

## **EQUAL ACCESS TO WORK AND OPPORTUNITIES POLICY**

*References to Chambers in this policy include Brick Court Chambers and its service company, Little Essex Street Service Company Ltd. References to employees are to former employees of Brick Court Chambers and current and former employees of Little Essex Street Service Company Ltd, as appropriate.*

### **A. Introduction**

1. This is Chambers' Equal Access to Work and Opportunities Policy. It is effective, in this version, from the date of its approval by the Executive Committee, set out below.
2. This is one of a number of specific policies aimed at achieving the objectives of Chambers' Equality and Diversity Policy, which sets out Chambers' overarching rules, principles and procedures for preventing discrimination, ensuring equality of opportunity, and promoting diversity, and which should be read together with this policy. Any queries, concerns, issues, complaints or grievances in respect of this policy should be raised by one of the means set out in, and breaches of this policy will be dealt with as set out in, the Equality and Diversity Policy.

### **B. Equal access to work and opportunities**

3. Chambers is committed to ensuring that all members of Chambers and pupils receive equal access to and fair distribution of work, marketing and networking opportunities, as required by rule C110.3.i, of the Bar Standards Handbook which includes but is not limited to the fair distribution of unallocated work as required by rule C110.3.f.iii of the Bar Standards Board Handbook.
4. Unassigned work, for the purposes of this policy, includes both instructions sent into Chambers and instructions in respect of which any enquiry is made prior to them being sent into Chambers, where the person instructing does not state that the work is to be assigned to a named member of Chambers. It also includes instructions where a QC selects a junior to work on a case with them.
5. To this end:

- (1) All unassigned work shall be offered to all pupils at the same time by the Joint Senior Clerks, assisted by the pupillage administrator, who will send out the offers by email, The Joint Senior Clerks will be responsible for ensuring, so far as is reasonably practicable, that work is fairly allocated and that a fair range of different type of work is received. (The names of the Joint Senior Clerks and the Pupillage Administrator are set out on Chambers' website.)
- (2) The allocation of all unassigned work to members of Chambers shall be carried out in a fair and equitable manner. The Equality and Diversity Committee shall review and analyse data regularly showing the allocation of work (including by whom it has been allocated) in order to identify whether there are any disparities related to race, disability, and/or gender, as set out in section C below.
- (3) The distribution of work and other work, marketing and networking opportunities shall be carried out in a fair and equitable manner. All members of Chambers shall meet at regular intervals with their Senior Clerk to discuss work allocation, work opportunities, marketing and networking opportunities and individual practice development, and in particular to consider the amount and type of work done, the amount of fees earned and received, and the solicitors instructing.
- (4) All clerks involved in the distribution of work, marketing or networking opportunities shall be briefed on the importance of fair allocation, and at least one member of each clerking team will periodically attend formal equality and diversity training. Marketing and networking events and activities will be organised so that all pupils and members of Chambers can, so far as practicable, be involved and that opportunities are shared out fairly.
- (5) All clerks will be made aware of the legal requirement not to comply with any request or requirement by solicitors or others to discriminate on unlawful grounds in the selection of a barrister to fulfil instructions and to refuse the work if the request or requirement is not withdrawn.

**C. Work allocation monitoring**

6. Personal data is collected from members of Chambers and pupils for the purpose of work allocation monitoring as set out below.
7. The name of the Work Allocation Data Administrator, as appointed from time to time, can be obtained from the Equality and Diversity Officer.

8. You are not obliged to provide your diversity data. You are free to provide all, some or none of your diversity data.

*How data is collected*

9. Data is gathered through a one-off online survey.
10. Existing members of chambers have already been invited to complete the survey. New tenants and pupils will be invited to complete the survey upon joining chambers.
11. In order to keep the data up-to-date, people who have already been asked to completed the survey are asked to notify the Work Allocation Data Administrator of any changes. Members of chambers and pupils may be asked to take a new survey to gather additional data from time to time.
12. The survey requires participants to provide their name. This reflects the fact that Chambers needs to be able to identify barristers and pupils in order to carry out work allocation monitoring.
13. Survey respondents are invited to give their consent to the processing of their data in accordance with this policy, and supply information in relation to gender, race and/or disability.
14. Such data will be kept secure and access to it will require a password.

*How data is used*

15. In order to keep the allocation of unassigned work under review, the clerks will use Lex to log the names of barristers to whom unallocated work is offered, and whether or not it is accepted.
16. The information supplied by the clerks will then be analysed against gender, race and disability on a quarterly basis. The data generated by this analysis is anonymised by allocating a unique code to every member of chambers and set out in a quarterly report to the Equality and Diversity Committee. Only the Work Allocation Data Administrator will have the password to the data gathered for these purposes.
17. The anonymised quarterly report will be generated on a quarterly basis and reviewed by the Equality and Diversity Committee, which will consider whether there are any potential disparities in the data.
18. If potential disparities are identified:

- (1) The Equality and Diversity Officer will write to the Heads of Chambers, alerting them to any concerns identified.
  - (2) The Heads of Chambers will investigate the reasons for the apparent disparity and take remedial action as necessary. This exercise may require access to the data in non-anonymised form.
  - (3) The Heads of Chambers will notify the Equality and Diversity Committee whether the reasons for the apparent disparity were such as to require remedial action, and if so what action has been taken.
19. You have a right to withdraw your consent or object to the use of your data for work allocation monitoring at any time. Where your data has already been provided and you wish to withdraw your consent to its use, please notify the Work Allocation Data Administrator in writing. They 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 the notification.
20. All members of Chambers, pupils and employees are required to comply with this policy.

*Approved by the Executive Committee on 6 May 2021.*

*To be reviewed by the Equality and Diversity Committee every two years.*