 5.2 above. When considering applicants for a tenancy Chambers shall also have due regard to the Equality Code.
- 8.9. Where a pupil is offered a tenancy, that tenancy shall, unless not reasonably possible, commence immediately on the conclusion of pupillage without the need for any additional period of training, assessment or probation.
- 8.10. Where a pupil is not taken on as a tenant, his or her pupil supervisor and the Committee shall give such assistance to finding such alternative pupillage, tenancy or employment as is consistent with a fair assessment of the pupil's ability.

Failure to satisfy the Professional Competences (other than for reasons of sickness or other absence from training)

- 8.11. Where a pupil supervisor is unable to certify that a pupil has satisfactorily completed either the non-practising period or the practising period of pupillage for reasons other than sickness or absence from training (which are dealt with in paragraphs 6.14 to 6.16 above), the supervisor shall, as soon as is reasonable practicable, notify the Committee of that fact and shall identify the reasons for it.
- 8.12. Following a notification pursuant to paragraph 8.11 above, the Committee shall as soon as is reasonably practicable and in its absolute discretion consider whether to:
 - 8.12.1. Extend the period of pupillage; and/or
 - 8.12.2. Take such other steps as the Committee shall consider necessaryso as to enable the pupil to complete the relevant period of pupillage.
- 8.13. There should be no expectation on the part of pupils that such an extension will be granted or other steps taken where there is no good reason for the inability of the pupil supervisor to provide the relevant certification.

9. Complaints and Grievances Policy

9.1. Chambers is committed to providing a working environment:

9.1.1. in which all pupils are treated with dignity, respect and fairness; and

9.1.2. which is conducive to the professional growth of its pupils and to the promotion of equality of opportunity.

9.2. Pupils have a right to complain if they consider that the pupillage is not being conducted in accordance with their written pupillage agreement or this Policy including paragraph 9.1 above.

9.3. Any complaints or grievances will be addressed promptly, objectively and fairly, in accordance with the procedures set out below.

9.4. No-one will be victimised or suffer a detriment because they raise a complaint or grievance in good faith under this policy.

Scope of procedure

9.5. This section is applicable to any complaint, grievance or dispute including but not limited to complaints of unfair discrimination or harassment.

Confidentiality

9.6. Confidentiality will be maintained as far as possible and appropriate in the circumstances.

Informal procedures

9.7. Complaints or grievances are more easily resolved if dealt with at an early stage. Before invoking the procedures set out below, pupils are encouraged to try to resolve any grievances or concerns by discussion with:

9.7.1. their pupil supervisor, if possible and appropriate; and/or

9.7.2. the Senior Clerk; and/or

9.7.3. the Head of Chambers; and/or any member or members of the Committee.

Formal procedures

- 9.8. If a complaint or grievance cannot be resolved informally, any formal complaint:
- 9.8.1. must be made as soon as reasonably possible;
 - 9.8.2. shall in any event be made within 6 months of the act being complained of, or within 6 months of the end of any informal action taken, save in exceptional circumstances;
 - 9.8.3. should be made in writing to the Head of Chambers and will be acknowledged within 7 days of receipt unless there are good reasons for delay;
 - 9.8.4. will be dealt with promptly in accordance with this procedure and in particular within 28 days of receipt of the complaint unless there are good reasons for delay; and
 - 9.8.5. will be investigated in accordance with standards of natural justice and in particular, where possible, (i) 2 members of Chambers not directly involved in the complaint will undertake the investigation, both of whom will be familiar with the Bar's Code of Conduct and Equality and Diversity Code and (ii) if there is a hearing, all parties to the complaint will be permitted to be accompanied by a colleague or friend.
- 9.9. On the conclusion of the investigation:
- 9.9.1. the complainant will receive a written response on the outcome of the complaint with a clear indication of the steps Chambers will take in the circumstances to remedy the problem if the complaint is upheld; and
 - 9.9.2. solutions which rely on changes to working arrangements which may unreasonably disadvantage the complainant will be avoided.
- 9.10. A brief confidential report on all formal complaints and on the outcomes will be made to the Head of Chambers and records will be retained for a period of 1 year from the conclusion of each case with a discretion to keep for longer if necessary.
10. **Disciplinary Policy**
- 10.1. The written pupillage agreement between a pupil and Chambers shall specify the circumstances in which Chambers has the right to terminate a pupillage at any time and with immediate effect. Those circumstances shall include:
- 10.1.1. Committing a serious breach of the BSB Handbook;

- 10.1.2. Committing a serious or persistent breach of Chambers' policies, procedures or codes of conduct applicable to you;
- 10.1.3. Being convicted of a criminal offence (other than an offence under any road traffic legislation in the UK or elsewhere for which a fine or non-custodial penalty is imposed);
- 10.1.4. Failing to meet the minimum attendance or other regulatory requirements of the BSB for commencing or completing the non-practising or practising periods of your pupillage training;
- 10.1.5. Ceasing, during the practising period of pupillage, to hold a valid practising certificate;
- 10.1.6. Bringing or risking bringing the name or reputation of Chambers or its members into disrepute or prejudicing the interest of Chambers through actions or omissions (whether or not in the course of the pupillage);
- 10.1.7. Being or becoming ineligible to undertake or complete the pupillage as a result of the pupil's immigration status.
- 10.2. If Chambers decides to terminate a pupillage pursuant to the terms of the written pupillage agreement, it shall forthwith notify the pupil of that decision and provide the pupil with sufficient information so as to understand the grounds for the decision.
- 10.3. Any pupil whose pupillage is terminated shall have the right of appeal against that decision. Any such appeal against the decision of Chambers to terminate pupillage:
 - 10.3.1. Must be made as soon as reasonably possible;
 - 10.3.2. Shall in any event be made within 28 days of the termination of pupillage;
 - 10.3.3. Shall be made in writing to the Head of Chambers and will be acknowledged within 7 days of receipt unless there are good reasons for delay;
 - 10.3.4. Will be dealt with promptly in accordance with this procedure and in any event within 28 days of receipt of the appeal unless there are good reasons for delay; and
 - 10.3.5. Will be considered in accordance with standards of natural justice. In particular, the pupil and Chambers shall each have the right to rely on written submissions and, if there is a hearing, the pupil and Chambers will be permitted to be represented if they so wish.
 - 10.3.6. Will, where possible, be considered by two members of Chambers (including one QC) who have not been involved in the decision to terminate the pupillage.

- 10.4. On the conclusion of the consideration of the appeal the pupil will receive a written response on the outcome of the appeal.
- 10.5. If the appeal is upheld and pupillage is re-instated, the pupillage will recommence within 14 days of the appeal being upheld.
- 10.6. The written pupillage agreement shall make provision for the Award and any repayment thereof in the event that pupillage is terminated by Chambers pursuant to that agreement. Such provisions shall include:
 - 10.6.1. The immediate cessation of monthly payments in respect of the pupillage award;
 - 10.6.2. The repayment of any advance payment of the Award in the event that the pupillage is terminated prior to its commencement.
 - 10.6.3. The circumstances in which Chambers may seek repayment of sums already paid in respect of the Award in the event that the pupillage is terminated after its commencement.
11. **Review of pupillage and pupillage application process**
 - 11.1. The PTP (or another nominated member of the Committee) shall carry out an annual review of:
 - 11.1.1. the pupillage application process in order to monitor the compliance of Chambers with the principle of Accessibility as referred to in the Authorisation Framework. In particular the review should consider whether the application process imposes any barriers to entry to the Bar and, if so, what action Chambers should take to remove such barriers. The results of this review shall be discussed by the Committee and shall be provided to the Head of Chambers and the Chambers Equality & Diversity Committee.
 - 11.1.2. the pupillage training programme in order to monitor the compliance of Chambers with the Principles identified in the Authorisation Framework and, in particular, the principle of High Standards. In particular the review should consider what steps, if any, Chambers should take to improve the programme. The results of this review shall be discussed by the Committee and shall be provided to the Head of Chambers.
 - 11.1.3. compliance with this Pupillage Policy. The results of this review shall be discussed by the Committee and shall be provided to the Head of Chambers.

Appendix 1: Progress monitoring document referred to in paragraph 6.4 of the Pupillage Policy

4 Stone Buildings: pupillage monitoring form

PUPIL REPORT				
Name of Pupil:				
Name of Pupil Supervisor:				
Date that pupil started sitting with Pupil Supervisor:				
Date that pupil ceased sitting with Pupil Supervisor:				

Items marked * may require satisfaction through discussion rather than the pupil being exposed to practical application during pupillage.

Legal knowledge, skills and attributes

4SB core skills:

- Academic ability
- Knowledge of the law
- Logical analysis
- Common sense
- Practical eye for relevance
- Fluency, accuracy and clarity
- Sound judgment

Means of satisfaction:

- Written work in pupillage
- Oral presentation in pupillage
- Discussion with supervisors

SKILL/CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Uphold reputation of the Bar and observe duty to the Court*	Observation by pupil Discussion with supervisors		
Knowledge and understanding of the key concepts and principles of public and private law (including EU law)	Written work Oral presentations Legal research		
Knowledge and understanding of the law and procedure in 4SB areas of practice, particularly: <ul style="list-style-type: none">• Insolvency law• Company law• Commercial litigation	Written work Oral presentations Legal research		
Awareness of the wide range of organisations supporting the administration of justice*	Discussions with supervisors		
Apply effective analytical and evaluative skills to their work	Written work Oral presentations		

SKILL/CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
	Legal research		
Provide clear, concise and accurate advice in writing and orally	Written work Oral presentations		
Negotiate effectively* [by negotiation course from October 2021]	Observation by pupil Discussions with supervisors		

Practical knowledge, skills and attributes

4SB core skills:

- Academic ability
- Logical analysis
- Practical eye for relevance
- Fluency and clarity
- Application and motivation
- Efficiency

Means of satisfaction:

- Written work in pupillage
- Oral presentation in pupillage
- Discussion with supervisors
- Observation

SKILL/CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Exercise good English language skills	Observation by supervisors		
Exercise good communication skills	Observation by supervisors Written work Oral presentations		
Make sound judgments	Observation Written work Oral presentation		
Ensure they are fully prepared	Observation by supervisors		
Employ effective research skills	Observation Written work Oral presentation		

Advocacy

4SB core skills:

- Fluency and clarity
- Logical analysis
- Practical eye for relevance
- Efficiency
- Sensitivity to the audience

Principal examples of advocacy for pupils to produce:

- Advice in writing;
- Advice through oral presentation;
- Draft pleadings, particularly Particulars of Claim and Defence;
- Skeleton argument for interim hearing;
- Skeleton argument for substantive hearing;
- Skeleton argument for appellate hearing; and
- Legal research

SKILL/CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Draft court and other legal documents which are clear, concise and accurate.	Written work		
Draft skeleton arguments which present the relevant facts, law and arguments in a clear, concise and well-structured manner	Written work		
Have persuasive oral advocacy skills	Oral presentations		

Professional standards

4SB Core skills:

- Integrity
- Application and motivation

Means of satisfaction:

- Discussion with supervisors
- Observation by pupils

SKILL/CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Comply with the requirements set down by the BSB including the Code of Conduct*	Observation by pupils Discussions with supervisors		
Know how to conduct themselves appropriately in Court*	Discussions with supervisors		
Only accept work which they are competent to undertake*	Discussions with supervisors		

Working with others

4SB core skills:

- Sensitivity to the audience
- Working with others

- Written work in pupillage
- Oral presentation in pupillage
- Discussion with supervisors
- Observation
- Attending CLIPS

Means of satisfaction:

SKILL/CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Understand and exercise their duty to act in the best interests of their client*	Discussion with supervisors		
Understand and apply principles of team working	Discussion with supervisors Observation by pupils		
Respond appropriately to those from diverse backgrounds and to the needs and sensitivities created by individual circumstances	Observation by supervisors		
Treat all people with respect and courtesy	Induction Observation by supervisors		
Keep clients informed of case progress in a clear and timely manner*	Discussion with supervisors		
Demonstrate a good awareness of the additional responsibilities in cases involving direct access/litigants in person*	Discussion with supervisors Attending CLIPS		

Personal values and standards

4 SB core skills:

- Integrity
- Sensitivity to the audience

Means of satisfaction

- Induction
- Observation during pupillage

SKILL/CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK
Act with the utmost integrity and independence at all times	Induction Observation by supervisors		
Be honest in dealings with others	Induction Observation by supervisors		
Be aware and active in the pursuit of equality and respect for diversity	Induction		
Ensure work does not incur unnecessary fees*	Induction		
Adopt a reflective approach to their work	Induction Observation by supervisors		
Ensure that they practise with adaptability and flexibility	Induction		

Management of practice

4 SB core skills

- Application and motivation
- Coping under pressure

Means of satisfaction

- Talk from Chambers accountant
- Completion of GDPR course online
- Induction
- Observation during pupillage

SKILL/CHARACTERISTIC	MEANS OF SATISFACTION	EVIDENCE	FEEDBACK AND RESPONSE
Possess a strong understanding of the specific implications of being a self-employed barrister	Induction checklist Discussions at start of each period of supervision Observation		
Possess sufficient understanding of organisational and management skills	Induction checklist Discussions at start of each period of supervision Observation		
Plan their workload and absences to as to deliver on work commitments	Induction checklist Discussions at start of each period of supervision Observation		
Understand the organisational systems and structures in Chambers	Induction checklist Talk from Chambers accountant		
Maintain client confidentiality (and data protection issues)	Induction Checklist Pupillage policy GDPR online course		N/A
Exercise good time-keeping	Observation		
Be diligent in record keeping	Observation		

Appendix 2: Induction checklist referred to in paragraph 7.6.1 of the Pupillage Policy

4 STONE BUILDINGS

PUPILLAGE: INFORMATION AT INDUCTION and CHANGE OF SUPERVISOR

1. The following document forms an important part of Chambers' pupillage training programme. It is intended to provide a framework for the introduction of a new pupil to Chambers and for a pupil to be provided with necessary information when there is a change of supervisor. It should be adhered to unless not reasonably possible.

Actions at the start of pupillage

2. A new pupil's first supervisor should provide the pupil with:
 - 2.1. A tour of chambers including the annex, printer rooms, stationery cupboards, kitchens (and told they can help themselves to tea/coffee/biscuits), loos/shower.
 - 2.2. Introductions to:
 - (a) all members, in their rooms as far as possible and otherwise at tea or elsewhere as convenient, to make sure that the pupils meet everyone within the first week;
 - (b) all clerks (with an explanation of who does what in the clerks' room);
 - (c) Dawn, Tracie, Sarah (with an explanation of their roles);
 - (d) the pupil's "buddy". The buddy should periodically take the pupil out to coffee/lunch to give the pupil an opportunity informally to ask questions about chambers which it may not be easy to bring up with pupil supervisors.
 - 2.3. Log in codes for all the electronic library resources and shown the physical chambers library and the sign out sheet.
 - 2.4. A Chambers laptop with an explanation how to use the hosted system, the electronic library sources to which Chambers subscribes and the printers.

Information at the start of pupillage

3. The pupil supervisor should explain the general structure of pupillage:

- 3.1. There will be 4 supervisors;
 - 3.2. The likely identity of the supervisors;
 - 3.3. The sequence in which pupils will see supervisors;
 - 3.4. Pupils swap supervisors at Christmas; and then two new supervisors take over around Easter/end of March before swapping around the May half-term;
 - 3.5. Pupils will mainly work for supervisor;
 - 3.6. If another member of chambers wants pupil to do work, then the member should ask the supervisor; if they do not, the pupil should check with the supervisor who will decide if the pupil has capacity for the work and will inform the other member if not;
 - 3.7. All work is looked at critically and there may be more formal assessments in the second six;
 - 3.8. It is normal that at some point in the year both pupils will be given the same piece of work by senior members of chambers, although the most important views for the tenancy decision are those of the supervisors. Where pupils are doing the same piece of work for one person they should not discuss that piece of work with each other;
 - 3.9. Pupils should complete all the compulsory training courses during pupillage and should book up as early as possible. Chambers covers the costs of these courses; and will allow pupils sufficient time to prepare for them.
 - 3.10. Pupils should maintain a diary of the work done in pupillage. Pupils should record in the diary when they have received feedback on particular pieces of work and keep a note of the feedback given. They should also understand that the diary enables them to reflect on the work they have done and on their progress, and to identify areas where they consider that further development towards the Professional Competencies is required.
 - 3.11. Pupils need to obtain (and file with the BSB) forms from the relevant pupil supervisor at the end of the non-practising and practising periods of pupillage certifying satisfactory completion of that stage of pupillage.
4. The first pupil supervisor should provide an explanation of the professional rules and Chambers' policies in relation to legal professional privilege, confidentiality and data protection; and the particular importance of ensuring the security of data in relation to

which pupils will enter into a data processing agreement with the Head of Chambers which should be provided and explained.

5. An explanation should be given as to how and when the tenancy decision will be taken:
 - 5.1. the tenancy decision is in July and is done by way of a full chambers meeting;
 - 5.2. the criteria for assessment are set out in the pupillage policy;
 - 5.3. chambers has no quota for taking on tenants: the hope is that both pupils will make the grade and will be taken on if (as is likely) there is sufficient work for new tenants.
6. The first pupil supervisor should also explain:
 - 6.1. Chambers tea and encourage the pupil to attend even when supervisor does not.
 - 6.2. That there is a “buddy” assigned to pupils to assist with their integration into Chambers;
 - 6.3. How and when pupillage award will be paid.

Information at the start of pupillage and each subsequent seat

7. Each supervisor should provide the following information when starting to supervise a pupil:
 - 7.1. the type of tasks the supervisor is likely to give the pupil over the course of the seat;
 - 7.2. that, for each piece of work, the supervisor will indicate the urgency of the work/indicative time for how long it is likely to take/any deadline;
 - 7.3. the general hours the pupil is expected to be in chambers;
 - 7.4. when pupil can take lunch; whether supervisor is happy for them to eat at their desk;
 - 7.5. how the pupil is to behave at conferences and court (whether to sit next to supervisor, whether to keep out of the way and sit at back of court/end of table, whether to contribute to discussions, whether to take notes, whether to follow supervisor when having “quiet chats” outside court etc);
 - 7.6. arrangements for taking holiday; and

7.7. who to contact in event of illness/running late

8. In discussing the working arrangements for pupils, supervisors should explain that (a) one of the principles which underlies the provision of pupillage is flexibility; (b) that if a pupil considers that he/she requires alternative working arrangements to meet their personal needs, they should make a request for such arrangements; and (c) such a request will be considered by the supervisor (if necessary in conjunction with the PTP) and accommodated where consistent with the provision of an effective pupillage.
9. Pupil supervisors should also check, at the start of each seat, that the pupil has completed their diary/checklist and any forms required by the Bar Standards Board, and particularly those referred to in section C of the Bar Qualification Manual.

Documents

10. Pupils should be provided with the following documents when they start pupillage:
 - 10.1. Pupillage Policy;
 - 10.2. Bar Qualification Manual, section C;
 - 10.3. Professional Statement for Barristers;
 - 10.4. Map of chambers; and
 - 10.5. Chambers Equality and Diversity Code.

Appendix 3: Template report referred to in paragraph 8.2.1 of the Pupillage Policy

CONFIDENTIAL

PUPILLAGE REPORT ON

PUPIL SUPERVISOR REPORT	
Name of Pupil:	
Name of Pupil Supervisor:	
Date that pupil started sitting with Pupil Supervisor:	
Date that pupil ceased sitting with Pupil Supervisor:	
Date of Report:	
INTRODUCTION	
INTELLECTUAL ABILITY <ul style="list-style-type: none">- academic ability- knowledge of the law- logical analysis- common sense	
Academic ability: Knowledge of the law: Logical analysis: Common sense:	
SKILLS <ul style="list-style-type: none">- practical eye for relevance- fluency, accuracy and clarity (in writing and orally)- persuasiveness- agility in argument- sound judgment	
Practical eye for relevance: Fluency, accuracy and clarity in written advocacy: Fluency, accuracy and clarity in oral advocacy: Persuasiveness:	

Agility in argument:

Sound judgment:

PERSONAL QUALITIES

- integrity and compliance with professional standards
- application and motivation
- sensitivity to the audience
- working with others

Integrity and compliance with professional standards:

Application and motivation:

Sensitivity to the audience:

Working with others:

PARTICULAR QUALITIES

- understanding of the job of a barrister
- efficiency
- coping under stress

Understanding of the job of a barrister:

Efficiency:

Coping under stress:

POTENTIAL

CONCLUSION

ANNEX G

COMPLAINTS PROCEDURE

4 STONE BUILDINGS

COMPLAINTS PROCEDURE

Preliminary

- 1 Our aim is to give you good service at all times. However if you have a complaint you are invited to let us know as soon as possible. If you are a lay client it is not necessary to involve your solicitors in order to make your complaint; you are nevertheless free to do so should you wish.
- 2 This document sets out the procedure which will be followed in respect of your complaint should you make one. For the purposes of this procedure a matter:
 - 2.1 will be deemed to be a “complaint” either (a) if it is reasonable for the matter to be treated formally, or (b) if you ask for it to be treated as a complaint;
 - 2.2 will be deemed not to be a “complaint” when either (x) it is obviously insignificant and you do not ask for it to be dealt with as a complaint, or (y) you ask that the matter should not be dealt with as a complaint.
- 3 Chambers’ complaints procedure may not, in the event, resolve your complaint (although we hope that it will). There are other ways in which you may be able to pursue your complaint, should you wish to do so.
 - 3.1 One is through the Legal Ombudsman if your complaint is made as a “consumer” about services provided (or which should have been offered or provided) to or for you by Chambers. Normally you can only take your complaint to the Legal Ombudsman after you have first made your complaint to Chambers. At the end of this document we set out the time frame for taking complaints to the Legal Ombudsman.
 - 3.2 Another way in which you may pursue your complaint is with the Bar Standards Board. A complaint to the Bar Standards Board should be made within 12 months of the problem arising, as after that time the Bar Standards Board may not be able to take action.Please note the difference between those complaints which should normally be made in the first instance to the Legal Ombudsman and those which should normally be made to the Bar Standards Board.

Making a complaint by telephone

- 4 You may wish to make a complaint in writing and, if so, please follow the procedure in paragraph 6 below. However, if you would rather speak on the telephone about your complaint then please either
 - 4.1 telephone (a) the Senior Clerk (David Goddard) or (b) (in his absence) the First Junior Clerk (Ben Lashmar) or the Second Junior Clerk (Ryan Tunkel), or
 - 4.2 if your complaint is about the Senior Clerk, telephone the Head of Chambers (George Bompas QC).The person you contact will make a note of the details of your complaint and what you would like done about it. He will discuss your concerns with you and aim to resolve them. If the matter is resolved he will record the outcome, check that you

- are satisfied with the outcome and record that you are satisfied. You may also wish to record the outcome of the telephone discussion in writing.
- 5 If your complaint is not resolved on the telephone you will be invited to write to us about it within the next 14 days so it can be investigated more formally.

Making a complaint in writing

- 6 To make a written complaint please address your letter to the Senior Clerk (or the Head of Chambers if your complaint is about the Senior Clerk) giving:
- 6.1 your name and address;
 - 6.2 the name of the member(s) of Chambers or staff you are complaining about;
 - 6.3 details of your complaint; and
 - 6.4 what you want done about your complaint.
- We will where possible acknowledge receipt of your letter within five days and confirm what our procedure provides in relation to your complaint.
- 7 Any written complaint will be considered in the first instance by a panel of 2 members consisting of the Head of Chambers (or, if he is unable for any reason to do so, by one of the other Silks) and the Senior Clerk (or, if he is unable for any reason to do so, by another senior member of staff). The members of the panel will not include anyone who is a subject of your complaint. Within 14 days of your letter being received the panel:
- 7.1 will consider whether the complaint is unsuitable for resolution under the complaints procedure: in particular
 - 7.1.1 a complaint in respect of your barrister which consists purely of professional misconduct or professional negligence, or which falls outside the time limits usually applied by the Legal Ombudsman, may be unsuitable, and
 - 7.1.2 a complaint, if you are not a “consumer” making a complaint about Chambers’ services, may be unsuitable, either because it falls outside the time limit usually applied by the Bar Standards Board or because Chambers’ ability to investigate complaints by non-clients is limited and complaints of this nature are on occasion better suited to the disciplinary processes maintained by the Bar Standards Board; and
 - 7.2 will either (a) (unless satisfied that the complaint is unsuitable for resolution under the Chambers’ procedure) appoint one of their number or some other appropriate member of Chambers (who will not be someone who is a subject of your complaint) to investigate your complaint, or (b) (if satisfied that the complaint is unsuitable for resolution under the Chambers’ procedure) explain to you the reasons for their conclusion and how you may progress your complaint.
- 8 The person appointed to investigate in accordance with the previous paragraph (“the Complaint Handler”) will write to you as soon as possible to let you know he or she has been appointed and intends to reply to your complaint within 14 days. If the Complaint Handler later finds that this deadline cannot be met, he or she will write to you before the deadline expires giving you a final deadline by which you can expect a reply. The deadline will normally be no more than 8 weeks from the making of your complaint.
- 9 The reply to you will set out the matters in paragraph 6 above and also:

- 9.1 the nature and scope of the investigation of the complaint conducted by the Complaint Handler;
 - 9.2 the Complaint Handler's conclusion on your complaint and the basis for the conclusion; and
 - 9.3 any proposals the Complaint Handler may suggest for resolving your complaint.
- 10 The reply will also be copied to the person or persons you have complained about.

Confidentiality

- 11 All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent necessary. Disclosure will be to the Head of Chambers, the Senior Clerk and anyone involved in the complaint or its investigation. Inevitably such people will include the person(s) complained about, and (if not you) the professional or lay client of the person(s) complained about. The Bar Standards Board is entitled to inspect the documents and seek information about the complaint when discharging its auditing and monitoring functions.
- 12 As part of our commitment to client care we make a written record of any complaint and retain all documents and correspondence generated by the complaint for a period of 6 years. Save insofar as necessary in accordance with the previous paragraph above and subject to any requirement lawfully imposed on Chambers this record will be kept confidential.

Complaining to the Legal Ombudsman and the Bar Standards Board

- 13 We hope that in the first instance you will seek to use our procedure. This you should do if your complaint is as "consumer" about Chambers' services. If you are unhappy with the outcome of our procedure, you may be able to take up your complaint with the Legal Ombudsman (if your complaint is as a "consumer") or the Bar Standards Board.
- 14 Please note that there is a time limit for making complaints to the Legal Ombudsman or to the Bar Standards Board.
- 14.1 In the case of the Legal Ombudsman the time limits, which may be extended in exceptional circumstances, are:
 - 14.1.1 6 months of your receiving from Chambers a final response to your complaint, if that response includes prominently an explanation that the Legal Ombudsman was available if you remained dissatisfied and the provision of full contact details for the Legal Ombudsman and a warning that the complaint must be referred to them within 6 months; but otherwise
 - 14.1.2 6 years from the date of the act/omission (but, in the case of an act/omission before 6 October 2010, only if you did not know and should not reasonably have known that there was a cause of complaint until after 5 October 2010), or if later,
 - 14.1.3 3 years from the date that you should reasonably have known there was a cause for complaint (if the act/omission took place before 6 October 2010 or was more than 6 years ago).

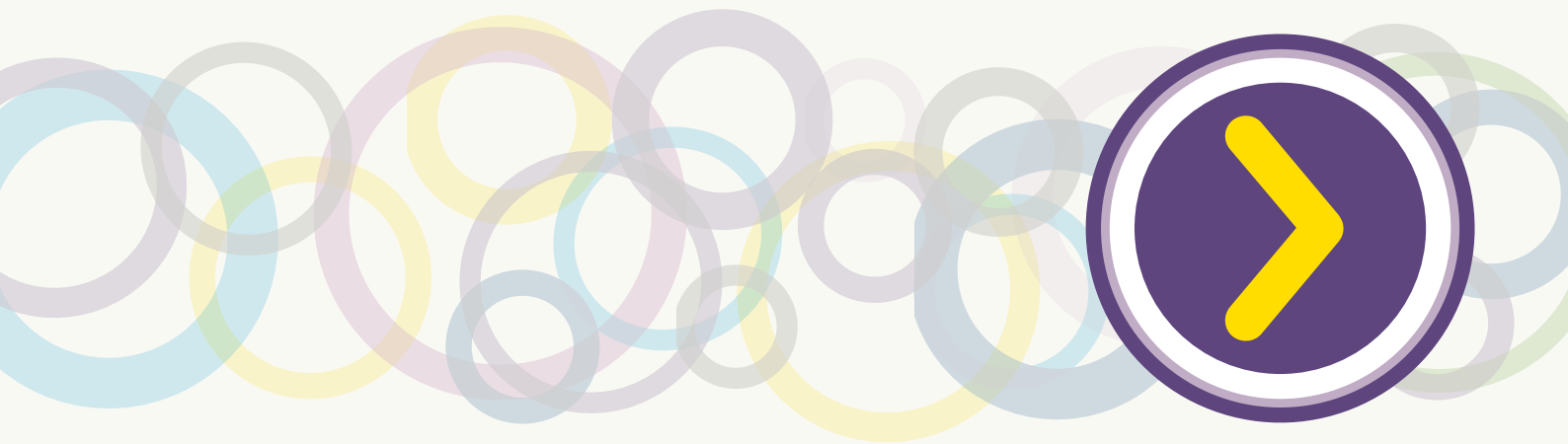
- 14.2 In the case of the Bar Standards Board the time limit is 12 months from the conduct of which complaint is made but may be extended if there is good reason to do so.
- 15 The Legal Ombudsman may be contacted:
- 15.1 by phone: 0300 555 0333
 - 15.2 by email: enquires@legalombudsman.org.uk
 - 15.3 through the website: www.legalombudsman.org.uk
 - 15.4 by post: PO Box 6806 Wolverhampton, WV1 9WJ.
- 16 The Bar Standards Board may be contacted:
- 16.1 by phone: 020 7611 1444
 - 16.2 by email: contactus@barstandardsboard.org.uk
 - 16.3 through the website: www.barstandardsboard.org.uk
 - 16.4 by post:
Complaints Team,
Bar Standards Board
289-293 High Holborn
London WC1V 7HZ

ANNEX H

SUPPORTING INFORMATION

FOR

BSB HANDBOOK EQUALITY RULES



SUPPORTING INFORMATION
BSB Handbook
Equality Rules



If you would like a version of this document in hard copy, or in an alternative format, please contact BSB equality at:
equality@barstandardsboard.org.uk

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Introduction

About this supporting information

1. This information pack is designed to be a tool for the administration of chambers, to enable chambers to meet their legal and regulatory duties, and to follow best practice in equality and diversity.
2. This document is structured so that each section includes links to other sections of the Handbook, or to external websites, or to documents available on other parts of the Bar Council and Bar Standards Board (BSB) websites.

Key reasons for chambers to adopt equality and diversity principles

3. There are three key reasons underpinning the adoption of equality and diversity principles in chambers: fairness, compliance, and commercial advantage.

Fairness

4. It is fundamental to a democratic society governed by the rule of law that there should be access to justice. The Bar has a special position in the legal system of England and Wales, and confidence in the legal system will be enhanced if the arrangements made for access to the Bar's services, and for access to practice at the Bar for aspiring barristers are seen to be fair and non-discriminatory, and to be open to all, regardless of social, economic or educational background or circumstances. This will lead, in time, to a more diverse Bar, which better reflects the diversity of society in England and Wales.

Compliance

5. Discrimination on grounds of race, sex, disability, pregnancy and maternity, sexual orientation, marital or civil partnership, gender re-assignment, religion or belief, or age, is unlawful and also constitutes professional misconduct. This Information provides an evidential standard against which allegations of discrimination may be judged.

Commercial advantage

6. If the Bar is to thrive, it needs to select the very best aspiring barristers, which means selecting from the widest possible pool. Discrimination in the provision of services by the Bar also reduces demand for those services.

The structure of the Guidelines

7. These Guidelines consist of 14 sections, as follows:

Section 1 – Basic Principles

8. This section explains the key legal obligations on chambers and individual barristers. It also includes guidance on how to meet these requirements in chambers.
9. The legal obligations are those flowing from the current legal framework.

Section 2 – Fundamental Equality Principle

10. This section sets out the core non-discrimination equality principle of the Handbook which relates to the employed and self-employed Bar.

Sections 3 to 12 – Key Topics

11. Sections 3 to 12 relate to key topics to which chambers need to pay particular attention. They provide more detail on legal and regulatory requirements and how equality issues should be approached in practice in a chambers setting.
12. For each topic, the Guidelines set out the relevant legal and regulatory requirements. This is followed by guidance on best practice. The guidance includes further explanation about the legal and regulatory requirements, but is not part of the legal or regulatory framework. You are, however, strongly encouraged to follow it: doing so should help you to ensure that you meet your legal and regulatory duties.
13. The key topics are:

Section 3 – Equality policy and action plan
Section 4 – Equality and diversity officer

Section 5 – Recruitment in chambers

Section 6 – Equality monitoring

Section 7 – Workforce diversity data collection and publication

Section 8 – Fair access to work

Section 9 – Harassment

Section 10 – Parental leave

Section 11 – Flexible and part-time working and career breaks

Section 12 – Providing services to disabled people

Section 13 – Model Policies and Documents

14. This section contains model harassment, parental leave, reasonable adjustments and diversity data policies chambers may wish to use in meeting their Handbook obligations. It also contains a sample equality action plan. Each of the documents may be adapted to meet the individual requirements of chambers.

Section 14 – Directory

15. Section 14 is a directory of organisations and information resources that can provide chambers with further information and support on equality and diversity.

Examples

16. Examples of good practice and case studies to illustrate particular points, are given throughout the text and are clearly identified within boxes. These are intended to be illustrations of the application of the general principles to specific factual situations, and should not themselves be regarded as setting out rules or general principles. Chambers may adopt these examples to suit their own Chambers needs.



SECTION 1

Basic Principles

Introduction

1. This section sets out the basic legal requirements under equality legislation. The equality legislation referred to is the Equality Act 2010.

Legal requirements

Protected grounds

2. The law¹ prohibits discrimination on the following grounds (referred to in the legislation as 'the protected characteristics'):
 - race (including colour, nationality and ethnic or national origins)
 - sex
 - pregnancy and maternity
 - disability²
 - sexual orientation
 - marriage and civil partnership
 - religion or belief
 - age
 - gender reassignment
 3. The main types of prohibited conduct are:
 - direct discrimination (including combined discrimination)
 - discrimination arising from disability
 - indirect discrimination
 - failure to make reasonable adjustments
 - harassment
 - victimisation
- the arrangements A makes for deciding to whom to offer a pupillage or tenancy
 - the terms on which A offers B a pupillage or tenancy
 - the terms on which B is a pupil or tenant
 - the way in which a pupil or a tenant is afforded access to opportunities for training or gaining experience or for receiving any other benefit, facility or service
 - termination of pupillage or tenancy
 - harassment of pupils or tenants
 - victimisation of pupils or tenants
 - discrimination against barristers including victimisation and harassment

Further information on the legal requirements

Areas in which discrimination is prohibited

4. Discrimination is prohibited in two main areas:
 - employment
 - service delivery (characteristics of age and marriage/civil partnership are excluded)

Provisions specific to the Bar

5. There are specific provisions in equality legislation³ covering barristers and clerks, in relation to:
 1. Equality Act 2010. www.legislation.gov.uk/ukpga/2010/15/contents
 2. S6 (1) (a) & (b) Equality Act 2010: a person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities.
 3. Equality Act 2010. www.legislation.gov.uk/ukpga/2010/15/section/47
6. This section explains the protected grounds, the main types of prohibited discrimination and the main provisions relating to employment and service delivery.
7. The section also explains slight variations in the types and area of prohibited discrimination for different protected grounds.
8. **Protected characteristics**
8. **Race:** includes nationality, colour and ethnic or national origins.
9. **Sex:** protects both men and women from discrimination on grounds of sex.
10. **Marriage and civil partnership:** covers anyone who is married or who is a civil partner.
11. **Pregnancy and maternity:** this covers anyone who is pregnant or taking a period of maternity leave to look after a child.
12. **Disability:** a person has a disability if s/he has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day to day activities.
 - Disability includes not only physical disability

but also mental impairments such as bi-polar disorder.

- It covers severe disfigurement⁴, progressive conditions⁵ and recurring impairments.⁶ Specific rules are made in respect of conditions such as cancer, HIV and multiple sclerosis which are deemed impairments for the purposes of the Act.⁷
- There is also a positive duty to make 'reasonable adjustments' to prevent a provision, criterion or practice, or physical feature of premises, placing the disabled person at a substantial disadvantage.⁸ Reasonable adjustments are dealt with in detail in Section 11.

13. Religion or belief: includes any religious or 'philosophical belief' such as humanism or pacifism, and encompasses discrimination based on the lack of religion or belief.⁹

14. Sexual orientation: covers sexual orientation towards:

- persons of the same sex
- persons of the opposite sex or
- persons of the same sex and of the opposite sex.¹⁰

Sexual orientation does not cover gender reassignment which is a separately protected characteristic see below.

15. Gender re-assignment: covers anyone who is undergoing, proposing to undergo or has undergone a process (or part of a process) of reassigning their sex. Gender reassignment covers anyone who is undergoing, proposing to undergo or has undergone a process (or part of a process) of reassigning their sex. The Equality and Human Rights Commission states, to be protected from gender reassignment discrimination, you do not need to have undergone any specific treatment or surgery to change from your birth sex to your preferred gender. This is because changing your physiological or other gender attributes is a personal process rather than a medical one. For further information please click on following link: <https://www.equalityhumanrights.com/en/advice-and-guidance/gender-reassignment-discrimination>. Trans is an umbrella term for

people whose identity differs from the sex they were assigned at birth, however some people who have transitioned do not consider trans to part of their identity.

16. Age: covers particular ages and also age ranges.¹¹ It does not cover under 18's in service delivery. However, the Handbook prohibits all discrimination on all grounds, so although certain types of age discrimination against under 18s in service delivery are not currently unlawful, generally age discrimination in service delivery is prohibited by the Handbook.

Types of discrimination – main categories

17. The main categories of unlawful discrimination are:

Direct discrimination

18. A person directly discriminates against another if because of a protected characteristic s/he treats that person less favourably than s/he treats or would treat others.¹²
19. With the exception of certain types of age discrimination, direct discrimination cannot be justified.
20. It is unlawful to discriminate based on false perception. For example, a person can be unlawfully discriminated against if the discrimination is based on the incorrect assumption that he is gay.

Discrimination arising from disability

21. A person discriminates against a disabled person if s/he treats that person unfavourably because of something arising in consequence of that person's disability and it cannot be shown that such treatment is a proportionate means of achieving a legitimate aim.¹³

Indirect discrimination

22. Indirect discrimination occurs where an apparently neutral provision, criterion or practice has, or would have, a disadvantageous impact upon a particular group compared with others. The provision, criterion or practice can be justified if it is a proportionate means of achieving a legitimate aim. For example, it could be indirect discrimination if all chambers' social events took place in the evening which could affect pupils and

4. S3 Sch.1 Pt 1, Equality Act 2010

5. S8 Sch.1 Pt 1, Equality Act 2010

6. S2(2) Sch.1 Pt 1, Equality Act 2010

7. S 6(1) Schedule 1 Part 1, Equality Act 2010

8. S 20, Equality Act 2010

9. S 10, Equality Act 2010

10. S 12, Equality Act 2010

11. S 5, Equality Act 2010

12. S 13, Equality Act 2010

13. S 15, Equality Act 2010



tenants with primary childcare commitments.

Duty to make adjustments

23. Where a provision, criterion, physical feature or practice puts a disabled person at a substantial disadvantage in comparison with non-disabled people, the law places a duty on individual barristers to take such steps as are reasonable to avoid the disadvantage.¹⁴
24. This duty also covers the requirement to provide auxiliary aids for disabled people where reasonable.

Harassment

25. Harassment is any form of unwanted conduct in relation to a relevant protected characteristic which has the effect or purpose of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment.¹⁵
26. A single incident may constitute harassment if it is sufficiently serious.
27. The motive or intention of the perpetrator may be (but is not invariably) relevant. Harassment is unlawful under equality legislation and can also constitute a criminal offence.

Victimisation

28. A person victimises another person if s/he subjects that person to a detriment because s/he believes that person has done or is about to do a protected act such as:
- giving evidence in proceedings relating to an act or acts of discrimination
 - bringing proceedings relating to an act or acts of discrimination
 - making an allegation of discrimination
 - doing any other thing for the purposes of equality legislation or in connection with it

Other relevant concepts

Positive action

29. Where a person reasonably believes that persons with a shared protected characteristic suffer a disadvantage, have particular needs or
- are disproportionately under-represented, that

person may take any step to encourage or enable that group to overcome or minimise the disadvantage.¹⁶

30. Positive action may be taken to improve under-representation of particular groups in pupillage and tenancy as well as any employed position in chambers.
31. Such action may include providing encouragement to disadvantaged groups to apply for a particular type of work, and/or training to help fit them for that work.
32. Positive action may also consist of providing those from groups under-represented in chambers with additional training and encouragement to apply for positions.

Example

Redbrick chambers conducts a diversity monitoring exercise during which it is discovered that Asian barristers in chambers are underrepresented in comparison to numbers of Asian barristers at the self-employed Bar. Redbrick decides to take positive action to address this issue by advertising tenancy vacancies through the diversity networks as well as in Counsel magazine. This is known as "targeted advertising".

Discrimination by people with the same protected characteristic

33. Individuals with the same protected characteristic can discriminate unlawfully against each other: a woman can unlawfully discriminate against another woman, or a barrister from one ethnic group can unlawfully discriminate against another member of that group.

Unintentional discrimination

34. It is not a defence to claims for discrimination, including harassment and victimisation, that there was no intention to discriminate. Any less favourable treatment (commonly referred to as 'detriment') because of a protected characteristic and in a protected area (e.g. employment or provision of services) is likely to amount to unlawful discrimination.
35. Both direct and indirect discrimination can be either intentional or unintentional.

14. S20 Equality Act 2010

15. S26 Equality Act 2010

16. S158 Equality Act 2010

Service provision

36. In relation to service provision, it is unlawful to discriminate against someone by:

- refusing or deliberately omitting to provide him or her with the service
- refusing or deliberately omitting to provide him or her with services of the same or similar quality or standard and/or
- refusing or deliberately omitting to provide him or her with services in the same manner and on the same terms as would otherwise be provided.

Example

A barrister agrees to take on a case for a person with impaired hearing but only at an inflated hourly rate and brief fee 'because of the extra hassle' that such a case would involve, without any genuine consideration of whether there was real justification for charging higher fees. This is, on the face of it, an unlawful refusal or deliberate omission by the barrister to provide this person with services in the same manner and on the same terms as would otherwise be provided for a person without that impairment.

40. Most of the protected grounds contain limited exceptions from the general prohibition of discrimination in relation to the provision of services. Those exceptions will rarely if ever be applicable to the provision of services by a chambers or barrister, although the ability to provide justification for certain elements of discrimination in relation to disability may be relevant and is considered in Section 12 'Providing Services to Disabled People'.

37. The duty not to discriminate applies to all aspects of the services provided by individual barristers, including but not confined to, core elements of practice, such as accepting instructions, advising in writing or in conference, and providing representation at hearings. The duty also applies in relation to other services provided. For example, where a chambers hires out its conference rooms, it would, on the face of it, be unlawful for the chambers to refuse this service to a religious organisation on the grounds that members of the organisation had views that senior members of chambers considered unpalatable.

38. The rules relating to provision of services apply in exactly the same way to pro bono (unpaid) work as to that for which payment is received.

39. There is an additional duty in relation to disability, to make reasonable adjustments to enable disabled people to make use of a service. There is also a regulatory requirement for chambers to have a reasonable adjustments policy aimed at supporting disabled barristers, staff and visitors to chambers. These matters are considered further in Section 12 about 'Providing Services to Disabled People'.



SECTION 2

Core Duty not to Discriminate

Legal Requirements

1. The legal equality requirements for barristers are covered in section 1 above.

Regulatory Requirements – Core Duty not to Discriminate

2. The Core anti-discrimination duty is set out at CD8 of the Handbook.

CD8: “You must not discriminate unlawfully against any person”

3. The Core Duty is supplemented by rC12 which expands and clarifies:

“You must not discriminate unlawfully against, victimise or harass any other person on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, pregnancy and maternity, religion or belief”.

This requirement applies to all barristers whether employed or self employed.

4. The fundamental equality principle is drafted to accord with the provisions of the Equality Act 2010 which apply to barristers (s.47) referred to earlier in these guidelines.

5. The requirement not to discriminate applies to a barrister in all aspects of his or her professional life. The requirement not to discriminate applies to a barrister's relationship with “any other person” in the course of his/her professional dealings. Therefore the requirement may be interpreted as covering a barrister's relationship with:

- Clerks and other chambers' staff
- Clients
- Court staff
- Instructing solicitors and their staff
- Judges
- Other barristers
- Pupils

(The above list is for the purposes of guidance only and is not exhaustive).

SECTION 3

Equality Policy and Action Plan

Legal Requirements

1. There is no legal requirement for chambers to have an equality policy or action/implementation plan.

Regulatory Requirements

2. **Rule rC110 (1) & (2)** of the BSB Handbook require that a self-employed barrister must take reasonable steps to ensure that in relation to their chambers:
 - 1) there is in force a written statement of policy on equality and diversity and;
 - 2) there is in force a written plan implementing the policy.
3. **Rule rC110(3)(e)** requires that chambers:
 - i. conducts a regular review of its policy on equality and diversity and of its implementation in order to ensure that it complies with the requirements of **Rule C110**; and
 - ii. takes any appropriate remedial action identified in the light of that review.

Guidance

- “Reasonable Steps”**
4. The regulatory requirements place a personal obligation on all barristers to take “reasonable steps” to ensure that an appropriate policy and plans are in place. What steps are reasonable will depend, among other things, on the barrister’s position in chambers and therefore his or her ability to influence decision making.
 5. It is likely to be reasonable for the BSB to expect that the Head of Chambers has personally ensured the policy and action plan required by these regulations are in place. It is also likely to be reasonable to expect that the Head of Chambers checks, at appropriate intervals, that the policy is effective and that the plan is progressing and to take appropriate steps if they are not.
 6. If chambers is run by a management committee, then the responsibilities of the chair of that committee are likely to be similar to those of the Head of Chambers as described above. Other members of the committee are also likely to be expected to be pro-active in putting appropriate systems in place and in ensuring they are working properly.
 7. If a barrister has been given responsibility in chambers for pupillage, then the reasonable steps required in relation to ensuring that pupils are treated fairly will be more onerous than would be expected of other people in chambers. Similarly, if a barrister is chambers’ Equality and Diversity Officer, or sits on a selection panel, or has any other specific role in chambers, then the reasonable steps required in relation to those matters will be more onerous than would be expected of others in chambers without such responsibilities.
 8. If a barrister is a pupil supervisor, it is likely that s/he will be expected to take steps to ensure that their pupils are treated fairly in accordance with the policy and plan.
 9. If a member of chambers is very junior, with no formal role in the management of chambers, then the reasonable steps s/he is required to take will be less onerous than for more senior members of chambers or for those who have undertaken specific responsibilities to see that chambers is fairly administered. Even so, if there are mechanisms available to such individuals, to draw attention to ways in which other members of chambers are being treated unfairly, it might well be reasonable to expect that even junior members do that.
 10. Similarly, if there are meetings of chambers to agree policies on important issues, such as parental leave or flexible working, even a junior barrister would be expected to take reasonable steps to ensure that chambers’ policies are agreed which comply with the equality rules, for example



by raising concerns about non-compliant policies and not voting against compliant ones (unless there were alternative compliant proposals).

11. If the chambers' action plan on equality and diversity has allocated some tasks to a barrister, it would be reasonable to expect that individual to carry out those tasks or to draw attention to any problems if they are unable to do so.

Equality Policy

12. The equality policy should set out chambers' commitment to promoting and advancing equality. It should be clear to readers why the policy has been drafted and the aims it intends to achieve. Chambers are encouraged to ensure that equality policies cover the following areas:

- Recruitment and selection
- Fair access to work and the allocation of unassigned work
- Equality monitoring
- Complaints and grievances

Action Plan

13. Chambers will need to consider what actions it must take to ensure that the principles of equality and diversity are embedded into the framework of its day to day work and to prevent unlawful discrimination taking place. The actions that are required to achieve these aims will naturally differ depending on each chambers' individual circumstances.
14. Equality actions should be "SMART". This means:
 - a) **Specific** – i.e. clear, as opposed to vague statements or "ideal scenario" wish lists.

- b) **Measurable** – It should be clear how chambers will know when an action has been completed. Chambers may wish to use numbers, dates and times in order to achieve such clarity (e.g. ensure parental leave policy is included in chambers' induction pack for staff and barristers by a certain date).
- c) **Affordable** – does chambers have sufficient resources to undertake the action?
- d) **Realistic** – is it feasible in all the circumstances for chambers to undertake this action?
- e) **Timely** – a clear deadline, by which each action must be completed, should be set.

15. Action plans should detail the following information:

- The action to be taken (it is also useful to include a summary of the evidence base supporting the action to be taken)
- The name (or job title) of the person who is to be responsible for ensuring the action is progressed/completed
- The deadline by which the action must be completed
- Any update on progress of the action

16. Section 13 contains a sample equality action plan that can be adapted to chambers' individual needs.

SECTION 4

Equality and Diversity Officer

Legal Requirements

1. There is no legal requirement for chambers to appoint an Equality and Diversity Officer.

Regulatory Requirement

2. **rC110 (3)(a)** of the BSB Handbook requires that a self-employed barrister must take reasonable steps to ensure that chambers has at least one Equality and Diversity Officer.

Guidance

3. The Equality and Diversity Officer should be a senior member of chambers who has been trained in equality and diversity. Advice on suitable courses can be obtained from the Bar Council Equality and Diversity Team whose details may be found in the Directory in section 14.
4. The Equality and Diversity Officer should be prepared to devote sufficient time to the role, including making himself or herself available to members of staff and colleagues to give advice and discuss any problems which may arise.
5. The Equality and Diversity Officer should be responsible for ensuring that:
 - A written equality and diversity policy for chambers is adopted, implemented, then reviewed and kept up-to-date;
 - All chambers policies and procedures (whether or not documented) are reviewed regularly to ensure that they comply with the equality and diversity policy and these guidelines and that records are kept of the outcome of reviews and of action taken in response;
 - Equality and diversity training is provided for all members of chambers and staff including clerks and that refresher courses are provided periodically once initial training has been given;
 - Advice is offered to the Head of Chambers, the senior clerk, the chair of the pupillage

committee, members of the chambers management committee and individual members of chambers and staff on equality and diversity issues, both in response to a request and whenever the Equality and Diversity Officer considers that equality and diversity issues arise;

- He or she is available to individual members or chambers staff to offer advice on equality issues and to provide an informal route, if requested, for the resolution of grievances; and
- Monitoring data from pupillage, member or staff recruitment exercises, chambers membership, and the allocation of unassigned work is analysed regularly and that any actions necessary to remedy or investigate unfair outcomes are developed and added to chambers' equality action plan.



SECTION 5

Recruitment in Chambers

Legal requirements

1. The legal requirements set out in Section 1 include a prohibition on discrimination in recruitment and selection on grounds of sex, race, disability, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership, religion or belief, or age.
2. Chambers are also reminded of the duty to make reasonable adjustments for disabled candidates.
3. It is unlawful to ask questions about the health or protected characteristics¹⁷ of an applicant (other than diversity monitoring questions) either orally or in writing:
 - Before offering that applicant a pupillage, mini-pupillage or tenancy
 - Before including that applicant in a pool of applicants from whom it is intended that selection of a pupil, mini-pupil or tenant is to be made.¹⁸
4. It is also unlawful to publish or cause to be published an advertisement which indicates, or might reasonably be understood as indicating, an intention to discriminate either directly or indirectly on any of the prohibited grounds.

Regulatory Requirements

5. **Rules rC110(3)(b)** requires that “except in unforeseen and exceptional circumstances, the person with lead responsibility for any selection panel and every member of all selection panels must have received recent and appropriate training in fair recruitment and selection processes”.
6. **Rule rC110(3)(c)** requires that “from 1 July 2014, save in exceptional circumstances, every member

of all selection panels must be trained in fair recruitment and selection processes.

7. **Rules rC110(3)(d)** requires that “recruitment and selection processes use objective and fair criteria”.

Guidance

8. The same broad principles apply to the recruitment of pupils, starter tenants, established practitioners and staff. The guidance below about aspects of the recruitment and selection process applies to all categories of vacancy.
9. Detailed guidance on fair recruitment and selection in chambers is set out in the Bar Council's Fair Recruitment Guide for the Bar¹⁹, private study of which is sufficient to satisfy the training requirements set out above. However at least one selection panel member is encouraged to attend a formal classroom course in fair recruitment and selection skills.
10. The term ‘recruitment’ covers the whole process of filling a vacancy, from seeking applicants to making the selection decision. Selection refers to the process of choosing from among those candidates who have applied, and includes application forms, short-listing, and any mechanisms used to help the decision making process, such as selection tests, references and interviews.
11. Training is defined in the Handbook as “any course of study covering all the following areas:
 - Fair and effective selection and unconscious bias
 - Fair and effective selection and avoiding unconscious bias
 - Attraction and advertising

17. For example questions as to the age of an applicant or enquiries as to whether or not they are planning a family.

18. S60(1) Equality Act 2010

19. Fair Recruitment Guide. Available at: www.barcouncil.org.uk/for-the-bar/professional-practice-and-ethics/equality-and-diversity-guidance/fair-recruitment-guide

- Application processes
 - Shortlisting skills
 - Interviewing skills
 - Assessment and making a selection decision
 - Monitoring and evaluation.
12. The Bar Council's Fair Recruitment Guide covers these areas and therefore private study of this document will be considered adequate to satisfy rC110(3)(b)&(c) although classroom course attendance is encouraged for at least one panel member.
13. Training may also be undertaken online or by completion of CPD hours covering the above areas. Information on suitable classroom courses may be obtained from the Bar Council's Equality Team, whose details may be found in the Directory in section

Employees

14. Chambers may need to take advice about contracts and policies applying to clerks and other staff. Fuller guidance can be found on the websites of ACAS²⁰ and Gov.uk.²¹

20. www.acas.org.uk/index.aspx?articleid=1461

21. www.gov.uk



SECTION 6

Recruitment and Work Allocation Equality Monitoring

Legal requirements

1. There is no legal obligation on organisations other than certain public sector bodies to gather and analyse diversity data for the purposes of equality monitoring.

Regulatory requirements

2. **rC110(3)(f)** requires that chambers regularly reviews:
 - (i) the number and percentages of its workforce from different groups; and
 - (ii) applications to become a member of its workforce; and
 - (iii) the allocation of unassigned work.
3. Such reviews include:
 - (i) collecting and analysing data broken down by race, disability and gender;
 - (ii) investigating the reasons for any disparities in that data; and
 - (iii) taking appropriate remedial action.

Guidance

The need for monitoring

4. Equal opportunities policies, by themselves, will not bring about equality. Chambers should have a system for checking whether their policies are being carried out and whether they are working. Without equality monitoring data, it is impossible to establish the nature or extent of any inequality, identify those areas where action is most needed, and whether measures aimed at reducing inequality are succeeding.
5. The purpose of the rules in this section is to ensure that work is not unfairly allocated and that people are not refused employment because of their protected characteristics.

Which protected characteristics should be

monitored

6. In relation to applications and allocation of unassigned work the requirement is to gather data on gender race and disability only. However chambers are encouraged to consider monitoring across the other protected characteristics where they believe the results would be useful in supporting their work on equality and diversity.

Definitions of Terms

7. For the purposes of these rules:
 - “Regular review” – in respect of data on pupils it is likely to be considered reasonable that regularly should mean annually. In respect of tenants it is likely to be considered reasonable that regularly should mean every three years unless the numbers change to such a degree as to make more frequent monitoring appropriate.
 - “Unassigned work” – Unassigned work includes both instructions which are sent into Chambers or the entity (whether in hard copy, electronically or by any other means) and instructions in respect of which any enquiry is made (whether in hard copy, electronically, by telephone, in person or by any other means) prior to them being sent into Chambers or the entity. Work is unassigned work if at the point of enquiry and/or at the point at which it is sent into Chambers the person instructing does not state that it is to be assigned to a named member of Chambers.
 - “Investigating” – investigation means considering the reasons for any disparity in the data.
 - “Remedial action” – Any action aimed at removing or reducing the disadvantage experienced by particular groups.

Should this monitoring be anonymous?

8. For the purposes of monitoring recruitment and unassigned work allocation, it is important that monitoring data should not be anonymous; it

should be possible to link the equality data to the person to whom it relates. Without this, it is effectively impossible to monitor the recruitment and selection process at each stage or the allocation of work, without repeatedly asking individuals for their diversity data. The identity of individuals can be concealed in the analyses of data by identifying individuals only by a number that can be independently linked back both to their monitoring data and their name.

Collecting monitoring data

9. When requesting equality information, an explanation for its collection should be given. This should state why the information is being requested and for what purposes it will be used. The explanation should emphasise confidentiality and state who will have access to the information. It should also explain that answering the questions is not compulsory.
10. It should also be made clear to those completing the monitoring form that their response to the question on disability will only be used for monitoring purposes. An additional question should be included to enable disabled individuals to raise any need for reasonable adjustments related to their recruitment, employment in or membership of chambers. In the case of recruitment it is good practice to ask applicants whether they require any reasonable adjustments in the recruitment process as part of the covering letter.

Monitoring unassigned work

11. Work monitoring is an active exercise to identify discrepancies in how work is being allocated within chambers so that these can be investigated.
12. Chambers should consider keeping a database of work allocated to pupils, junior tenants and those returning from parental leave. The patterns that need to be considered are earnings, quantity of work and sources of work.
13. Most, if not all, chambers will already keep data on earnings, so the first task for monitoring may be to see whether for example men at a particular call are earning significantly more than women or Black Minority Ethnic (BME) barristers.

How to monitor unassigned work

14. Unassigned work monitoring should be relatively straightforward. Chambers simply has to record

whether the work came into chambers marked for a particular barrister/pupil, or whether it was allocated and if so, who it was allocated to and who was responsible for allocating the work. This exercise should pick up patterns of work allocation.

15. For information on how chambers software packages such as Lex and Meridian can be adapted in order to record diversity data in relation to work allocation please visit the equality section of the Bar Standards Board website.²²

Example

At Bluestone Chambers all unassigned work is entered onto a diary system by one of the clerks in liaison with the Senior Clerk. The assignment of work is then discussed at practice group meetings and the findings are reviewed at management meetings.

Example

Indigo Chambers' computer software registers all cases including unassigned work. An annual report is produced which goes to the Executive Committee.

16. If a disparity is identified the next step is to consider the reasons for any disparity. For example it may be necessary to look at why a man is earning much more than a woman of the same call, or why specific types of cases are being allocated to male members of chambers. In some cases there are perfectly rational and acceptable reasons, e.g. the man has greater skill or the woman has chosen to work fewer hours.
17. It is recommended that a chambers committee, including the senior clerk and Equality and Diversity Officer, meets quarterly to review work allocation reports and decide on what further actions may be necessary.

22. www.barstandardsboard.org.uk/about-bar-standards-board/equality-and-diversity



Example

The Equality and Diversity Officer and the senior clerk review chambers' work allocation data. There are two starter tenants, one female and one male. The female tenant has been receiving a disproportionate number of cases involving allegations of sex discrimination. Following a conversation with the tenant concerned, the Equality and Diversity Officer and the senior clerk decide to hold a refresher equality and diversity training session for the clerking team. At the next review session, the disparity has reduced significantly.

18. If briefing practices are identified which appear to disadvantage individuals from particular groups, for example a tendency to provide female starter tenants with family work irrespective of their stated preference, these should be addressed through the clerks' room. If the issue cannot be resolved through the clerks' room, it will need to be addressed by the Head of Chambers.

Recruitment Monitoring

19. Examining the application rates of different groups enables chambers to gauge whether application rates are proportionate to these groups' representation on the Bar Professional Training Course (for pupillage) or among suitably qualified barristers (for tenancies) or the population from which selection is to be made (for chambers' staff). Statistical diversity data on the profession may be downloaded from the BSB website.²³
20. Where under-representation of particular groups is identified, chambers may wish to consider using positive action to encourage applications from members of those groups. Further information on positive action is provided in Section 1.

Shortlisting

21. Chambers should check whether the representation of different groups among those shortlisted is proportionate to their representation among applicants. If there is a disparity, the reasons for different shortlisting rates should be investigated.

Interview stage

22. The success rates for different groups at the interview stage should be examined. Any differences should be investigated to ensure that

there is no direct or indirect discrimination in the treatment of candidates. Exercises used at this stage should be reviewed if the analysis suggests that they are contributing to disparities.

Appointments

23. As well as stage by stage comparisons it can be useful to look at the overall likelihood of different groups being appointed, i.e. the proportions of appointments from each group. Small disparities at each stage may combine to create a large disparity that needs to be addressed.
24. Further information on recruitment monitoring and other aspects of best diversity recruitment practice can be found in the Bar Council's Guide to Fair Recruitment.²⁴

23. www.barstandardsboard.org.uk/about-bar-standards-board/equality-and-diversity/equality-act-2010-publication-of-information

24. www.barcouncil.org.uk/for-the-bar/professional-practice-and-ethics/equality-and-diversity-guidance/fair-recruitment-guide

SECTION 7

Workforce Diversity Data Collection and Publication

Legal Requirements

1. There is no legal requirement for chambers to collect and publish diversity data.

Regulatory Requirements

2. rC110(3) (n) – (t) require that:

- (n) Chambers has a Diversity Data Officer;
- (o) Chambers must provide the name and contact details of the Diversity Data Officer to the Bar Standards Board and must notify the Bar Standards Board of any change to the identity of the Diversity Data Officer, as soon as reasonably practicable.

Responsibilities of the Diversity Data Officer:

- (p) The Diversity Data Officer complies with the requirements in relation to the collection, processing and publication of diversity data set out in the paragraphs rC3(3)(q) – (t) below.

Collection and Publication of Diversity Data

- (q) The Diversity Data Officer shall invite the members of the workforce to provide diversity data in respect of themselves to the Diversity Data Officer using the prescribed model questionnaire set out at the end of this section.
- (r) The Diversity Data Officer shall ensure that such data is anonymised and that an accurate and updated summary of it is published on chambers' website every three years. If chambers does not have a website, the Diversity Data Officer shall make such data available to the public on request.

- (s) The published summary of anonymised data shall:

- (i) exclude diversity data in relation to any characteristic where there is a real risk that individuals could be identified, unless all affected individuals consent; and
- (ii) (subject to the foregoing) include anonymised data in relation to each characteristic, categorised by reference to the job title and seniority of the workforce.

- (t) The Diversity Data Officer shall:

- (i) ensure that chambers has in place a written policy statement on the collection, publication, retention and destruction of diversity data which shall include an explanation that the provision of diversity data is voluntary;
- (ii) notify the workforce of the contents of the written policy statement; and
- (iii) ask for explicit consent from the workforce to the provision and processing of their diversity data in accordance with the written policy statement and these rules, in advance of collecting their diversity data.

Guidance

3. These requirements apply only to self-employed barristers, however employed barristers may be subject to similar requirements imposed by their employer or another regulator. This guidance is primarily intended for self-employed barristers.

Why Gather Diversity Data?

4. Equality policies by themselves will not bring about equality. Through the collection and analysis of data chambers are in a position to ensure that checks can be made on whether or not policies and action plans are being implemented and whether or not they are working. Without data, it is impossible to establish the nature or extent of any inequality and therefore devise appropriate measures to reduce or remove it.



What does Chambers have to do?

5.
 - Chambers must ensure that there is a Diversity Data Officer (DDO).
 - The identity of chambers' DDO should be provided to the Bar Standards Board either by email contactus@barstandardsboard.org.uk or phone 0207 242 0082.

The Diversity Data Officer

6. Each chambers is required to appoint a chambers' Diversity Data Officer. The Diversity Data Officer is responsible for implementing the rules relating to the collection and processing of Diversity Data, and for demonstrating compliance by providing the Bar Standards Board with any documents or information reasonably requested for that purpose. The identity of the Diversity Data Officer must be notified to the Bar Standards Board as soon as reasonably practicable following their appointment, or any change in their identity.
7. The individual appointed to be the Diversity Data Officer may, but need not be, the person appointed as Equality and Diversity Officer.
8. In addition, the Diversity Data Officer may, but need not be, the same individual as the data controller. In some cases, it may make sense for one individual to perform both roles. However, the roles are distinct: The data controller has specific statutory responsibilities under the Data Protection Act with respect to personal data whereas the Diversity Data Officer is responsible to the Bar Standards Board for compliance with the rules relating to the collection and processing of Diversity Data. The Diversity Data Officer need not be a barrister.

What does Chambers DDO have to do?

9. The DDO ensures that:
 - The members of chambers workforce are offered the opportunity to provide diversity data covering age, gender, disability, ethnic group, religion or belief, sexual orientation, socio-economic background and caring responsibilities.
 - Anonymised summary data was published on chambers website by 31 December 2012 in the first instance and then every three years thereafter.
 - Data is broken down by seniority and job title (e.g. Queen's Counsel, juniors, pupils, directors and general managers, senior clerks, junior clerks, and other administrative staff).
 - There is a written Diversity Data policy in place which sets out when and how data will be

collected. A sample policy may be found in Section 13.

- There is explicit consent to the collection and processing of diversity data before collection commences. A sample notification and consent form may be found in Section 13.
- The data is collected and processed securely and in accordance with the provisions of the Data Protection Act 1998.
- Individuals are informed that they may withdraw their consent to the processing, collection or publication of some or all of their diversity data at any time.

Be Aware

10. Chambers should aim to publish diversity data gathered unless:
 - The number of individuals in chambers workforce is fewer than 10 (ten), save in cases where there is consent from all members of chambers' workforce.
 - The number of individuals identified with any characteristic within any category is fewer than 10 (ten), save in cases where there is consent from all those to whom the data in question relates.

Personal Choice

11. Provision by individuals of their diversity data is entirely voluntary. No one can be compelled to provide diversity data and it should be made clear in chambers' diversity monitoring exercises, that disclosure of such information is not obligatory.

12. Notwithstanding the above, it is important that all those in chambers are made aware of the benefits of providing such data and that collection and publication of the data at the level of individual chambers can help build a useful picture of the developing diversity profile of those chambers and of the workforce across the Bar as a whole.

How to Collect the Data

13. All individuals in chambers' workforce (i.e. barristers and non-barristers who work within chambers) must be given the opportunity to complete the Legal Services Board diversity questionnaire. The questionnaire can be found at the end of this section. Chambers may create its own questionnaire however it must contain the same questions and categories as used in the model LSB questionnaire and it must contain a "prefer not to

say" option for each question.

How to produce a diversity data collection policy

14. The Diversity Data Officer is responsible for producing a written policy on the collection and use of Diversity Data. A sample policy is set out in Section 13.
15. The written policy must include:
 - a. Details of when and how the data will be collected;
 - b. The names of the registered data controller and the Diversity Data Officer;
 - c. An explanation that the provision of Diversity Data is voluntary and that individuals may withdraw their consent to the use of their data at any time;
 - d. An explanation of how the data will be collected and the purposes for which it is being collected;
 - e. A statement that the anonymised data will be published online in summary form or made available to the public on request by the chambers, except where there are reasonable grounds to believe that publication of the anonymous data would result in the identification of an individual in connection with one or more of the diversity characteristics;
 - f. An explanation of how the data will be held, and the security measures in place to protect the identity of individuals in connection with the diversity characteristics;
 - g. An explanation of how the data will be anonymised;
 - h. When and how the anonymised data will be published; and
 - i. How and when the Diversity Data will be deleted/destroyed.
16. A sample Diversity Data Policy is included in Section 13 to this document however please note use of the sample policy does not guarantee compliance by chambers with their legal and regulatory requirements. Chambers should amend the sample Diversity Data Policy to ensure that it is suitable, having regard to their individual circumstances.

Consent

17. In order lawfully to collect Diversity Data from individuals, chambers must obtain the explicit consent of individuals before collection takes place. This is required because of the rules under the Data Protection Act concerning the processing

of sensitive personal data. All Diversity Data, of whatever nature, should be treated as if it were sensitive personal data for the purposes of compliance with the rules.

18. To demonstrate that explicit consent has been obtained, chambers should be able to show that individuals have been informed about how their personal data will be used and that the provision of their personal data is voluntary. Chambers should also be able to show that individuals have been told that by providing their Diversity Data they are explicitly consenting to the collection and use of their personal data for the purposes for which they are notified. This may be done by providing individuals with a copy of chambers' written Diversity Data policy when they are invited to provide their Diversity Data.
19. Consent to the collection and use of the Diversity Data must be freely given, and it is the responsibility of all Heads of Chambers and Diversity Data Officers to ensure that it is made clear that there is no obligation to respond and that the provision of Diversity Data is entirely voluntary.
20. A sample notification and consent form is set out at Section 13.
21. Chambers must ensure that there are no internal procedures or behaviours which could reasonably be considered to compel individuals to provide their Diversity Data. For instance, the provision of Diversity Data should be obtained through a separate mechanism from any other collection of information from members of the workforce. This should mean that a separate form or questionnaire and separate notification is used. The request for Diversity Data should be made in isolation from any other requests for information and, in particular, should in no way be linked or associated with any appraisal or performance review.

Identification of individuals

22. All members of the workforce must be informed if the Diversity Data Officer considers that there is a risk that publication of the anonymised data could lead to identification of diversity characteristics in connection with an individual, in order that consent to publication is given in the knowledge of that risk. This risk may be evident at the time the data is collected, or thereafter, but must be notified to members of the workforce prior to publication in order that consent is provided or declined to publication accordingly.



Security of Diversity Data

23. Chambers must implement appropriate systems and measures to protect Diversity Data against unauthorised or unlawful access and use of the Diversity Data, and against accidental loss or destruction of, or damage to, the Diversity Data.
24. In ensuring Diversity Data (whether containing personal data or anonymised) is kept securely, chambers should, as a minimum:
 - a. Take physical measures to protect hard copies from unauthorised access or damage including, for example, keeping the data in a secure locked drawer or box;
 - b. Have access controls so that only those persons whose role requires them to access the Diversity Data are able to access it (for example, any IT specialists assisting with anonymisation);
 - c. Encrypt removable media on which the data is stored, including tapes, disks, removable hard drives, CDs and DVDs; and
 - d. Include confidentiality provisions in any outsourcing arrangement with a third party who may process the Diversity Data on behalf of the chambers.
25. The Diversity Data Officer is responsible for establishing secure electronic and physical barriers to the Diversity Data. Only those persons whose business role requires them to have access should have access and all such personnel, including the Diversity Data Officer, must be informed about the confidentiality of the Diversity Data and, where necessary, receive appropriate training about how to use the Diversity Data.
26. In the event of accidental or unlawful destruction, loss, alteration, disclosure of, or access to, the Diversity Data which is likely to adversely affect the privacy of individuals, the Diversity Data Officer must investigate the incident and take action to mitigate the consequences such as seeking to recover the affected data, rectifying the circumstances that led to the incident and putting in place measures to ensure that such an incident is not repeated. In particular, the Diversity Data Officer must promptly notify:
 - a. the Information Commissioner's Office; and
 - b. where the Information Commissioner's Office so advises, the individuals likely to be affected.

Anonymisation, retention and destruction of Diversity Data

27. Chambers must anonymise Diversity Data as

soon as reasonably practicable in order to ensure that individual members of the workforce cannot be identified in connection with their diversity characteristics.

28. Chambers shall be entitled to retain anonymised data indefinitely and must do so for at least 12 (twelve) months after publishing the data in order that copies may be provided to the Bar Standards Board on request. For the avoidance of doubt, the Bar Standards Board will not in any circumstances seek access to unanonymised Diversity Data.

Withdrawal of Consent

29. Individuals should be informed that they have a right to object to the collection and use of their Diversity Data at any time, even if they have consented on a previous occasion, and to withdraw consent at any time.
30. In the event that an individual withdraws their consent chambers should promptly delete or destroy any Diversity Data which includes the personal data of that individual and inform the individual within at least 21 days of receiving notification of the withdrawal of consent.
31. On receipt of a withdrawal of consent or objection and where the anonymised data has already been published in summary form, there is no requirement to extract that individual's personal data from the published summary unless the individual alleges that continued publication of the anonymised data is causing or is likely to cause them or someone else substantial damage or distress.

Publication

32. In accordance with the equality rules which came into force in September 2012, chambers should have published its first summary of the anonymised data by 31 December 2012.
33. The rules require that following this initial publication, data must be published every three years. "Publication" means publishing on chambers' website however where chambers do not have a website, anonymised information should be made available to the public on request.
34. There is no longer an additional restriction on the publication of sexual orientation and religion or belief data: the data monitoring requirements set out at rC110.3(q-s) of our Handbook apply consistently across all diversity characteristics, which are set out in the model diversity data questionnaire at the end of this section.

35. Although they may choose to do so, chambers and BSB entities are not required to re-run their data collection and publication processes, other than in the normal three-yearly cycle required by the Equality Rules of our Handbook (rc110.3.r).
36. Within chambers and BSB entities, diversity data officers (DDOs) are responsible for implementing our rules on diversity data monitoring. Following the removal of the additional restriction on the publication of sexual orientation and religion or belief data, DDOs will need to update their written policy statement on the collection, publication, retention and destruction of diversity data (rc110.3.t.i).
37. Chambers and BSB entities are required to take care when processing sensitive personal data, including data about sexual orientation and religion or belief:
- a. They must be satisfied that workforce members who consent to data publication are fully aware of what it entails, particularly if fewer than ten people fall into a particular category of data.
 - b. If an individual withdraws consent, and they are one of fewer than ten people whose data falls into a category of sexual orientation or religion or belief, then the relevant data must be removed immediately from the chambers' or BSB entity's website; and
 - c. In exceptional circumstances, and even if there is no real risk of individuals being identified, chambers and BSB entities may have justifiable reasons for not publishing sexual orientation and religion or belief data.
38. Regarding point c. the non-publication of sexual orientation and religion or belief data may be appropriate where a chambers or BSB entity has a high-representation of a particular category of sexual orientation or religion or belief, which creates a real threat to security or business continuity. For example. unwanted protests or disruptive media attention. Situations like this are unlikely but may be more likely to occur in certain areas of practice, or because of a high-profile case or member of chambers.

39. DDOs are required to demonstrate compliance with our rules about diversity data monitoring, by providing us with any documents or information reasonably requested for that purpose. We may ask DDOs to provide us with an explanation if their chambers or BSB entity does not publish a summary of data on sexual orientation and religion or belief, in the next round of the three yearly cycle.

What should data look like?

40. The summary of anonymised data should include a breakdown of each diversity characteristic in a manner which reflects seniority e.g. categories representing Queen's Counsel, junior tenants and pupils, and from non-barrister members in categories representing directors and general managers, senior and junior clerks and other administrative staff.
41. Notwithstanding efforts made to anonymise data, rare combinations of characteristics will generally lead to the identification of individuals. The summary of anonymous data must not include any analysis that links responses against different diversity characteristics or individuals. Eg. the analysis should not indicate that there are 11 female barristers of which one considers herself to be disabled.

42. If there is a real risk that the publication of the summary of anonymous data would result in the identification of an individual in respect of one or more of their diversity characteristics, chambers are not required to publish that part of the information unless it has consent from the individuals affected.

The “Less than 10 Rule”

43. As a general rule the risk of identification is considered more likely to occur where the number of individuals with any particular characteristic within any category is fewer than 10.²⁵

Example

Greendale chambers has 4 junior tenants who identify themselves as disabled. Greendale's DDO does not publish data in respect of this group as consent was not given by each of the 4 tenants for this to happen.

44. If consent from all those affected is not obtained chambers should still aim to publish a summary of the data expressed in headline terms to indicate a general picture of diversity at chambers, e.g.: Greendale chambers has an underrepresentation of women at QC level and an underrepresentation of BME pupils. It currently has no pupils above the age of 40 and most of the tenants are men.

45. Data can be published using either percentages or numbers and can be presented in graph or table format.

46. Numbers fewer than 10 in a given category can be represented using an asterisk or a range (e.g. <10).

25. The approach of not requiring publication of diversity data where those in a particular group are fewer than 10 derives from and is supported by government guidance on the approach to be taken by public bodies in publishing their own diversity data: 2013. This guidance may be downloaded from: www.homeoffice.gov.uk/publications/equalities/equality-act-publications/equality-act-guidance/specific-duties



MODEL DIVERSITY DATA QUESTIONNAIRE

Please answer each question in turn by choosing one option only, unless otherwise indicated. If you do not wish to answer the question please choose the option "Prefer not to say" rather than leaving the question blank.

About you

If you are an authorised person²⁶ for the purposes of the Legal Services Act 2007 (i.e. you hold a practising certificate issued by one of the approved regulators), please indicate your professional qualification(s) and role (tick all that apply if you are dual qualified and have a current practising certificate from more than one approved regulator):

		P
Barrister	QC	
	Tenant / Member	
	Other (including Pupil)	

If you do not fall into any of the categories listed above, please indicate which of the following categories best fits your role:

	P
Any other fee earning role (e.g. trainee solicitor, legal executive (not Fellow), paralegal)	
Any role directly supporting a fee earner (e.g. legal secretary, administrator, barristers clerk, practice manager, legal assistant, paralegal)	
A managerial role (e.g. Director / non-lawyer Partner / Chief Executive / Practice Director or similar, Head of Legal Practice (HoLP) / Head of Finance & Administration (HoFA) or similar)	
An IT/HR/other corporate services role	
Prefer not to say	

Your role in your organisation

Please note that this question applies to self-employed as well as employed persons.

(a) Do you have a share in the ownership of your organisation (e.g. equity partner, shareholder)?

	P
Yes	
No	
Prefer not to say	

26. The definition of an "authorised person" is set out in the Legal Services Act 2007, Section 18(1). For the purposes of this Act "authorised person", in relation to an activity ("the relevant activity") which is a reserved legal activity, means – (a) a person who is authorised to carry on the relevant activity by a relevant approved regulator in relation to the relevant activity (other than by virtue of a licence under Part 5), or (b) a licensable body which, by virtue of such a licence, is authorised to carry on the relevant activity by a licensing authority in relation to the reserved legal activity.



(b) Do you have responsibility for supervising or managing the work of lawyers or other employees?

	P
Yes	
No	
Prefer not to say	

Age

From the list of age bands below, please indicate the category that includes your current age in years:

	P
16 – 24	
25 – 34	
35 – 44	
45 – 54	
55 – 64	
65+	
Prefer not to say	

Gender

What is your gender?

	P
Male	
Female	
Prefer not to say	

Gender

This following question is designed to gather trans data i.e. whether your gender identity and/or gender expression differs from your birth sex. A trans person may or may not seek to undergo gender reassignment hormonal treatment/surgery.

Is your gender the same as you were assigned at birth?

	P
Yes	
No	
Prefer not to say	

Disability



The Equality Act 2010 generally defines a disabled person as someone who has a mental or physical impairment that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

(a) Do you consider yourself to have a disability according to the definition in the Equality Act?

	P
Yes	
No	
Prefer not to say	

(b) Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

	P
Yes, limited a lot	
Yes, limited a little	
No	
Prefer not to say	

Ethnic Group

What is your ethnic group?

Mixed/multiple ethnic groups

	P
White and Asian	
White and Black African	
White and Black Caribbean	
White and Chinese	
Any other mixed/multiple ethnic background (write in)	

Asian / Asian British

	P
Bangladeshi	
Chinese	
Indian	



Pakistani	
Any other Asian background (write in)	

Black / African / Caribbean / Black British

	P
African	
Caribbean	
Any other Black / Caribbean / Black British (write in)	

White

	P
British / English / Welsh / Northern Irish / Scottish	
Irish	
Gypsy or Irish Traveller	
Any other White background (write in)	

Other ethnic group

	P
Arab	
Any other ethnic group (write in)	
Prefer not to say	

Religion or belief

What is your religion or belief?

	P
No religion or belief	
Buddhist	
Christian (all denominations)	
Hindu	
Jewish	
Muslim	
Sikh	
Any other religion (write in)	
Prefer not to say	

Sexual orientation



What is your sexual orientation?

	P
Bisexual	
Gay man	
Gay woman / lesbian	
Heterosexual / straight	
Other	
Prefer not to say	

Socio-economic background

(a) If you went to University (to study a BA, BSc course or higher), were you part of the first generation of your family to do so?

	P
Yes	
No	
Did not attend University	
Prefer not to say	

(b) Did you mainly attend a state or fee paying school between the ages 11 – 18?

	P
UK State School	
UK Independent / Fee-paying School	
Attended school outside the UK	
Prefer not to say	

Caring responsibilities

(a) Are you a primary carer for a child or children under 18?

	P
Yes	
No	
Prefer not to say	

(b) Do you look after, or give any help or support to family members, friends, neighbours or others because of either:

- Long-term physical or mental ill-health / disability
- Problems related to old age

(Do not count anything you do as part of your paid employment)



	P
No	
Yes, 1 – 19 hours a week	
Yes, 20 – 49 hours a week	
Yes, 50 or more hours a week	
Prefer not to say	

Thank you for completing this questionnaire

SECTION 8

Fair Access to Work

Legal requirements

1. The legal requirements set out in Section 1 (Basic Principles) prohibit discrimination in relation to employment, and employment discrimination includes discrimination in access to opportunities for promotion or training.
2. The law also prohibits the issuing of instructions to discriminate, or exerting pressure to discriminate, on any of the protected grounds.
3. The discrimination legislation also makes it unlawful for any person, in relation to the giving, withholding or acceptance of instructions to a barrister, to discriminate against any person or subject any person to harassment.

Regulatory requirement

4. **rC110(3)(i)** requires that the affairs of chambers are conducted in a manner which is fair and equitable for all members of chambers, pupils and/or employees. This includes, but is not limited to, the fair distribution of work opportunities amongst pupils and members of chambers.

Guidance

5. The guidance below relates to four issues raised by the regulatory requirement: the allocation of work in chambers; dealing with discriminatory instructions or pressure to discriminate; practice development; and marketing of barristers and pupils.

Allocation of work

6. The development of a successful practice is often influenced by the range and quality of instructions received by a barrister, particularly during pupillage and in the early stages of their career. Different types of work provide the opportunity for newly qualified barristers to explore areas of interest, build on their skills and ultimately develop a successful career at the Bar. It is therefore in the shared interest of both chambers and their members that work is allocated fairly and that particular attention is paid to this in the development of pupils, starter tenants and those returning from parental leave.
7. Chambers should seek to ensure, where possible,

that instructions and briefs are not delivered by solicitors at such times as to preclude those with childcare and other dependent care commitments from being eligible for that work (for example, where a brief is not delivered until Friday afternoon for a trial on Monday). If a brief arrives at the last minute, consideration should be given to whether it can be forwarded electronically, for example by scanning and emailing it. Late delivery of briefs may also disadvantage disabled barristers who may require the court to make adjustments for them which cannot be made on the morning of a trial or hearing.

8. Where chambers takes pupils, it is recommended that there is a policy of actively rotating briefs to ensure that pupils in their second-six receive a fair range of different types of work. It is also recommended that reviews with pupils and starter tenants include a discussion of the types of work they have received to ensure that this is supporting their development.
9. Senior members of chambers and clerks play particularly important roles in the allocation of work since both may be asked by clients for their views as to who would be suited to a particular piece of work. It is recommended that chambers provide clerks with diversity training and brief them on the importance of fair allocation of work. Chambers should also have in place procedures for dealing effectively with complaints or concerns about allocation of work.

Potentially discriminatory requests/ instructions from solicitors

10. S47 (6) Equality Act 2010 makes it unlawful for any person in instructing a barrister, to discriminate against them. This includes clients, clerks and solicitors. In addition, the Solicitors Regulation Authority handbook 2011 prohibits solicitors from discriminating unlawfully against any person in the course of their professional dealings. Such dealings will include the instruction of barristers.
11. Chambers should ensure that clerks are aware of the legal position and the requirement that work is distributed fairly.
12. Clerks may receive requests that are discriminatory, for example requests from solicitors for a barrister of a particular sex or race

for a particular piece of work. Faced with such requests, clerks should explain that they are unlawful. If possible they should try to explore the reasons for the request. It may be claimed in the course of the discussion that the request has originated with the client. This is not a justification. Further discussion between the clerk and the solicitor may help to clarify the reason for the request, which may be based on stereotypical assumptions and it may be possible to meet the underlying need in a non-discriminatory way.

Example

A solicitor asks which male barristers are available to do a trial. The clerk asks why the solicitor is asking for a male barrister, and the solicitor says that the litigation has been very acrimonious, and that the client wants a robust cross-examiner who will not be intimidated by the opposition. The clerk says she cannot put forward counsel on the basis of their sex, but can recommend several barristers who are available and who have reputations as robust and fearless cross-examiners. The list includes both women and men.

mentor. For example, a barrister returning from parental leave may nominate a more senior member of chambers as a mentor who can offer advice and support before and on his or her return to practice.

Marketing of barristers and pupils/ Networking activities

16. Chambers should ensure that marketing and networking activities, such as giving or attending seminars and lectures and social activities such as quiz nights and sporting activities, are organised so that all pupils and tenants can, so far as practicable, be equally involved. This extends to opportunities for pupils and junior tenants to get to know more senior members of chambers and the clerks.
17. Chambers may find formal practice groups a useful means of integrating pupils and members of chambers and ensuring that marketing and networking opportunities are publicised within chambers and allocated fairly.

13. On no account should clerks comply with any request or requirement to discriminate on unlawful grounds in the choice of barristers. Should the solicitor refuse to modify or withdraw the request and continue to insist on a discriminatory allocation of work, the work should be politely refused, the clerk should make a full note of the incident immediately, and the solicitor should be reported to his or her professional disciplinary body.

Practice development

14. Chambers should arrange regular practice development meetings for tenants. The purpose of these meetings is to enable discussion of work allocation, work opportunity and development of individual practices. Pupil supervisors should discuss these issues with pupils and, where appropriate, the clerks and the Equality and Diversity Officer.
15. Chambers are encouraged to set up mentoring schemes where advice and guidance can be offered regarding practice development. A junior tenant may be a pupil's mentor, and a more senior tenant may act as a mentor to a more junior tenant or to any member of chambers who requests a

SECTION 9

Harassment

Legal requirements

1. Harassment is unlawful under the Equality Act 2010.²⁷ It is any form of unwanted conduct relating to age, disability, gender reassignment, race, religion or belief, sex or sexual orientation which has the aim or effect of violating a person's dignity, or which creates an intimidating, hostile, degrading, humiliating or offensive environment for that person (or, in some cases, a witness to the conduct).
2. A second form of harassment is where a person engages in unwanted conduct of a sexual nature towards another person and the conduct has one or other of the above aims or effects.
3. A third form of harassment occurs when a person engages in unwanted conduct of a sexual nature (or related to gender reassignment or sex) which has one or other of the above aims or effects and because the recipient rejected (or submitted) to that conduct treats the recipient less favourably than if they had not rejected or submitted to it.

Regulatory requirement

4. **rC110(3)(j)** requires that chambers has a written anti-harassment policy which as a minimum:
 - (i) States that harassment will not be tolerated or condoned and that employees, members of chambers, pupils and others temporarily in chambers such as mini-pupils have a right to complain if it occurs;
 - (ii) Sets out how the policy will be communicated;
 - (ii) Sets out the procedure for dealing with complaints of harassment.

Guidance

5. Harassment is a particularly difficult issue because behaviour that one person may be able to ignore or deal with comfortably may nevertheless constitute harassment if directed at another. Further, a person can be harassed by behaviour which is not directed at him or her but at another person. A single incident may constitute

harassment if it is sufficiently serious. The motive or intention of the perpetrator may be (but is not invariably) relevant. Harassment is unlawful under equality legislation and certain types of harassment may also constitute a criminal offence.

Example

Chambers employs a former clerk, who retired at the age of 65, to carry out various administrative tasks. When he comes into the clerks' room, the clerks call him 'granddad' and make jokes about his free travel pass. He finds it humiliating to have his age constantly referred to in this way, but he feels that he has to go along with the 'joke' and says nothing. The clerks' behaviour is likely to be unlawful and chambers, as the employer, is likely to be vicariously liable.

Dealing with harassment

6. Those experiencing harassment may be afraid to complain. They may fear that their complaint will be trivialised or that they will be subject to ridicule or reprisals or that nothing will be done. By undertaking certain specific steps, chambers should be able to alleviate the problems of harassment in the context of work related relationships.
7. In particular, the following are recommended:
 - active promotion of chambers' anti-harassment policy by people in senior positions;
 - training for those in senior or supervisory roles on how to keep the work environment free of harassment and how to deal with it should it occur;
 - Provision of informal means of resolving complaints of harassment in the first instance;
 - Designation of an adviser to assist employees and others subjected to harassment. (This is a role which may be carried out by chambers' Equality and Diversity Officer);
 - Independent, objective, sensitive and fair procedure for the internal investigation of complaints; and
 - A principle of treating violations of the anti-harassment policy as a disciplinary offence.
8. A person who is being harassed often just wants the harassment to stop and does not wish to see the harasser disciplined. In these circumstances, chambers should make an independent

27. S26 Equality Act 2010



assessment of the situation to decide whether disciplinary action should be taken.

9. With support from the designated adviser (who may be chambers' Equality and Diversity Officer), the person who is experiencing harassment may wish to tell the harasser that the behaviour is unacceptable and it should stop immediately, this may be done indirectly through a designated adviser or another person. Advice may also be sought from the Bar Council's Equality helpline 0207 6111310.

Policy requirement

10. A model chambers anti-harassment policy is set out at Section 13.
11. Written policies and procedures should be reviewed regularly and at least every two years.



SECTION 10

Parental Leave

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.

Legal requirements

2. Employees of chambers are covered by the legislation relating to parental leave. An explanation of this legislation can be found on the relevant part of the GOV.UK website.²⁸ Self-employed barristers are not covered by employment law however chambers must avoid any direct or indirect discrimination because of sex in the arrangements and decisions made in relation to such leave.

Regulatory requirements

3. **RC110(3)(k)** requires that chambers has a parental leave policy which covers as a minimum:
 - i) The right of a member of chambers to return to chambers after a specified period (which must be at least one year) of parental or adoption leave.
 - ii) The extent to which a member of chambers is or is not required to contribute to chambers' rent and expenses during parental leave.
 - iii) the method of calculation of any waiver, reduction or reimbursement of chambers' rent and expenses during parental leave (where any element of rent is paid on a flat rate basis) the chambers policy must as a minimum provide that chambers will offer members taking a period of parental leave or leave following adoption, a minimum of 6 months' free of chambers rent
 - iv) The procedure for dealing with grievances under the policy. Chambers' commitment to regularly review the effectiveness of the policy.
4. Where rent is paid on a flat rate basis, chambers must offer its members taking a period of parental leave, or leave following adoption, a minimum of six months free of chambers' rent.

Guidance

5. This guidance relates to best practice for chambers in respect of parental leave.

Rent-free periods

6. Although the parental leave provision, in terms of a reduction in payment of chambers rent, is less generous than other professions in which those on parental leave typically have a continuing right to income from a partnership or employment. The minimum leave period of six months reflects trends in other professions. In practical terms, a six month rent free period may make the difference between a member being able to afford to take up his/her place in chambers at the end of a period leave, and being unable to afford to do so.
7. Parental leave policies may need to cover non-rental payments such as the interest and re-payments on investments or mortgages or clerks' fees paid on a percentage basis and any contributions payable in respect of one-off investments, as appropriate.

Example

Chambers has purchased its own premises. Some members of chambers own a share in the premises, others do not. Repayments of capital and interest are split between those who own a share in proportion to the size of their shares, and chambers as a whole pays rent to the members who collectively own the premises. Chambers offers the required six month rent free period but decides not to extend this to the mortgage repayments as such payments are made as an investment in the premises. This approach would be

permitted under the rules although should chambers wish to cover mortgage payments for a member on leave as a gesture of investing in that individual and retaining talent in chambers, this would be considered best practice and is encouraged.

8. A policy should allow the flexibility for a longer rent-free period. At the same time, a constructive

28. www.gov.uk

attitude to work during parental leave should be encouraged to permit members of chambers to 'keep their hand in' and continue to feel a valued member of chambers and of the Bar.

Example

A member of chambers is on parental leave for six months. Her chambers charges a fixed rent and has a policy which makes clear that informal working arrangements during parental leave do not affect a member's entitlement to a six month rent free period, 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. The member of chambers is therefore able to continue to accept instructions to do paperwork from a small number of solicitors while she is on leave, usually working from home on days when a family member can assist with childcare. This enables her to build up her practice much more quickly when she returns to chambers.

9. The minimum rent-free periods required are not intended to discourage chambers from adopting a more generous policy.

Example

Greenway chambers offers a £10,000 credit for all barristers and pupils returning to chambers from a period of parental leave. The credit can be used against all chambers expenses rather than solely against the flat rate element of the rent. This sum is fixed.

Example

Redway chambers operate a percentage system for rent based on the individual's previous year's receipts. Even though Redway operates a percentage based system it offers those taking a period of parental leave six months free of rental payments. It also permits the deferral of rental payments after the six month relief period for a further six months effectively entitling new parents to a year's rent relief.

Example

Orangewood chambers calculates rent on a percentage of receipts basis. It allows members taking a period of parental leave to pay only 5% on all receipts for up to six months of leave. Normally members pay 10% so those on parental leave receive a 50% discount.

Right to return to chambers

10. Chambers are encouraged to offer a longer period than the year required by this code.

Example

After increasing its pupillage awards, chambers has recruited a number of tenants from its pupils who have developed very successful junior practices. These include a number of women and a gay man who wishes to adopt a child. Chambers is keen to retain its junior tenants and to adopt policies which enable them to balance their family and work commitments. It adopts a parental leave policy which applies to any member of chambers who has primary responsibility for a child, including a newly adopted child of any age, and a career break policy which entitles members of chambers, on giving three months' notice to chambers, to give up their room and be released from their obligations to pay fixed rent to chambers, while retaining the right to return to chambers, again on three months' notice, at any stage up to five years after their career break began.

Assistance to work during parental leave or career break and to return to chambers

11. Chambers are encouraged to respond positively to members' wishes to work during their parental leave or any career break, and policies which prohibit the undertaking of work during these periods should not be adopted.
12. The written policy should set out how chambers will assist members to keep in touch with chambers and with practice developments during any period of leave and return to practice.
13. Invitations to training, social events and other information about chambers business should be given to members on parental leave or a career break. Chambers should also, where appropriate,



consult them in relation to major chambers decisions.

Leave for carers of disabled dependents

14. It is recommended that, on request, chambers offer members who are the primary carers of a disabled dependent a period of leave to care for that dependent. Such a period of leave should be free of rent. The length of such leave will be a matter for individual chambers to decide and will depend on the specific need of the member concerned.

Reviewing policies and procedures

15. Chambers' parental leave policies and their application should be monitored and reviewed by the Equality and Diversity Officer. Concerns about the policies or their operation may be raised informally or under the chambers grievance procedures.

Model Parental Leave policy

16. A model chambers parental leave policy is set out at section 13.

17. Other Sources of Information

- Bar Council Equality and Diversity Helpline – 020 7611 1310.
- Information about tax credits and child benefits can be accessed via the HM Revenue & Customs website²⁹
- Information about 'keeping in touch days' can be accessed on the Department for Work and Pensions website.³⁰
- Information regarding claiming statutory maternity allowance can be found on the Gov. uk website.³¹

29. www.hmrc.gov.uk

30. www.dwp.gov.uk

31. www.gov.uk/maternity-allowance

SECTION 11

Flexible and part-time working and career breaks

Legal requirements

1. Employees of chambers are covered by the legislation relating to entitlement to request flexible working arrangements. An explanation of this legislation can be found on the relevant part of the Gov.uk website.³² However most barristers are self-employed and so are not covered by these provisions. It may be necessary for chambers to facilitate flexible working for disabled persons as a reasonable adjustment, depending on the circumstances.

flexible working. Solicitors and lay clients do not expect barristers to be available at all times, not least because of their commitments to other clients, for example during trials a long distance from chambers, or due to part-time judicial appointments, writing commitments, or academic or political appointments. Remote access to chambers computers and telephone networks means that it is now common for barristers to work from home, often for reasons of convenience unconnected with childcare or other domestic responsibilities.

Regulatory Requirements

2. rC110(3) requires that chambers has a flexible working policy which covers the right of a member of chambers or employee to take a career break, to work part-time, to work flexible hours or to work from home so as to enable them to manage their family responsibilities or disability without giving up work.

Guidance

Advantages of flexible working arrangements

3. Some barristers find that the demands of full-time practice, or the financial burden of paying full-time fixed contributions but receiving fees from part-time practice, make continued practice at the Bar unviable. Flexible working arrangements may enable these barristers to remain in practice. There is an equality and diversity aspect to this, because a disproportionately high number of women leave the Bar, often after having children and during the years when their children are still young. This is a loss to the Bar and to chambers which in many cases might be avoided if flexible working arrangements had been made available.

Guidance on developing a policy

4. The self-employed Bar is ideally suited to

Example

A barrister agrees with chambers that while his children are young, he will go to court, do conferences, and attend chambers meetings and marketing events only every other week, with the alternate week being spent doing paperwork at home. He is able to make other arrangements in special circumstances, or for trials which last longer than a week but finds that this is necessary only rarely. He agrees to move to a smaller room in chambers in return for a reduced fixed contribution to chambers expenses. These flexible working arrangements enable him to take his children to school and collect them, and to be at home with them before and after school hours. When they are older and can manage without him, he returns to full-time practice, moves back to a larger room, and increases his financial contribution to chambers.

5. In developing a written policy, chambers should also consider whether the way in which financial contributions to chambers are structured has the effect of preventing members of chambers from adopting these or other flexible working arrangements.
6. For example, financial contributions may be structured in a particular way to achieve certain aims, such as to ensure that barristers' contributions fairly reflect the space they occupy in chambers. These are legitimate aims, but chambers should also consider whether alternative arrangements can be adopted to achieve the same aims in a more proportionate manner.

32. www.gov.uk



7. Members of chambers with flexible working arrangements should be given opportunities to take part in all aspects of chambers activities, including continuing professional development, marketing and social activities. The nature of individual members' flexible working arrangements should be taken into account when these activities are being arranged.

Example

A barrister agrees with chambers that while her children are below school age, she will, so far as possible, work Monday to Thursday, and will not go to court, do conferences, or come into chambers on Fridays. Two other members of chambers, who already work a four-day week, work a different pattern of days. Chambers organises a buffet lunch for barristers and staff once every three months, always on a Friday. This is the only social event which the whole of chambers attends, except for an annual party. At the suggestion of the Equality and Diversity Officer, the Head of Chambers decides that the day of the week on which chambers' lunch takes place will rotate, so that all members of chambers working part-time are able to attend at least some of the lunches and maintain contact with other barristers, clerks and staff, without making special arrangements to come into work on a non-working day.

8. Individual practitioners should themselves be proactive in proposing and seeking to agree fair arrangements for rent and the use of chambers' resources, including accommodation, with their chambers. Rental arrangements should be agreed and understood before any period of flexible working commences.

SECTION 12

Providing services to disabled people

Legal requirements

1. It is unlawful to discriminate against someone, because of any protected characteristic, including disability, by refusing to provide a service, providing a lower standard of service, or offering a service on different terms than to other people.
2. The Equality Act 2010 contains the duty to make reasonable adjustments.³³ Reasonable adjustments need to be made where a practice, policy or procedure, or physical feature of premises, make it impossible or unreasonably difficult for a disabled person to make use of a service. The duty also includes making reasonable adjustments in the form of auxiliary aids or additional services (for example, the provision of information on audio tape, or of a sign language interpreter) to enable disabled persons to make use of the services provided.
3. It is unlawful for a barrister to pass on the costs of making reasonable adjustments to the individual or individuals for whom those adjustments are made.³⁴

Regulatory Requirements

4. **rC110(3)(m)** requires that chambers has a reasonable adjustments policy aimed at supporting disabled clients, its workforce and others including temporary visitors to chambers.

Guidance

5. This guidance is intended to assist chambers, individual barristers and chambers staff including clerks, in providing services to disabled people in a manner which complies with equality legislation and the BSB Handbook by ensuring that chambers has a policy

enabling disabled people to request, and chambers to consider, reasonable adjustments so as to comply with the legal requirements.
6. Chambers are encouraged to provide training in equality and diversity issues to all members of chambers, staff and pupils. This guidance is not a substitute for training. Disability discrimination gives rise to particular issues in relation to service

provision, and chambers should review its premises and its policies, practices and procedures periodically to ensure they comply with the law, and the Handbook. This review should extend to services which are provided to or on behalf of chambers, to the public or a section of the public, by external service providers such as IT consultants and web designers.

7. Further information and advice is available from the sources listed in the Directory. See also the guidance document 'Making Chambers Accessible', which is available from the Guidance section of the Bar Council website.³⁵

Reasonable adjustments

8. The Equality Act 2010³⁶ imposes a duty on a barrister to make reasonable adjustments. The legal duty to make reasonable adjustments comprises three requirements to make reasonable adjustments:
 - a) Where there is a provision, criterion or practice which puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled
 - b) Where a physical feature puts a disabled person at a substantial disadvantage in comparison with persons who are not disabled
 - c) Where a disabled person would, but for the provision of an auxiliary aid, be put at a substantial disadvantage in comparison with persons who are not disabled.

Where the provision of information is a requirement under a) and c) it must be provided in an accessible format.

9. A failure to comply with the duty to make reasonable adjustments is discrimination against the disabled person.
10. Further information on the types of reasonable adjustment that can be made can be found on the Equality and Human Rights Commission (EHRC) website³⁷ (see specifically the Equality and Human Rights Commission guide, "Examples of

33. S20 Equality Act 2010

34. S20 (7) Equality Act 2010

35. www.barcouncil.org.uk/media/43938/disability_access_making_chambers_accessible.pdf

36. S47 Equality Act 2010

37. www.equalityhumanrights.com



Reasonable Adjustments”).

Example

A solicitor tells a clerk that a client who will be coming to chambers is visually impaired. The clerk asks the solicitor, who has visited chambers before, to discuss with the client whether any adjustments need to be made. After discussion with the solicitor, the client suggests that the conference should start mid-morning so that she can travel on the underground after the rush hour, asks for drinking water to be made available for her dog together with somewhere for it to relieve itself, and asks for any documents which the barrister is preparing for discussion at the conference to be made available to her electronically so that she can adjust the size of the text on her computer.

11. In the context of the provision of legal services, the purpose of reasonable adjustments is to provide access to the service for a disabled client as close as it is reasonably possible to get to the standard normally offered to other clients who are not disabled.

Example

Chambers' premises are on the third floor of a listed building in the Temple. In order to ensure that it can offer services to disabled clients whose mobility is impaired, chambers agrees with the occupants of the ground floor premises the use of conference rooms,

waiting and toilet facilities as required, in return for a fee. Chambers does not charge disabled clients an additional fee to cover the cost of using the ground floor premises, but absorbs the cost within its general overheads.

12. If chambers makes an additional service available to clients for which there is normally a charge it will have to consider whether that additional service is a reasonable adjustment in relation to the disabled client. If it is a reasonable adjustment, the cost cannot be passed on to the disabled client.

Example

A sole practitioner conducts conferences in chambers or at the solicitor's office. If she conducts a conference at the solicitor's office, she charges for the cost of travel. The barrister has to conduct the conference at the solicitor's office because chambers premises are inaccessible for the mobility impaired client. The barrister does not pass on to the client the cost of making this reasonable adjustment.

13. Chambers should state on its website and in any publicity material that reasonable adjustments will be made and should identify the person or persons to whom requests should be made.
14. The Equality and Human Rights Commission website notes that: "When deciding whether an adjustment is reasonable, service providers can consider issues such as the cost of the adjustment, the practicality of making it, health and safety factors, the size of the organisation, and whether it will achieve the desired effect... In considering what is reasonable, you may consider factors such as your organisation's financial resources: generally, more is expected of larger organisations."
15. The law requires the removal of barriers to accessing a service but does not require a fundamental change in the nature of the service provided. For example if a barrister does not do work on a conditional fee basis, the barrister is not required to accept a case on a conditional fee basis for a disabled person. Making this adjustment would fundamentally alter the nature of the services offered by the barrister.

Reasonable Adjustments Policy Requirement

16. The regulations require that chambers develop a reasonable adjustments policy aimed at supporting disabled clients, barristers and visitors to chambers.
17. A sample reasonable adjustments policy is set out in section 13 of this document.
18. Reasonable adjustments policies should set out the aims of chambers in respect of the provision of reasonable adjustments, i.e. what chambers wishes to achieve through the implementation of



the policy.

19. Reasonable adjustment policies should also cover:

- a. The mechanisms in place for a person to ask for an adjustment to be made
- b. How decisions on reasonable adjustments will be made and by whom
- c. What mechanisms exist to ensure that the relevant factors are considered in reaching a decision as to whether any step is a reasonable adjustment.

SECTION 13

Model policies

MODEL HARASSMENT POLICY

This is a model chambers' harassment policy. For further information, see Section 9 on Harassment.

1. This policy covers all those working in chambers, visiting chambers and providing services to chambers.
2. [Name of Chambers] is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. [Name of 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 [Name of 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 and perceived as hostile or threatening;
 - 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 2010.³⁸ 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 [Name of chambers' Equality and Diversity Officer], the Head of Chambers or another senior member of chambers who will agree an appropriate response. Formal complaints should be made under the [Name of chambers]' grievance procedure.
7. Harassment is misconduct for employees or a breach of the Bar Code of Conduct for barristers. Allegations of harassment will be dealt with under the [Name of 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.
10. This policy was adopted on [date] and will be reviewed on [date].

MODEL PARENTAL LEAVE POLICY

1. This is a model parental and adoption leave policy for chambers. Chambers are encouraged to adapt this for their own use. For further information see section 9 on Parental Leave above.

Introduction

Definitions

2. "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

38. S26 Equality Act 2010

either sex.

Aims and purpose

3. It is the aim of this policy to:

- Encourage members following parental leave to return to chambers and continue to build successful practices;
- Prevent discrimination on grounds of parental responsibility;
- Encourage and support members taking time off following the birth or adoption of a child without suffering financial hardship;
- Comply with the requirements of the Code of Conduct and accompanying Guidelines.

Circulation

4. This policy is circulated to all members, clerks and staff all of whom are required to:

- Read and understand the policy; and
- Understand their role in relation to the policy.

Review of this Policy

5. This policy is reviewed by chambers Equality and Diversity Officer every two years.

Parental Leave

6. 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.
7. (FLAT RATE) A member of chambers taking a period of parental leave is entitled to six months' free of chambers rent and expenses.³⁹
8. 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 [x months] before the commencement of the period of leave indicating the estimated commencement date and likely date of return.
9. If a member wishes to take more than six months' rent free parental or adoption leave s/he should notify chambers' management and clerks [x weeks] before the end of that period stating the estimated date on which s/he intends to return.
10. If a member wishes to take leave for a period longer than 12 months, this should be arranged

39. The six month period free of rent and expenses or free of the levy on receipts does not extend to mortgage repayments, one off investments or clerks' fees.

with chambers management.

11. 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.⁴⁰
12. Where membership ceases by virtue of the provisions in paragraph 11, a member can re-apply to chambers in the usual way.

Arrangements During Leave⁴¹

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:
- Offered opportunities to do appropriate work if this is requested and;
 - Invited to training events, social occasions, marketing events and chambers meetings and;
 - Is consulted on any significant issues affecting the practice of chambers and;
 - 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. (FLAT RATE) Informal working arrangements during a period of parental leave do not affect a member's entitlement to the six 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 [insert name of 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.

Complaints

17. Any member who wishes to make a complaint regarding a breach of this policy should in the first

40. Chambers are encouraged to offer a longer period than the year required by the Handbook.

41. For further guidance and information please see the Bar Council maternity leave and career break checklist on the Bar Council website: www.barcouncil.org.uk/for-the-bar/professional-practice-and-ethics/equality-and-diversity-guidance/maternity-paternity-parental-leave-policies-things-to-think-about



instance contact chambers' Equality and Diversity Officer.

Contact

18. Chambers Equality and Diversity Officer is [insert name] [insert contact number].
19. [Insert name] is the point of contact for all queries regarding this policy.

MODEL REASONABLE ADJUSTMENTS POLICY

1. This is a model reasonable adjustments policy for chambers. Chambers are encouraged to adapt this for their own use. For further information please see section 11 on providing services to disabled people above.

Aim and remit of policy

2. Aim: this section should set out what chambers wishes to achieve through the development of this policy.
3. [Name of 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

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

Definition of disability

5. 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 s/he has a physical or mental impairment which has a substantial and long term adverse effect on his/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

6. 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

7. Staff or barristers with specific requirements should make requests to [insert name and job title] 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 [Name of chambers] will discuss viable alternatives with the applicant.

8. 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

9. 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 [insert name and contact details].

Cost of making reasonable adjustments

10. In no circumstances will [Name of chambers] pass on the cost of a reasonable adjustment to a disabled person.

Monitoring and review

11. This policy is reviewed by chambers' Equality and Diversity Officer every two years. The date of the last review was [insert date].

MODEL DIVERSITY DATA POLICY

1. This is the Data Diversity Policy for [Name]. This policy is effective as of [insert date].
2. The name of the registered data controller for [Name] is [insert name] and the data controller's registration number on the Data Protection register is [insert number].

3. The name of the Diversity Data Officer is [insert name].

Collection of Diversity Data

4. 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

5. Individuals have the opportunity to provide their Diversity Data in order for [Name] 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

6. Diversity Data will be collected through [insert details i.e. completing an online form/ survey or completing a hard copy form plus details of how the individual returns the completed form to the Diversity Data Officer if relevant].
7. You will be provided with a copy of the [online] form [by email], together with a copy of the consent form which you must complete if you wish to provide your Diversity Data.

Keeping Diversity Data secure

8. All Diversity Data that is collected from individuals will be kept securely. [Name] shall put the following security measures in place to protect Diversity Data:

[Set out the measures that will be used to protect the Diversity Data against unlawful and unauthorised disclosure or access and the way in which it will be deleted]

9. [Name] will not share Diversity Data with any third parties, save as set out in paragraph [XX] above.
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. [Name] is required to anonymise Diversity Data before publishing it in summary form. We will securely anonymise Diversity Data through [insert details of how anonymisation is achieved and categories against which data will be summarised].

Publication of the anonymised summary of Diversity Data

12. 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), [Name] will not publish the anonymous data relating to those individuals unless it has their informed consent to do so.

Destruction of Diversity Data

13. [Name] 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. In practice [insert details of how secure destruction will be achieved].
14. Anonymised data will be kept for 12 months before being destroyed as above.



Questions or complaints

15. You have a right to withdraw your consent or object to the use of your Diversity Data at any time.
16. Where your data has already been provided and you wish to withdraw your consent to its use, please notify the Diversity Data Officer in writing [insert contact details]. 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.
17. 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.
18. Should you have any questions or complaints about this Diversity Data Policy, please contact the Diversity Data Officer on [insert contact details].
3. The anonymous summary will categorise each diversity characteristic against job status and role, in a manner which reflects seniority within [Name].
4. If you would like further information about the collection and use of diversity data, please refer to our Diversity Data Policy available here [insert link or similar]. You have a right to object to the use of your diversity data at any time, or withdraw your consent to its use, by contacting the Diversity Data Officer at [insert details].

Consent Questions

1. I explicitly consent to the processing and publication of my data as set out in this form and (name) diversity data policy.
Yes/No
2. I explicitly consent to the publication of my data in anonymous form even if there are fewer than 10 individuals identified against one or more of the characteristics. I understand that this may result in identification.
Yes/No

MODEL NOTIFICATION AND CONSENT FORM FOR DIVERSITY DATA PROVISION

1. [Name] is required by the Bar Standards Board to give you the opportunity to submit diversity data so that such data may be published in anonymised summary form.

You are under no obligation to provide diversity data and if you submit diversity data, you do so voluntarily.

2. Any diversity data that you submit will be processed for the purposes of publishing an anonymous summary [on [Name] website or made available on request to members of the public in electronic or hard copy form].

MODEL EQUALITY ACTION PLAN

Chambers must consider what actions it should take to ensure that the principles of equality and diversity are embedded into the framework of its day-to-day work and to prevent unlawful discrimination taking place. The actions that are needed will naturally differ depending on chambers' individual circumstances. The actions contained in this sample plan are for illustrative purposes only. Chambers must analyse all relevant data in order to develop appropriate evidence based actions of its own.

Date:

Created/updated by: (insert name & job role e.g. Chambers Equality and Diversity Officer)

Action number	Action/Activity	Evidence base	Deadline	Person/s responsible	Progress as at (insert date)
1	Disseminate Bar Council Fair Recruitment Guide to all members of chambers	Only 4 members of chambers have read the guide which creates difficulty setting up selection panels.	September 20XX	Chambers' EDO	Completed. All members provided with copy of FRG by email on XX August 20XX.
2	Provide confirmation in writing to Chambers' EDO that private study of Bar Council Fair Recruitment Guide has been undertaken	" "	December 20XX	All members of chambers	In progress – awaiting confirmation from 7 members. Chaser/reminder email sent on XX November.
3	Develop unassigned work allocation "rota" for all pupils	November 20XX work allocation monitoring review indicates female pupils are not receiving as many cases as male pupils.	December 20XX	Chambers' EDO	Completed. Rota developed and training on its use delivered on XX November.
4	Set up diversity training session/s for all clerks.	Work allocation monitoring review indicates female pupils are receiving less cases than male pupils.	January 20XX	Head of Chambers with assistance from Chambers' EDO	In progress. Suitable course sourced from Bar Council Equality team. Training will be delivered on XX Dec 20XX.
5	Disseminate email from Head of Chambers/ Management Committee explaining the reasons for the collection of diversity data and encouraging members of chambers' workforce to provide it.	Latest workforce monitoring round indicates 50% of chambers' workforce did not provide diversity data.	October 20XX	Head of Chambers with assistance from Chambers' DDO.	Completed – email sent on XX October 20XX.
6	Ensure BSB is provided with the name of the new chambers DDO	Chambers are required to ensure that the BSB is provided with the name of the DDO	May 20XX	Chambers' DDO	Completed – DDO sent email to BSB equality team on XX May 20XX



SECTION 14

Directory

This section lists organisations and information resources in the field of equality and diversity. Please email the Bar Standards Board Policy Officer with any corrections, updates or suggestions for additions equality@barcouncil.org.uk

Bar Council Equality and Diversity helpline
Email: equality@barcouncil.org.uk
Confidential helpline: 020 7611 1310
Open to practising barristers, pupils and law students

Bar Standards Board Handbook
Website: www.barstandardsboard.org.uk

ACAS
Website: www.acas.org.uk
Information and advice on employment and discrimination law

Action on Hearing Loss (formerly RNID)
www.actiononhearingloss.org.uk

The Association of Muslim Lawyers
Website: www.aml.org.uk
Email: aml@aml.org.uk

The Association of Women Barristers
Website: www.womenbarristers.co.uk
Email: Via website

Bar Lesbian and Gay Group
Website: www.blagg.org
Email: info@blagg.org

Deaf Lawyers UK
Website: www.deaflawyers.org.uk

Discrimination Law Association
Website: www.discriminationlaw.org.uk
Telephone: 0845 478 6375

Equality and Human Rights Commission
Website: www.equalityhumanrights.com
Includes the websites of the former Commission for Racial Equality, Disability Rights Commission and Equal Opportunities Commission
Email: info@equalityhumanrights.com
The Gender Trust

Website: www.gendertrust.org.uk
A UK charity providing support and advice to adults who are Transsexual, Gender Dysphoric, Transgender (i.e. those who seek to adjust their lives to live as women or men, or come to terms with their situation despite their genetic background), or those whose lives are affected by gender identity issues.
Helpline: 0845 231 0505

Jobcentre Plus
Website: <https://www.gov.uk/contact-jobcentre-plus>
Provides funding for adjustments for disabled people in the workplace through the 'Access to Work' Scheme. Contact the Disability Employment Advisor in the local Jobcentre for information on how to apply.

LawCare
Website: www.lawcare.org.uk
Helpline: 0800 018 4299
An advisory and support service to help lawyers, their staff and their immediate families to deal with health problems such as depression and addiction, and related emotional difficulties.

Lawyers' Christian Fellowship
Website: www.lawcf.org
Email: admin@lawcf.org

MIND – National Association for Mental Health
Website: www.mind.org.uk
This is a mental health charity which works to support people with mental health problems and their carers. Provide advice on employment matters.

Royal National Institute of Blind People
Website: www.rnib.org.uk
Includes detailed information about website accessibility
Email: helpline@rnib.org.uk



Telephone: 0303 123 9999

Society of Asian Lawyers

Website: www.societyofasianlawyers.org

Email: info@societyofasianlawyers.com

Stonewall

Website: www.stonewall.org.uk

A campaigning and advisory charity working to achieve equality and justice for lesbians, gay men and bisexual people.

The United Kingdom Association of Jewish Lawyers and Jurists

Website: www.jewishlawyers.co.uk

Telephone: 020 8958 6110

Bar Standards Board
289-293 High Holborn
London
WC1V 7HZ

Tel: 020 7611 1444

Fax: 020 7831 9217

contactus@barstandardsboard.org.uk

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Twitter: <https://twitter.com/barstandards>

