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## **7 King's Bench Walk Equal Access to and Fair Allocation of Work Policy**

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1. Chambers is committed to taking all reasonable steps to ensure that opportunities for work are allocated fairly between members of Chambers (and, where relevant, pupils). In particular, Chambers is committed to taking all reasonable steps to ensure that, in the case of unassigned work, members and/or pupils have an equal opportunity to be put forward for consideration in a way which is free from unlawful discrimination on the grounds of any one or more protected characteristic. The protected characteristics are race (including colour, nationality and ethnic or national origins); sex; pregnancy and maternity; disability; sexual orientation; marriage and civil partnership; religion or belief; age; and gender reassignment. For the purposes of this Policy “unassigned work” includes (i) instructions in respect of which enquiries are made and/or which are sent to Chambers where the instructing entity does not state that the work is to be assigned to a named person or where the person initially named is not available to take the work; (ii) work where the person initially instructed requires replacement or (iii) work where an additional person needs to be instructed.

### **Practice Development**

2. Each junior member of fewer than three years' practice and any member returning after a period of parental or other leave who so wishes will be allocated a senior member of Chambers who will be available to offer advice and guidance regarding practice development in a mentoring role. Members are encouraged to take advantage of this facility. If they wish to do so, they should notify an Equality and Diversity Officer, who will liaise with Manco to identify and appoint a mentor.
3. Regular practice development meetings will take place between tenants and the Senior Clerks. The purpose of these meetings is to enable discussion of work allocation, work opportunity and individual practice development.

## **Work allocation**

4. The Clerks will select which barrister(s) to put forward for a work opportunity by reference to criteria which do not give rise to unlawful discrimination, and will attempt to achieve overall fairness in allocation of work opportunities and equal access to the full range of work undertaken by Chambers.
5. The Clerks will seek to ensure, where possible, that instructions are not delivered by instructing entities at such times as to preclude those with childcare and other dependent care commitments from being eligible for that work.
6. Where a member of Chambers is in a position to propose another member either to replace them or to work with them on a case, that member must act fairly in their selection and/or recommendation to instructing entities. Acting fairly includes ascertaining from the Clerks the names of all members who are available and appropriate for the work in question and refraining from making any selection between other members on grounds which give rise to unlawful discrimination.
7. A record will be kept of the allocation of all unassigned work, including the identity of the instructing entities, the nature of the work, whether the work was referred by a member of Chambers, who was proposed, and who was selected by the instructing entities
8. In the event that a decision is taken not (or not initially) to circulate a work opportunity to all those who might potentially be available and appropriate, this decision will be recorded, together with the reasons for selecting those to whom the work was circulated, or initially circulated, as the case may be.

## **Monitoring**

9. Chambers will appoint an Equal Access to and Fair Allocation of Work Monitor (the "Fair Allocation of Work Monitor"). The current Equal Access to Fair Allocation of Work Monitor is Clara Benn.
10. The Clerks will provide a report to the Fair Allocation of Work Monitor on a six-monthly basis containing the information set out in paragraph 6 above in respect of the six-month-period just ended.

11. The Fair Allocation of Work Monitor will review the reports when received. The purpose of the review will be to identify whether opportunities have been allocated fairly, and whether any individual member appears not to be receiving a fair opportunity as regards work allocation and access to the full range of work undertaken in Chambers. The review should pay particular attention to members of fewer than three years' practice or who have recently returned from a period of parental or other leave. The Fair Allocation of Work Monitor will consult with the Senior Clerks as appropriate for the purpose of understanding and interpreting the reports.
12. If the Fair Allocation of Work Monitor's review of the reports leads him/her to become concerned that any clerk and/or member of Chambers and/or instructing entity and/or client may be exhibiting briefing practices which tend to favour or discriminate against a particular person or group on the basis of protected characteristics, the Fair Allocation of Work Monitor will raise their concerns with the Senior Clerks and the Head of Chambers.
13. The Fair Allocation of Work Monitor will report to the Senior Clerks and Manco on the outcome of his/her monitoring and any issues arising (copied to the Equality and Diversity Officers).
14. If the Fair Allocation of Work Monitor's review identifies any reason for concern as regards any individual member of Chambers, the Fair Allocation of Work Monitor will discuss the position with that individual, and the individual's mentor if appropriate, and report to the Equality and Diversity Officers and Manco. Manco will take steps to prevent the continuation or recurrence of any unequal or unfair treatment in the allocation of work.
15. Chambers' Fair Allocation of Work Monitor is to enquire prior to carrying out each six-monthly review whether any member of Chambers and/or pupil believes that this policy is being violated.

## **Training**

16. All Clerks involved in the distribution and monitoring of work allocation are to be provided with equality and diversity training. The Equality and Diversity Officers will ensure that all the Clerks are fully briefed on the need to distribute work in a fair and

non-discriminatory manner and to monitor work allocation. The Equality and Diversity Officers will take all reasonable steps to keep members aware of opportunities for equality and diversity training.

### **Potentially discriminatory requests/instructions**

17. If the Clerks receive a request from an instructing entity and/or client that is (or appears to be) discriminatory, for example a request for a barrister of a particular sex or race, they will explore the reasons for the request and meet the underlying need in a non-discriminatory way. On no account will the Clerks comply with any request or requirement to discriminate on unlawful grounds in the choice of barrister. Should the instructing entity and/or client refuse to modify or withdraw the request, the work will be politely refused, and the Clerk will make a full note of the incident immediately. Where appropriate, instructing entities and other professionals will be reported to their professional disciplinary body.

### **Compliance with policy/complaints**

18. All members of Chambers and Clerks are required to comply with this policy. Failure to do so will result in the implementation of disciplinary procedures including, in the case of Clerks, dismissal for serious offences.
19. Chambers' Grievance Procedure is available in respect of any complaint about allocation of work. If any member or pupil has a complaint and/or concern as to fairness of allocation and access to work, they should refer initially to the Fair Allocation of Work Monitor, who will attempt to assist in resolving any such complaint or concern with the Senior Clerks (and will in any event report on the complaint or concern to the Equality and Diversity Officers and Manco).

### **Miscellaneous**

20. The issue of fair allocation of work does not arise in relation to pupils unless and until they are offered, and accept, a tenancy at Chambers. From that point, they have the same rights under this policy as any member of Chambers.
21. Chambers' marketing and networking activities are to be organised bearing in mind the need for all tenants and/or pupils to be equally involved, so far as practicable.

22. Chambers encourages pupils and junior tenants to take part in Chambers' seminars and lectures, attend outside lectures, write in professional publications and become involved in professional organisations and legal advice and/or support organisations.
23. If a member of Chambers, pupil, or member of staff has a query or concern about this policy or its application, he or she should raise it with the Chambers' Fair Allocation of Work Monitor, who is responsible for monitoring the effectiveness of the policy. It is intended that this policy, and its operation, should be regularly reviewed.

**Rev. May 2020**