

Approved at EC Meeting 20 May 2022

KEATING CHAMBERS

E&D POLICY BOOKLET

EQUAL OPPORTUNITIES AND DIVERSITY POLICY

Definitions

1.1 In these policies the following terms have the meanings set out below:

1.1.1 **Chambers:** the Members of Keating Chambers from time to time unless the context otherwise requires.

1.1.2 **Comparators:** persons in a materially comparable position to the protected group other than in respect of the shared protected group characteristic (namely their race, colour, ethnic or national origin, nationality, citizenship, sex, gender reassignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief, pregnancy or maternity, as the case may be).

1.1.3 **Discrimination:** treating a person less favourably on any of the grounds prohibited by the Equality Rules (direct discrimination) or adopting or applying an apparently neutral provision, criterion or practice that has, or would have, a disadvantageous impact upon a particular group compared with its Comparators, without adequate justification (indirect discrimination).

1.1.4 **Equality and Diversity Officer(s):** the person or persons appointed by the Head of Chambers from time to time pursuant to the Equality Rules.

1.1.5 **The Equality Rules:** the BSB Handbook Equality Rules issued on 1 September 2020 (Version 4.5)

1.1.6 **Harassment:** has the meaning set out at paragraphs [8.4] to [8.9] below.

1.1.7 **Member:** a person defined as a member of chambers under the Constitution.

1.1.8 **Parental Leave:** has the meaning set out at paragraph [9.1] below.

1.1.9 **Protected Characteristic:** any of the characteristics listed at Section 1 paragraph 8 to 16 of the Equality Rules.

1.1.10 **Positive Action:** measures that Chambers may lawfully take under the sex discrimination and race relations legislation to encourage or enable a group with a shared protected characteristic to overcome or minimise a disadvantage reasonably believed to be suffered by that group.

1.1.11 **Pupil:** A person offered a 6- or 12-month pupillage by Chambers.

General

- 2.1 This Equality and Diversity Policy is intended to comply with the Bar Standards Board (BSB) Handbook and in particular the Core Duty CD8 by which “*You must not discriminate unlawfully against any person*” and the Equality Rules.
- 2.2 Once adopted by Chambers these policies will form part of Chambers’ Handbook, and be distributed to all Members, Pupils and staff. For the avoidance of doubt the Staff Handbook is the key policy document for staff.
- 2.3 This Policy Booklet addresses each of the requirements set out in the Equality Rules as follows:
 - 2.3.1 Equality Policy and Action/Implementation Plan (Section [3])
 - 2.3.2 Equality and Diversity Officer(s) (Section [4])
 - 2.3.3 Recruitment in Chambers (Section [5])
 - 2.3.4 Work Allocation Equality Monitoring (Section [6])
 - 2.3.5 Fair Access to Work (Section [7])
 - 2.3.6 Anti-harassment (Section [8])
 - 2.3.7 Parental Leave (Section [9])
 - 2.3.8 Flexible and part-time working and career breaks (Section [10])
 - 2.3.9 Providing services to disabled people (Chamber’s Reasonable Adjustment Policy) (Section [11])
 - 2.3.10 Chamber’s Data Diversity Policy (Section [12])
 - 2.3.11 Complaints and Grievances (Section [13])
- 2.4 This booklet sets out Chambers’ E&D policies. It is not intended to create contractual entitlements.
- 2.5 Responsibility for ensuring that the policies and actions set out in this Policy Booklet are implemented and adhered to lies with the Head of Chambers, the Executive Committee Board, the Equality and Diversity Officer[s] and the heads of the various Chambers’ management committees as appropriate e.g. the Head of the Pupillage Committee. However, each and every Member, Pupil and member of staff is responsible for ensuring that his or her conduct is not

discriminatory and does not involve any harassment or victimisation. Breach will be treated as a serious matter and may result in disciplinary action.

2.6 Complaints (formal or informal) about breaches of this Policy will be dealt with in accordance with the Complaints and Grievances section at Section [13] below. In addition to the legal obligations under the various discrimination statutes and regulations and the professional obligations under the BSB Handbook and the Equality Rules, compliance is also a constitutional responsibility (see paragraph 2.1.10 of the Constitution).

2.7 Section [14] of the Policy is a directory of organisations and information resources that may provide Members, pupils, staff and clients with further information and support on equality and diversity.

3 Equality Statement and Implementation Plan

3.1 Chambers is committed to promoting and advancing equality and diversity in all its dealings and in particular in the provision of its services to its clients, the recruitment and retention of all Members, Pupils and staff and fair access to work.

3.2 The Fundamental Principle not to discriminate that applies to all Barristers, is enshrined in Core Duty CD8 in the BSB Handbook. It provides:

“You [a barrister] must not discriminate unlawfully against any person” (“the Core Duty”)

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

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

3.4 For the avoidance of doubt the main types of prohibited conduct are:

- Direct discrimination (including discrimination based on false perception)
- Discrimination arising from disability
- Indirect discrimination
- Failure to make reasonable adjustments
- Harassment; and
- Victimisation

3.5 Similarly, no member of staff will discriminate on any of the grounds identified at para. 3.4 above as to the manner and terms on which the services of Members or Pupils are offered to clients or potential clients of Chambers or in any of their day to day work and dealings with clients, Members, Pupils and other staff.

3.6 The purpose of Chambers’ policies as set out in this Policy Booklet is to:

3.6.1 Ensure the prevention of all unlawful discrimination, victimisation and harassment on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief or pregnancy and maternity;

- 3.6.2 Set out, consider and implement actions that will ensure that the principles of equality and diversity are embedded into the framework of Chambers' day to day work and that unlawful discrimination does not occur;
 - 3.6.3 Ensure that each and every Member and Pupil meets his or her legal and regulatory obligations under the Code of Conduct and follows best practice in equality and diversity;
 - 3.6.4 Endorse, develop and maintain equality and diversity so as to enhance Chambers as a whole, attract and retain the best candidates for pupillage and tenancy and staff and be able to meet the expectations of clients who share Chambers' commitment.
- 3.7 Chamber's Equality Action Plan includes:
- 3.7.1 The review, updating and where appropriate revision of its policies so as to ensure that they reflect accurately Members' obligations under the BSB Handbook and the Equality Rules;
 - 3.7.2 The provision of training and/or requiring Members and/or staff to undertake training to support the implementation of Chambers' policies and in particular:
 - 3.7.2.1 The provision of recent and appropriate training in fair recruitment and selection processes to every Member of all selection panels involved in the recruitment of staff, Members, Pupils and assessed mini-pupils; and
 - 3.7.2.2 The provision of training in equality and diversity issues to Members, Pupils and all staff from time to time and/or requiring Members to undertake such training.
 - 3.7.3 The biennial monitoring, against published relevant benchmarks, of all applicants and holders of staff positions, pupillage and Membership by sex, ethnicity and disability.
 - 3.7.4 Where the Executive Committee reasonably believes that persons with shared protected characteristics suffer a disadvantage, have particular needs or are disproportionately under-represented the Executive Committee may take steps to encourage or enable that group to overcome or minimise the disadvantage (Positive Action).
 - 3.7.5 The annual review of financial information by the COO to monitor equality, to investigate the reasons for any disparities in income and, where such disparities appear to be attributable to failure to adhere to Chamber's Equality and Diversity policies, the taking

of appropriate remedial action; for the avoidance of doubt income is to be monitored by reference to both gender and ethnicity;

3.7.6 The implementation and maintenance of procedures to record the allocation in Chambers of unassigned work opportunities to enable Chambers to implement its Fair Access to Work Policy;

3.7.7 The regular monitoring of the allocation of unassigned work opportunities in Chambers, and the investigation and devising of remedial action in respect of any disparities;

3.7.8 The undertaking of an annual Gender Pay Gap review;

3.7.9 An access audit to review making chambers accessible for disabled persons;

3.7.10 An annual summary report shall be submitted to Chambers' Executive Committee reporting on Equality and Diversity, the results of monitoring and providing an update and progress on actions.

3.8 Update on Equality Action Plan

Action No	Action/Activity	Evidence base	Deadline/interval	Person/s responsible	Progress as at 4.5.22
1	Review all E&D Policies to ensure that they comply with current Legal and regulatory requirements, the requirements in Chambers' E&D Policy Booklet and Chambers' empirical experience	Regulatory Requirement BSB Handbook Rule C110(3)(e)	Biannual, next by 31.12.22	Head of E&D committee and COO, assisted by Committee	Previous review completed in 2020 with further updates in 2022.
2	Undertake annual earnings review for MoCs to identify and monitor any discrepancies in earnings and if	See BSB report on Income at the Bar by Gender and Ethnicity Nov 2020	Annual	COO	Review by COO, commenced in 2021 and has been completed with report dated 30 March 2022.

	identified to act upon it is accordance with paragraphs, 3.6.4, 6.5 and 3.7.6 of this Policy.				
3	Undertake annual earnings review for staff to identify and monitor any discrepancies in earnings and if identified to act upon it in accordance with paragraph 6.6 of this Policy.	Continue current policy and practice	Annual	COO	Salary bandings reviewed in April 2021. Further review to be completed by July 2022.
4	Undertake a biannual review of applicants to Chambers (Staff, pupillage and MoC) by sex, ethnicity and disability in accordance with Paragraphs 3.7.4, 3.7.5 and 6.7 of this Policy	Continue current policy and practice	Biannual, next by 30.06.23	E&D Committee (pupillage and MoC), COO and Director of Operations (staff)	<p>Analysis undertaken in respect of gender and ethnicity in E&D interim report dated July 2021.</p> <p>Pupillage Statistics Committee Report produced in September 2021.</p> <p>Pupillage Committee Report on processes produced in December 2021.</p> <p>Staff review completed in February 2022 and being updated. Report to be provided to E&D Committee.</p>
5	Undertake a gender pay gap review in accordance with paragraphs 3.7.9 and 6.2.3 of this policy	Continue current policy and practice	Annual	Paul Buckingham, reviewed by Gender Pay Gap Committee	Report completed and provided to the EC on 25 February 2022. Further analysis ongoing.

6	Maintain current policy of recording and monitoring allocation of unassigned work in Chambers to check compliance with the Fair Access to Work Policy and, if necessary, to take any remedial action in accordance with Section 7 of this Policy	Continue current policy and practice	Monitoring continual, E&D Officers to liaise with and if necessary, meet the CEO/Director of Clerking six monthly	Veronique Buehrlen QC, COO and Will Shrubsall	Ongoing
7	Conduct an annual review of all complaints/grievances processes		Annual	E&D Committee/ E&D Officers,	No complaints/grievances in 2021.
8	Conduct an Access Audit to review Chambers' current accessibility for disabled persons	No disabled toilet on 6 th floor to service those conference rooms	Bi-annual	James Thompson, Nicola Humphreys	Audit conducted in Summer 2021. Recommendations have been implemented.
9	Review and implement the recommendations of the Report of the Fair Recruitment Committee when adopted by Chambers	Our current processes have not resulted in an acceptable degree of race diversity in Chambers.	Ongoing	COO, Pupillage and E&D Committees	Action points given to Pupillage Committee, E&D Committee and COO. Pupillage Committee and E&D Committee have implemented recommendations. Further actions ongoing.
10	Refresh E&D training (including Fair Recruitment and Flexible Working Practices) for Clerks and other staff	Last training was on 18 October 2018 and 12 Nov 2018	During 2022	COO and COO's P.A.	In progress; BSB Anti racism training commencing May 2022.

11	Review and implement actions in BSB Anti-Racist Statement when adopted by Chambers	BSB's November 2020 Anti-Racist Statement	During 2022	COO and E&D Committee	Completed with continuing actions in progress
12	Produce and implement Recommended Actions Table when adopted by Chambers	Race at the Bar Report November 2021	During 2022	E&D Committee	Completed 2022
13	Review the Survey of the Parenthood at the Bar Group and any issues arising from it		During 2022	Parenthood at the Bar Group	Report due from Parenthood at the Bar Group in 2022.

Equality and Diversity Officers

- 4.1 Keating Chambers Equality and Diversity Officer is Veronique Buehrlen Q.C.
- 4.2 Keating Chambers Diversity Data Officer is Nicola Humphreys.
- 4.3 The Equality and Diversity Officer[s] and Diversity Data Officer will be appointed by the Head of Chambers and/or the Executive Committee from time to time.
- 4.4 The Equality and Diversity Officer[s] is/are available to Members, Pupils and staff to give advice and discuss any problems in respect of matters to which this Policy is relevant which may arise.
- 4.5 The Equality and Diversity Officer[s] is/are responsible for the following:
 - 4.5.1 Ensuring that Chambers written equality and diversity policy is adopted, implemented and then reviewed and kept up to date;
 - 4.5.2 Assisting when requested with reviews of other chambers' policies and procedures to ensure that they comply with the equality and diversity policy and the Equality Rules and that records are kept of the outcome of reviews and of action taken in response;
 - 4.5.3 Equality and diversity training is provided for all Members and staff including clerks and that refresher courses are provided periodically once initial training has been given;
 - 4.5.4 Advice is offered to the Head of Chambers, the COO, the Director of Clerking, the chair of the pupillage committee, members of the Chambers' Executive Committee and individual Members on equality and diversity issues, both in response to a request and whenever the Equality and Diversity Officer considers that equality and diversity issues arise;
 - 4.5.5 He or she is available to Members, pupils or Chambers staff to offer advice on equality issues and to provide an informal route, if requested, for the resolution of grievances; and
 - 4.5.6 Overseeing the monitoring of data from pupillage, member or staff recruitment exercises, chambers membership, and an annual review of financial information by the COO to monitor equality and ensuring the allocation of unassigned work is analysed regularly and that any actions necessary to remedy or investigate unfair outcomes are developed and added to Chambers' Equality Action Plan.

4.6 The Equality and Diversity Officer[s] will be assisted in the tasks set out at paragraph 4.5 above by a committee known as the “Equality and Diversity Committee”, the COO, the Director of Operations and the Director of Clerking.

5 Recruitment

- 5.1 It is the policy of Chambers that in the recruitment of Pupils, starter tenants, established practitioners and staff it shall not discriminate unlawfully or in such manner as would amount to professional misconduct on the grounds of race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief or pregnancy and maternity.
- 5.2 Guidance on fair recruitment and selection in chambers is set out in the Bar Council's Fair Recruitment Guide 2015 - A best practice guide for the Bar last updated in June 2021 (<https://www.barcouncilethics.co.uk/documents/fair-recruitment-guide/>)
- 5.3 Except in unforeseen and exceptional circumstances, the person with lead responsibility for any selection panel and every member of all selection panels must have received recent and appropriate training in fair recruitment and selection processes.
- 5.4 All Chambers' recruitment and selection processes must use objective and fair criteria.
- 5.5 It is the intention of Chambers that any written procedures in respect of recruitment which have been or shall from time to time be adopted by Chambers shall comply with this Policy and all applicable legal and regulatory requirements.
- 5.6 In adopting its written procedures Chambers will have regard to the relevant recommendations and guidance contained in the BSB Handbook and the Equality Rules.
- 5.7 Chambers' written procedures in respect of recruitment are contained in the following documents:
- (a) Pupillage – The Keating Chambers Pupillage Policy Document (January 2021);
 - (b) The Code for the selection of Tenants in compliance with the Equality Code for the Bar (February 2019);
 - (c) Selection Criteria for Applications from Lateral Recruits (including Door Tenants) Policy agreed at Chambers' Meeting 9 May 2011 (dated 2 October 2007 and amended on 9 May 2011); and

- (d) The Code for the selection of International Members of Chambers in compliance with the Equality Code for the Bar (3 February 2016).

6 Equality Monitoring

6.1 Equal opportunities policies, by themselves, will not bring about equality.

6.2 Accordingly, Chambers has implemented systems for checking whether its policies are being carried out and whether they are working. These include:

6.2.1 The gathering of data and the collection and publication of relevant data; a copy of Chamber's Data Diversity Policy is at Section [12];

6.2.2 Monitoring financial information to identify, investigate and remedy any discrepancies (as envisaged by Paragraphs 11 to 13 of Section 6 of the Equality Rules);

6.2.3 Monitoring the allocation of unassigned work (as envisaged by paras. 11 to 18 of Section 6 of the Equality Rules); and

6.2.4 Undertaking a gender pay gap review.

Monitoring unassigned work

6.3 Chambers policy in relation to the monitoring of unassigned work is set out in its Fair Access to Work Policy at section [7] below.

Monitoring earnings

6.4 Once a year, the COO will review the earnings data for Members so as to monitor and identify any discrepancy(ies) in earnings (e.g. whether men at a particular call are earning significantly more than women or BME barristers at a similar level of call).

6.5 If a disparity is identified the COO must consider the reasons for any disparity; there may be perfectly rational and acceptable reasons; if it appears that any disparities are not justified by objective reasons unconnected with a protected characteristic then the COO, Equality & Diversity Officer(s), person affected, that person's Team Leader Clerk and the Senior Clerk must meet and devise an action plan to investigate any problem and eliminate it.

6.6 At least once a year, the COO and the Director of Clerking (that is Chamber's Head of Clerking) will review the earnings data for staff to monitor and identify any discrepancy in earnings (e.g. whether male clerks at a particular level of seniority are earning more than

female clerks at the same level of seniority). If a disparity is identified, the COO and Director of Clerking must consider the reasons for any disparity; there may be perfectly rational and acceptable reasons such as experience. However, if it appears that any disparity is not justified by objective reasons unconnected with a Protected Characteristic then the COO and Director of Clerking must meet with the Equality & Diversity Officer and the Member responsible for staff matters and devise an action plan to investigate any problem and eliminate it.

Monitoring Applications¹

6.7 The E&D Committee with the assistance of the relevant recruitment committee e.g. the Pupillage Committee in the case of pupillage will regularly (and in any event biennially):

6.7.1 monitor applications to Chambers from different groups to gauge whether application rates are proportionate to these groups' representation on the Bar Professional Training Course (for pupillage), among suitably qualified barristers (for tenancies) or the population from which selection is to be made (for chambers' staff). In so doing Chambers will use statistical diversity data on the profession from the BSB website at www.barstandardsboard.org.uk/media-centre/research-and-statistics and the data available on the Pupillage Gateway portal;

6.7.2 Check whether representation of different groups among those shortlisted is proportionate to their representation among applicants; and

6.7.3 Examine the success rates of different groups both at the application stage and in the case of Members at the tenancy appointment stage.

6.8 Chambers will address any discrepancy arising and may consider using positive action to encourage applications from members of an under-represented group. Chambers will consider the provisions of s. 159 of the Equality Act 2010 on a 'case by case' basis.

¹ These provisions are aimed at implementing Section 6 para. 19-20 of the Equality Rules.

7 **Fair Access to Work**

7.1 This is the Fair Access to Work Policy for Keating Chambers which is established in accordance with the Equality Rules. By rC110(3)(i) of the BSB Handbook, the affairs of Chambers must be conducted in a manner which is fair and equitable for all Members, Pupils and employees. This includes, but is not limited to, the fair distribution of work opportunities amongst Pupils and Members. This policy is effective as of 22 January 2021.

7.2 Chambers wishes to ensure that opportunities for work are allocated fairly and without discrimination among Pupils and between Members. “Fairly” means that Pupils/Members have an equal opportunity to be considered for unassigned work suitable to their call, experience and availability. “Unassigned” work is work which either arrives in Chambers without a request that a particular Member carry out the work or, having arrived in Chambers accompanied by such request, has to be allocated to another Member by the clerks due to unavailability, conflict or some other reason. Chambers recognises that opportunities for barristers to develop a successful practice in their areas of interest are frequently affected by the range and quality of work on which they are instructed at various stages of their careers including in pupillage, in their early years of practise and when returning from Parental Leave. The purpose of this Policy is to ensure that:

7.2.1 effective procedures are in place for ensuring the fair distribution of unassigned work and for providing support and guidance in respect of practice development and marketing; and

7.2.2 effective procedures are in place for the monitoring of unassigned work allocation and for responding to (and rectifying where appropriate) complaints and concerns about work allocation.

7.3 Unassigned work shall be distributed fairly and without discrimination, that is to say without regard to race, colour, ethnic or national origin, nationality, citizenship, sex, gender re-assignment, sexual orientation, marital status, disability, political persuasion or religion.

Clerks

- 7.4 Chambers shall ensure that all clerks are fully briefed on the need to distribute unassigned work in a fair and non-discriminatory manner and to monitor work allocation. Clerks, and in particular those involved in the distribution and monitoring of unassigned work allocation, shall be provided with equality and diversity training. The clerks will aim to achieve overall fairness in the allocation of unassigned work opportunities and equal access to the full range of Chambers' work.
- 7.5 Work allocated to Pupils in their second six months of pupillage shall be actively rotated so that each Pupil receives a fair range of work. Practice development meetings held with Pupils and Members shall include discussion of the types of work they have received to ensure that it is supporting their development.

Monitoring of work

- 7.6 The purpose of monitoring is to check that Chambers' E&D policies are being carried out and whether they are working.
- 7.7 In addition to the COO reviewing earnings data, the Equality and Diversity Officer[s] will also be responsible for overseeing the monitoring of unassigned work to MOCs including Pupils, junior tenants and those returning from Parental Leave. They (or the Equality and Diversity Officer allocated with the task) shall liaise and if necessary, meet with the COO and Director of Clerking every six months in order to compare and review the work distribution data. The patterns that shall be considered are type, quantity of work and sources of work.
- 7.8 Chambers takes active steps to maintain a database for the purposes of monitoring work allocation that includes the following information:

7.8.1 Whether a piece of work came into chambers marked for a particular Member or Pupil;

7.8.2 If the work was allocated, to whom it was allocated and the person responsible for allocating the work;

7.8.3 The number of occasions on which each Member has been put forward in relation to an unassigned work opportunity.

7.9 Chambers will ensure that the clerks use the clerks' room software to best advantage to enable the task of monitoring unassigned work to be undertaken. The records shall be in computerised form or shall be ascertainable from the computer system.

Discriminatory briefing practices

7.10 S.47 (6) Equality Act 2010 makes it unlawful for any person in instructing a barrister to discriminate against them. This includes clients, clerks and solicitors. In addition, the Solicitors Regulation Authority Standards and Regulations 2019 prohibits solicitors from discriminating unlawfully against any person in the course of their professional dealings. Such dealings will include the instruction of barristers.

7.11 Chambers shall ensure that the clerks are aware of the legal position and the requirement that work is distributed fairly. If a request is received that is discriminatory, the clerks will explain that it is unlawful and shall explore the reasons for the request in an attempt to meet the underlying need in a non-discriminatory way. In any event, the clerks shall not comply with any request or requirement to discriminate on unlawful grounds in the choice of barristers. The clerk should make a full note of the incident immediately. Any solicitor who insists on a directly

discriminatory allocation of work shall be reported to his or her professional disciplinary body and the work shall be refused.

- 7.12 Chambers shall seek to encourage, where practical, the delivery of instructions and briefs by solicitors at such times as not to preclude those with childcare and other dependent care commitments from being eligible for that work (for example, where a brief is not delivered until Friday afternoon for a trial on Monday). Late delivery of briefs may also disadvantage disabled barristers who may require the Court to make adjustments for them which cannot be made on the morning of a trial or hearing.

Practice Development

- 7.13 Each Member (and any Pupil entitled to take on paid work) is entitled to request a meeting (up to twice in each year or more often by mutual agreement) with the senior clerk responsible for his or her practice in order to discuss allocation of work, work opportunity or any other matters relating to the development of that Member's practice. If requested the meeting shall be arranged as soon as practicable and in any event within 4 weeks.
- 7.14 A mentoring scheme shall be available whereby a junior tenant may be a Pupil's mentor, and a more senior Member may act as a mentor to a more junior Member or to any Member who requests a mentor. The mentoring scheme for each new tenant taken on upon completion of their pupillage will include both a Junior and a Senior Member as mentors. Any junior Member acting as mentor shall be linked to a more senior Member who can offer advice and guidance regarding practice development in a mentoring role. This scheme shall also be available to barristers returning to practice following a career break.

Marketing

- 7.15 Members, clerks and members of staff responsible for marketing and related matters shall be aware of and take into account equal opportunities considerations when planning and implementing marketing strategies and shall ensure that marketing and networking activities are organised so that all Pupils and Members can, so far as practicable, be equally involved. This extends to opportunities for Pupils and junior Members to get to know more senior Members and the clerks.

Complaints

- 7.16 Any unequal or unfair treatment of Pupils and Members in the allocation of work shall be treated as a serious matter and dealt with in accordance with the procedures set out at section [13] below.

8. Anti-harassment Policy

- 8.1 This is the Anti-harassment Policy for Keating Chambers, which is established in accordance with rC110(3)(i) of the BSB Handbook and Section 9 of the Equality Rules. This policy is effective as of 22 January 2021 and will be reviewed by 31 January 2023.
- 8.2 Keating Chambers is committed to providing a work environment in which all individuals, clients and the public are treated with dignity and respect. Keating Chambers is determined to promote a work environment in which everyone is treated equally and with dignity and courtesy and can flourish. To that end each MOC agrees to make every effort to assume good faith where there is disagreement in relation to any Chambers' matter.
- 8.3 Harassment related to sex, race, disability, gender re-assignment, religion or belief, sexual orientation or age (i.e. to the Protected Characteristics) is illegal under section 26 Equality Act 2010. Harassment may also constitute a criminal offence under the Protection from Harassment Act 1997, regardless of whether any Protected Characteristic is relevant. Harassment in any form will not be tolerated at Keating Chambers.

What is harassment?

- 8.4 Harassment includes any unwanted conduct which either is meant to, or as a matter of fact does, undermine a person's dignity, or which creates an intimidating, hostile, degrading, humiliating or offensive environment at work for a person.
- 8.5 Harassment always involves "unwanted conduct". "Unwanted" means unwelcome or uninvited. "Conduct" includes words, pictures and physical behaviour. Although harassment commonly means conduct which continues over a period of time, a single incident can amount to harassment.
- 8.6 The fact that the person carrying out the unwanted conduct may not have intended any harm by it, or may not have realised that their conduct was unwanted, does not mean that the conduct does not in fact constitute harassment. The perception of the person who experiences the conduct is important, together with the circumstances in which the unwanted conduct happens and whether it was reasonable that the conduct damaged the person's dignity or their working environment.
- 8.7 Harassment may arise in a variety of ways; the law defines four categories of harassment:

- 8.7.1 Unwanted conduct related to sex, race, disability, gender re-assignment, religion or belief, sexual orientation or age (the “protected characteristics”), which *either* is meant to, *or* in practice does, have the effect of violating another person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.
- 8.7.2 Unwanted conduct of a sexual nature, which *either* is meant to, *or* in practice does, have the effect of violating another person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person.
- 8.7.3 Unwanted conduct of a sexual nature, *or* which is related to gender reassignment or sex, which *either* is meant to, *or* in practice does, have the effect of violating another person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person *and*, because the person experiencing the unwanted conduct either resists or submits to the unwanted conduct, they are treated less favourably (either by the person carrying out the unwanted conduct or by another person).
- 8.7.4 A course of conduct which amounts to harassment of another person, regardless of whether the conduct is related to a protected characteristic, which the person carrying out the conduct knows, or ought to know, amounts to harassment of the other person.
- 8.8 The following are examples of types of behaviour which may amount to harassment:
- physical or sexual advances
 - unnecessary physical touching;
 - jokes or banter, whether spoken or written;
 - exclusion from social networks and activities or other forms of isolation;
 - display of offensive materials, including on a computer screen and on clothing;
 - offensive remarks or ridicule;
 - bullying;
 - compromising suggestions or invitations;
 - suggestive remarks or looks;
 - requests for sexual favours in return for career advancement;
 - dealing inappropriately or inadequately with complaints of harassment.
- 8.9 A person may experience harassment even though they themselves are not the object of the unwanted conduct, which may be directed at a different person or not at any specific person. Where the conduct is related to a Protected Characteristic, a person may experience harassment

even though they do not themselves possess the protected characteristic. For example, a white person whose partner is black may experience harassment in the form of racist “banter”, or a heterosexual person whose close relative is gay may experience harassment in the form of homophobic remarks.

- 8.10 For the avoidance of doubt, bullying is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power or status, which undermines, humiliates, denigrates or injures another person. It does not include justified and proportionate requirements or criticism communicated by appropriate means.

How to deal with harassment

- 8.11 Complaints or concerns about harassment may be raised by anyone (including all members of chambers, staff and Pupils) who thinks that they have experienced or observed harassment, or who is aware of conduct capable of constituting harassment in chambers. Complaints or concerns may be raised informally in the first instance with the Equality and Diversity Officer[s], the Head of Chambers or another senior member of chambers who will agree an appropriate response. Formal complaints should be made under Chambers’ grievance procedure set out at section 13 below.
- 8.12 Harassment is a breach of the Code of Conduct for barristers and constitutes misconduct by staff. Allegations of harassment will be dealt with under chambers’ disciplinary procedure and in relation to staff in accordance with the provisions of the Staff Handbook.
- 8.13 Chambers is committed to ensuring that anyone who, in good faith, raises concerns about harassment, or makes an allegation of harassment, can be confident that they will not suffer any detriment as a result. Any victimisation of a complainant, witness or anyone else involved in the investigation of a complaint, will be viewed as a disciplinary matter.
- 8.14 A copy of this policy will be made available to all those for whom chambers constitutes a working environment, including members of chambers, pupils, and staff.

9 Parental Leave Policy

Definitions

- 9.1 **Parental Leave:** refers to leave taken from practice by a carer of a child following birth or adoption for the purpose of providing care for their child. This could be the mother, father or adoptive parent of either sex.
- 9.2 **Shared Parental Leave:** simply refers to the situation in which more than one parent are carers for the same dependent during the same period of time or during consecutive periods of time.
- 9.3 **Parental Leave Entitlements:** refers to entitlements associated with Parental Leave that are generally available pursuant to the policy below.
- 9.4 **Additional Parental Leave Entitlements:** refers to entitlements associated with Parental Leave, which are additionally available to the main or primary carer of a child.

Aims and purpose

- 9.5 It is the aim of this policy to:
- encourage Members following Parental Leave to return to Chambers and continue to build successful practices;
 - prevent discrimination on grounds of parental responsibility;
 - encourage and support Members taking time off following the birth or adoption of a child in order to care for their child without suffering financial hardship;
 - give additional encouragement and support to such Members who are the main or primary carer of a child;
 - comply with the requirements of the BSB Handbook and the Equality Rules.

Circulation

- 9.6 This policy is circulated to all Members, pupils, clerks and staff all of whom are required to:
- read and understand the policy; and
 - understand their role in relation to the policy.

Review of this Policy

- 9.7 This policy is to be reviewed by Chambers' Equality and Diversity Officer(s) every two years.

Parental Leave and Parental Leave Entitlements

- 9.8 Every Member is entitled to take a period of up to 12 months leave of absence from Chambers for the purposes of Parental Leave including Shared Parental leave to care for their child.
- 9.9 Such leave is to be commenced within 12 months of birth of the child or the child entering a family.
- 9.10 During the period of any Parental Leave, a Member shall be entitled to relief from paying Room Rent for a period of up to six months.
- 9.11 Members are required to notify the Head of Chambers, the COO, the Director of Clerking, the Director of Operations ("**Chambers Management**") and their clerk of their intention to take a period of Parental Leave not less than 1 month before the commencement of the period of leave indicating the estimated commencement date and likely date of return. Chambers recognises that there will be circumstances in which it will not be possible to give any notice (for example, a premature birth).
- 9.12 Chambers (and in particular Chambers' clerks) will accommodate time-off for fertility treatment, ante-natal care and related medical and other appointments.
- 9.13 If a Member, other than a Member who benefits from Additional Parental Leave Entitlements, wishes to take leave for a period longer than 12 months, this should be arranged with Chambers Management. If such a Member is absent from Chambers for more than 12 months without agreeing an extension with Chambers Management, her/his automatic right to return to Chambers ceases and she/he can re-apply to join Chambers in the usual way.

Additional Parental Leave Entitlements

- 9.14 A Member that is the main or primary carer of a child taking Parental Leave including Shared Parental Leave has the Additional Parental Leave Entitlements set out below.
- 9.15 Additional Parental Leave Entitlements are:
- (a) A right to take a longer period of Parental Leave and to return to Chambers within a period of two years following birth or adopting a child.
 - (b) A right not to pay Room Rent during the whole period of Parental Leave taken.
 - (c) A right to be relieved from paying Room Rent during the first three months following return to practice.
 - (d) A right to be relieved from paying Chambers Service Charge on work done following return to practice from Parental Leave, up to a value of work done of £200,000.
 - (e) A right to have the payment of any liability for Chambers Service Charge incurred during a period of Parental Leave, or the first three months following return to practice, deferred to months four to ten following return to practice.
- 9.16 If a Member who benefits from Additional Parental Leave Entitlements wishes to take leave for a period longer than two years, this should be arranged with Chambers Management. If such a Member is absent from Chambers for more than two years without agreeing an extension with Chambers Management, her/his automatic right to return to Chambers ceases unless such absence is due to consecutive births.
- 9.17 Where membership ceases by virtue of the provisions in paragraph 9.13 or 9.16, a member can re-apply to Chambers in the usual way.
- 9.18 A Member taking Parental Leave including Shared Parental Leave who is not otherwise entitled to Additional Parental Leave Entitlements, by reason of not being the main or primary carer, may

apply to Chambers Management to have Additional Parental Leave Entitlements. On application Chambers Management will consider affording the Member concerned some or all of the Additional Parental Leave Entitlements. Relevant considerations may include the length of the period of Parental Leave taken or to be taken.

Arrangements During Leave

9.19 A Member shall leave their room tidy and it shall be subject to use by other Members. A Member on Parental Leave shall have their room reserved to them during the first six months of Parental Leave. After six months, their room shall not be reserved to them and may be reallocated, unless they resume liability for paying rent for that room. If a Member's room is reallocated in accordance with this paragraph, then on return to practice the Member shall be offered a room, and upon the next reallocation of rooms, shall be offered a room in accordance with the room allocation policy in force at the relevant time.

9.20 A Member on Parental Leave is encouraged to maintain contact with Chambers. She or he will be kept in touch with Chambers' matters during such period of absence by whatever means she or he agrees with her or his clerk, the COO, the Director of Clerking or the Head of Chambers from time to time.

9.21 Throughout Parental Leave, all mail delivered to Chambers for the Member and/or any internal mail (including Chambers accounts and invoices) shall be forwarded to the Member's home address on a regular basis.

9.22 A Member is encouraged to inform the Head of Chambers, E&D Officer(s), the COO, the Director of Clerking, and her or his clerk of the date on which she or he intends to return to regular practice as early as possible and in any event at least one month prior to the date of intended return.

9.23 In the month prior to return to regular practice, the Member is encouraged to arrange a meeting (in person, virtually or by telephone) with her or his clerk to discuss the following matters.

9.23.1 The date on which the Member intends to return to regular practice;

9.23.2 The number of hours that the Member intends to practise;

- 9.23.3 A plan for informing the Member's and Chambers' clients of the Member's return to regular practice;
 - 9.23.4 The type of work that the Member would like to be offered on return to regular practice;
 - 9.23.5 Practical steps to assist with the re-establishment of her or his practice on return to regular practice.
- 9.24 Following return to regular practice the clerks shall actively bill and review the aged debt of the Member to ensure that a Member's receipts are resumed as soon as possible.
- 9.25 During any period of Parental Leave, the Head of Chambers, the COO and the Director of Clerking will ensure that the Member is:
- 9.25.1 Offered opportunities to do appropriate work if this is requested;
 - 9.25.2 Invited to training events, social occasions, marketing events and Chambers meetings;
 - 9.25.3 Consulted on any significant issues affecting the practice of Chambers; and
 - 9.25.4 Receives assistance with the re-establishment of their practice on return to work, including (where requested) the arrangement of a "practice meeting" with the relevant clerk within two weeks before the Member returns to work and regular reviews of progress thereafter.

Undertaking work during leave

- 9.26 Informal working arrangements during a period of Parental Leave do not affect a Member's entitlement to relief from Room Rent and other entitlements referred to above (where applicable), provided that the Head of Chambers is kept informed of the arrangements by the Member and is satisfied that the level of work being undertaken does not constitute a full return to practice.

Return from Leave

- 9.27 It is the policy of Keating Chambers to enable parents to work reduced hours on return from a period of parental or adoption leave. The returner may be relieved from the duty of having a Pupil or mini-pupil. This should be discussed with Chambers' management and clerks.

Guidelines to Assist with Practice Development following a Period of Parental Leave

Keating Chambers is a progressive set, keen to promote equal numbers of male and female barristers. Keating understands the challenges faced by pregnant women and new parents, particularly mothers, as they try to balance work and childcare, look after their health, maintain a self-employed career, and build a successful practice that could lead to silk.

9.28 The following practical steps are to be taken (subject to the wishes of the member of Chambers concerned) during a period of Parental Leave and upon a return to practice:

9.28.1 The clerks should keep a record of enquiries for work opportunities made about the Member during any absence for Parental Leave;

9.28.2 The Director of Clerking and the Member's 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 maximize the prospect of there being work for the Member upon her or his return; the Member should give the COO, the Director of Clerking and/or Head of Chambers as much notice as possible of her or his return to Chambers;

9.29 Steps that might be taken include:

9.29.1 Contacting solicitors with whom the Member worked previously and those who made enquiries of the Member during their absence to inform them of the Member's return to work;

9.29.2 Publicising the Member's return to work in Chambers;

9.29.3 Ascertaining whether any Members have suitable work for or in which to involve the returning Member.

9.29.4 Where considered necessary to rebuild a Member's practice and with the Member's full consent the clerks may take a flexible approach to (1) pricing; and (2) pitching for work

that might not otherwise be offered to someone of the returning Member's seniority or experience.

9.30 Chambers will be flexible with regard to any request to act as a pupil supervisor made to a Member who is the main or primary carer of a child who is returning from parental leave being mindful of BSB Rule C-110.

Complaints

9.31 Any Member who wishes to make a complaint regarding a breach of this policy should in the first instance contact Chambers' Equality and Diversity Officer(s).

Contact

9.32 Veronique Buehrlen QC is the point of contact for all queries regarding this policy.

Fostering

9.33 Chambers recognises that fostering arrangements are diverse and can, for instance, range from care which is provided for a period of a few weeks to care which is provided on a long term basis and is akin to adoption. Therefore, Chambers has not formulated a prescriptive policy that will apply in the event of a Member fostering a child. However, if a Member is going to become a foster carer then the Head of Chambers (in consultation with the Equality and Diversity Officer) will agree with the Member an arrangement which reflects the demands of his or her fostering arrangement. Such arrangement will be formulated by analogy with the principles set out in this parental and adoption leave policy and due consideration will be given to whether the Member is the primary carer together with the appropriate period of leave and any period for which the Member will be absolved from paying Room Rent and Chambers Service Charge.

Pupils

Prospective pupils

9.34 Upon application, Chambers may defer the commencement of pupillage of prospective pupils who become pregnant prior to the commencement of pupillage for a period of up to 12 months.

9.35 Prospective pupils with existing childcare commitments may discuss with the Pupillage Committee how their working hours during pupillage can accommodate such commitments and should be advised of their entitlement to flexible working hours in accordance with this policy.

Current pupils

9.36 This part of the policy applies to all first and second six pupils who are parents or guardians or carers of dependents.

9.37 Pupils who become pregnant during pupillage may defer completion of the remainder of pupillage, subject to the requirements of Part V of the Bar Training Regulations.

9.38 In the event that an exemption from the Bar Training Regulations is required, the pupil's supervisor shall be responsible for endeavouring to obtain written permission from the Bar Standards Board.

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

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

9.41 Chambers shall 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.

9.42 The need to work flexible hours for this reason should not, as far as possible, affect the allocation of court work during the practising period of pupillage. Pupils should however be aware of the demands of the court schedule and the necessity for evening and last-minute briefs and should arrange childcare with this in mind wherever possible.

9.43 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. Flexible and part-time working and career breaks

- 10.1 This policy applies to barristers and is produced in accordance with the Bar Code of Conduct C.110.3 (l) which requires that Chambers “*has a flexible working policy which covers the right of a Member to take a career break, to work part-time, to work flexible hours, or to work from home, so as to enable them to manage their family responsibilities or disability without giving up work.*”
- 10.2 This policy sets out Chambers’ approach to Members’ requests to work on a part-time basis, to work flexible hours, to work mainly from another location than Chambers, to take a career break or sabbatical, or otherwise to operate temporarily or permanently on a basis other than as a full-time chambers-based practitioner (“individual arrangements”).
- 10.3 Chambers recognises that there are an indefinite range of reasons giving rise to the need or wish of a Member to put in place individual arrangements and that it is not possible, or useful, to anticipate and prescribe for every potential set of circumstances. These reasons range, without limitation, to the need to cater for serious chronic illness or disability of a Member or of those for whom the Member has caring responsibility, to the need to work part-time due to child-care responsibilities, to the wish to take a sabbatical for personal development reasons.
- 10.4 Recognising that flexibility and the need to shape working practice around individuals’ needs are of the essence of individual arrangements, this policy does not attempt to stipulate fixed rules, but to state the principles which will inform Chambers’ response to Members who request to make individual arrangements. In applying the below principles Chambers’ objective is to retain all Members, in whose practices it has invested time and money and that accommodating and actively managing flexible working arrangements is likely to aid long-term retention of such Members in Chambers and in practice at the Bar.
- 10.5 Generally, Members are free to make such working arrangements as suit them and their practice. In principle each Member should maintain a room in Chambers, pay rent, and participate in Chambers’ social and business life, although particular circumstances may (with the agreement of Chambers – see 10.7 below) justify a departure from that principle.
- 10.6 Chambers does not lay down rules about attendance at Chambers, working remotely or otherwise about the way in which Members manage their practice. Facilities for remote conferencing, delivery of documents electronically or physically, and other means by which Members not

physically present can participate in Chambers business are provided as a matter of routine. Accordingly, it will usually be only where proposed individual arrangements are likely to affect the ability of the Member to pay Room Rent and Service Charges that Chambers will require to be consulted, where reasonably possible in advance.

10.7 A Member who wishes to make individual arrangements which entail a change in their financial relationship with Chambers, or which go beyond the scope of the flexibility ordinarily available, should, if possible, notify the Executive Committee of their plans, together with any proposals for an adjustment of their financial arrangements with Chambers, at as early a date as practicable. In case of matters which the Member applying wishes to keep as confidential as possible, such as personal illness, such notification need be made only to the Head of Chambers and the Deputy Head of Chambers (for personnel) who will, in such circumstances, take action to apply the policy in the stead of the Executive Committee/Chambers and without informing the Executive Committee or Chambers (other than the fact that an individual arrangement has been made and as to its duration). The Executive Committee will in general consider such proposals sympathetically, taking into account the following factors, together with any matters specific to the Member's circumstances:

10.7.1 The Member's reasons for making the request. Members have a right to change their working arrangements and Chambers will not in relation to that threshold question rank some reasons as more deserving than others. When it comes to a proposed change in financial arrangements it is acknowledged that there is a difference between changed working arrangements arising from necessity, such as serious illness or disability of a Member, and, for example, preferential changes for reasons of personal development.

10.7.2 The likely impact on other Members and on Chambers as a whole. The impact in question may include Chambers' ability to respond to clients' requirements, the financial impact, Chambers' reputation and ability to market itself, Chambers development initiatives and the need to support internal structures and activities such as Chambers' committees. The Executive Committee (or Head of Chambers/Deputy Head of Chambers) will take into account the beneficial effects of proposals, including the maintenance of a supportive and diverse culture and the benefits of retaining Members, as well as any potential negative effects. The weight given to this factor will, however, be limited where the nature of the reason for putting in place the individual arrangements arises from necessity, due, for example, from illness, disability or caring responsibilities, rather than personal desire.

Specific matters

Involvement in Chambers business and activities

10.8 Chambers will make arrangements, so far as reasonably practicable, to enable a Member, during a period of individual arrangements, to maintain their access to information, Chambers' social or marketing activities, CPD events or involvement in Chambers' planning and business affairs.

Access to work

10.9 Members operating individual arrangements will, so far as is consistent with those arrangements, be offered access to work as they would have been had they not been operating individual arrangements.

Preparation for and management of individual arrangements

10.10 When a Member requests to agree individual arrangements, an early meeting should be held with the Director of Clerking to discuss the practical aspects of the intended individual arrangements:

10.10.1 the reason that they wish to agree individual arrangements (if appropriate);

10.10.2 the hours and days that they wish to work;

10.10.3 where they intend to be based (home or Chambers); and, where applicable, how they can be contacted;

10.10.4 any geographical (or other) limitations they would like to be placed on work allocated to them;

10.10.5 how their proposed days and hours of work are likely to affect the other Members of their practice group;

10.10.6 how they wish their individual arrangements to be referred to in conversations with clients and other Members;

10.10.7 what arrangements the Member and clerks are going to make to ensure good communications are maintained between the Member and the clerks and with solicitors;

10.10.8 logistical issues (pigeon-hole contents; IT; couriers; payment of cheques etc.)

10.11 Where practicable, the Member and the Director of Clerking should fix a date for a review meeting to ensure that the agreed arrangements are operating effectively. In a long period of individual arrangements, further review meetings should be scheduled.

10.12 Chambers shall encourage its clerks to undertake training in relation to flexible working.

10.13 If the period of individual arrangements involves a period where the Member ceases to undertake any work at all for a period (e.g. sabbatical, illness), Chambers will ensure that the Member returning to practice is assisted in the re-establishment of their practice.

Room rent and service charge

10.14 Proposals for individual arrangements should include any proposals in respect of room allocation and/or for the abatement of part or all of a member's liability to pay Room Rent and/or for relief from payment of all or part of service charges.

10.15 Chambers will consider proposals for abatement or relief, taking into account factors including:

10.15.1 The Member's circumstances and reason for wishing to make the individual arrangements;

10.15.2 The proposed amount and duration of the abatement;

10.15.3 The effect on Chambers' revenue, and fairness to other Members;

10.15.4 Any benefit which may accrue to Chambers from the proposed individual arrangements (for example, if the arrangements are to enable the Member to complete a book or take up an academic post, which will enhance Chambers' reputation);

10.15.5 Any income which the Member expects to earn as a direct consequence of the individual arrangements, which they would not otherwise have earned.

10.16 Service charges vary with the Member's earnings. Where, during a period of individual arrangements, the Member receives fee income referable to a previous period, the starting point should be that the service charges payable on that income should be paid, since the services for which they are charged have been provided and the relevant income received. Chambers will consider proposals for other arrangements, taking into account the factors relevant to proposals for abatement of Room Rent.

10.17 If individual arrangements include a prolonged absence from Chambers, the Executive Committee will consider:

10.17.1 Proposals for the abatement of Room Rent;

10.17.2 Whether the Member should take a smaller room or allow use of their room by other Members or for other purposes during the absence.

Complaints and other policies

10.18 Any Member who wishes to make a complaint about the application of this Policy or any other matter in respect of flexible working should in the first instance contact the Chambers' Equality and Diversity Officer[s], Veronique Buehrlen QC , who will endeavour to resolve the complaint informally. If the matter cannot be resolved informally, a grievance can be further pursued under Chambers' Complaints and Grievances procedure (see section 13 of this guide).

10.19 Members who have a disability should also refer to chambers' Reasonable Adjustments Policy if necessary (see section 11 of this guide) and may wish to refer to the government's Access to Work scheme (<https://www.gov.uk/access-to-work/overview>).

11. People with a disability

Aim and remit of policy

- 11.1 The aim of this policy is to make sure that, as far as is reasonably practicable, a person with a disability has the same access as a person without that disability to everything that is involved in receiving legal services, applying for and keeping a job, practising their profession, obtaining and completing pupillage, gaining educational experience or visiting Chambers.
- 11.2 Keating Chambers is committed to making such adjustments as are reasonable in order to remove or reduce substantial disadvantage for people with disabilities receiving legal services from Chambers' barristers or working in or with Chambers. This policy applies to all Chambers' staff, Members, clerks, Pupils, mini-pupils and visitors to Chambers, including but not limited to professional and lay clients.

Circulation

- 11.3 This policy is circulated to all Members, staff, Pupils, clerks and all others who are all required to read and understand it.

Definition of disability

- 11.4 This policy adopts the definition of disability in the Equality Act 2010 s.6: a person has a disability if they have a physical or mental impairment which has a substantial and long term adverse effect on their ability to carry out normal day-to-day activities. "Substantial" means more than minor or trivial and "long term" means 12 months or more".

Reasonable adjustments

- 11.5 Chambers will make reasonable adjustments to remove or reduce substantial disadvantages faced by people with disabilities in receiving legal services, working in or with, or visiting Chambers. An adjustment is, in broad terms, a temporary or permanent change in the way things are done in Chambers, a physical feature of Chambers or the equipment or other aids provided. When deciding whether an adjustment is reasonable Chambers will take into account:
- 11.5.1 how effective the change will be in removing or reducing the disadvantage
 - 11.5.2 how easy or difficult it will be to make the adjustment
 - 11.5.3 the cost of making the adjustment
 - 11.5.4 Chambers' resources
 - 11.5.5 whether external financial support is available (for example grant aid).

11.6 This policy does not provide an exhaustive list of the kinds of adjustments that Chambers may consider. Each case will be considered individually. The following are examples of types of adjustment suggested by the BSB:

11.6.1 Information in alternative formats (e.g. large print, Braille etc) ;

11.6.2 Paid leave and/or flexible working hours for staff with disabilities;

11.6.3 Auxiliary aids e.g. induction loops or specialised computer monitors;

11.6.4 Accessible conference room facilities;

11.6.5 Provision of a reader or interpreter.

Staff, Barristers and others in Chambers

11.7 Requests for adjustments should be made to Nicola Humphreys, Director of Operations. Requests will be considered on a case-by-case basis with the advice and assistance of Chambers' Equality and Diversity Officers. Where it is not reasonable to make the adjustment requested, Chambers will discuss viable alternatives with the person concerned.

11.8 When a person with a disability joins Chambers, as a member of staff, Member or a pupil and whether in a permanent or temporary capacity (but not including visiting contractors), the Director of Operations will consider, in consultation with that person, whether they will require specified assistance in the event of an emergency evacuation. If so, a personal emergency evacuation plan will be developed in partnership with the individual(s) concerned in order to ensure that adjustments to the emergency evacuation procedure may be made. Where practicable the emergency evacuation plan will be completed before the person concerned joins Chambers and in any event, it will be completed within a month of their joining. The Director of Operations will ensure that anyone who needs to be aware of the emergency evacuation plan is aware of it and will report accordingly to the Executive Committee.

Visitors to Chambers

11.9 Members are responsible for considering reasonable adjustment requests for their visitors. The first point of contact in this respect will normally be the Member's clerk. The clerk will then discuss the matter with the barrister with assistance from the Director of Operations (Nicola Humphreys) and, where appropriate, with Chambers' Equality and Diversity Officer[s].

Applicants for employment, membership and pupillage

11.10 Chambers will make reasonable adjustments to enable disabled candidates to demonstrate their suitability for employment, membership of chambers and pupillage. Invitations for interview will include an invitation to request and/or discuss such adjustments in advance.

Cost of making reasonable adjustments

11.11 In no circumstances will Chambers pass on the cost of a reasonable adjustment to a person with a disability. Chambers may in an appropriate case require a person with a disability to apply to the Access to Work Scheme for assistance with the cost of an adjustment, in which event Chambers will provide such assistance to the person concerned in making the application.

Monitoring and review

11.12 This Policy is reviewed by Chambers' Equality and Diversity Officer every two years. The date of the last review was **December** 2020.

Resources

Bar Council Equality and Diversity Adviser

The Bar Council offers a confidential equality and diversity helpline to all pupils and members of the Bar.

Confidential helpline (as at November 2020) 020 7611 1426

The Bar Council's Head of Equality and Diversity can provide assistance on making reasonable adjustments and making chambers and services accessible to people with disabilities.

Email (as at November 2020): SMercer@BarCouncil.org.uk

Deaf Lawyers UK

Website: <http://www.deafbar.org/>

MIND - National Association for Mental Health

Website: www.mind.org.uk

This is a mental health charity which works to support people with mental health problems and their careers. Provide advice on employment matters.

Royal National Institute of Blind People

Website: www.rnib.org.uk

Includes detailed information about website accessibility

Email: helpline@rnib.org.uk

Telephone: 0303 123 9999

Equality and Human Rights Commission

Website: www.equalityhumanrights.com

Email: info@equalityhumanrights.com

Helpline: 0808 800 0082

Access to Work Scheme

Website: <https://www.gov.uk/access-to-work/overview>

May provide grant funding for adjustments for people with disabilities in the workplace through the 'Access to Work' Scheme.

12 Keating Chamber's Data Diversity Policy

- 12.1 This is the Diversity Data Policy for Keating Chambers which is updated in accordance with r.C110(3)(p)-(t) of the BSB Handbook (version 4.5 of 1 September 2020). This policy is effective as of 22 January 2021.
- 12.2 Chambers' policy is for each individual Member to have and maintain their own individual registration as data controllers for the purposes of their practices and any administrative functions which they perform on behalf of chambers.
- 12.3 The name of the registered data controller for Keating Chambers is Nicola Humphreys and the data controller's registration number on the Data Protection register is Z7023575.
- 12.4 Chambers shall have appointed a Diversity Data Officer at all times. The Diversity Data Officer shall be the Director of Operations. The name of the current Director of Operations, and therefore current Diversity Data Officer is Nicola Humphreys.

Collection of Diversity Data

- 12.5 Members, Pupils, clerks and staff employed by Chambers are to be given the opportunity to provide their Diversity Data for collection and in order for Chambers to publish an anonymous summary of the Diversity Data in accordance with the requirements of the BSB. The Diversity Data Officer is responsible for arranging and supervising the collection of Diversity Data.

Why Diversity Data is collected

- 12.6 Members, Pupils, clerks and staff have the opportunity to provide their Diversity Data in order for Chambers to publish an anonymous summary of the Diversity Data on its website. This provides transparency concerning recruiting and employment activities across Chambers and analysis of diversity data encourages a strong, diverse and effective legal profession.
- 12.7 Members, Pupils, clerks and staff should note that they are not required to provide their Diversity Data. Members, Pupils, clerks and staff are free to choose whether or not they wish to provide all, some or none of their Diversity Data.

How Diversity Data is collected

12.8 Diversity Data will be collected by the Diversity Data Officer confidentially and securely, by email, electronic survey or hard copy.

12.9 Members, Pupils, clerks and staff will be provided with an electronic copy of the questionnaire (hard copy if requested together with an envelope for returning the questionnaire). This will also be accompanied by a copy consent form which individuals must complete if they wish to provide their Diversity Data. Individuals will be notified by email of the deadline for completing the forms, which will be no less than 7 days from the date of notification.

Keeping Diversity Data secure

12.10 All Diversity Data that is collected from Members, Pupils, clerks and staff will be kept securely. Chambers shall put the following security measures in place to protect Diversity Data:

12.10.1 Diversity Data collection forms shall be kept under secure password-encrypted file, accessible only by the Data Diversity Office; or, in the case of hard copies in a secure, locked location;

12.10.2 Diversity Data collection forms shall be accessible only by the Diversity Data Officer;

12.10.3 Once the Diversity Data collection forms have been anonymised (as to which see below) they shall be kept in a manner whereby access is controlled and shall be accessible only by the Director of Operations (who is also the Diversity Data Officer), the Head of Chambers, the COO and the Director of Clerking and subject to their maintaining the security and confidentiality of the Diversity Data.

12.10.4 The Diversity Data Officer will not share Diversity Data (whether anonymised or not anonymised) with any third parties, save as set out in this policy.

12.11 Should any individual Member, Pupil, clerk or member of staff access or disclose Diversity Data accidentally or intentionally when they are not authorised to do so, they must notify the Diversity Data Officer immediately. Failure to do so may be treated as a disciplinary offence.

Anonymising Diversity Data

12.12 The Diversity Data Officer is required to anonymise Diversity Data before publishing it and before disclosing it to the individuals referred to in paragraph 12.10.3 above. The Diversity Data Officer will securely anonymise Diversity Data by allocating each individual with a unique reference number which only the Diversity Data Officer will know. The list of reference numbers will be stored in a password protected form on the Diversity Data Officer's computer.

Publication of the anonymised summary of Diversity Data

12.13 Chambers is required by the Bar Standards Board to publish Diversity Data in an anonymised summary format, initially, by 31 December 2012 and thereafter every three years. Subject to paragraphs 12.15 and 12.16 below, the summary will break down the information in a way which categorises each diversity characteristic against job status and role, in a manner which reflects seniority within Chambers. The summary will be published online on the Chambers' website.

12.14 Diversity Data relating to sexual orientation and religion or belief will not be included in the anonymised summary format for publication, unless there is consent from each of the Members, Pupils, clerks and staff.

12.15 Diversity Data relating to any characteristic where there is in the reasonable opinion of the Diversity Data Officer (following consultation with the Equality and Diversity Officer(s) or one of them) a real risk that individuals could be identified will not be published unless all affected individuals consent. In particular, where there are fewer than 10 individuals within each published category who identify through the questionnaire with the same diversity characteristic (for example, 4 individuals with a role at the same level of seniority identify themselves as disabled), Chambers shall not publish the anonymous data relating to those individuals and that diversity characteristic unless the individuals concerned have each consented to such publication, in the knowledge that they may be identified against that characteristic.

Destruction of Diversity Data

12.16 The Diversity Data Officer shall securely destroy the Diversity Data collected promptly after the Diversity Data has been anonymised and in any event within 3 (three) months following the date for collection specified by the Bar Standards Board. Secure destruction means that as far as possible Chambers shall not hold the Diversity Data in any way where it is possible to identify an individual. In practice, the Diversity Data collection forms will be shredded and disposed of.

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

Questions or complaints

12.18 Members, Pupils, clerks and staff have a right to withdraw their consent or object to the use of their Diversity Data at any time.

12.19 Where Diversity Data has already been provided by a Member, Pupil, clerk or member of staff and they wish to withdraw their consent to its use, the individual concerned should notify the Diversity Data Officer in writing by placing a letter in her pigeon hole or by emailing her on nhumphreys@keatingchambers.com. The Diversity Data Officer will promptly delete or destroy any Diversity Data which includes the personal data and will confirm to the individual concerned that this step has been taken within 21 days of receiving notification from you.

12.20 Where the anonymised data has been published in summary form, the Diversity Data Officer will not extract this personal data from the published summary unless the individual has reason to believe that continued publication of the anonymised data is causing or is likely to cause them or someone else substantial damage or distress. In such circumstances, the Diversity Data Officer, in consultation with the Equality and Diversity Officer, will consider the reasons the individual has put forward and shall respond within 21 days from the date the individual notified her of their belief to let the individual know whether it has been determined that the continued publication of the data is justified and, if not, to confirm the action taken to extract the individual's data from the published summary and to delete or destroy any copies.

12.21 Should you have any questions or complaints about this Diversity Data Policy, please contact the Equality and Diversity Officers or the Diversity Data Officer. The current Equality and Diversity Officer is Veronique Buehrlen Q.C.

12.22 A copy of Chambers' Notification and Consent Form for Diversity Data Provision is at Appendix 1 of this Policy Booklet. A copy of Chambers' Diversity Data Questionnaire is attached at Appendix 1 hereto.

13. **Complaints and Grievances**

Statement of Policy

- 13.1 Chambers is committed to providing a working environment in which all individuals including Members, Pupils, mini-pupils, employees, instructing solicitors and 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.
- 13.2 Save as set out in paragraph 13.5 below, this Section sets out the procedure for complaints and grievances in relation to matters arising out of or connected with Chambers E&D policies.

Scope of Procedure

- 13.3 All Members, Pupils, mini-pupils, employees and applicants for positions in Chambers shall have the right to raise a complaint in the event of discrimination, harassment or victimisation on the grounds of the Protected Characteristics.
- 13.4 Complaints may relate to selection and recruitment of pupils, tenants and staff, conduct of pupillage, distribution of work, harassment, victimisation, parental leave, flexible and part-time working, providing services to disabled people, under the rules set out in this Policy or discrimination on the prohibited grounds and may relate to an individual, a group of individuals or to Chambers generally.
- 13.5 The procedure set out below shall govern how such complaints are dealt with, save that:
- 13.5.1 Complaints from members of the public concerning barristers or the employees of barristers will be dealt with in accordance with the requirements of the Professional Conduct Committee of the Bar Council.
- 13.5.2 The procedure set out below applies in relation to Pupils only where the complaint concerns discrimination, harassment or victimisation by reference to the Protected Characteristics. For all other complaints, the general procedure for complaints and grievances is set out in the pupillage handbook supplied to pupils during their induction.

13.5.3 In relation to employees, the procedure for complaints and grievances is set out in the Staff Handbook supplied to staff during their induction.

Notification of Procedure

13.6 A copy of the procedure, which includes the names of the nominated persons for responding to formal and informal complaints and grievances, will be given to all members, staff and Pupils in Chambers.

Confidentiality

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

Informal Procedures

13.8 Where possible and appropriate a complaint should be raised informally with either or both of the Equality and Diversity Officers, who shall act as informal advisers to the complainant and shall, on the request of the complainant, assist in an informal resolution of grievances.

13.8.1 The current Equality and Diversity Officer is Veronique Buehrlen Q.C.

13.8.2 It will be the responsibility of those Officers to facilitate a mutually satisfactory solution of the grievance as quickly as is reasonably practical. These Officers shall also ascertain and inform the complainant of any opportunities for support or counselling as may be appropriate.

Formal Complaints – Time Scales

13.9 If an informal resolution is not possible or appropriate a formal complaint shall be made. This shall be in writing with reasonable particularisation and shall be made as soon as reasonably possible and in any event within six months of the act complained of. It shall be addressed initially to one of the Equality and Diversity Officers.

13.10 The Equality and Diversity Officer to whom the complaint has been made will acknowledge the complaint within seven days of receipt and notify the Head of Chambers or his/her Deputy, as appropriate to the complaint, who shall nominate two senior members of Chambers (who may be or include the or one of the Equality and Diversity Officers) to investigate the complaint and to report to him/her within 28 days of receipt of the complaint.

13.11 Investigations shall be conducted in accordance with standards of natural justice. All parties to the complaint will be permitted to be accompanied by a colleague or friend at any hearing.

Remedial Action

13.12 In the event of the Head of Chambers or his/her Deputy determining that the complainant has suffered discrimination, harassment or victimisation or otherwise upholds the complaint he/she may admonish the person against whom the complaint is made, if appropriate, and/or refer the matter to the Executive Committee of Chambers with a recommendation as to the action to be taken or take such other steps as he/she may consider reasonably necessary in the circumstances of the case.

13.13 The complainant shall be informed of the determination and a clear indication of any action to be taken in writing.

13.14 Following a determination of a formal complaint the Equality and Diversity Officers (or one of them) shall inform the complainant of his or her right to institute proceedings within six months in the County Court in respect of discrimination and of their right to consult the Equalities and Human Rights Commission.

13.15 A brief confidential report on all formal complaints/grievances and the determinations shall be kept by the Equality and Diversity Officers for monitoring purposes for one year from the conclusion of the case with a discretion to keep longer if necessary.

Section 14: Directory

Further information may be obtained from the following sources:

<https://www.barstandardsboard.org.uk/for-barristers/compliance-with-your-obligations/equality-and-diversity-rules.html>

[Helplines \(barcouncil.org.uk\)](https://www.barcouncil.org.uk)

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

Bar Council: E&D helpline: 020 7611 1310