

FOUNTAIN COURT CHAMBERS

EQUALITY, DIVERSITY AND INCLUSION HANDBOOK

9 December 2025

(As approved by Management Advisory Group on 9 December 2025)

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DEFINITIONS

In this Handbook, the following terms have the following meanings:

1. **Chambers:** refers collectively to the Members of Chambers from time to time, save where the context otherwise requires.
2. **Head of Chambers:** refers to the person holding the position of Head of Chambers under the constitution at the material time.
3. **Member:** refers to a person who is defined as a member of Chambers under the Constitution.
4. **Equality and Diversity Officer:** refers to the person or persons so designated by the Head of Chambers.
5. **Senior Clerk:** refers to the person or persons so designated by the Head of Chambers.
6. **Employee:** refers to clerking and administrative employees employed for the purposes of providing services to Chambers and its Members, Pupils and clients.
7. **Head of Administration:** refers to the person or persons so designated by the Head of Chambers.
8. **Pupil:** refers to a funded or unfunded Pupil within the meaning of the Pupillage and Tenancy policy.
9. **Diversity Data Officer:** refers to the person who is designated as such by the **Head of Chambers**.
10. **Award Pupil:** has the meaning given in paragraph 10.8 of the Pupillage and Tenancy policy.
11. **Objective Tenancy Selection Criteria:** has the meaning given in paragraph 10.63 of the Pupillage and Tenancy policy.
12. **Client:** means professional client or lay client.
13. **Discrimination:** (subject to the provisions of the Equality Act 2010) treating a person less favourably than someone else because the person possesses or is perceived to possess **protected characteristics** (direct **discrimination**¹) or applying a provision, criterion or practice which leads to people from a particular group with one of the **protected characteristics** being put at a particular disadvantage compared to others, unless such a practice, requirement, provision or condition can be shown to be a proportionate means of achieving a legitimate aim (indirect **discrimination**).

¹ If the protected characteristic is age, A does not discriminate against B if A can show A's treatment of B to be a proportionate means of achieving a legitimate aim.

14. **Workforce:** for the purposes of the Diversity Data Policy, means **Members of Chambers, pupils, and employees.**
15. **Diversity Data:** means information relating to the following characteristics in respect of an individual: age, gender, disability, ethnic group, religion or belief, sexual orientation, socio-economic background, and caring responsibilities.
16. **Regular practice:** has the meaning in paragraph 8.7 of the Pupillage and Tenancy policy.
14. **Bullying:** has the meaning set out in paragraph 8 of the Harassment and Bullying policy.
15. **Harassment:** has the meaning set out in paragraphs 11.1 – 11.4 of the Harassment and Bullying policy.
16. **Victimisation:** means subjecting a person who has made a complaint (formal or informal) under the Harassment and Bullying Policy to a detriment by reason of having made such complaint.
17. **Parental Leave:** has the meaning given in paragraph 8.1 of the Parental Leave policy.
18. **Positive action:** measures that Chambers may lawfully take under the equality legislation to meet special needs or to train or encourage people from a specific group that is under-represented in particular work.
19. **Protected characteristics:** age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

1. GENERAL

- 1.1 **Chambers** is committed to equality and diversity with respect to the provision of our services to Clients, the recruitment and retention of Members, pupils and staff, patterns of working, and allocation of work.
- 1.2 This Handbook sets out the policies adopted by **Chambers** in relation to those areas.
- 1.3 It is the aim of this Handbook to:
- (1) prevent any and all instances of **Discrimination** against any actual or prospective **Client, Member, pupil or employee** and to promote fair treatment.
 - (2) develop and maintain demonstrable excellence in terms of Equality and Diversity, so as to attract and retain the best candidates for pupillage and tenancy and be able to meet the expectations of clients who share that commitment.
 - (3) address (1) and (2) above while recognising that **Members** are self-employed and without imposing a disproportionate burden on **Chambers** as a whole.
 - (4) comply with the Equality and Diversity Rules of the Bar Standards Board (BSB) Handbook, the BSB Handbook Equality Rules (Supporting Information), the Bar Council Fair Recruitment Guide, the BSB Pupillage Handbook, the CPS Diversity and Inclusion Statement for the Bar, and the Attorney-General's Equality and Diversity Expectations Statement. In addition, **Chambers** has had regard to COMBAR's Best Practice Guidance for Chambers on Fair Work Allocation, Earnings Monitoring and Reporting, Parental Leave and Retention and Progression dated 19 November 2025.
- 1.4 This Handbook will be made available to all **Members, pupils, and employees** on the Chambers Intranet and via a link on the Chambers website and any material changes to the Handbook will be communicated by the **Equality and Diversity Officers** in order that everyone understands the policies and their role in relation to them.

- 1.5 **Chambers** will take reasonable steps to offer training in relation to equality and diversity issues to **Members, pupils, and employees** from time to time.
- 1.6 **Chambers** will conduct monitoring of its **Workforce**, applications for pupillage, membership, or jobs, and work allocation, as more particularly set out in this Handbook and will take remedial action where monitoring indicates this to be appropriate.
- 1.7 **Chambers** will seek to address under-representation by positive action where possible and appropriate.
- 1.8 The primary responsibility for ensuring that the policies set out in the Handbook are upheld is with the **Head of Chambers**. The role of the **Equality and Diversity Officers**, the **Senior Clerk**, pupil-supervisors and members of relevant committees in relation to these policies is more particularly set out below. However, each and every **Member, employees and pupil** is individually responsible for ensuring that their own conduct is not discriminatory and does not involve **harassment or victimisation**. Moreover, each **Member of Chambers** must take reasonable steps to ensure that **Chambers** complies with its obligations under the BSB Handbook in respect of Equality and Diversity. Breach will be treated as a serious matter and may be a ground for disciplinary action.
- 1.9 Where a **Member, pupil or employee** is disabled there is a duty to make reasonable adjustments to the terms of this Handbook. A request for a reasonable adjustment should be made to one of the **Equality and Diversity Officers** or to the **Diversity Data Officer**.
- 1.10 **Chambers** will review the policies contained in this Handbook regularly and at least every two years.

2. SERVICE PROVISION

- 2.1 **Members**, and **employees** will comply with their obligations (including under Part 3 of the Equality Act 2010) not to discriminate against, victimise or harass **Clients** or prospective **Clients** in connection with the provision of services.
- 2.3 **Chambers** recognises that we have a continuing positive obligation to make reasonable adjustments for disabled people in accordance with the Equality Act 2010. The reasonable adjustments policy is set out in Section 7.
- 2.4 Examples of discriminatory service provision include the following: the racial or sexual harassment of a **Client**; a refusal to accept instructions to act on behalf of individuals or groups defined by their race, sex, sexuality, religion or belief; providing a service that is inappropriate (e.g. timing of a conference with a lay client with childcare responsibilities); failing to take account of the religious needs of **Clients** in relation to dress, food and drink or religious observance; asking irrelevant questions based upon assumptions about a **Client's** sexuality.

3. EQUAL OPPORTUNITIES POLICY IN RELATION TO EMPLOYEES

Introduction

3.1 **Chambers** considers all forms of **Discrimination** to be unacceptable in the workplace.

3.2 **Chambers** will take all reasonable steps to:

- (1) provide equal opportunities throughout employment, including in relation to remuneration, recruitment, training, working conditions and promotion of staff.
- (2) see that no employee receives less favourable treatment or is unlawfully discriminated against on grounds of sex, race, age, disability, gender reassignment, sexual orientation, married or civil partnership status, pregnancy or maternity, religion or belief.
- (3) see that all **employees** are made aware of the provisions of this policy and require all **employees** to ensure that the policy is carried out properly.

3.3 **Chambers** will not ignore, or treat lightly, grievances or complaints from employees, or make unwarranted assumptions that the individual is oversensitive about **discrimination** but will treat them appropriately in accordance with the grievance procedure in Section 13.

Recruitment, Selection and Promotion

3.4 **Chambers** will take all reasonable steps to:

- (1) ensure that information about vacant posts will be circulated appropriately so that it may reach as wide and diverse a group of those who are potentially objectively qualified as is reasonably practicable.
- (2) ensure that no recruitment literature or advertisements imply a preference for any one group of applicants unless there is a general occupational qualification which legitimately limits the post to a particular group. Where a particular qualification is

legitimately required, **Chambers** will (as far as reasonably practicable) state that a substantively comparable qualification obtained overseas is as acceptable as a UK qualification.

- (3) comply with the Equality and Diversity Rules of the BSB Handbook, the BSB Handbook Equality Rules (Supporting Information), the Bar Council's guidance for implementing positive action provisions under ss 158 and 159 of the Equality Act 2010 and the Attorney-General's Equality and Diversity Expectations Statement.
- (4) recruit, select and promote employees on the basis of ability, skill and/or qualification, or such other objective and fair criteria as may be appropriate in the particular circumstances, without **Discrimination**.
- (5) avoid making any requirements when recruiting, employing or promoting employees which would exclude or detrimentally affect a higher proportion of people having a particular **protected characteristic** or otherwise directly or indirectly discriminate against those who possess or are perceived to possess one or more of the **protected characteristics**.

Training of selection panels

- 3.5 Every member of all selection panels involved in the recruitment of staff must be trained in fair recruitment and selection processes, except in exceptional circumstances.

Training, Facilities and Benefits

- 3.6 **Chambers** will take all reasonable steps to:

- (1) provide all employees with the appropriate training for their needs, without **Discrimination**.
- (2) make training, facilities and benefits available in a way which avoids indirect **discrimination**.

Monitoring and Review

3.7 The **Equality and Diversity Officers** shall regularly review applications for employment and the number and percentages of **Members** and **employees** from different groups. Such review shall include:

- (1) collecting and analysing data broken down by race, disability and gender;
- (2) investigating the reasons for any disparities in that data; and
- (3) advising as to appropriate remedial action.

Review

3.8 **Chambers** will take all reasonable steps:

- (1) to ensure that all aspects of the policy are kept under review in order to ensure the effectiveness of this Equal Opportunities Policy, including by reference to monitoring data and analysis.
- (2) to review, from time to time, its selection criteria for recruitment, training and promotion to ensure they do not constitute and could not lead to **Discrimination**.
- (3) to keep under review whether any, and if so what, positive action should be taken to redress any under-representation.

Responsibilities

3.9 The Chair of the Administration Committee, the **Head of Administration** and the **Senior Clerk** will take all reasonable steps:

- (1) to ensure that this Equal Opportunities Policy in relation to employees is upheld.

- (2) to see that they are kept informed if behaviour which is contrary to the Equal Opportunities Policy in relation to employees has taken place, and to ensure it does not occur.

3.10 All complaints must be treated seriously and the failure of the Chair of the Administration Committee, the **Head of Administration** or the **Senior Clerk** to carry out their duties in respect of equal opportunities may lead to disciplinary action being taken against them.

3.11 **Chambers** will take all reasonable steps to see that the Chair of the Administration Committee, the **Head of Administration** and the **Senior Clerk** are sufficiently trained in aspects of equality and diversity and sufficiently informed in order to be able to carry out efficiently the Equal Opportunities Policy in relation to Employees and deal with any discriminatory acts.

4. POLICY FOR FAIR ALLOCATION OF WORK OPPORTUNITIES

- 4.1 **Chambers** will take all reasonable steps to ensure that opportunities for work are allocated fairly between barristers and **pupils**.
- 4.2 Opportunities for work, in this context, means any occasion when the clerks or a **Member of Chambers** may put forward a barrister or **pupil** for consideration by a prospective client for work which the prospective client has not already allocated to a named individual.
- 4.3 Fairness, in this context, means that opportunities should be allocated so as to allow members an equal opportunity to be considered for them and in a way which is free of unlawful **discrimination**, including the making of stereotypical assumptions based on one or more of the **protected characteristics**.

Clerks

- 4.4 **Chambers** will take all reasonable steps to ensure that clerks allocate work opportunities fairly, by providing instruction and training for clerks, and monitoring the allocation of work opportunities.
- 4.5 Clerks will select which barristers to put forward for an opportunity by reference to non-discriminatory criteria, which should be objective and should relate to the work to be done, such as whether their availability and/or charging rate and/or skills and/or aptitudes and/or experience is appropriate to the opportunity. A sufficient record of the nature of the opportunity and who is put forward and why will be kept for monitoring purposes.
- 4.6 If in any case the clerks reasonably consider that it would not be productive to put forward all those barristers available and appropriate for a work opportunity, the clerks will record who is put forward, who is not put forward (so far as reasonably practicable to record this), and the reasons for the selection. The clerks will aim to achieve overall fairness in allocation of work opportunities and equal access to the full range of work undertaken in **Chambers**.

Selection by barristers

4.7 Where one barrister in **Chambers** ('the **Selecting Barrister**', whether or not a silk) may put forward another barrister in **Chambers** for a work opportunity:

- (1) the clerks must fairly identify those available and appropriate to be put forward to the **Selecting Barrister**.
- (2) the **Selecting Barrister**:
 - i. should obtain from the clerks the names of those for consideration for the work; and
 - ii. should suggest to the clerks the name(s) of other barrister(s) (if any) for inclusion in the list for consideration; and
 - iii. must act fairly in suggesting names for inclusion and/or in selecting from the list any barrister to do the work (where the decision is that of the **Selecting Barrister**) and/or in selecting those to be put forward to the solicitor for consideration for the work.

Training

4.8 **Chambers** will take all reasonable steps to provide regular training (at least every three years) in equality and diversity matters to barristers, **pupils**, and **employees**.

Monitoring

4.9 **Chambers** shall:

- (1) have appointed an Equality and Diversity Officer or Officers at all times.
- (2) take all reasonable steps to maintain an appropriate database or databases for the purpose of recording data for monitoring which includes:
 - i. those who were put forward and why.
 - ii. the information in paragraph 4.6 above.
 - iii. whether the opportunity was for a named or unnamed individual, the area of work, the type of work initially requested (e.g. written advice/conference/telecon/hearing),

- iv. the instructing solicitors, whether the request came from another barrister in **Chambers** and the clerk who took the initial call.

4.10 **The Equality and Diversity Officers** shall regularly review whether opportunities have been allocated fairly, with such reviews ordinarily taking place every six months. Such review shall include, so far as practicable:

- (1) collecting and analysing data broken down by race, disability and gender;
- (2) investigating the reasons for any disparities in that data; and
- (3) advising as to appropriate remedial action.

4.11 The **Equality and Diversity Officer** should take all reasonable steps to:

- (1) investigate any apparent anomalies in work opportunities (in which case it may be necessary to identify individuals).
- (2) report to the **Head of Chambers** on the outcome of their monitoring and any issues arising, and report annually to **Chambers**.
- (3) where requested, discuss with any individual the outcome of the monitoring of opportunities in relation to that individual, without compromising the confidentiality of data relating to any other individuals.
- (4) investigate any complaints or concerns raised by an individual as to fairness of allocation and fair access to work and refer to the **Head of Chambers** if they are unable to resolve the matter to the individual's satisfaction.

4.12 **Chambers** should treat any unequal or unfair treatment of barristers or **pupils** in the allocation of work as a serious matter and deal with it appropriately so that it does not recur.

Pupils

4.13 It is **Chambers** policy that **pupils** are generally not put forward to solicitors for work during their pupillage and the size of the award made to **pupils** takes this into account. **Pupils** therefore have no entitlement to be put forward for work in competition with **Members of Chambers** (or one another) during their pupillage. However, if exceptionally, pupils were to be put forward to solicitors for work then this policy would apply equally in

relation to the selection of any work opportunities for or by pupils as it does to barristers.
References in this policy to **pupils** are to be read as subject to this paragraph.

5. POLICY FOR FAIR ALLOCATION OF MARKETING AND BUSINESS OPPORTUNITIES

- 5.1 Chambers will take all reasonable steps to ensure that marketing and business development opportunities are allocated fairly between barristers.
- 5.2 Marketing and business development opportunities, in this context, means any occasion when the clerks, marketing team, or a **Member of Chambers** may approach, or be involved in the decision to approach, a barrister about taking part in an activity which will promote **Chambers** and/or them as individuals, either generally or in relation to a specific practice area or client.
- 5.3 Fairness, in this context, means that opportunities should be allocated so as to allow **members** an equal opportunity to be considered for them and in a way which is free of unlawful **discrimination**, including the making of assumptions based on one or more of the **protected characteristics**.

Clerks and Marketing team

- 5.4 When a marketing or business development opportunity arises and where a specific barrister(s) is not requested by the organiser/client/etc., the clerks and marketing team will typically decide which barrister(s) to approach by reference to non-discriminatory criteria, which should be objective. By way of example, this could include:
- (1) the technical expertise required by the opportunity (e.g. experience and track record in that area);
 - (2) the non-technical approach required by the opportunity (e.g. the personality and “soft skills” needed for the event or in relation to the organiser and/or client; the overall dynamic of the group to be involved in the relevant event);
 - (3) the relationship with the organiser and/or client involved (e.g. whether a barrister(s) already known to the organiser/client is preferable, or whether it is an opportunity for a new barrister(s) to be introduced, or a mixture of the two);

- (4) information known by the clerks regarding the desire of specific barristers to develop a relationship with the specific client(s) involved and/or to develop a practice in the specific area(s) of the opportunity; and
- (5) which barristers have recently been afforded marketing and business development opportunities.

5.5 A sufficient record of the nature of the opportunity, who is invited and the responses received from the barrister(s) will be kept for monitoring purposes.

5.6 If in any case the clerks and/or marketing team reasonably consider that it would not be productive to invite all those barristers appropriate for a marketing or business development opportunity, the reasons for selecting those invited will be recorded so far as reasonably practicable. The clerks and marketing team as **employees** of Fountain Court Chambers aim to achieve overall fairness in allocation of marketing and business development opportunities and equal access to the full range of marketing and business development opportunities available.

Barristers

5.7 Where one or more barristers in Chambers (the '**Selecting Barrister**') are responsible for putting forward another barrister(s) for a marketing or business development opportunity, on behalf of Chambers, it is expected that the **Selecting Barrister** will liaise with the clerks and/or marketing team regarding appropriate barristers to approach.

5.8 Barristers are expected to take responsibility for ensuring their clerks are aware of both their skillsets and expertise in specific areas and the areas in which they wish to grow their practices, including in relation to specific practice areas and specific clients with whom they would like to build relationships.

5.9 Barristers are expected to respond to requests received by the clerks and/or marketing team relating to marketing and business development opportunities as soon as possible, and with as much detail as possible.

5.10 Barristers are expected actively to participate in supporting Chambers' endeavours to ensure that marketing and business development opportunities are allocated fairly between barristers.

Training

5.11 **Chambers** will take all reasonable steps to provide, facilitate or promote regular training (at least every three years) in equality and diversity matters to barristers, **pupils**, and **employees**.

Monitoring

5.12 **Chambers** shall:

- (1) have appointed an **Equality and Diversity Officer** or **Officers** at all times.
- (2) take all reasonable steps to maintain an appropriate database or databases for the purpose of recording data for monitoring which includes:
 - i. those who were put forward for marketing and business development opportunities and why.
 - ii. the type of opportunity.
 - iii. the information in paragraph 5.6.
 - iv. the response of those put forward including whether they accepted or declined the opportunity and, where provided and appropriate, the reasons why.

5.13 The **Equality and Diversity Officers**

shall at least annually review whether opportunities have been allocated fairly. Such review shall include, so far as practicable:

- (1) analysing the collected data;

- (2) investigating the reasons for any disparities in that data (in which case it may be necessary to identify individuals, with involvement from the **Head of Administration** as needed); and
- (3) advising as to appropriate remedial action (if applicable).

5.14 The **Equality and Diversity Officers** should take all reasonable steps to:

- (1) investigate any apparent anomalies in marketing and business development opportunities (in which case it may be necessary to identify individuals, with involvement from the **Head of Administration** as needed).
- (2) report to the **Head of Chambers** on the outcome of their monitoring and any issues arising, and report annually to **Chambers**.
- (3) where requested, discuss with any individual the outcome of the monitoring of opportunities in relation to that individual, without compromising the confidentiality of data relating to any other individuals.
- (4) investigate any complaints or concerns raised by an individual as to fairness of allocation and fair access to marketing and business development and refer to the **Head of Chambers** if they are unable to resolve the matter to the individual's satisfaction.

5.15 Chambers should treat any unequal or unfair treatment of barristers in the allocation of marketing and business development opportunities as a serious matter and deal with it appropriately to seek to avoid its recurrence.

6. TRANSITIONING AT WORK POLICY

- 6.1 Fountain Court is committed to ensuring equality of opportunity and treatment for all. We wish to foster an inclusive culture in which **clients, members, employees, pupils**, mini-pupils and applicants from all backgrounds feel welcome, and are treated fairly, without **discrimination** of any kind. In summer 2021, the Bar Council published a **Trans Inclusion Statement**² reaffirming its commitment to promoting and respecting equality, diversity and inclusivity at the Bar and in the interests of supporting: (i) trans, non-binary and gender fluid barristers; (ii) trans, non-binary and gender fluid students who aspire to join the Bar; and (iii) Chambers and employers that seek to support, promote and protect trans, non-binary, and gender fluid individuals (the **Trans Inclusion Statement**).
- 6.2 This Transitioning at Work policy addresses the support available to any **Member of Chambers, employee or pupil** who wants to transition at work (the **Policy**). This Policy should be read in conjunction with the remainder of Chambers' Equality and Diversity Handbook (the ED&I Handbook), which aims (amongst other matters) to promote fair treatment, to prevent any and all instances of **discrimination** and to develop and maintain demonstrable excellence in terms of equality and diversity.

Chambers' commitments and the purpose of this Policy

- 6.3 By this Policy, **Chambers**:
- (1) expresses its support for the Bar Council's Trans Inclusion Statement and specifically its aim of promoting a supportive ethos across the profession;
 - (2) affirms its commitment to being a trans-inclusive organisation and supporting trans, non-binary and gender fluid individuals within **Chambers** who wish to transition in accordance with this Policy; and
 - (3) outlines the support that is available for any person within Chambers who wishes to transition at work.
- 6.4 Any questions, issues or matters arising regarding this Policy should be raised in the first instance with **Chambers' Equality and Diversity Officer(s)**.

² <https://www.barcouncil.org.uk/support-for-barristers/equality-diversity-and-inclusion/trans-inclusion-statement.html>

- 6.5 This Policy does not supersede, or prejudice Chambers' policies set out elsewhere in the ED&I Handbook. By way of example, any grievance or complaint that any person may have regarding transitioning at work may still be made under the grievance procedure in accordance with ED&I Handbook. Given its scope, this Policy does not address Chambers' policies against **discrimination** and on equal opportunities more generally (which are set out elsewhere in the ED&I Handbook).

Trans, transitioning and the scope of this Policy

- 6.6 Trans is shorthand for transgender, which is an adjective that can be used to describe someone whose own sense of personal identity or gender identity does not fully identify with the gender assigned to them at birth.
- 6.7 Transitioning is an umbrella term which can include any steps taken by a person whether social or medical to reflect their gender identity. There are many different routes that an individual may take in order to transition and this is a matter for each individual to decide. Regardless of whether or not an individual decides to transition and how they choose to do so, their dignity and personal choices are to be respected. The term trans is not limited to persons who decide physically to transition and not all persons who accord with the definition of trans set out here would describe themselves as trans.
- 6.8 In circumstances where transitioning is an individual process that involves or means different things for different individuals, this Policy is designed to facilitate support being provided to any individuals who are transitioning or considering transitioning at work. This is regardless of:
- (1) whether or not they have undergone any medical procedure or diagnosis;
 - (2) whether or not they have or are to undertake any particular steps to transition;
 - (3) whether or not they have or will obtain a gender recognition certificate; and
 - (4) the person in question's own reasons for transitioning and without any need for them to justify their reasons for doing so.

Support available under this Policy

- 6.9 Before invoking this Policy, any individual considering transitioning at work (a **transitioning person**) may discuss the matter informally with others within **Chambers (Members or employees)** as they prefer in any particular case. This Policy does not prescribe whether informal discussions should take place and (if so) with whom they should occur. These are matters for the transitioning person to decide, but by way of example, a **pupil** or new tenant may prefer to discuss the matter informally with a pupil supervisor or former pupil supervisor in the first instance.
- 6.10 Should any informal discussions take place, they should be treated as confidential and not notified to others (or treated as a request under paragraph 6.11) unless and until the transitioning person otherwise agrees.
- 6.11 Any transitioning person who wishes to invoke this Policy or obtain support thereunder should contact the **Equality and Diversity Officer(s)**. Once such a request has been made, the person within Chambers who is best placed to take responsibility under this Policy to enable Chambers to support to the transitioning person will depend on the circumstances (the **relevant person**):
- (1) By default, the relevant person will be the **Equality and Diversity Officer(s)**.
 - (2) However, it may be appropriate in the circumstances for another person to fulfil this role. For example and without limitation: (i) if the transitioning person is an **employee**, it may be appropriate for the relevant person to be the **Senior Clerk** (or their Deputies) or the **Head of Administration**; and (ii) if the transitioning person is a **Member of Chambers** or a **pupil**, it may be appropriate for the relevant person to be the **Head of Chambers** (or their Deputy) or a pupil supervisor.
 - (3) **The Equality and Diversity Officer(s)** may determine that some other person should become the relevant person for the purposes of this Policy, in which case this Policy will be read accordingly. Before doing so, the **Equality and Diversity Officer(s)** will ordinarily be expected to discuss with the transitioning person if there are reasons for taking this course and to discuss the matter (on a confidential basis) with the person the **Equality and Diversity Officer(s)** propose become the relevant person.
- 6.12 The relevant person is responsible: (a) for meeting with the transitioning person in order to discuss how **Chambers** can support their transition under this Policy; and (b) for preparing a plan for that purpose (a **Plan**).

6.13 This Policy does not prescribe the form that that support or any Plan should take, which will need to be determined in the circumstances of each particular case and following discussion with the transitioning person (whether at the initial meeting or subsequently, as appropriate).

6.14 The Plan may address questions such as:

- (1) whether any changes to working arrangements or periods of leave may be appropriate;
- (2) whether others within **Chambers** should be notified about the transition and if so, how and when this should occur;
- (3) whether any changes should be made to how the transitioning person is addressed within **Chambers** (for example, in respect of their title, email signature, personal pronouns or email address); and
- (4) whether any changes should be made to any external facing materials (such as on **Chambers'** website) or whether **clients** or other third parties should be notified.

6.15 So far as other persons within **Chambers** are concerned, they should use the language preferred by individuals to refer to themselves and respect any individual's choice of personal pronouns.

6.16 Where necessary, the Plan or parts of it may need to be considered or approved by individuals within **Chambers** other than the relevant person (such as the **Head of Chambers** in the case of a **Member**, the **Senior Clerk** in the case of a **clerk** or the **Head of Administration** in the case of any **employee**). The relevant person will ordinarily be expected to discuss with the transitioning person the timing and practicalities in relation to the same.

Personal autonomy and confidentiality

6.17 Subject to the following clauses, the Plan and the support provided under this Policy shall be underpinned by two core principles:

- (1) **Personal autonomy:** It will be for the transitioning person to determine the timetable for any steps to be taken, for example when others are notified of their intentions. Without the transitioning person's agreement, no such steps shall be taken.
- (2) **Confidentiality:** Chambers will treat all information provided by the transitioning person under this Policy in the strictest of confidence. Save as set out below, they will not be provided to any other person without the transitioning person's prior consent. (If the transitioning person has applied for a gender recognition certificate, attention is also drawn to the statutory prohibitions on disclosure in s. 22 Gender Recognition Act 2004).

6.18 Nothing in this Policy derogates from any applicable legal or regulatory obligation (including obligations owed by **Members of Chambers** under the BSB Handbook).

6.19 This core principle of confidentiality is subject to any disclosure necessary: (a) in light of any applicable legal or regulatory obligation (see paragraph 6.18 above); and/or (b) for the purposes of seeking or obtaining advice from an external legal advisor outside Chambers on terms which preserve the confidentiality of the information. By way of example, this may be appropriate to assist the relevant person with formulating the Plan.

7. DISABILITY AND REASONABLE ADJUSTMENTS POLICY

- 7.1 Chambers is committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working in Chambers or who are obtaining, or seeking to obtain, legal services from **Members**. This policy covers and applies to all employees, **Members**, **pupils** and **Clients**.
- 7.2 For the purposes of this policy a person (“**P**”) has a disability if P has a physical or mental impairment which has a substantial and long-term adverse effect on P’s ability to carry out normal day-to-day activities.
- 7.3 **Chambers** will take all reasonable steps to:
- (1) provide services to disabled people to the same standard as it provides to others, and on terms no less favourable than the terms on which **Members** and **employees** supply services to others.
 - (2) not discriminate against a disabled person whether by
 - (a) treating that person in a less favourable way on account of their disability; or
 - (b) by failing to comply with a duty to make a reasonable adjustment (see below).
 - (3) make reasonable adjustments in the following areas to allow for circumstances where a **Member**, **pupil**, **employee**, **client** or other visitor is or may be disabled:
 - (a) provisions, criteria and practices;
 - (b) auxiliary aids;
 - (c) physical features of the premises (see further below).
 - (4) in recruiting **pupils**, **employees**, or tenants, provide for the fair consideration of applicants with disabilities.
 - (5) ensure that training of **Members**, **employees** and **pupils** in matters of diversity and equality, extends to disability-related issues.

- 7.4 The principal premises we occupy are listed and several hundred years old. Nevertheless, Chambers will take all reasonable steps to make reasonable adjustments to their features and configuration so as to enable disabled people to make use of our services without undue difficulty and to provide assistance where and when required.
- 7.5 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 Chambers will discuss viable alternatives with the individual affected.
- 7.6 Requests for reasonable adjustments should be made to one of the **Equality and Diversity Officers** or the **Diversity Data Officer**.

8. PARENTAL LEAVE POLICY

- 8.1 For the purposes of this Policy, “**Parental Leave**” is defined as “leave from practice taken by a carer of a child preceding or following birth or adoption. This could be the biological or adoptive parent of either sex, and includes the married, civil, or de facto partner of a biological or adoptive parent”. The Policy, including the remission from **Members’ Contributions** referred to in paragraphs 8.5 to 8.7 below, is intended to facilitate retention of Members and a degree of appropriate mutual support, while recognising that **Members** are self-employed and without imposing a disproportionate burden on **Chambers**, in accordance with the principles identified in paragraph 1.3(3) above.
- 8.2 A **Member of Chambers** shall, for the purposes of caring for a child, whether as primary carer or so as to share the responsibilities of childcare, (on reasonable notice to the **Head of Chambers**) be entitled to take **Parental Leave**, both in advance of the birth or adoption of the child and at any time and for any period (or periods) up to the expiry of 36 months from the birth or adoption of the child (the “Leave Period”). Subject to the provisions of this section 8 Chambers shall not place any restriction on **Members** taking **Parental Leave** from continuing to practise flexibly and/or at a reduced level during the Leave Period.

Specific support for pregnancy related issues

- 8.3 **Chambers** (including **clerks** and any senior **Members of Chambers** with whom the barrister is working) will accommodate and will help and support the **Member of Chambers** concerned in accommodating time-off for fertility treatment, antenatal care and related medical and other appointments. Chambers will also ensure that appropriate adjustments and support are offered in connection with pregnancy-related health issues, particularly during early pregnancy and when the Member may not have disclosed their condition publicly. **Clerks** should be proactive and discreet in offering support, and Members are encouraged to communicate any health-related needs in confidence.
- 8.4 **Chambers** recognises that not all pregnancies result in a live birth, and that fertility treatment, miscarriage, stillbirth, and related experiences can have a profound physical and emotional impact. **Chambers** is committed to providing appropriate support to **Members** affected by such events, which will be offered sensitively and in confidence – regardless of whether the pregnancy was previously disclosed or whether the **Member**

identifies the experience publicly. In such circumstances the **Head of Chambers** may decide to remit the **Member's** rent for a period of up to 6 months (without, for the avoidance of doubt, consultation with all **Members**).

Remission from Chambers Expenses for primary carers

- 8.5 Any **Member** who is the primary carer of a new-born or newly adopted child will not be required to pay **Members'** Contributions (as defined in Clause 14 of the Constitution) for a period of six months following the birth or adoption of the child ("the Six-Month Period"), beginning with the contribution due in the first calendar month following the month of the birth or adoption of the child, as the case may be.
- 8.6 The remission from **Members'** Contributions during the Six-Month Period is available to such **Member** irrespective of when the Member returns to **Chambers**, or whether the **Member** carries out any work during the Six-Month Period (provided, for the avoidance of doubt, that the **Member** remains the primary carer of a new-born or newly adopted child throughout the Six-Month Period). In the event that a **Member** ceases to be a primary carer during the Six-Month Period, the **Member** shall be entitled to remission for each month that the **Member** remains the primary carer.
- 8.7 The **Head of Chambers** shall not exercise the right pursuant to clause 14.4 of the Constitution in respect of any **Member** who obtains a remission from **Members'** Contributions hereunder, for a period of 2 years following the birth or adoption of the child (or, in the case of remission under paragraph 8.4 above, 2 years from the date on which such remission took effect). Subject to that, after the end of the Six-Month Period, **Chambers'** Contributions will be charged in accordance with the provisions applicable to all other Members.
- 8.8 Any **Member** who is taking **Parental Leave** but who does not qualify for remission from **Members'** Contributions under paragraphs 8.4 to 8.7 above may apply to the **Head of Chambers** for remission or postponement of such contributions pursuant to clause 14.9.2 of the Constitution.

Retaining Membership of Chambers

- 8.9 The **Member** shall (subject, for the avoidance of doubt, to the provisions of the Constitution regarding termination of a **Member's** membership of **Chambers**) retain membership of **Chambers** throughout the Leave Period. Subject to the discretion of the **Head of Chambers**, a **Member** who does not return to regular practice after the end of the Leave Period will cease to be a **Member**, save in cases where the **Member** is away for longer than the Leave Period as a result of consecutive births or consecutive adoptions. For these purposes 'regular practice' means holding oneself out to practise as a full **Member**. An individual who ceases to be a **Member** in accordance with this paragraph may re-apply to **Chambers** in the usual way.
- 8.10 The **Members'** Contributions payable by the Member during the Leave Period will be calculated in accordance with the provisions applicable to all other **Members**, subject to paragraphs 8.4 to 8.7 above.

Room Use

- 8.11 The position regarding the room of a **Member** who takes **Parental Leave** is as follows:
- (1) The **Member** has the right to retain their room up to the expiry of the Six-Month Period or the first six months of the Leave Period, as the case may be.
 - (2) In the event of **Parental Leave** which continues after the period specified in paragraph 8.9(1), the **Head of Chambers** will decide, after discussion with the **Member** concerned, whether to seek to retain their room in **Chambers** empty during that period, having regard in particular to how long the **Member** expects to be away and whether there is a shortage of rooms at the time: a decision to retain the room may be reviewed if circumstances change. If their room is reallocated, the **Member** will be offered the best available room on their return, and, upon the next reallocation, will be offered a room in accordance with the room allocation policy in force at the relevant time.

- (3) While a **Member** is away from **Chambers** on **Parental Leave** it is understood that their room may be used on a temporary basis by other **Members**, their **pupils** and mini-pupils and for conferences.

Provisions while a Member is Absent from Chambers on Parental Leave

- 8.12 Any **Member** on **Parental Leave** will be kept in touch with **Chambers'** matters while absent. A set of guidelines set out below (the Guidelines), which will be reviewed from time to time by the **Equality and Diversity Officers**, set out in more detail how this aspect of the Policy should be implemented.

Returning to Work Following Parental Leave

- 8.13 It is intended that **Chambers** will assist any **Member** returning to work after **Parental Leave** in a practical way to get instructions and to re-establish their practice. The Guidelines below set out the practical steps that should be taken in respect of any **Member** returning to work following **Parental Leave**.

- 8.14 **Chambers** is receptive and supportive to flexible patterns of working as set out in Section 9 of this Guide.

Grievance Procedure

- 8.15 Any **Member** who has a concern or complaint relating to this Policy or its implementation should raise the concern or complaint with the **Head of Chambers** – see Section 13.

Guidelines - steps to be taken in respect of Members on Parental Leave and returning to Chambers after Parental Leave

- 8.16 The following sets out the steps which should be taken in respect of **Members** on **Parental Leave** and returning to **Chambers** after **Parental Leave**:

- (1) During the period of any **Member's** absence on **Parental Leave** the **Member** should be kept in touch with **Chambers'** matters. This will include ensuring that the **Member** receives forwarded post, information about practice developments,

training, **Chambers'** business and social events, whether by email or by any other means.

- (2) The **clerks** should keep a record of enquiries made about the **Member** during absence on **Parental Leave**.
- (3) The **Senior Clerk** should, together with the **Member** in question, ensure that the **Member's** return to **Chambers** is pre-planned and that steps are taken to maximise the prospect of there being work for the **Member** upon return. It is in the interests of the **Member** to give as much notice to the **Senior Clerk** of their return as possible.
- (4) The steps referred to in (3) may include:
 - (a) contacting solicitors with whom the **Member** previously worked and/or who made enquiries about the **Member** during absence on **Parental Leave** to inquire about the possibility of new instructions;
 - (b) publicising the **Member's** return within **Chambers**; and
 - (c) ascertaining whether any **Members** have suitable work for or in which to involve the returning **Member**.
- (5) In allocating work to **Members**, the **Senior Clerk** and other **clerks** will, in accordance with their usual practice, give due consideration to the fact that certain **Members** (including a **Member** returning to work after **Parental Leave**) may be short of work.
- (6) In order to rebuild a returning **Member's** practice, a flexible approach to pricing or to pitching for work of a sort which would not normally be offered to someone of the returning **Member's** seniority and experience may be adopted. However, any such strategy will only be adopted with the **Member's** full agreement and where reasonably considered to be necessary for that purpose. It will ordinarily be regarded as a temporary measure whose purpose is to speed up the return to normal practice at a level and rates appropriate to the **Member's** seniority and experience (unless agreed otherwise, as part of a longer-term strategy on the part of that **Member** to work in a flexible manner for family-related reasons).

- (7) In the event that a **Member** wishes to undertake work from home either during or after their absence on **Parental Leave**, the **Member** will be given the same assistance as any other **Member** wishing to undertake work from home.

Other matters

- 8.17 Where the partner (X) of a Member of Chambers (Y) intends to take **Parental Leave** (for example, from X's employment or self-employment) and needs information concerning the **Member** concerned (Y)'s entitlements under this **Parental Leave** Policy, Y may inform X and X's employer of this **Parental Leave** Policy and Y's entitlements thereunder, as necessary or appropriate.
- 8.18 **Chambers** will regularly review this Policy and assess its effectiveness (which may involve asking **Members** who have taken **Parental Leave** in accordance with this Policy for feedback). The application of this Policy is subject to the overriding discretion of the **Head of Chambers** exercised in accordance with all regulatory requirements and for the purposes of achieving the aims identified in paragraph 8.1 above fairly.

9. FLEXIBLE AND PART-TIME WORKING AND CAREER BREAKS POLICY

Flexible and part-time working (Members)

- 9.1 **Chambers** is receptive and supportive to flexible patterns of working by **Members** (including working flexible hours, working part-time and/or working from home) – whether to enable them to manage their family responsibilities or disability without giving up work or for any other valid reasons - insofar as the demands of practice at the Commercial Bar permit, and without prejudice to **Chambers'** obligation not to discriminate against a disabled person by failing to make reasonable adjustments (see section 7 of this Handbook).
- 9.2 The IT systems in **Chambers** enable **Members** to work from home by giving access to the **Chambers'** servers as well as email and the internet (including all subscription services available to **Members**) and by making it possible for telephone calls to be diverted to numbers outside **Chambers**.
- 9.3 The **clerks**, and where relevant other **Members** (for example **Members** instructed on the same case as the **Member** seeking to work flexibly), will take reasonable steps to work together with any **Member** who wishes to work flexibly (whether in terms of hours or location) and will try to ensure that such flexible working is possible, for example by involving the **Member** in matters which are suitable for and compatible with flexible working, by arranging conferences to suit that **Member's** hours of working. **Members** with flexible working arrangements will have the same opportunities as other **Members** to take part in **Chambers'** activities, including marketing and social activities.
- 9.4 **Members** who seek to work flexibly for reasons associated with family responsibilities will be treated no less favourably than **Members** seeking to work flexibly for other reasons (for example, part-time judicial office).

Career Breaks (Members)

- 9.5 **Chambers** is in principle receptive to any **Member** wishing to take a career break, whether to enable them to manage their family responsibilities or disability without giving up work

or for any other valid reasons. However, such arrangements (including whether the **Member** is to remain a **Member of Chambers**, paying **Members'** contributions during the career break and if so on what basis, or is to cease to be a **Member** and reapply on their return) are a matter for the discretion of the **Head of Chambers**, who will exercise that discretion in a manner that does not discriminate on prohibited grounds. This is without prejudice to the provisions of the **Parental Leave Policy** (see section 8 of this Handbook) or to **Chambers'** obligation not to discriminate against a disabled person by failing to make reasonable adjustments (see section 7 of this Handbook).

Flexible working (employees)

- 9.6 In accordance with rC110(3) of the BSB's Handbook, **Chambers** will endeavour to accommodate any reasonable request by an **employee** for flexible working arrangements. Where this applies to care responsibilities or Disability the request will be subject to the Parental Leave Policy available in the Employee Handbook, or Disability and Reasonable Adjustments Policy in section 7 of this Handbook. **Chambers** reserves the right not to accommodate such a request if the **Head of Chambers** reasonably considers that doing so would detrimentally affect the ability of the employee to do their job to the required standard and within the required timeframe; or would detrimentally impact on the work of **Members** or of other **employees**; or would result in additional costs to **Chambers**; or would otherwise adversely impact on **Chambers'** business. "Flexible working" means one or more of the following: a career break, part-time working, flexible working hours, and working from home. "Family responsibilities" includes caring responsibilities for older, young or disabled dependants or relatives. Nothing in this paragraph limits (1) Chambers' obligation not to discriminate against a disabled person by failing to comply with a duty to make reasonable adjustments (see section 9 of this Handbook) or (2) the statutory right of employees to request flexible working arrangements (as to which see the Employee Handbook).

10. PUPILLAGE AND TENANCY POLICY

Introduction

- 10.1 This section (together with, where applicable, the remainder of this Policy) sets out **Chambers'** Pupillage Policy on the following matters: (i) the number and type of pupillages on offer, (ii) the pupillage funding arrangements, (iii) payment for travelling expenses and compulsory courses, (iv) policies and procedures for the selection of pupils, (v) the roles and duties of pupils, (vi) the roles and duties of pupil supervisors, (vii) the general pattern of pupillage including the checklists used during pupillage, (viii) the method for fairly distributing briefs or other work amongst working **pupils**, (ix) procedures for providing **pupils** with an objective assessment of their progress at regular intervals through pupillage, (x) policy and procedure for the recruitment of tenants, (xi) policy and procedures for pupils not taken on as tenants, and (xii) Chambers' complaints and grievance procedures.
- 10.2 Although some of the information is also contained in other documents (principally in the *Notes for **Pupils*** provided to **pupils** prior to starting pupillage, our *Guide to Pupillage* brochure and our *Criteria for Selection of Tenants* available on our website to all applicants for pupillage at Chambers), it is convenient to summarise it in this document as well, so that Chambers' Pupillage Policy can easily be found in one document, and then kept under review.
- 10.3 In respect of all matters concerning **pupils** and the pupillage process, Chambers will comply with:
- (1) The Equality and Diversity Rules at C110-C112 of the BSB Handbook.
 - (2) The other rules about pupillage in the BSB Handbook, including rules C113-C118 on pupillage funding.
 - (3) Part 4 of the Bar Qualification Manual, and the associated Authorisation Framework.
 - (4) The Bar Council Fair Recruitment Guide.
 - (5) The Bar Council's guide for implementing positive action provisions under ss 158 and 159 of the Equality Act 2010;

- (6) The Attorney-General's Equality and Diversity Expectations Statement.

10.4 All **pupils** and pupil supervisors will be provided with access to the Equality and Diversity Handbook. Since this Pupillage Policy document covers matters concerned with applications for pupillage (which will not be of particular relevance to those we have already taken for pupillage) as well as matters which do have a bearing upon our current pupils, a separate document called "Notes for **Pupils** on Pupillage at Fountain Court" will be provided to pupils containing information of relevance to them.

10.5 The Chair or other nominated member of the Pupillage Committee in conjunction with the Pupillage Committee will regularly (and at least annually) review this Policy.

Equality and Diversity

10.6 Paragraphs 3.1 to 3.4, 3.6 to 3.8 of the Equal Opportunities Policy (Section 3 above) apply to the recruitment and selection of **pupils**, tenants, established practitioners and mini-pupils *mutatis mutandis*.

10.7 Reference should be made to the following paragraphs of this Policy in particular on the issues of equality and diversity:

- (1) paragraph 10.3 above, on the overriding obligation to comply with the Equality and Diversity Rules at section D1.2 of the BSB Handbook in respect of pupillage matters;
- (2) paragraphs 10.11 to 10.14 below on issues of Recruitment;
- (3) paragraphs 10.15 to 10.20 below on Mini-Pupillages;
- (4) paragraphs 10.21 to 10.23 below on Finance and Training;
- (5) paragraphs 10.25 to 10.29 below on matters of Selection of **Pupils**;
- (6) paragraphs 10.66 to 10.68 below on the issue of selection of Tenants (and, where relevant, distribution of work);

- (7) paragraphs 10.71 to 10.74 below on the subject of Record Keeping and Monitoring.

Number and Type of Pupillages on Offer and Advertisement of Pupillages

10.8 **Chambers** aims to take up to about four twelve months **pupils** per pupillage year, each of whom we select by reference to the **Objective Pupillage Selection Criteria** referred to below. It is from these pupils that **Chambers** generally looks to recruit new tenants each year at the end of their pupillages. Although **Chambers** does not normally accept more than four pupils in any given year, in an exceptional year it may take more than this.

10.9 **Chambers** does not offer pupillages or training/assessment other than twelve-month pupillages (for example probationary periods prior to tenancy).

10.10 The details of pupillages available at **Chambers** are publicised on Chambers' website (www.fountaincourt.co.uk). **Chambers** is a member of the Pupillage Gateway. Details of funded pupillages are therefore also contained on the Pupillage Gateway website <http://www.pupillagegateway.com/> and in the Bar Council's *Pupillage and Awards Handbook*. Chambers also regularly advertises its pupillage awards in trade publications such as *Target Law*.

Recruitment

10.11 Advertisements and announcements in respect of **Chambers** pupillages will carry statements that **Chambers**:

- (1) Encourages applications from groups which are under-represented in **Chambers**;
- (2) Complies with the Equality and Diversity Rules and Fair Recruitment Training Rules in the BSB Handbook;
- (3) Adheres insofar as is reasonably possible to the BSB Fair Recruitment Guide in force at the relevant time (which is designed to assist chambers in achieving best practice and fairness in recruitment and selection at the Bar);
- (4) Will make reasonable adjustments for disabled candidates.

10.12 **Chambers** is committed to diversity and equality in its recruitment process. In accordance with paragraph 3.4 of the Attorney-General's Equality and Diversity Expectations Statement and s. 158 of the Equality Act 2010, **Chambers** will take and support all appropriate and necessary positive action in order to address issues of underrepresentation of those possessing a **protected characteristic** in **Chambers**.

10.13 The Chair of the Pupillage Committee and the **Equality and Diversity Officers** will review and evaluate positive action programmes, together with the issue of positive action generally, at least once annually, in order to assess:

- (1) The effect and benefit of each **positive action** programme.
- (2) Whether or not each **positive action** programme has achieved its aim and in the event that that aim has been achieved, whether there is a continuing need for that **positive action** programme;
- (3) What further or different forms of positive action should be adopted by **Chambers**.

10.14 Following any positive action, **Chambers** will ensure in accordance with paragraph 3.4 of the Attorney-General's Equality and Diversity Expectations Statement, that:

- (1) All candidates for pupillage compete with all other applicants on equal terms;
- (2) Appointments to pupillage are based on merit alone.

Mini-pupillages

10.15 It is now a requirement that pupillage applicants have, save in exceptional circumstances, completed an assessed mini-pupillage before applying for pupillage.

10.16 Applications for mini-pupillage are made on a form accessed from **Chambers'** website. There are three main periods in which mini-pupillages are offered: Christmas, Easter and Summer, and three corresponding application deadlines following which applications for each period are considered together. The applications are first considered on paper on an

anonymised basis by a sub-committee of the Pupillage Committee. A selection of those candidates will be invited for a short interview in Chambers with two **Members of Chambers** (usually including one Pupillage Committee member). The interviews will either take place in **Chambers** or by video link. The questions at interviews will follow a standardised form and will include questions about the candidates understanding of the Commercial Bar and an oral advocacy exercise.

10.17 In selecting mini-pupils the **Objective Mini-Pupillage Selection Criteria** will be applied:

- (1) Academic and intellectual ability;
- (2) Advocacy and communication skills, including: clarity of expression, ability to think and respond under pressure, and potential capacity as an advocate;
- (3) Potential to be a successful self-employed practitioner at the Commercial Bar, including: interest in the type of work done by Chambers, determination, resilience and integrity.

10.18 Mini-pupillages last two days. One of the days is taken up by completion of an assessed piece of written work. Each assessed piece of written is marked on an anonymised basis by two members of the Pupillage Committee, and the scores are averaged to produce a final mark.

10.19 Chambers pays £150 towards each mini-pupil's expenses upon completion of their mini-pupillage. Chambers will also consider exceptional requests for additional expenses with evidenced receipts.

10.20 Chambers will positively encourage applications for mini-pupillage from groups which are under-represented in Chambers.

Finance for Pupillage

10.21 Chambers provides funding for each of its pupils. It is ordinarily possible to draw down a portion of the award prior to starting pupillage. Payment of the award is made monthly in advance.

10.22 Chambers also pay the cost of any compulsory courses which pupils are required to attend during pupillage, and the costs of the required materials for the Ethnic training; and we ordinarily cover reasonable travel expenses where pupils are required to travel with their pupil supervisors.

External Training

10.23 In accordance with paragraph 3.4 and paragraph 3.5 of the Attorney-General's Equality and Diversity Expectations Statement, Chambers will ensure that:

- (1) Pupils receive training on diversity and equality, which covers:
 - (a) Legal obligations and good practice;
 - (b) The reasoning and benefits behind **positive action**;
 - (c) All of the **protected characteristics**; and that
- (2) Equality and diversity issues are integrated into other training provided to pupils.

10.24 Pupils selected for tenancy are strongly encouraged to attend the Keble Advocacy Course organised annually by the South Eastern Circuit (or a comparable course), for which Chambers will also pay, in their first four years of tenancy.

Procedures for the Selection of Pupils

10.25 Chambers is a member of the Pupillage Gateway. When selecting pupils, Chambers is looking to assess the following ("**the Objective Pupillage Selection Criteria**"):

- (1) Academic and intellectual ability;
- (2) Advocacy and communication skills, including, clarity of expression, ability to think and respond under pressure and potential capacity as advocate;

- (3) Potential to be a successful self-employed practitioner at the Commercial Bar, including interest and understanding in the type of work done by chambers, potential ability to work with **Members of Chambers**, solicitors, **clients**, **employees** and other **pupils**; determination; resilience and integrity.

10.26 It is now a requirement that pupillage applicants have, save in exceptional circumstances, completed an assessed mini-pupillage before applying for pupillage (see above paragraphs 10.15 – 10.20). Those pupillage candidates who have not yet applied for a mini-pupillage before making a pupillage application will be treated as having applied for an assessed mini-pupillage and the procedure set out above will be followed.

10.27 A sub-committee of the Pupillage Committee (consisting of at least two members) reviews all the pupillage applications of those who have not previously applied for an assessed mini-pupillage and completes a ‘first sift’ on paper on an anonymous basis. Where an applicant has applied for a mini-pupillage in a previous year, a member of the Pupillage Committee will consider whether there has been a material change in circumstances since the previous application and, if so, that application will be fed into the first sift review above.

10.28 A further sub-committee of the Pupillage Committee (consisting of at least two members, and typically three), selects the applicants to call for a final interview on the basis of the Objective Pupillage Selection Criteria, and after considering the applicant’s application form, references, and materials relating to that candidate’s mini-pupillage.

10.29 The questions will follow a standardised form and will include questions about the contents of the applicant’s completed Pupillage Gateway application form, as well as a short advocacy exercise which the candidate is given a short period of time (typically 10-15 minutes) to prepare. All applicants are assessed on the basis of the **Objective Pupillage Selection Criteria**.

10.30 **Chambers** positively encourages applications from candidates within groups which are under-represented in **Chambers**. **Chambers** will also positively facilitate the recruitment of disabled candidates (in accordance with paragraph 3.4 of the Attorney-General’s Equality and Diversity Expectations Statement). **Chambers** will make all reasonable adjustments (in accordance with the Disability Policy in Section 7 above) for any disabled candidate and subsequently during pupillage. The Chair of the Pupillage Committee will

regularly review recruitment and marketing literature to ensure they contain appropriate references to disabled access.

Credential Checking/ICO registration

10.31 Before starting pupillage, successful applicants are required to provide to **Chambers** evidence that: (i) they have satisfactorily completed the academic and vocational training required within 5 years before starting pupillage; (ii) they are a member of an Inn of Court; (iii) they have been Called to the Bar; (iv) where relevant, they have obtained the necessary immigration visas and they have the right to work in the UK; and (v) where relevant, they have obtained waivers from the BSB. It is also the responsibility of pupils to register with the Information Commissioner's office (ICO) and we recommend that this is done soon after starting pupillage.

10.32 **Pupils** are informed about the need to provide the information set out above in the 'Note for **Pupils** on Pupillage at Fountain Court', which is sent out to pupils before their pupillage starts.

Training of selection panels

10.33 In accordance with paragraph (c) of rule C110 of the BSB Handbook, every member of all selection panels involved in the recruitment of pupils and tenants must be trained in fair recruitment and selection processes, except in exceptional circumstances.

Pupillage Training Process

(i) General Pattern of Pupillage

10.34 During pupillage at **Chambers**, we aim to give a pupil a thorough training in the types of work done by **Chambers**. **Pupils** spend the first and last three months with the same pupil supervisor (who is primarily responsible for seeing that the pupil is getting proper experience) and the middle six months with two different pupil supervisors. No more than one **pupil** will sit with any one pupil supervisor at any time.

10.35 For at least the first two months of pupillage, **Pupils** will generally only work for their pupil supervisor, and this work will not be formally assessed, as this is considered to be an important settling-in period. After the first two to three months of pupillage, **Pupils** will also be called upon to do specific pieces of work for other members of **Chambers**. It is in this way that pupils will get to know, and be known by, **Chambers** generally, and experience the full spectrum of work in **Chambers**. We also regard this as an important part of the process of making tenancy decisions on the basis of the **Objective Tenancy Selection Criteria**, on as fair and informed a basis as possible. If pupils wish to see more of a particular area of work, this can usually be arranged.

(ii) **Role and Duties of Pupils**

10.36 A **pupil** at **Chambers** will spend much time doing paperwork, e.g., reading papers and preparing pleadings and advices, and notes on specific questions of law. This work is reviewed and discussed with the relevant pupil supervisors or other members of **Chambers** for whom the work is provided. This is the principal method of training for pupils. **Pupils** should receive oral feedback on every piece of work produced and will generally be sent the final version of the document prepared by the relevant **Member of Chambers**, in order to build on the oral feedback provided.

10.37 A **pupil** will usually accompany their pupil supervisor to trials, arbitrations, and appeals, and more frequently to interlocutory hearings. **Pupils** can also expect to attend and observe their pupil supervisor's conferences with solicitors and lay **clients** (including teleconferences). During working hours in **Chambers** pupils are expected to dress as if attending unrobed court hearings, namely business suits. Whilst **pupils** do not participate in conferences (and should not volunteer opinions of their own during the conference), they can expect to be asked by their pupil supervisors about the subject matter of the conference, either before or afterwards. It is emphasised that information which pupils acquired from reading their pupil supervisor's papers, and from attending conferences, or which is otherwise obtained in confidence, is to be treated as strictly confidential.

10.38 After the first two to three months of pupillage are completed, **pupils** can expect to be given pieces of work to do for **Members of Chambers**, other than their own pupil supervisor (this being one of the processes by which we try to ensure that **Members of Chambers** are acquainted with the work of each **pupil**, so that tenancy decisions can be

taken on as fair and informed a basis as possible on the basis of the **Objective Tenancy Selection Criteria** described below). Working for other members of Chambers, however, should always be arranged through the pupil supervisor concerned, and should not occur at all (on an assessed basis) during the first two months of pupillage. (It may be appropriate for a pupil to work for someone other than the pupil's supervisor on an unassessed basis if that would fulfil a useful training purpose.)

10.39 On completion of the piece of work, and discussion of it with the pupil concerned (if appropriate), the member completes a pupillage assessment form by reference to the **Objective Tenancy Selection Criteria**.

10.40 **Chambers** has a Pupillage Training Programme which incorporates the matters formerly contained in the BSB's specialist Commercial and Admiralty Checklist, to assist in ensuring that pupils are trained to meet the competencies in the context of the core elements of commercial practice. The work which pupils can expect to undertake during pupillage is varied and challenging.

10.41 **Pupils** are expected to keep a note of the work they have seen or done so that the checklist in the Training Programme can be completed. On changing pupil supervisors, the list of work completed should be reviewed with the new pupil supervisor. Periodic pupillage reviews with members of the Pupillage Committee (typically held early in the pupils' second and third seats) will also consider the range and types of work that **pupils** have been asked to complete.

10.42 One consequence of the nature of the work at **Chambers** is that it is unusual for **pupils** to get work of their own (and, in practice, never before the decision has been made to offer a tenancy). However, **pupils** are able to undertake some work on their own following the tenancy decision.

(iii) Flexible Working and Holidays

10.43 In general terms, a **pupil** would not normally be expected to be in Chambers before 9.00am or after 7.00pm, or to work at weekends. However, **pupils** should liaise with their pupil supervisors at the start of each seat about their preferred working hours.

10.44 Conferences after court will sometimes not finish before this time, and a pupil supervisor may occasionally ask a pupil to do a piece of work which could involve working late, or during some part of a weekend. A pupil can expect to be given adequate notice of this, and will not be expected to work late, or during a weekend, if this would interfere with other commitments. It is difficult to predict all eventualities, and pupils may find from time to time, like most self-employed barristers, that they have to work in the evenings or at weekends to deal adequately with their workload.

10.45 **Pupils** are advised generally to work in their pupil supervisor's room, since this gives pupils the opportunity to observe the various aspects of a practice from close quarters and to attend court and conferences with their supervisor (see 8.36 above). We consider that this arrangement provides pupils with the best opportunity to develop and satisfy the BSB's Professional Statement for Barristers' core competencies 3 (Working with others) and 4 (Management of practice). Moreover, Chambers is conscious of the need to ensure protection of personal and client data, such that pupils are generally discouraged from taking such information out of chambers (in accordance with Chambers' Information Security Policy).

10.46 However, Chambers also offers flexible working arrangements to enable pupils to work in other locations and at other times. This is facilitated by:

- (1) Access to Chambers' online resources and their Chambers' electronic documents remotely. This facility is available 24/7. This is in addition to remote access to the pupil's Chambers' email account.
- (2) **Pupils** may also conduct legal research and other work in Chambers' library: the library has several PC workstations for use by **Members** and **pupils**, with access to the online resources. The library is open 24/7.
- (3) **Pupils** often conduct legal research in the Inn libraries, and (less regularly) in the Institute of Advanced Legal Studies library.
- (4) **Pupils** will be provided with an access card to **Chambers**, so that they are able to let themselves into the building 24/7.

10.47 Further, if a **pupil** has a disability and requires reasonable adjustments to be made during pupillage, the pupil is encouraged to contact the **Head of Administration** in the first instance before the start of pupillage, or raise the matter with their pupil supervisor. (See also [section 7](#) of this Handbook for **Chambers'** policy on disability and reasonable adjustments.)

10.48 By moving to three different pupil supervisors and working for numerous other **Members of Chambers** during the assessed period, pupils will benefit from observing the different practices of many **Members of Chambers**. However, if **pupils** wish to see more of a particular area of work, this can usually be arranged.

10.49 **Chambers** is reasonably flexible about the timing of holidays. However, this is another matter which a **pupil** should discuss with their pupil supervisor to see if there are any particular periods (such as when the pupil supervisor will be involved in a trial which may be of particular interest) when it would be desirable for the pupil not to be away from **Chambers**. Chambers considers that it is good practice for **pupils** to receive a minimum of four weeks' leave per annum, i.e. 20 working days not including Bank Holidays. Chambers will provide at least this minimum. Chambers typically expects pupils to take around two weeks off between Christmas and new year, one week at Easter, and around two to three weeks' holiday in August.

10.50 **Pupils** requiring a short period of sick leave or leave for other reasons (see further below) should notify their pupil supervisor. If a **pupil** has an extended number of days' sick leave, or other leave, the pupillage may need to be extended in accordance with BSB guidelines. Whether the period of leave is "extended" is to be determined by the pupil supervisor.

Pupils must notify the BSB of the new date for completion of the pupillage, as notification of a material change in pupillage arrangements.

10.51 Other reasons for **pupils** requiring a period of leave may include extenuating circumstances such as personal problems and bereavement.

Parental Leave Policy for Pupils

10.52 Upon application, **Chambers** may defer the commencement of pupillage of prospective **pupils** who wish to take parental leave prior the commencement of pupillage for a period of up to 12 months.

10.53 If a **pupil** wishes to take parental leave following the birth or adoption of a child, **Chambers** may defer completion of the remainder of pupillage, subject to the requirements of the Bar Qualification Manual.

10.54 All **parental leave** arrangements should be discussed with the pupil's supervisor and the Chair of the Pupillage Committee.

10.55 The **pupil**, with the assistance of their pupil supervisor, shall be responsible for obtaining written permission from the BSB in accordance with the requirements of the Bar Qualification Manual.

10.56 In the event of deferral and during the pupil's 'break' period, the pupil's supervisor shall be their point of contact with **Chambers**.

10.57 **Chambers** shall to the extent reasonably practicable accommodate pupils' requests for flexible working hours in order to allow for childcare commitments. Such working hours should be discussed with the pupil's supervisor in order to ensure that the pupil is able to complete the work that is required of him or her. Pupils should be assured that any need to work flexible hours for reasons of childcare will not in any way affect their prospects of being recruited as a tenant pursuant to the Chambers' policy on recruitment of tenants from pupils

10.58 For the duration of the **parental leave**, **Chambers** will provide all statutory parental leave benefits, including the provision of statutory parental leave and pay.

Role and Duties of Pupil Supervisors

10.59 The formal duties of pupil supervisors are set out in the Bar Qualification Manual
Chambers is committed to ensuring that our pupil supervisors take these responsibilities

seriously. Pupil supervisors and pupils are also expected to adhere to the Chambers' Pupillage Training Programme and in particular to assist with completing the Competencies checklist.

10.60 In the first few days of pupillage, pupil supervisors are expected to take especial care to show their **pupils** around Chambers, to introduce them to as many **Members of Chambers** and **employees** as possible, and to explain to them the working routine in **Chambers**. Pupil supervisors are generally expected to work in **Chambers** while a **pupil** is sitting with them.

10.61 In addition to this, the Chair of the Pupillage Committee (usually with one or two other members of the Committee) also meets the new **pupils** in the first few days of their pupillage to welcome them to **Chambers**, and answer any further questions which they may still have. A welcome event is also held either in the summer before the new pupils start their pupillages, or in the first few weeks of the new pupillage year, to enable pupils to meet as many **Members of Chambers** and **employees** as possible in an informal context. Pupils are also encouraged to attend periodic Chambers' Tea events, which provides further opportunities to meet members of **Chambers** throughout the pupillage year.

10.62 After the **pupil** has completed the first two to three months of pupillage, pupil supervisors are expected to arrange for their **pupils** to do work for other members of **Chambers** as well as for themselves. It is the pupil supervisor's duty, however, to ensure that work is only given to the pupil through themselves; that the work given is suitable for the **pupil** to undertake; and that sufficient notice of the work is given to the **pupil** concerned. It is also the pupil supervisor's duty to ensure that **pupils** are not given work by other **Members of Chambers** during the first two months of pupillage, since we regard this as an important settling-in period during which the **pupil** is best served by working closely with his or her pupil supervisor alone.

10.63 Pupil supervisors are also required to ensure that their **pupils** develop and satisfy the BSB's Professional Statement for Barristers' core competencies. Pupil supervisors should continue to have regard to the Chambers' Pupillage Training Programme and checklist to assist in ensuring that pupils are trained to meet the competencies in the context of the core elements of commercial practice (such that they have been exposed to the main types of commercial work). Pupil supervisors and their pupils are expected to conduct a

formal review at least twice during the seat in order to assess the progress made in relation to the checklist. The pupil supervisors must also sign the form declaring the pupil's satisfactory completion of the non-practising period, which the pupil must submit immediately to the BSB. A copy of the form should be retained and given to the Secretary of the Pupillage Committee.

Objective Tenancy Selection Criteria

10.64 The criteria used to assess **pupils** and select tenants are as follows:

1. Quality of written work, including:
 - a. Quality of legal research and analysis;
 - b. Clarity;
 - c. Persuasiveness;
 - d. Judgement; and
 - e. Presentation and structure.
2. Oral advocacy and communication skills, including;
 - a. Clarity;
 - b. Persuasiveness;
 - c. Ability to anticipate and address opposing arguments;
 - d. Ability to think and respond under pressure.
3. Potential to build a successful practice at the Commercial Bar, including:
 - a. Ability to interact and work well with clients, staff and other **Members of Chambers**;
 - b. Organisational skills, ability to meet deadlines, and success in working under pressure;
 - c. Potential to generate repeat work;
 - d. Resilience; and
 - e. Integrity

Methods for Fairly Distributing Briefs and Other Work

10.65 As noted above, the nature of the work at **Chambers** is such that it is unusual for pupils to get work of their own during pupillage, especially prior to the tenancy decision. To this extent, the question does not normally arise of distributing remunerated work to **pupils**. In practice, even when a **pupil** is given work of their own, it is only after the decision to take the **pupil** on as a tenant; and, in those circumstances, work would be distributed in accordance with the normal equality practices of **Chambers**.

10.66 The following policy applies in relation to the allocation of work following the tenancy decision:

- (1) Allocation of all work for a pupil while still undertaking pupillage, including any paid work opportunities, should be coordinated through the pupil's supervisor.
- (2) Generally pupils will be expected to continue to work for **Members of Chambers** after the tenancy decision on the same basis as before the tenancy decision (i.e. to be allocated via the pupil supervisor, not to be conducted on a devilling basis, and with the expectation that the Member will give feedback on the completed work).
- (3) Pupils may undertake some paid work on their own account following the tenancy decision. In particular, pupils are encouraged to undertake small hearings of their own (on a paid basis) after the tenancy decision.
- (4) In considering whether their pupil is available to take on paid work on their own account, pupil supervisors should have regard to whether the offered work provides a suitable training opportunity (having regard to Chambers' Pupillage Training Programme).
- (5) Pupils should not generally be brought into big cases (e.g. matters where they would be acting as a baby junior on a multi-counsel team; or large disclosure exercises), which reflects the fact that such cases often do not offer good training opportunities. In the event that such opportunities arise, they should not be offered to pupils except with the agreement of the Chair or Vice-Chair of the Pupillage Committee.

- (6) Appropriate paid work opportunities during pupillage and any work to commence after the period of tenancy begins should be distributed in accordance with the normal equality practices of Chambers. More details in this regard can be found in Chambers' policies, which are available on Chambers' intranet.

Procedures for Providing Pupils with an Objective Assessment of their Progress

10.67 **Chambers** has a number of ways of providing pupils with an objective assessment of their progress at regular intervals throughout pupillage:

- (1) In the first place, pupil supervisors are encouraged to review and discuss their pupils' work with them, and to provide feedback about progress to their pupil on a rolling basis.
- (2) Secondly, **pupils** should receive oral feedback from all **Members of Chambers** for whom they work in accordance with the procedure described in paragraph 10.36 above.
- (3) The formal review sessions between **pupil** and pupil supervisor (two per seat) referred to in paragraph 10.63 above should be used by the supervisor to give feedback as to the **pupil's** progress in relation to the Competencies.
- (4) The Pupillage Committee periodically asks all pupil supervisors to report in writing on their **pupils'** work to date, with a view to the Chair and/or Vice- Chair of the Pupillage Committee (with one or two other members of the Committee) meeting each pupil individually, and discussing with him or her the progress that is being made. These meetings normally take place in or about January and in around March/April of each year.

Policy and Procedure for Recruitment of Tenants

10.68 **Chambers** preference is to take newly qualified tenants each year chosen from the **pupils**. However, there is no guarantee that in any particular year a new tenant will be taken on.

10.69 Offers of tenancy are generally made in June or July of each year. Selection is made by reference to the **Objective Tenancy Selection Criteria**. During the course of the year, written reports are given by **Members of Chambers** to the Pupillage Committee on the work performed by each **pupil**. The reports take the form of a standard assessment form which asks the member to assess the **pupil's** work by reference to the **Objective Tenancy Selection Criteria** (and also to confirm that the member has given oral feedback which broadly corresponds with the content of the form). Each pupil supervisor also provides to the Pupillage Committee an assessment of the **pupil(s)** who have sat with them during the year. Thereafter, the Pupillage Committee reviews all these reports at a meeting to which pupil supervisors can be invited for the purpose of answering any questions which arise in relation to any matters relevant to the **Objective Tenancy Selection Criteria** which arise out of, or are not otherwise covered by the written reports providing an oral review of the **pupil's** work. Following that meeting a recommendation is made by the Pupillage Committee to Chambers, which is considered at the annual Chambers meeting in June or July.

10.70 Particularly in a year in which two or more **pupils** are taken on as tenants, **Chambers** may seek to “stagger” the start of practice, and ask one or more **pupils** to spend some time gaining practical experience in some relevant area of work (such as, for example, by participating in the Commercial Court’s or Court of Appeal’s judicial assistants programme, or by spending a few weeks or months working in a firm of solicitors).

Policy and Procedure for Pupils not Taken on as Tenants

10.71 **Chambers** recognises a responsibility towards those **pupils** who are not offered tenancies to assist them in making applications to other chambers doing good quality work. **Pupils** in this position are usually successful in applications to one or more chambers. Ultimately, however, the responsibility for finding a place elsewhere must inevitably be with the **pupil**. It is not **Chambers’** practice to permit “squatting” in Chambers, or to offer further periods of training or assessment following completion of a 12-month pupillage.

Chambers' Complaints and Grievance Procedure

10.72 **Pupils** have the right to make complaints in relation to the pupillage process. A modified formal complaints and grievance procedure is applicable to **pupils**. This is set out in section 13 of this Handbook. In summary, this procedure consists of: (1) a first instance procedure, which is dealt with by the Chair of the Pupillage Committee; and (2) an appeal, which takes the form of the grievance procedure applicable to **Members of Chambers** generally. It is applicable to all kinds of complaint or grievance, including complaints of **discrimination** or **harassment**. However, **pupils** are also free to raise any grievance or complaint less formally with their pupil supervisor or any member of the Pupillage Committee if they would prefer to do so.

Record keeping and monitoring

10.73 The agreed retention periods for records of pupillage and mini-pupillage applications are set out in **Chambers'** published Records Retention Schedule

10.74 The Chair of the Pupillage Committee will analyse the monitoring data with respect to pupillage annually and will evaluate the results accordingly in consultation with the **Equality and Diversity Officers**.

10.75 The data will be analysed (as required by the BSB Handbook and in accordance with the Fair Recruitment Guide) with the aim of:

- (1) Investigating the reasons for any disparities in that data;
- (2) Taking corrective steps where there are significant and unjustifiable differences between those applying and those offered mini- pupillage, pupillage and/or tenancy (such steps being aimed at removing or reducing the disadvantage experienced by any group);
- (3) Taking steps, including the setting of measurable objectives where necessary in terms of gender, ethnic and disability representation to help secure a more representative **Chambers**, provided all such steps are compliant with sections 158

and 159 of the Equality Act 2010 and the Bar Council's Guidance for implementing positive action provisions under sections 158 and 159 of the Equality Act 2010;

- (4) Focusing recruitment efforts on addressing underrepresentation;
- (5) Taking positive action where necessary to address any significant underrepresentation of any particular group;
- (6) Reporting progress in addressing underrepresentation.

10.76 **Chambers** also encourages feedback from pupils on the pupillage process, and in order to facilitate this a member of the Pupillage Committee holds a meeting with new tenants on their experience of pupillage at the conclusion of the pupillage year.

Pupil Misconduct Policy

10.77 **Pupils** are referred to the Pupil Misconduct Policy which is contained in the ED&I Handbook.

11. HARASSMENT AND BULLYING POLICY

Introduction

Chambers is committed to a working environment in which all **Members, Pupils, employees, Clients** and others temporarily in **Chambers** (such as mini-Pupils) are treated with dignity and respect and which is free from **victimisation, Bullying and Harassment**. **Chambers** recognises the harmful effect **victimisation, Bullying** and other forms of **Harassment** can have on individuals and is committed to preventing the stress, humiliation and intimidation which can arise from such acts.

This policy sets out **Chambers'** overarching policies, principles and procedures for preventing **Discrimination**, ensuring equality of opportunity, and promoting diversity, and which should be read together with this policy. **Chambers** also complies with its obligations as an employer under section 40A of the Equality Act 2010 by taking reasonable steps to prevent sexual harassment of employees in the course of their employment.

Bullying and harassment constitutes professional misconduct and is prohibited by the BSB Handbook; this Policy does not affect **Members'** individual obligations under the BSB Rules. **Bullying or harassment** (even without intent) can amount to serious professional misconduct and is identified in the Bar Tribunals and Adjudication Service Sentencing Guidance as an aggravating factor.

Harassment and Bullying

11.1 **Harassment or Bullying** behaviour may be in person, by video call or telephone or in writing, including emails, texts or online communications such as social media. It may take place inside or outside **Chambers**.

11.2 **Harassment:** includes any unwanted conduct related to **protected characteristics** listed in the Equality Act 2010 which are sex, race, pregnancy and maternity, disability, gender reassignment, religion or belief, sexual orientation, marriage and civil partnership, or age.

11.3 **Harassment** may take many forms including:

- Conduct which is unwanted by the recipient and perceived as hostile and 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.

11.4 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;
- 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 (or blogs, messaging apps or social media);
- Offensive remarks or ridicule;
- Dealing inappropriately or inadequately with complaints of harassment.

11.5 **Bullying**: may be characterised as: (i) offensive, intimidating, demeaning, malicious or insulting behaviour and/or (ii) an abuse or misuse of power, which in either case makes the recipient feel vulnerable, upset, undermined, humiliated, denigrated, threatened, or unreasonably pressurised.

11.6 Recognising that **Harassment and Bullying** may comprise similar conduct, the following are examples of types of behaviour which may amount to Bullying:

- Shouting at someone or other forms of aggressive behaviour.
- Being sarcastic towards, ridiculing or demeaning someone;
- Deliberately excluding someone from meetings or communications without good reason;
- Abuse of authority or power by those in positions of seniority;

- Imposing unreasonable requirements on a more junior barrister;
- Overbearing or intimidating supervision of work;
- Inappropriate and/or derogatory (and unconstructive) remarks about someone's performance. For the avoidance of doubt, valid/constructive criticism (temperately expressed) of someone's performance is not Bullying.

11.7 Like **Harassment**, **Bullying** can take the form of physical, verbal and nonverbal conduct. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious. Whether conduct constitutes Bullying will depend on both the perception of the person experiencing the conduct and whether it is reasonable for that person to have perceived the conduct as Bullying.

What Chambers does to combat Harassment and Bullying

11.8 Under this Policy and under this Handbook, **Chambers** offers routes by which individuals who are concerned about **Harassment and Bullying** can raise those concerns, and have them resolved.

11.9 This Policy is made available to all **Members** and **employees** through **Chambers'** intranet.

11.10 Any person in **Chambers** who witnesses any other person being subjected to **Harassment or Bullying** is encouraged, as most appropriate in the circumstances, to challenge and/or report that behaviour, in confidence, to one of the nominated **Members** identified in this Handbook or to the Head of Wellbeing.

11.11 Chambers offers training for those in managerial and supervisory roles on how to keep the working environment free of **Harassment and Bullying** and how to deal with it should it occur.

11.12 **Chambers** provides a mentoring scheme for junior tenants.

Raising concerns

- 11.13 Any and all employees, **Members, Pupils, Clients** and others temporarily in **Chambers** who experience **Harassment and/or Bullying** have a right to complain, and are encouraged to do so in order that appropriate action can be taken, both to support the complainant and to address the behaviour.
- 11.14 A complaint of **Harassment and/or Bullying** may be made informally or formally within **Chambers** under the Chambers Grievance Procedure, which is set out in Section 13 of this Handbook.
- 11.15 Concerns can be raised informally with one of the nominated **Members** identified in Section 13, or with the Head of Wellbeing, or (in the case of a **Pupil**) with that person's Pupil supervisor or the Head of the Pupillage Committee who will, as far as possible, give confidential advice and assistance.
- 11.16 Concerns can be raised formally in writing to the **Head of Chambers** or the **Equality and Diversity Officers**, or (in the case of a **Pupil**) with that person's Pupil supervisor or the Head of the Pupillage Committee. The procedure followed will be that set out in Section 13 of this Handbook.
- 11.17 There are other external routes for raising concerns and seeking support, which include:
- The Bar Council's equality and diversity helpline: 020 7611 1426. This is a confidential direct line to the Bar Council's equality and diversity advisers, which is open to Pupils as well as practising barristers, and which enables people claiming harassment, or who are experiencing **discrimination**, to speak in confidence and gain advice.
 - The Bar Council's "Talk to Spot" tool: this is an online route for the Bar to confidentially and anonymously report inappropriate behaviour and concerns. It is available at <https://app.talktospot.com/flows> and further information about the tool is available at <https://www.barcouncil.org.uk/support-for-barristers/equality-diversity-and-inclusion/talk-to-spot.html>
 - The Bar Council's **Pupils** helpline: 020 7611 1415. This helpline puts Pupils in touch with experienced and independent barristers who can help with any

problems encountered during Pupillage. Alternatively, Pupils can email Pupilhelpline@barcouncil.org.uk

- LawCare: <http://lawcare.org.uk>. LawCare is the mental wellbeing charity offering free, confidential, emotional support to anyone working in the law.

11.18 Every effort will be made to deal with any complaints made within **Chambers** with the appropriate sensitivity and as promptly as possible.

Outcomes

11.19 Possible outcomes from informal complaints may include:

- Supporting the person raising the concern, and providing them with advice on possible options for addressing their concerns;
- A discussion (formal or informal) between the reported person and either the nominated **Member** or the person raising the concern (or both), to discuss the concern raised, which may lead to the matter being resolved in a consensual manner;
- Supporting the person raising the concern in making a formal complaint should they wish to, whether within **Chambers** or externally.

11.20 Possible outcomes from formal complaints will be determined by the Head of **Chambers**, taking into account the conclusions of the investigating committee tasked with considering the complaint under the Chambers Grievance Procedure. Outcomes may include, where the subject of the complaint is a Member of Chambers:

- a. Supporting the person raising the concern, and providing them with advice on possible options for addressing their concerns;

- b. A discussion (formal or informal) between the reported person and either the nominated **Member** or the person raising the concern (or both), to discuss the concern raised;
- c. Arrangements being made, with the consent of the person raising the concern, to ensure reasonable alternative working or Chambers' social arrangements to provide a reasonable and appropriate degree of separation between the individuals;
- d. Arrangements being made for the reported person to receive education about their behaviour, such as through an appropriate bullying and harassment training course;
- e. The reported person being asked or required to apologise (informally or formally) to the person raising the concern, and/or to commit to stop the behaviour in question and not to repeat it;
- f. Recommending that a **Member of Chambers** be the subject of the procedure set out in clauses 13.2 and 13.3 of the Constitution concerning the possible cessation of membership;
- g. Lodging a formal report or complaint with external bodies, such as the BSB, Inns of Court, or (if the concern relates to a Judge) the Judicial Conduct Investigations Office.

11.21 Where the subject of the complaint is an **employee**, possible outcomes may include:

- a. Any of the outcomes set out in (a) to (e) above in respect of **Members of Chambers**;
- b. Disciplinary action under Chambers' Employee Handbook and/or pursuant to their contract of employment;
- c. The giving of a formal or informal warning;

d. Termination of employment.

11.22 It is also possible for the outcome of an informal or formal complaint to be that no further action should be taken.

11.23 Recommendations concerning the possible cessation of membership or termination of employment will ordinarily only be appropriate in serious cases, or in situations of repeated problematic behaviour.

11.24 In general, it is a matter for individuals to decide whether they wish to raise concerns about behaviour, and (if so) whether they wish to do so informally or formally, internally or externally. However, if behaviour constitutes misconduct for employees, or a breach of the BSB Handbook for Members, Chambers may be required to take action independently of the views of the individual raising the concern, should that be necessary in the particular case.

11.25 If the matter is reported to the BSB, either by the complainant, by Chambers or by a third party, it may be necessary for **Chambers** to liaise with the BSB in relation to the appropriate steps.

Protection for those who raise concerns

11.26 **Chambers** will not tolerate any Victimisation of someone who has made a complaint in good faith.

11.27 **Chambers** is committed to ensuring that no-one who makes an allegation of **Harassment and/or Bullying** in good faith should be subjected to any detriment as a result, whether by **Chambers**, the individual(s) subject to the complaint, or anyone else. Any **Victimisation** of a complainant, witness or anyone else involved in the investigation of a complaint will be treated as a disciplinary offence.

11.28 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the

person making the complaint and the person accused must only be disclosed on a “need to know” basis.

12. DIVERSITY DATA POLICY

12.1 This is the **Diversity Data** Policy for Chambers.

12.2 The name of the current **Diversity Data Officer** is Julie Parker.

Collection of Diversity Data

12.3 **Chambers' workforce** (i.e. members, pupils³, staff) 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** and its publication in summary form in accordance with the BSB Handbook Equality Rules and Supporting Information.

Why Diversity Data is collected

12.4 Individuals have the opportunity to provide their **Diversity Data** in order for the **Diversity Data Officer** 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

12.5 Diversity Data will be collected through the completion of the **Diversity Data** Questionnaire which will be collected electronically.

12.6 You will be provided with a copy of the form (electronically), together with a copy of the consent form which you must complete if you wish to provide your **Diversity Data**.

³ Including any assessed mini-pupils.

Keeping Diversity Data secure

12.7 All **Diversity Data** that is collected from individuals will be kept securely.

The **Diversity Data Officer** shall put the following security measures in place to protect **Diversity Data**:

For electronic documents containing **Diversity Data**:

- Password-protected
- Stored on secure server folder
- Deleted at source from the server in accordance with the destruction policy (paragraph 15 below)

Paper documents with **Diversity Data**: stored in locked cabinets until destroyed through security shredding in accordance with the destruction policy (paragraph 12.13 below).

12.8 The **Diversity Data Officer** will not share **Diversity Data** with any third parties save for **Head of Chambers, Equality and Diversity Officers** and Committee Chairs as reasonably required for them to discharge their duties.

12.9 Should anyone access or disclose **Diversity Data** accidentally or intentionally when they are not authorised to do so, they must notify the **Diversity Data Officer** immediately.

Anonymising Diversity Data

12.10 The **Diversity Data Officer** is required to anonymise **Diversity Data** as soon as reasonably practicable before publishing it in summary form. We will securely anonymise **Diversity Data** by collating it using appropriate categories.

Publication of the anonymised summary of Diversity Data

12.11 The **Diversity Data Officer** 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 category and seniority. The summary will be published online at www.fountaincourt.co.uk

12.12 Where there are fewer than 10 (ten) individuals within a published category who identify through the questionnaire with the same diversity characteristic (for example, 4 (four) individuals have a role at the same level of seniority identify themselves as disabled), the **Diversity Data Officer** will not publish the anonymous data relating to those individuals unless it has their consent to do so.

Destruction of Diversity Data

12.13 The **Diversity Data Officer** will securely destroy the **Diversity Data** collected promptly after the Data has been anonymised (such destruction is expected to take place 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 destruction will be by secure shredding of paper that contains **Diversity Data**, and by deletion of all electronic documents containing **Diversity Data** at source on the server.

12.14 Anonymised data will be kept for at least 12 months.

Questions or Complaints

12.15 You have a right to withdraw your consent or object to the use of your **Diversity Data** at any time.

12.16 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 (Julie Parker: julie@fountaincourt.co.uk). 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.

12.17 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 her of your belief to let you know whether 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 Officer** at julie@fountaincourt.co.uk / 020 7842 3716.

13. GRIEVANCE PROCEDURE

Scope of Procedure

13.1 This procedure is applicable to any complaint, grievance or dispute including but not limited to complaints of **Discrimination, Harassment or Bullying** (as addressed in the relevant sections of this Handbook). Complaints from members of the public concerning **Members, pupils or employees**, will be dealt with in accordance with Bar Code of Conduct requirements (see Bar Standards Board website) and the Chambers complaints procedure (published on the Chambers website).

Policy

13.2 **Chambers** is committed to providing a working environment in which all individuals including **Members, pupils, mini-pupils, employees, clients** and the public are treated with dignity, respect and fairness. No one will be victimised or suffer a detriment because they raise a complaint or grievance in good faith under this procedure.

Notification of Procedure

13.3 A copy of the procedure, which includes names of the nominated persons for responding to formal and informal complaints and grievances, will be available to all **Members, employees and pupils in Chambers**.

Confidentiality

13.4 Confidentiality will be maintained as far as possible and appropriate in the circumstances. There will however be circumstances where confidentiality cannot be maintained. Without limitation, the BSB Handbook imposes reporting obligations in instances of serious misconduct by barristers.

Informal Procedures

13.5 Complaints of grievances are more easily resolved if dealt with at an early stage. Individuals with complaints or grievances are recommended to seek the assistance of the

Head of Chambers or the **Equality and Diversity Officers** who will, as far as possible, give confidential advice and assistance.

Formal Complaints

13.6 Complaints will be dealt with promptly in accordance with this procedure.

A formal complaint must be made as soon as reasonably possible and in any event within six months of the act being complained of, or within six months of the end of any informal action taken, save in exceptional circumstances. A formal complaint, which should be made in writing to the **Head of Chambers** or the **Equality and Diversity Officers**, will be acknowledged by the **Head of Chambers** or **Equality and Diversity Officers** (as the case may be) within seven days of receipt. Any investigation should be completed within 28 days of receipt, unless there are good reasons for delay.

Investigations should be conducted in accordance with standards of natural justice.

Subject to this overriding requirement, the **Members of Chambers** conducting the investigation shall do so as they think fit (including, but not limited to, in relation to informing the individual who is the subject of the complaint and obtaining their account of events). Unless the **Head of Chambers** determines that an alternative procedure is appropriate, two **Members of Chambers** not directly involved in the complaint should undertake the investigation (one of whom should be a KC). Such **Members of Chambers** should not have been directly involved in the complaint. All parties to the complaint should be permitted to be accompanied by a colleague or friend at any hearing or relevant meeting.

Outcome and Remedial Action

13.7 The complainant will receive a written response on the outcome of the complaint with a clear indication of the action **Chambers** will take if the complaint is upheld. Solutions which rely on changes to working arrangements which may unreasonably disadvantage the complainant should be avoided as this could amount to **victimisation**.

13.8 If the formal grievance or complaint is found to have substance appropriate steps in the circumstances will be taken to remedy the problem. A brief confidential report on all formal complaints and on the outcome will be made to the **Head of Chambers** and

Equality and Diversity Officers and records will be retained for a period of one year from the conclusion of the case with a discretion to keep longer if necessary.

- 13.9 Both the complainant and the respondent have the right to appeal. An appeal must be submitted in writing to the **Head of Chambers**, setting out brief grounds, within 14 days of notification of the decision. The purpose of an appeal is to review the decision and not to re-hear the grievance or consider the whole matter afresh. If an appeal is not lodged within 14 days, the outcome of the grievance is deemed accepted and there will be no further right to challenge it thereafter. The **Head of Chambers** will ensure that any appeal is determined by one or more appropriate persons independent of both the parties and the original decision.

Complaints or Grievances by Pupils

- 13.10 **Pupils** are encouraged to discuss any grievances which they may have during their pupillage promptly with their pupil supervisors, or (if the pupil prefers) with the Chair of the Pupillage Committee. It is hoped that this would generally solve the problem. However, if the pupil wishes to pursue the matter further, he or she may request the Chair of the Pupillage Committee to arrange an investigation. This would be carried out by three Members of the Pupillage Committee, being (i) either (at the **pupil's** choice) the Chair of the Pupillage Committee, or its next most senior Member, (ii) a Member of the Committee chosen by the pupil, and (iii) a Member of the Committee chosen by the **Head of Chambers**.
- 13.11 This procedure is not intended to preclude the **pupil** from discussing any problems with other **Members of Chambers**, and in particular the **Head of Chambers**. Nor is it intended to preclude a **pupil** deciding to use our formal complaints and grievance procedure in place of the procedure referred to above.
- 13.12 If informal resolution of the complaint is not possible, the pupil should set out the complaint in writing to the **Head of Chambers** or the **Equality and Diversity Officers**.
- 13.13 Whichever procedure is used, a **pupil** will not suffer any detriment as a result of making a complaint in good faith.

Complaints or Grievances by Tenants

13.14 If a **Member** has a complaint about a clerking matter, in the first instance the **Member** should attempt to resolve it with the **Senior Clerk** or seek the assistance of the **Head of Chambers** or **Equality and Diversity Officers**. Any other issue may be raised with the **Equality and Diversity Officer** or with the informal advisers. If resolution of the complaint is not possible through these informal channels, the complaint should be referred in writing to the **Head of Chambers** or **Equality and Diversity Officers**.

Complaints or Grievances by Chambers Staff

13.15 **Chambers' employees** are encouraged to raise any matter about which they are unhappy in respect of their overall treatment within **Chambers** with their manager, if this is appropriate. Where it is inappropriate to raise the matter with their manager, the matter can be referred to the **Head of Chambers** or **Equality and Diversity Officers**. If informal resolution of the complaint or grievance is not possible or is inappropriate, a formal complaint should be referred in writing to the **Head of Chambers** for investigation. **Employees** have a statutory right to be accompanied at all grievance hearings.

Equality Act 2010

13.16 Where a **Member, pupil or employee** is disabled there is a duty to make reasonable adjustments to this Grievance Procedure. A request for a reasonable adjustment should be made to the **Chamber's Equality and Diversity Officers** or the **Diversity Data Officer**.

Bar Council's Equality and Diversity Advisers

13.17 There is a confidential direct line to the Bar Council's Equality and Diversity Advisers which is open to pupils as well as practising barristers, and enables people claiming harassment, or who believe they are experiencing **discrimination**, to speak in confidence and gain advice. (See details in [Section 14](#) below).

14. CONTACTS AND LINKS

- 14.1 The following contacts and links may be useful for advice and assistance if you feel you have been discriminated against, bullied or harassed or might have any other Equality or Diversity issues or concerns.
- 14.2 **Bar Council's equality and diversity helpline** (tel: 020 7611 1426). A confidential direct line to the Bar Council's equality and diversity advisers is in place. The telephone line, which is open to pupils as well as practising barristers, enables people claiming **harassment**, or are experiencing **discrimination**, to speak in confidence and gain advice.
- 14.3 **The Bar Council's pupils helpline** (tel: 0207 611 1415). The Bar Council has a specialist helpline for pupils. The helpline puts pupils in touch with experienced and independent barristers who can help with any problems encountered during pupillage.
- 14.4 **The Equality and Human Rights Commission:** www.equalityhumanrights.com.
- 14.5 **"Talk to Spot"**: an online tool for the Bar to report confidentially and anonymously inappropriate behaviour and concerns. It is available at <https://app.talktospot.com/flows> and further information about the tool is available at <https://www.barcouncil.org.uk/support-for-barristers/equality-diversity-and-inclusion/talk-to-spot.html>