

FOUNTAIN COURT

EQUALITY AND DIVERSITY HANDBOOK

5.11.10

INDEX

Definitions

1. GENERAL
2. SERVICE PROVISION
3. EQUAL OPPORTUNITIES POLICY - EMPLOYEES

Introduction

Recruitment and Promotion

Selection

Employment

Training, Facilities and Benefits

Monitoring and Review

Responsibilities

4. EQUAL ACCESS TO WORK AND OPPORTUNITIES POLICY

5. DISABILITY POLICY

6. MATERNITY POLICY

Introduction

Remission from Chambers Expenses

Extended Absence and Retaining Membership of Chambers

Room Use

Provisions while a Member is Absent from Chambers on Maternity

Leave

Returning to Work Following Maternity Leave

Guidelines: Steps to be Taken in Respect of Members on Maternity

Leave and Returning to Chambers after Maternity Leave

7. FLEXIBLE AND PART TIME WORKING POLICY

8. PUPILLAGE AND TENANCY POLICY

9. HARASSMENT POLICY

10. GRIEVANCE PROCEDURE

11. CONTACTS AND LINKS

DEFINITIONS

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

- (1) Award pupil: has the meaning given in paragraph 7.8.
- (2) Chambers: refers collectively to the members of chambers from time to time, save where the context otherwise requires.
- (3) Comparators: persons in a materially comparable position to the protected group other than in respect of their race, religion and belief, sex, sexual orientation and transgender status, marital status, disability or age (as the case may be).
- (4) Discrimination: treating a person less favourably on any of the prohibited grounds (direct discrimination) or adopting or applying a practice, requirement or condition which adversely affects members of a protected group, relative to their comparators, without adequate justification (indirect discrimination).
- (5) Equality Monitor: refers to the person or persons so designated by the Head of Chambers.
- (6) Extended Absence: has the meaning in paragraph 5.7.
- (7) Head of Chambers: refers to the person holding the position of Head of Chambers under the constitution at the material time.
- (8) Initial Period: has the meaning in paragraph 5.3.
- (9) Maternity Leave: has the meaning given in paragraph 5.11.
- (10) Member: refers to a person who is defined as a member of chambers under the constitution.
- (11) Objective Selection Criteria: has the meaning given in paragraph 7.21.
- (12) Positive action: measures that Chambers may lawfully take under the sex discrimination and race relations legislation to meet special needs

or to train or encourage people from a specific group that is under represented in particular work.

- (13) Prohibited grounds: race, religion and belief, sex, sexual orientation and transgender status, marital status, disability and age.
- (14) Protected group: a group whose members differ from their comparators in respect of one or more of the following characteristics: their race, religion and belief, sex, sexual orientation and transgender status, marital status, disability or age.
- (15) Pupil: refers to a funded or unfunded pupil within the meaning of the Pupillage policy.
- (16) Regular practice: has the meaning in paragraph 5.8.
- (17) Senior Clerk: refers to the person or persons so designated by the Head of Chambers.
- (18) Client means professional client or lay client.

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; and patterns of working.
- 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 Members of Chambers as a whole.
 - (4) comply with the Code of Conduct, the Bar Council's Equality and Diversity Code and the Attorney-General's Equality and Diversity Expectations Statement.
- 1.4 It is intended that this Handbook be circulated to all Members, clerks and staff in order that they understand 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 staff from time to time.
- 1.6 Chambers will conduct monitoring of all applicants for, and holders of, staff positions, pupillage and Membership by disability, ethnicity and gender. Chambers (at least annually) will analyse results in particular against relevant benchmarks.

- 1.7 Chambers will seek to address under-representation by positive action where possible and appropriate.
- 1.8 The responsibility for ensuring that the policies set out in the Handbook are upheld is with the Head of Chambers. The role of the Equality Monitor, the Senior Clerk, pupil-masters and members of relevant committees in relation to these policies is more particularly set out below. However, each and every Member, member of staff and pupil is individually responsible for ensuring that their own conduct is not discriminatory and does not involve harassment or victimisation. Breach will be treated as a serious matter and may be a ground for disciplinary action.
- 1.9 Where a Member, pupil or staff Member is disabled there is a duty to consider a reasonable adjustment to the terms of this Handbook. A request for a reasonable adjustment should be made to the Equality Monitor.
- 1.10 Chambers will from time to time review the effectiveness of this Handbook and consider updating it.

2 SERVICE PROVISION

- 2.1 Members, individually, will not discriminate on grounds of disability, gender, sex, sexual orientation, marital status, race, colour, religious convictions or beliefs, or age, by refusing to provide (or deliberately not providing) to a Client any service which that Member provides (or is prepared to provide) to members of the public; or in the standard of service which he or she provides or the manner in which he or she provides that service; or in the terms on which he or she provides a service.
- 2.2 Clerks and staff will, likewise, not discriminate on grounds of disability, gender, sex, sexual orientation, marital status, race, colour, religious convictions or beliefs, or age, as to whether, in what manner or on what terms to offer to Clients the services which Members of Chambers provide (or are prepared to provide) to members of the public.
- 2.3 Chambers recognises that we have a continuing positive obligation to make reasonable adjustments, which requires us to take reasonable steps to change any policy, practice or procedure that makes it impossible or unreasonably difficult for disabled people to make use of our services. The Equality Officers will keep under periodic review whether further adjustments should be made. Chambers will take reasonable steps to draw those adjustments we have already made to the attention of disabled people.
- 2.4 Examples of discriminatory service provision include the following: the racial or sexual harassment of a professional or lay 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.
- 2.5 []

2. EQUAL OPPORTUNITIES POLICY IN RELATION TO EMPLOYEES

Introduction

- 2.1 Chambers considers all forms of Discrimination to be unacceptable in the workplace.
- 2.2 Chambers will take all reasonable steps:
- (1) to provide equal opportunities throughout employment, including in relation to remuneration, recruitment, training, working conditions and promotion of staff.
 - (2) to see that no employee receives less favourable treatment or is unlawfully discriminated against on grounds of disability, gender, sex, sexual orientation, marital status, race, colour, religious convictions or beliefs, or age.
 - (3) to see that all employees are made aware of the provisions of this policy and that all employees are required to ensure that the policy is carried out properly.
- 2.3 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 9.

Recruitment, Selection and Promotion

- 2.4 Chambers will take all reasonable steps
- (1) to 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) to 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) to comply with the Bar Council's Equality and Diversity Code and the Attorney-General's Equality and Diversity Expectations Statement.
- (4) to recruit, select and promote employees on the basis of ability, skill and/or qualification, or such other objective criteria as may be appropriate in the particular circumstances, without Discrimination.
- (5) to avoid making any requirements when recruiting, employing or promoting employees which would exclude or detrimentally affect a higher proportion of a particular sex or racial group or otherwise indirectly discriminate on prohibited grounds.

Training, Facilities and Benefits

2.5 Chambers will take all reasonable steps:

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

Monitoring and Review

2.6 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

- 2.7 The Chairman of the Administration Committee, together with 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.
- 2.8 All complaints must be treated seriously and the failure of the Chairman of the Administration Committee or Senior Clerk to carry out his or her duties in respect of equal opportunities may lead to disciplinary action being taken against him or her.
- 2.9 Chambers will take all reasonable steps to see that the Chairman of the Administration Committee 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.

3. POLICY FOR FAIR ALLOCATION OF WORK OPPORTUNITIES

- 3.1 Chambers will take all reasonable steps to ensure that opportunities for work are allocated fairly between barristers and pupils.
- 3.2 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 solicitor for work which the solicitor has not already allocated to a named individual.
- 3.3 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 on one or more of the unlawful grounds (age, disability, faith, ethnicity, gender, sexuality).

Clerks

- 3.4 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.
- 3.5 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.
- 3.6 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, 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

3.7 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

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

Monitoring

3.9 Chambers should take all reasonable steps to:

- (1) have appointed an Equality Monitor or Monitors at all times.
- (2) 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 3.6 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), the instructing solicitors, whether the request came from another barrister in Chambers and the clerk who took the initial call.

3.10 The Equality Monitors should take all reasonable steps to:

- (1) monitor whether opportunities have been allocated fairly every 6 months for juniors under 3 years' call, and at least annually for other members.
- (2) take into account the type of opportunity as well as the number of opportunities.
- (3) raise any matter with Head of Chambers where it will be necessary to identify an individual in order to investigate an apparent anomaly.
- (4) monitor the distribution of instructions by firms to see if they exhibit discriminatory practices, as required by the Bar Council Code, and raise any concerns with the senior clerk and/or Head of Chambers, bearing in mind that this is a sensitive area.
- (5) maintain a written record of the data which is monitored, and keep under review whether or not any other specific data could usefully and practicably be recorded.
- (6) report to the Senior Clerk and to the Head of Chambers on the outcome of their monitoring and any issues arising, and report annually to Chambers.
- (7) 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.
- (8) 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.

3.11 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

3.12 It is Chambers policy that pupils are 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 and with the agreement of the Head of Chambers, 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.

4. DISABILITY POLICY

4.1 Chambers will take all reasonable steps:

- (1) to provide services to the disabled to the same standard as it provides to others, and on terms no less favourable than the terms on which Members and staff supply services to others.
- (2) not to 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) to consider reasonable adjustments in the following areas to allow for circumstances where a Member, pupil, staff Member, client or other visitor is or may be disabled:
 - (a) practices, policies and procedures;
 - (b) auxiliary aids and services;
 - (c) physical features of the premises (see further below).
- (4) in recruiting pupils, staff, or tenants, to provide for the fair consideration of applicants with disabilities.
- (5) to ensure that training of Members, staff and pupils in matters of diversity and equality, extends to disability-related issues

4.2 The principal premises we occupy are several hundred years old. Nevertheless, Chambers will take all reasonable steps to make reasonable adjustments to their features and configuration so as to enable the disabled to make use of our services without undue difficulty and to provide assistance where and when required.

5. MATERNITY POLICY

- 5.1 Any reference in this Maternity Policy to the birth of a child applies equally to any case where a female Member adopts a baby.
- 5.2 Any reference in this Maternity Policy to a female Member who has given birth or adopted a baby shall apply equally to the case of a male Member who satisfies the Head of Chambers that he is the primary carer of a newborn or newly adopted baby.

Remission from Chambers Expenses

- 5.3 Any female Member who has given birth 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 of the child ("**the Initial Period**"), beginning with the contribution due in the first calendar month following the month of the birth.
- 5.4 The remission from Members' Contributions during the Initial Period is available to such Member irrespective of when she returns to Chambers, or whether she carries out any work during the Initial Period.
- 5.5 The Head of Chambers shall not exercise his right pursuant to Clause 14.4 of the Constitution in respect of any Member who has given birth or adopted a child, for a period of 2 years following the birth of the child. Subject to that, after the end of the Initial Period, Chambers Contributions will be charged in accordance with the provisions applicable to all other Members.

Extended Absence and Retaining Membership of Chambers

- 5.7 A female Member who has given birth may take a further period of up to 12 months leave immediately following on from the end of the Initial Period ("**Extended Absence**").
- 5.8 If the Member does not return to regular practice after the end of the Extended Absence Period, she will cease to be a Member, save in cases where she is away for longer than the period of Extended Absence as a

result of consecutive births. For these purposes ‘**regular practice**’ means holding oneself out to practise as a full Member. If an individual ceases to be a Member in accordance with this paragraph, she may re-apply to Chambers in the usual way.

- 5.9 The Members’ Contributions payable by the Member during Extended Absence will be calculated in accordance with the provisions applicable to all other Members, subject to paragraph 5.5 above.

Room Use

- 5.10 The position regarding the room of a female Member who gives birth or adopts a child is as follows:
- (1) The Member has the right to retain her room during the Initial Period, although if she decides during that period that she intends to take a period of Extended Absence she should notify the Head of Chambers so that a decision can be made as per (2).
 - (2) In the event that a Member takes a period of Extended Absence, the Head of Chambers will decide, after discussion with her, whether to seek to retain her room in Chambers empty during that period, having regard in particular to how long she 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 her room is reallocated, the Member will be offered the best available room on her 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 during the Initial Period or during Extended Absence it is understood that her room may be used during her absence on a temporary basis by other Members, their pupils and mini-pupils and for conferences.

Provisions while a Member is Absent from Chambers on Maternity Leave

- 5.11 Any absence from Chambers following birth or adoption during the Initial Period or during the period of Extended Absence is referred to below as “**Maternity Leave**”. Any Member on Maternity Leave will be kept in

touch with Chambers' matters in her absence. A set of guidelines attached to this Policy (the Guidelines), which will be reviewed and amended from time to time by the Equality Monitor, set out in more detail how this aspect of the Policy should be implemented.

Returning to Work Following Maternity Leave

- 5.12 It is intended that Chambers will assist any Member returning to work after Maternity Leave in a practical way to get instructions and to re-establish her practice. The attached Guidelines set out the practical steps that should be taken in respect of any Member returning to work following Maternity Leave.
- 5.13 Chambers is receptive and supportive to flexible patterns of working as set out in Section 6 of this Guide.

Grievance Procedure

- 5.14 Any Member who has a concern or complaint relating to this Policy or its implementation should raise her concern or complaint with the Head of Chambers – see Section 9.
- 5.15 The Equality Monitor has access to data which will enable them to follow up concerns in relation to this Policy and its implementation. The Equality Monitor will, from time to time, inquire whether any Member or clerk has any concerns or issues with matters relating to this Maternity Policy or its implementation.

Guidelines - steps to be taken in respect of members on maternity leave and returning to chambers after maternity leave

- (1) During the period of any Member's absence on Maternity 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 Maternity 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 her return. It is in the interests of the Member to give as much notice to the Head Clerks of her 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 Maternity 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 Clerks 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 Maternity 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 her absence on Maternity Leave, the Member

will be given the same assistance as any other Member wishing to undertake work from home.

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

Flexible and part-time working

- 6.1 Chambers is receptive and supportive to flexible patterns of working (including working flexible hours, working part-time and/or working from home) insofar as the demands of practice at the Commercial Bar permit.
- 6.2 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.
- 6.3 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
- 6.4 Members who seek to work flexibly for reasons associated with child care will be treated no less favourably than Members seeking to work flexibly for other reasons (for example, part-time judicial office).

Career Breaks

- 6.5 Chambers is in principle receptive to any Member wishing to take a career break, whether for reasons associated with child care or wider family responsibilities, or for 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 Maternity policy.

7. PUPILLAGE POLICY

Introduction

- 7.1 Paragraph 5 of Section 8 of the Chambers Practice Management Guidelines provides for a chambers' pupillage policy to cover the following: (i) the number and type of pupillages on offer, (ii) the finance (if any) available for each pupillage, (iii) procedures for the selection of pupils, (iv) the role and duties of pupils, (v) the role and duties of pupil supervisors, (vi) the general pattern of pupillage, (vii) the method for fairly distributing briefs or other work amongst working pupils, (viii) procedures for providing pupils with an objective assessment of their progress at regular intervals through pupillage, (ix) policy and procedure for the recruitment of tenants, (x) policy and procedures for pupils not taken on as tenants, and (xi) chambers' complaints and grievance procedures.
- 7.2 This Policy sets out Fountain Court's Pupillage Policy on the above matters. Although some of the information is also contained in other documents (principally in our *Guide to Pupillage* brochure available to all applicants for pupillage at Fountain Court), it is convenient to incorporate it into this document as well, so that Chambers' Pupillage Policy can easily be found in one document, and then kept under review.
- 7.3 In respect of all matters concerning pupils and the pupillage process, Chambers will comply with:
- (1) Section A of the Bar Council's Equality and Diversity Code;
 - (2) The Attorney-General's Equality and Diversity Expectations Statement.
- 7.4 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 the parts of this document of relevance to them. The note will

also be provided to all pupil supervisors. Applicants for pupillage will continue to be supplied with copies of our *Guide to Pupillage* brochure.

- 7.5 The Chairman of the Pupillage Committee and/or the Equality Monitor in conjunction with the Pupillage Committee will regularly (and at least once annually) review this Policy.

Equality and Diversity

- 7.6 Paragraphs 1 and 2 of the Equal Opportunities Policy (Section 2 above) apply to the recruitment and selection of pupils, tenants, established practitioners and mini-pupils *mutatis mutandis*.

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

- (1) paragraph 7.3 above, on the overriding obligation to comply with the Bar Council's Equality and Diversity Code and the Attorney-General's Equality and Diversity Expectations Statement in respect of pupillage matters;
- (2) paragraphs 7.12 to 7.15 below on issues of Recruitment;
- (3) paragraphs 7.17 to 7.19 below on matters of Training and Finance;
- (4) paragraph 7.21 and paragraphs 7.25-26 below on matters of Selection of Pupils;
- (5) paragraph 7.43 below on the issue of selection of Tenants;
- (6) paragraphs 7.48 to 7.52 below on the subject of Record Keeping and Monitoring;
- (7) paragraphs 7.53 to 7.55 below on the subject of Mini-pupillages.

Number and Type of Pupillages on Offer and Advertisement of Pupillages

- 7.8 Fountain Court aims to take up to three twelve months pupils per pupillage year, each of whom we select on the basis that he or she is a potential member of Chambers ("**Award Pupils**"). It is from these Award Pupils

that Fountain Court generally looks to recruit one or more new tenants each year at the end of their pupillages.

- 7.9 In addition to Award Pupillages, Fountain Court also makes available unfunded six months pupillages. This type of pupillage is only offered to candidates who do not intend to practice in independent practice at the Bar of England and Wales, and accordingly pupils with this type of pupillage are not considered for a tenancy at Fountain Court. In the past, such pupillages have typically been awarded to pupils who intend to practice in a foreign jurisdiction, or as employed barristers here or abroad.
- 7.10 Fountain Court does not offer third six pupillages.
- 7.11 The details of pupillages available at Fountain Court (both funded and unfunded) are publicised in Fountain Court's *Guide to Pupillage* brochure as well as on the Chambers' website (www.fountaincourt.co.uk). Chambers is a member of the Pupillage Portal Scheme. Details of funded pupillages are therefore also contained on the Pupillage Portal website www.PupilPortal.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

- 7.12 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 both the Bar Council's Equality and Diversity Code and the Attorney-General's Equality and Diversity Expectations Statement;
 - (3) Will make reasonable adjustments for disabled candidates.
- 7.13 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, Chambers will take and support all

appropriate and necessary positive action in order to address issues of under representation in Chambers. Such measures will include:

- (1) Participation in the Social Mobility programme operated jointly by the Bar Council and the Social Mobility Foundation;
- (2) The Ladders-2-Law programme operated by Brightside Trust and similar outreach initiatives;
- (3) The allocation of at least 25% of mini-pupillage annually to applicants from groups which are under-represented in Chambers;
- (4) Participation by Chambers in a programme organised by COMBAR to send barristers to a diverse selection of tertiary educational establishment in order to promote the Bar as a career.
- (5) Positive measures in respect of disabled persons, as set out in paragraph 7.25 below.

7.14 The Chairman of the Pupillage Committee and the Equality Monitor will review and evaluate positive action programmes, together with the issue of positive action generally, at least once annually, in order to assess:

- (1) Their 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.

7.15 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.

Finance and Training

- 7.16 Fountain Court provides funding for each of its Award Pupils. For the pupillage year 2010, funding takes the form of an annual award of £60,000. Payment of the award is made monthly in advance. We also pay the cost of the Advice to Counsel, the advocacy and the accountancy courses which pupils are required to attend.
- 7.17 Pupils selected for tenancy will be required to attend the Keble Advocacy Course organised annually by the South Eastern Circuit, for which Chambers will also pay.
- 7.18 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 equality strands, including age, disability, faith, ethnicity, gender and sexual orientation
 - (2) Equality and diversity issues are integrated into other training provided to pupils.
- 7.19 The Chairman of the Pupillage Committee and the Equality Monitor will review the content of the pupil training programme on equality and diversity at least once annually, to ensure that it complies with developments in law and best practice.
- 7.20 Fountain Court does not provide any funding for its unfunded six month pupils. We do, however, pay the cost of the Advice to Counsel, advocacy and accountancy courses, if they are attended during the period of the pupil's pupillage here. Following the decision of the Bar Council to approve proposals for compulsory minimum funding of pupils, and its subsequent Consultation Paper on Waivers, Fountain Court responded to

the consultation exercise in May 2001, proposing a class exemption in respect of applicants who wish to undertake a pupillage but who have no intention of practising at the independent Bar of England and Wales. In May 2002, the Pupillage Funding and Advertising Committee reported to the Bar Council that it would require *ad hoc* applications for waiver in such cases, but indicating that it would look favourably on such applications if they were *bona fide*.

Procedures for the Selection of Pupils

7.21 As set out above, Fountain Court is a member of the Pupillage Portal Scheme. When selecting pupils, Fountain Court is looking to assess the following (“**the Objective Selection Criteria**”):

- (1) Academic and intellectual abilities;
- (2) Skills in oral and written presentation;
- (3) Judgment;
- (4) Communication skills; and
- (5) The candidate’s understanding of, and interest in, the type of work we do.

7.22 From the candidates who apply through the Pupillage Portal scheme, a sub-committee of the Pupillage Committee (consisting of at least two members) reviews all the applications on paper and, on the basis of the Objective Selection Criteria, selects the applicants to call for a first interview.

7.23 All candidates who are called for a first interview are interviewed by two members of Chambers (usually including one Pupillage Committee member). The questions will follow a standardised form and will essentially be based on the contents of the applicant’s completed Pupillage Portal application form. A subcommittee of the Pupillage Committee (again consisting of at least two members) then draws up a shortlist of candidates for final interview on the basis of the information in the applicants’ application forms, the comments of referees, and the comments

of interviewers. All applicants included on the shortlist are interviewed by Fountain Court's Pupillage Committee, on the basis of standard questions prepared in advance. The applicants are assessed on the basis of the Objective Selection Criteria in order to identify candidates who will be offered pupillage.

- 7.24 Applications for unfunded six months' pupillages do not go through the same extended three-stage procedure, because the fact that they are aimed only at candidates who do not wish to practice at the Bar of England and Wales means that the number of applicants in any given year is much smaller and applications are not received at any set time. Applications are considered on paper initially and a decision is taken whether to call the candidate for an interview or not. Final interviews are again conducted by a sub-committee of the Pupillage Committee itself. There is no set timetable for when such applications need to be made.
- 7.25 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 4 above) for any disabled candidate and subsequently during pupillage. The Chairman of the Pupillage Committee together with the Equality Monitor will regularly:
- (1) Review recruitment and marketing literature to ensure they contain appropriate references to disabled access;
 - (2) Review and assess Chambers' level of accessibility to disabled people and make necessary requests for action to the Administration Committee and/or the Head of Chambers, in respect of any remedial or improvement steps identified.
- 7.26 Referees of candidates will be addressed to the Objective Selection Criteria and the type of information required of them, as required by paragraph 1.22 of the Bar Council's Equality and Diversity Code.

Role and Duties of Pupils

- 7.27 A pupil at Fountain Court will spend much time doing paperwork, e.g., reading papers and preparing pleadings and advices. Notes on specific

questions of law are often required. This work is reviewed and discussed with the relevant pupil supervisors. Pupils are advised generally to work in their pupil supervisor's room, rather than in the library, since this gives pupils the opportunity to observe the various aspects of a practice from close quarters.

- 7.28 A pupil will usually accompany his or her 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. 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.
- 7.29 After the first two months of pupillage are completed, Award 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 Award Pupil, so that tenancy decisions can be taken on as fair and informed a basis as possible on the basis of the Objective Selection Criteria). Unfunded pupils may also be given pieces of work for other members of Chambers. Working for other members of Chambers, however, should always be arranged through the pupil supervisor concerned, and should not occur at all during the first two months of pupillage.
- 7.30 The work which pupils can expect to undertake during pupillage is varied and challenging. Much of it is of a commercial nature, and the Bar Council's General Commercial Checklist is used at Fountain Court. Pupils are expected to keep a note of the categories of work they have seen or done. On changing pupil supervisors, the checklist should be reviewed with the new pupil supervisor.
- 7.31 One consequence of the nature of the work at Fountain Court 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

encouraged to undertake some work for the Free Representation Unit or other *pro bono* work.

- 7.32 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, 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. However, 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.
- 7.33 Fountain Court is reasonably flexible about the timing of holidays. However, this is another matter which a pupil should discuss with his or her 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. The Bar Council requires a pupil who takes more than two weeks holiday (in addition to statutory holidays) in either the first or second six months of pupillage to make up the time at the end of that period of pupillage.

Role and Duties of Pupil Supervisors

- 7.34 The formal obligations and functions of pupil supervisors are summarised in paragraphs 804-805 of the Bar Code of Conduct, and Part II of the Pupillage Guidelines (a copy of which is available in the Chambers Library). Fountain Court is committed to ensuring that our pupil supervisors take these responsibilities seriously.
- 7.35 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 staff as possible, and to explain to them the working routine in Chambers. In addition to this, the Chairman 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 in the first few

weeks of the new pupillage year to enable pupils to meet as many members of Chambers and staff as possible in an informal context.

- 7.36 After the pupil has completed the first two months of pupillage, pupil supervisors are expected to arrange for their Award 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 pupil supervisor alone.
- 7.37 Pupil supervisors are also required to ensure that their pupils are provided with, and retain, their checklists, and that their pupils complete it conscientiously and accurately. They are expected to satisfy themselves that it is proper to provide their pupils with the appropriate certificate required by the Consolidated Regulations at the end of each relevant period of pupillage, and to sign the pupil's certificate if it is appropriate to do so. Where a certificate is signed, a copy should be retained and given to the Secretary of the Pupillage Committee.

General Pattern of Pupillage

- 7.38 During pupillage at Fountain Court, we aim to give a pupil a thorough training in the types of work done by Chambers. Award Pupils spend the first and last two months with the same pupil supervisor (who is primarily responsible for seeing that the pupil is getting proper experience) and the middle eight months with three different pupil supervisors. Unfunded pupils spend their six months here with two different pupil supervisors (three months with each). No pupil supervisor has more than one pupil sitting with him or her at any one time.
- 7.39 As noted above, after the first two months of pupillage, Award Pupils will also be called upon to do specific pieces of work for other members of Chambers. Unfunded pupils may also be asked to do 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 Fountain Court. We also regard this as an important part of the

process of making tenancy decisions on the basis of the Objective 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.

Methods for Fairly Distributing Briefs and Other Work

7.40 As noted above, the nature of the work at Fountain Court is such that it is unusual for pupils to get work of their own during pupillage. To this extent, the question does not normally arise of distributing remunerated work to pupils. In practice, even when pupils are given work of their own, it is only after the pupil knows that he or she is to be taken on as a tenant; and, in those circumstances, work would be distributed in accordance with the normal equality practices of Chambers.

Procedures for Providing Pupils with an Objective Assessment of their Progress

7.41 Fountain Court has a three-tier procedure for 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, the Pupillage Committee periodically asks all pupil supervisors to report in writing on their pupils' work to date, with a view to the Chairman and/or Deputy Chairman 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 March;
- (3) Thirdly, in May/June of each year, the Pupillage Committee holds a meeting (at which all pupil supervisors are required to attend and all members of Chambers are invited) is held to consider the work of each of those pupils by reference to the Objective Selection Criteria. In the light of that discussion, the pupil supervisors or members of the Pupillage Committee may, as necessary, then meet with the Award Pupils again, to discuss progress and identify any areas of concern about their work which have been noted.

Policy and Procedure for Recruitment of Tenants

- 7.42 It is the policy of Fountain Court to take on at least one newly qualified tenant a year, chosen from the Award Pupils. We may take on more than one such tenant, and have done so frequently in recent years. However, there is no absolute guarantee that in any particular year a new tenant will be taken on.
- 7.43 Offers of tenancy are generally made in June or July of each year. Selection is made by reference to the Objective Selection Criteria. During the course of the year, 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 form which asks the member to assess the pupil's work by reference to the Objective Selection Criteria. Each pupil supervisor also provides to the Pupillage Committee an assessment of the pupil(s) who have sat with him or her during the year. Thereafter, the Pupillage Committee reviews all these reports at a meeting to which all members of Chambers are invited. Following that meeting, and after any necessary discussions with and assessments of any further work done by the Award Pupils, a recommendation is made by the Pupillage Committee to Chambers, which is considered at the annual Chambers meeting in June or July.
- 7.44 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 Court of Appeal's judicial assistants programme, or by spending a few months working in a firm of solicitors).

Policy and Procedure for Pupils not Taken on as Tenants

- 7.45 Fountain Court recognises a responsibility towards those Award Pupils who are not offered tenancies to assist them in making applications to other chambers doing good quality work (usually for a third six or a shorter pupillage with a view to a tenancy). 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. Our early choice of tenants normally makes it possible for the pupil's position to be resolved before the long vacation. It is not

Fountain Court’s practice to permit “squatting” in Chambers, or to offer “third six” pupillages.

- 7.46 For the reasons given above, unfunded pupils are not considered for tenancies at Fountain Court. Unfunded pupils are also taken on the basis that, if they come here for a first six months pupillage but wish to complete twelve months of pupillage, it is the individual pupil’s responsibility to arrange the other six months of pupillage in another set of chambers. Given the basis upon which unfunded pupillages are offered, Fountain Court does not accept any responsibility for assisting unfunded pupils to find pupillages elsewhere, or to find tenancies.

Chambers’ Complaints and Grievance Procedure

- 7.47 The formal complaints and grievance procedure applicable to pupils is that applicable to members of Chambers generally (see Section 9 below). 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 if they would prefer to do so.

Record keeping and monitoring

- 7.48 The Pupillage Committee will keep records of pupillage applications for a minimum of 6 years. This will include:

- (1) Forms which monitor candidates according to disability, ethnicity and gender; and
- (2) The information available through the Pupillage Portal scheme.

- 7.49 The Chairman of the Pupillage Committee and the Equality Monitor will analyse the monitoring data with respect to pupillage applications on an annual basis and will evaluate the results against relevant benchmarks including Bar Council vocational course graduate data and pupillage data.

- 7.50 The data will be analysed (as required by paragraph 3.3 of the Attorney-General’s Equality and Diversity Expectations Statement) with the aim of:

- (1) Taking corrective steps where there are significant and unjustifiable differences between those applying and those offered pupillage and/or tenancy;

- (2) 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;
- (3) Focusing recruitment efforts on addressing under representation;
- (4) Taking positive action where necessary to address any significant underrepresentation of any particular group;
- (5) Reporting progress in addressing under representation.

7.51 Where requested, Chambers will provide feedback to pupillage candidates by reference to the Objective Selection Criteria.

7.52 The Pupillage Committee also retains information relating to the assessment of pupils in order to be able to provide feedback to any pupil who is not offered a tenancy.

Mini-pupillages

7.53 The eligibility and selection process for mini-pupillages is set out on the Chambers website. In selecting mini pupils, Fountain Court is looking to assess academic and intellectual abilities and interest in the type of work Chambers does. Applications are considered on paper by a subcommittee of the pupillage committee consisting of two members who assess the applications according to objective selection criteria. Chambers does not require applicants for Pupillage to have applied for a mini-pupillage at Chambers.

7.54 Chambers will positively encourage application for mini-pupillage from groups which are under-represented in Chambers and will seek to offer 25% of mini-pupillages annually to applicants from those groups.

7.55 The Pupillage Committee will keep records of mini-pupillage applications for a minimum of 6 years. This will include forms which monitor candidates according to disability, ethnicity and gender. The Chairman of the Pupillage Committee and the Equality Monitor will analyse the monitoring data with respect to mini-pupillage applications on an annual basis with the aim of taking corrective steps where there are significant and

unjustifiable differences between those applying and those offered pupillage and/or tenancy.

8. HARASSMENT POLICY

- 8.1 Chambers is committed to a working environment for all its employees, Members and pupils 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 preventing the stress, humiliation and intimidation which can arise from such acts.
- 8.2 Any form of unwanted conduct which has the aim or the effect of creating a humiliating or offensive environment for another person or diminishing a person's dignity is unacceptable in these Chambers. The sort of conduct which will not be tolerated or condoned here includes assault (physical or sexual), bullying, verbal abuse, offensive remarks or jokes, the sending or display of offensive materials, isolation or exclusion, unnecessary physical contact or suggestions, any form of Discrimination or victimisation of someone who has made a complaint in good faith.
- 8.3 A complaint of harassment may be made informally or formally under the Chambers Grievance Procedure (see Section 9). Every effort will be made to deal with any such complaint with the appropriate sensitivity and as promptly as possible.
- 8.4 Chambers will treat violations of the harassment policy as a disciplinary offence.
- 8.5 Chambers will from time to time offer training for those in managerial and supervisory roles on how to keep the working environment free of harassment and how to deal with it should it occur.
- 8.6 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 are experiencing discrimination, to speak in confidence and gain advice. (See details in Section 10 below).

9. GRIEVANCE PROCEDURE

Scope of Procedure

- 9.1 This procedure is applicable to any complaint, grievance or dispute including but not limited to complaints of Discrimination or harassment. Complaints from members of the public concerning Members, pupils or staff, 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

- 9.2 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

- 9.3 A copy of the procedure, which includes 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

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

Formal Complaints – Time Scales

- 9.5 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 Monitor, will be acknowledged by the Head of Chambers or Equality Monitor (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. Where possible, two Members of chambers not directly involved in the complaint should undertake the investigation, one of whom should be a QC. All parties to the complaint should be permitted to be accompanied by a colleague or friend at any hearing.

Remedial Action

- 9.6 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.
- 9.7 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 Monitor 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.

Informal Procedures

- 9.8 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 one of the nominated Members who will, as far as possible, give confidential advice and assistance.

Complaints or Grievances by Pupils

- 9.9 Pupils are encouraged to discuss any grievances which they may have during their pupillage promptly with their pupil-masters, or (if the pupil

prefers) with the Chairman 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 Chairman 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 Chairman 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 (or, in his absence, the Chambers' Treasurer).

- 9.10 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.
- 9.11 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 Monitor.
- 9.12 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

- 9.13 If a Member has a complaint about a clerking matter, in the first instance he/she should attempt to resolve it with the Director of Clerking or seek the assistance of the Head of Chambers or Equality Monitor. Any other issue may be raised with the Equality Monitor 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 Monitor.

Complaints or Grievances by Chambers Staff

- 9.14 Chambers' staff 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 Monitor. 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.

Disability Discrimination Act 1995

- 9.15 Where a Member, pupil or staff member is disabled there is a duty to consider a reasonable adjustment to this Grievance Procedure. A request for a reasonable adjustment should be made to the Chamber's Equality Monitor.

Bar Council's Equality and Diversity Advisers

- 9.16 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 10 below).

10. CONTACTS AND LINKS

- 10.1 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.
- 10.2 Bar Council's Equality and Diversity Advisers. 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. The direct line telephone number is 020 7611 1310.
- 10.3 The Equality and Human Rights Commission
www.equalityhumanrights.com