

BAR
STANDARDS
BOARD

REGULATING BARRISTERS

**Progress Check Report on the Equality Rules of the
Code of Conduct**



Table of contents

	Page number
List of graphs and tables	3
Introduction and project aim	4
Executive summary	5
Methodology	9
Section 1 – Awareness of rules	10
Section 2 - Compliance	14
Section 3 – Use of guidance and support materials	29
Section 4 – Areas of challenge or difficulty	31
Section 5 – Other comments	32
Section 6 – Conclusions and recommendations	33

List of Graphs and Tables

		Page no.
Figure 1	The percentage of chambers interviewed who are aware of the new rules and guidance documents	10
Figure 2	How chambers found out about the new rules (top five methods)	10
Figure 3	Have you received support or training on understanding/implementing the rules	12
Figure 4	The top four sources of training/support on the rules	12
Figure 5	The percentage of chambers interviewed that have developed an equality policy and action plan	14
Figure 6	The percentage of chambers interviewed who had an equality policy prior to the introduction of the new rules	15
Figure 7	The percentage of chambers who have appointed an EDO and DDO	16
Figure 8	EDO appointment method	17
Figure 9	The percentage of chambers who have in place written policies on flexible working, anti-harassment, reasonable adjustments and parental leave	18
Figure 10	The percentage of chambers who made use of the sample policies in the BSB guidance (% of those chambers who have all the necessary policies in place)	19
Figure 11	The percentage of chambers operating a flat rate system who offer 6 months free of rent for those taking parental or adoption leave	20
Figure 12	The percentage of chambers interviewed that collected and published anonymised diversity data on their workforce by 31st December 2012	22
Figure 13	The percentage of chambers who complied with the data collection rule and encountered difficulty in getting members of their workforce to provide diversity data	23
Figure 14	The top five difficulties in obtaining diversity data from chambers' workforce	24
Figure 15	Does your chambers monitor all applications	24
Figure 16	The types of fair recruitment training attended	27
Figure 17	The percentage of chambers who indicated that implementation may be challenging or problematic (indicating the specific Rule they consider problematic)	31

Introduction and Project Aim

The equality and diversity rules of the Code of Conduct for the Bar were brought into force in September 2012. The rules were introduced in response to changing equality legislation (such as the Equality Act 2010), evidence that reliance on non-mandatory equality guidance had not been effective and continuing concerns about the underrepresentation of women and BME practitioners at the Bar. The rules cover a number of key areas shown by the evidence to be “high priority” for action such as retention of women, underrepresentation of disabled people, overrepresentation of women and BME practitioners in lower remunerated practice areas and inequity in work allocation.

The rules were developed with the intention of improving equality in relation to the priority areas identified and include requirements to:

- Develop policies
- Monitor the diversity characteristics of members, pupils and chambers’ workforce
- Analyse diversity data on work allocation
- Ensure selection panels are trained in fair recruitment processes
- Offer rent relief to members taking parental leave (where rent is calculated at a flat rate).

The rules are numerous, in some cases complex, and in order to support the profession in their implementation, the BSB produced a raft of support initiatives including:

- A comprehensive set of guidelines covering each rule in turn, explaining the legal and regulatory requirements and including worked examples
- Data protection guidance aimed at those tasked with implementing the data collection and publication rules in chambers
- Sample policies
- A dedicated podcast (accredited with 1 CPD point) covering the rules and examples of how they might be implemented
- A webinar (accredited with 1 CPD point) giving an overview of the rules followed by an expert panel Q&A session with downloadable PowerPoint slides

- A free to download comprehensive guide to equality issues in recruitment entitled the “Fair Recruitment Guide for the Bar”, private study of which is considered sufficient to satisfy the fair recruitment training rules.

In addition to the measures taken by the BSB set out above, the equality team were keen to ensure that the support documents and materials produced were achieving the aim of providing support to the profession in the implementation of the rules. It therefore decided to undertake an exercise in early 2013 aimed at understanding how well chambers had understood the new rules, whether there were any areas of particular difficulty requiring revision or modification and where further guidance might be needed.

Executive Summary

This report is divided into six sections:

1. Awareness of the rules
2. Compliance
3. Use of Guidance and support materials
4. Areas of challenge or difficulty
5. Other comments
6. Conclusions and Recommendations

The first section deals with levels of awareness of the new rules in respondent chambers. This section indicates the success of BSB initiatives designed to communicate with the profession about the new rules and outlines areas where further work is needed. The exercise shows that awareness of the rules is generally very good and that most respondents found out about the rules via emails from the BSB. The research shows that a sizeable number of chambers have also received specific training or support on implementation of the rules coming in the form of Bar Council or BSB training/seminars or from the Bar Council Equality Team through the helpline. However the data shows that most chambers have not had any such training or support and that more needs to be done to communicate the packages of support that are on offer to the profession.

Section Two indicates the areas where the data shows further work may be needed to ensure greater compliance with the rules. The data indicates that the area of least compliance is the area of workforce diversity data collection and publication. Chambers reported having difficulty obtaining the data from members of the workforce due to concerns about invasion of privacy, the length of the questionnaire, the wording of certain questions and a general lack of interest in equality matters. The area with the highest level of compliance was the rule requiring the appointment of an Equality and Diversity Officer. The data shows 100% compliance with this rule.

Section Three sets out the extent to which the BSB Guidance and Guidelines were used by the profession in implementing the new rules. The data shows that the documents were well used by chambers and in general were found to be helpful and well produced. A lower percentage of chambers stated that they found the Guidance document on the data collection rules helpful than the percentage of those who found the Guidelines document helpful and this may be attributable to the fact that the former document was drafted by lawyers. Many chambers stated that they found the language in the Guidance too detailed and that the document needed to be simplified for ease of use.

Section Four discusses areas of difficulty or challenge reported by chambers as affecting their ability to meet the requirements of the rules. The data shows that chambers found the data collection rule the most difficult largely due to the difficulties encountered in obtaining diversity data from members of the workforce. Other areas of difficulty include the monitoring of unassigned work in relation to which greater support from the BSB in the form of guidance is clearly needed.

Section Five covers other comments that were made during the course of the exercise and where more than one chambers has made the same comment, these have been summarised and set out as a list of issues for the BSB to consider when developing and planning future regulatory policy initiatives. Chambers have raised issues about the timing and number of new regulatory provisions being brought in, the communication of such provisions and the need for more training outside of London. There was also good support for a BSB event aimed at assisting chambers' Equality and Diversity Officers to implement the rules.

Section 6 is the report's conclusion which summarises the key issues raised in each preceding section and sets out nine recommendations for consideration by the BSB Board. The report makes the following recommendations:

Recommendation 1: There should be wider dissemination of information regarding the various Bar Council training packages and BSB support products designed to assist those implementing the rules more visibly including clearer signposting on both the BSB and BC websites.

Recommendation 2: The model chambers anti-harassment policy should be amended to cover all those providing services to chambers.

Recommendation 3: The BSB Guidelines on the rules dealing with parental leave and rent relief should be revised to include case study examples utilising the good practice reported in the course of the progress check exercise.

Recommendation 4: The BSB should produce further information on the reasons for data collection and publication in the form of briefing sheets for chambers EDOs/DDOs in order to improve the level of engagement with the rule in chambers.

Recommendation 5: The current BSB Guidelines section dealing with unassigned work monitoring should be amended to include:

- a definition of unassigned work
- further guidance on how work allocation monitoring might be undertaken in chambers including how existing software packages might be adapted
- examples of current good practice gleaned from this exercise.

Recommendation 6: The Bar Council should disseminate information on its Fair Recruitment Guide more widely to encourage greater awareness and allay fears in relation to satisfaction of rule 408.2(i).

Recommendation 7: The BSB should liaise with the Bar Council equality team to ensure greater geographical coverage for fair recruitment training in particular for circuits not already covered.

Recommendation 8: The BSB should revise the Guidelines and Data Collection Guidance to include more case studies, greater detail on flexible working and reasonable adjustments, practical guidance on the collection and presentation of diversity data and specific guidance on the less than 10 rule. Consideration should also be given to the need to simplify both documents where possible.

Recommendation 9: The BSB should hold an event for EDOs in chambers aimed at supporting them in the implementation of the new equality rules.

Methodology

The E&D team compiled a representative sample of 40 chambers covering a range of sizes, specialisms and geographical areas. The geographical areas were: London (12), South East (6), Midland (5), North Eastern (4), Northern (5), Wales and Chester (4) and Western (4). The size ranges were: 9 small chambers (2-19 members), 9 medium chambers (20 – 50 members) and 22 large chambers (51+ members).

These chambers were contacted in late 2012 and advised of their inclusion in the project. A schedule of interviews with each chambers was compiled providing for a 45 minute slot with a designated representative of the relevant chambers which in most cases was Chambers Manager, Chief Clerk, or Equality Officer.

A questionnaire was developed covering each of the new rules and giving respondents the opportunity to make additional comments if they chose. Respondents were also asked more general questions about their administration of particular rules such as the method by which chambers EDO was appointed and how chambers monitor the allocation of unassigned work. Chambers were provided with a copy of the questionnaire at least one week before their interview date.

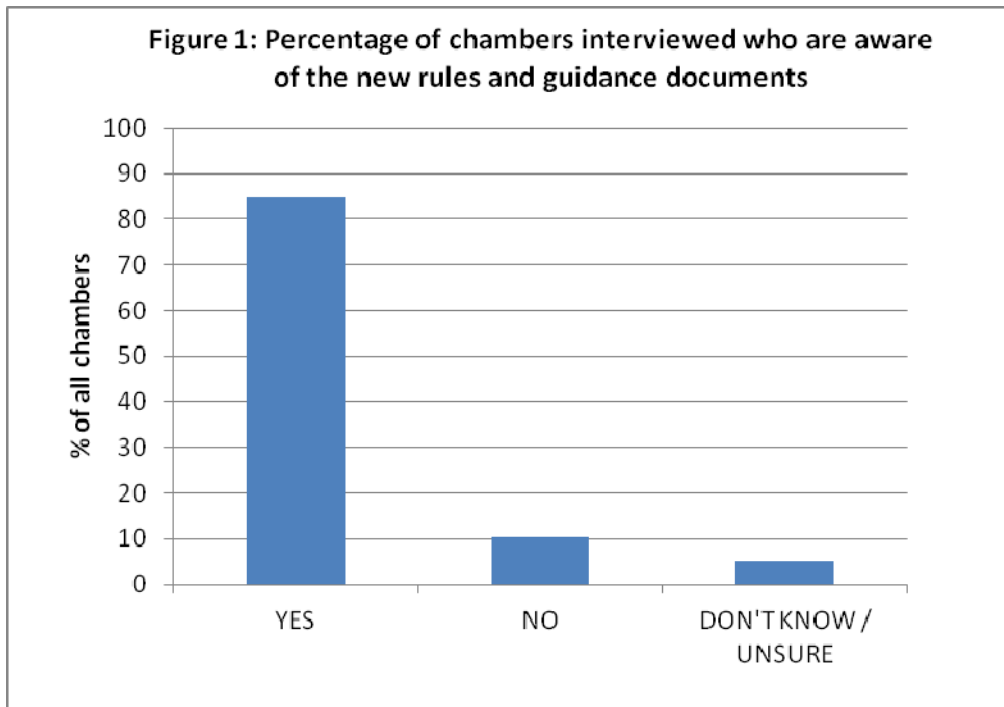
Interviews took place during February and March 2013. In general, compliance with the exercise was very good, there were no difficulties in arranging a slot of time for the interview and overall chambers were keen to engage and gave helpful, targeted feedback. Only one chambers was unable to comply with the request for an interview therefore despite 40 chambers being contacted, the data contained within this report covers only 39 chambers.

Individual responses were recorded on the questionnaire and these were then transferred over to a central database of responses from which the graphics in this report were generated.

Chambers were advised that the final report would contain only high level aggregated data and that chambers would not be identifiable.

Section 1 - Awareness of rules

The data indicates that in general there is good awareness of the rules in chambers. 85% of those interviewed stated that everyone in chambers is aware of the new rules including the BSB Guidance and Guidelines documents.



50% of respondents stated that they found out about the new rules through email correspondence from the BSB.

Figure 2: How chambers found out about the new rules (top five methods)

How chambers found out about the new rules (top five methods)	Percentage of chambers who found out via each route
BSB email	50%
BSB website	30%
Rules consultation document	6%
Article in Counsel magazine	3%
Poster in chambers	3%

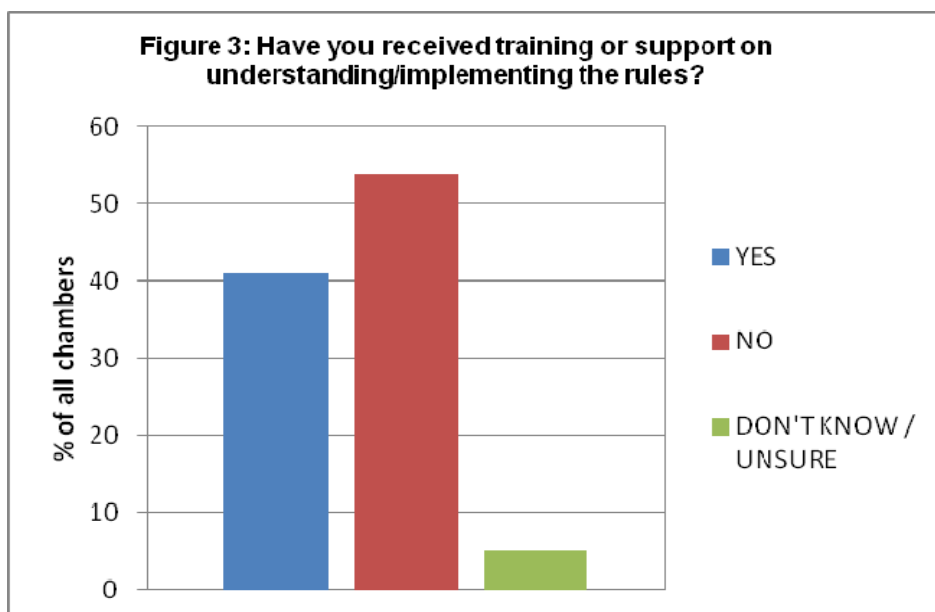
Chambers also reported finding out about the new rules through seminars arranged by the Institute of Barristers Clerks (IBC) and Legal Practice Managers Association (LPMA) at which the BSB gave an overview of the new rules and how they might be implemented in practice.

Figure 2 above indicates that email communication with the profession on the new rules was clearly successful in raising awareness in the profession. The BSB website was also cited by 30% of chambers as the means through which they became aware of the rules.

Other strategies used by the BSB to raise awareness in chambers were evidently less successful. Only 3% of chambers reported that the BSB poster “Are You Ready” was used internally in raising awareness of the new rules and the article in Counsel magazine raised awareness at a similar level.

10% of chambers were unable to confirm universal awareness of the equality rules. Some chambers indicated that they were aware of the rules but not the guidance whilst others reported awareness of both only to a limited extent. The reasons for this are unclear but there may be further work needed to ensure that chambers receive and understand BSB emails in relation to new regulatory provisions. One chambers was unaware that the BSB communicates electronically with the profession, indicating that emails are not always getting through.

A sizeable minority of chambers had received training or received support on the implementation of the new rules.



The graph shows that 41% of those interviewed had received training/support on the rules. Many of these had accessed and viewed the BSB webinar, others stated that they had attended BSB or Bar Council training sessions which were well received.

Figure 4: The top four sources of training/support on the rules

Source of training/support	% of chambers who cited each area of support (several chambers highlighted more than one source of support)
Bar Council training course	50%
BSB webinar	38%
Advice and assistance from Bar Council helpline	24%
Legal Practice Managers' Association (LPMA) seminar.	24%

54% of respondents stated that they had not received any training on understanding and implementing the rules. A further 5% were unsure as to whether or not they had received such assistance. It is unclear from the data how many of those who did not receive such support

actively chose not to engage with what was on offer or were simply unaware of the support available.

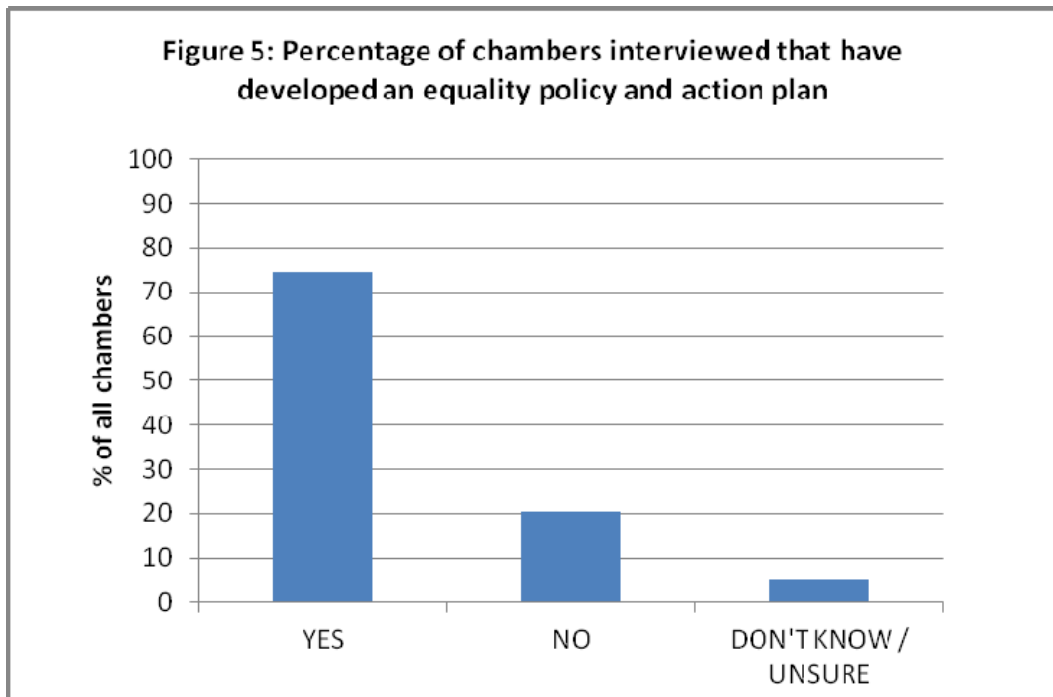
Recommendation 1: Given that the majority of those interviewed had not received training on implementing/understanding the rules it is proposed that there should be wider dissemination of information regarding the various Bar Council training packages and BSB support products designed to assist those implementing the rules more visibly including clearer signposting on both the BSB and BC websites.

Section 2 - Compliance

Compliance with the new rules was generally very good with every rule attracting greater than 55% compliance. The area of least compliance is the rule relating to the collection and publication of diversity data in relation to which there was only 59% compliance.

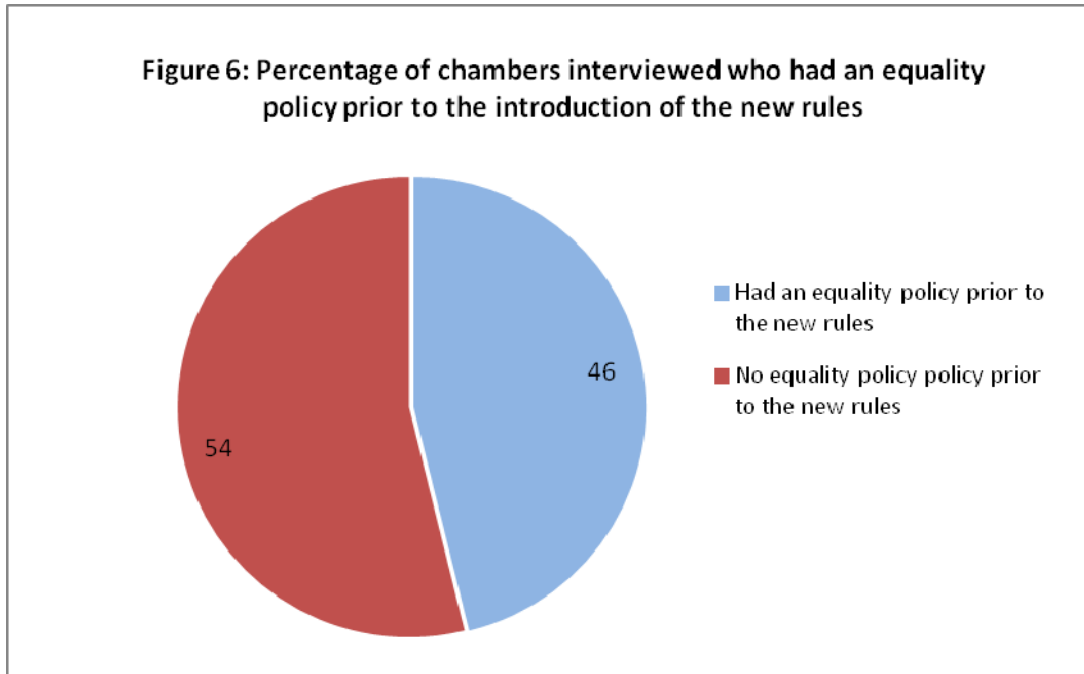
The highest levels of compliance relate to the requirement for chambers to appoint an Equality and Diversity Officer in relation to which all 39 chambers were able to confirm that they were in compliance.

a) Equality Policy and Action Plan Rule [408.1(a) and (b)]

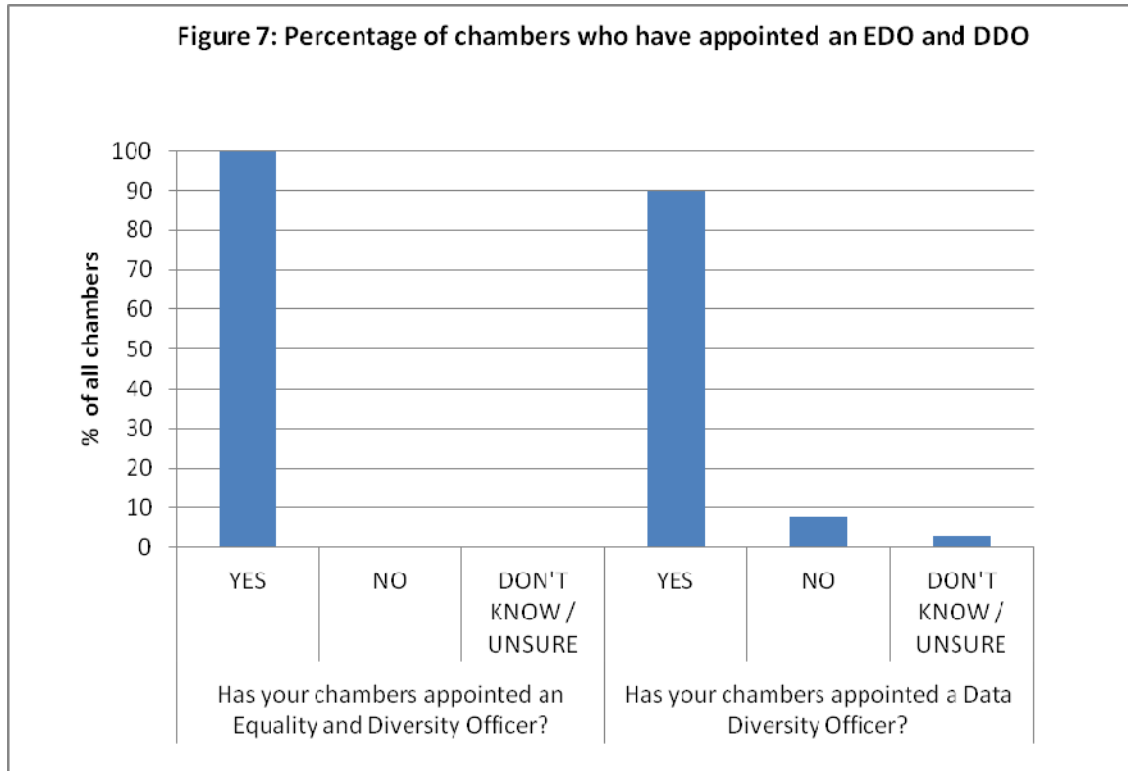


The vast majority of chambers interviewed were able to confirm that they had both an equality policy and action plan in place (74%). A sizeable minority of chambers interviewed indicated that equality policies (and in some cases action plans) had been in place for some time preceding the introduction of the new rules. This indicates a commitment on the part of such

chambers to the voluntary provisions of the previous Equality Code for the Bar and Bar Mark and is a good indication of the level of commitment to the subject area by chambers.



**b) Appointment of Equality and Diversity Officer (EDO) and Diversity Data Officer (DDO)
[408.2(a) and (I)]**



This was the area with the highest level of compliance with 100% chambers interviewed able to report that they had appointed an EDO. It is logical to assume that such a high level of compliance is in part due to the fact that this requirement was one of the very few equality provisions in the previous Code of Conduct and therefore chambers had existing equality officers as a matter of regulatory compliance with the previous Code.

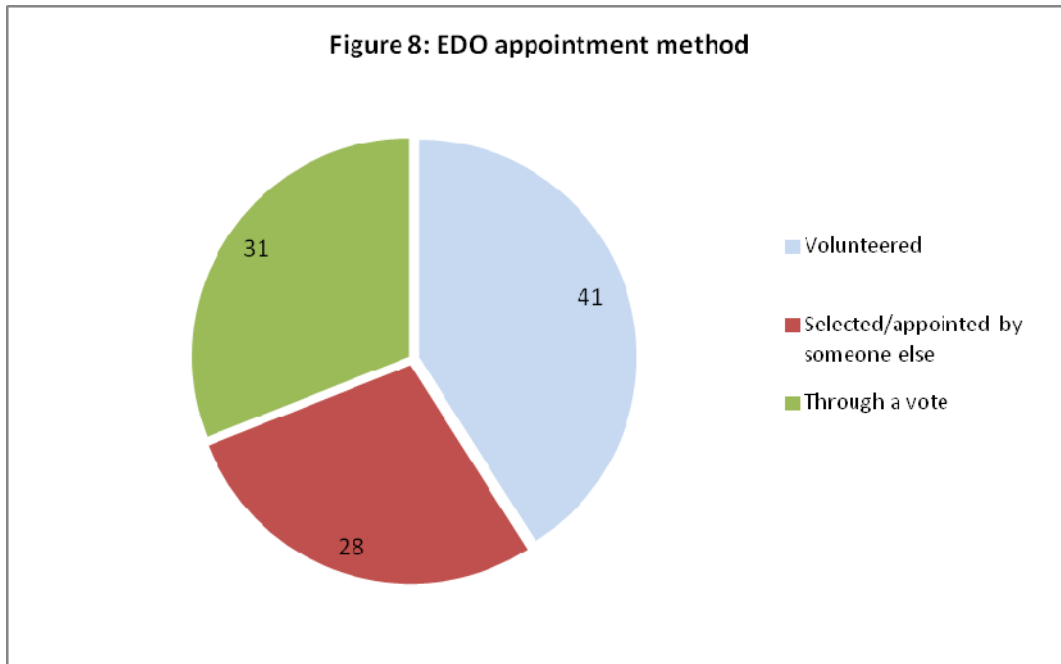
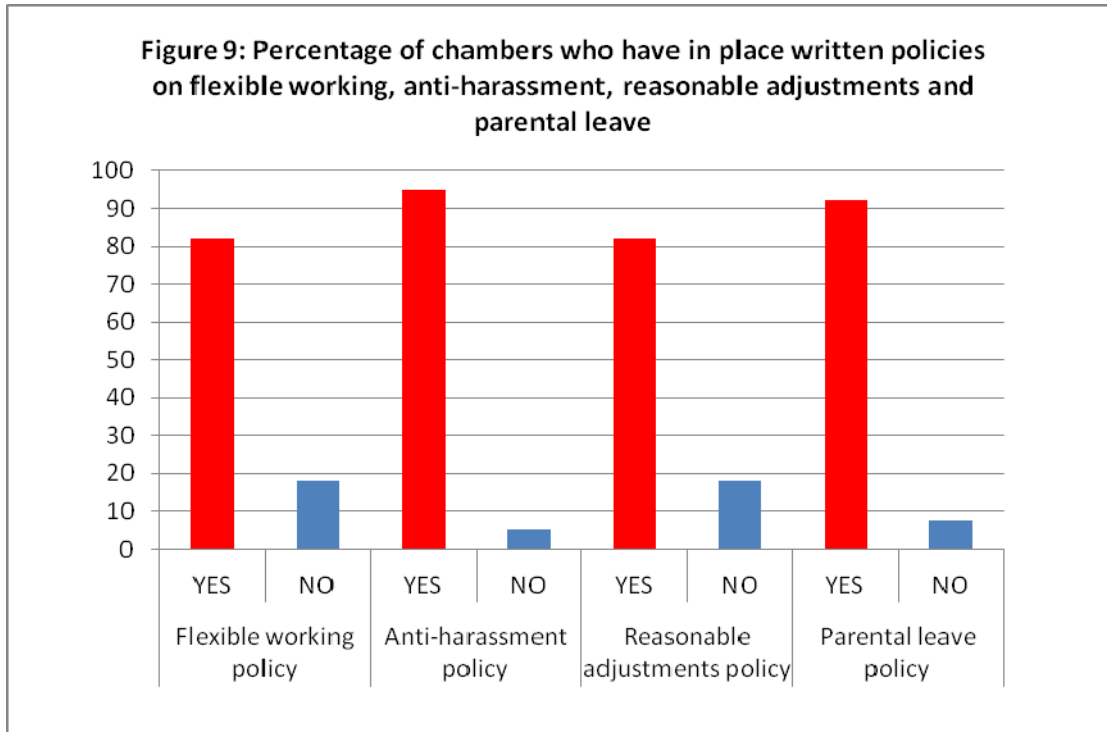


Figure 8 sets out the mechanisms by which chambers appointed their EDO. It shows that most EDOs volunteered for the role whilst 31% were voted into office. The fact that the largest number of respondents indicated their EDOs volunteered for the position reflects positively on the Bar as generally being willing and enthusiastic to engage with the subject area and give it the importance it deserves in chambers. It gives strength to the ninth recommendation in this report proposing an event to support EDOs in chambers in their role.

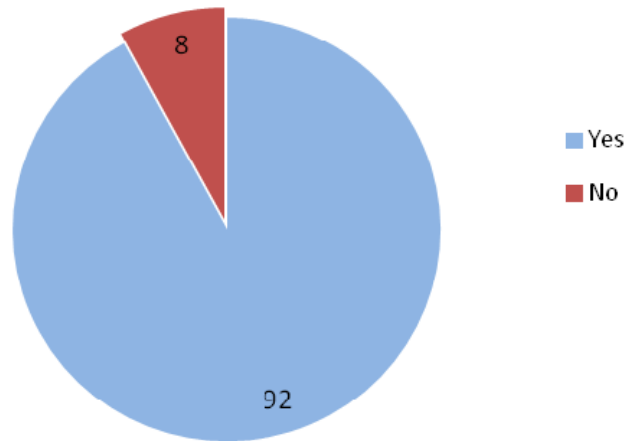
Compliance levels regarding the appointment of a chambers' DDO were lower but nonetheless high. Of those interviewed, 90% had appointed a DDO. A sizeable number of chambers (23%) had not provided the name of the DDO to the BSB as required by the rules, but this may be due to the fact that the BSB equality web page did not flag up sufficiently clearly the name and contact details of the person to whom names should be submitted. These details are now clearly posted on the equality page which should go some way towards alleviating the problem. During the course of the progress check exercise, where names had not been provided to the BSB, this was done.

c) Policy requirements [408.2 (j) – (h)]



The highest levels of compliance as regards the new policy requirements were in relation to anti-harassment and parental leave policies with 95% of chambers reporting that they had the former and 92% reporting they have the latter. Compliance with the other policy requirements was lower although still high with 82% of those interviewed reporting that they had both a flexible working and reasonable adjustments policy. It is logical to assume that the reason for this slightly lower compliance level in relation to the latter two policies is related to the fact that harassment and parental leave were policy requirements covered in the original Equality Code for the Bar. It is likely therefore, that many chambers had pre-existing policies in place in compliance with the old Equality Code requirements and that some of those chambers had not yet got to grips with the policy requirements in relation to the newer areas of flexible working and reasonable adjustments.

Figure 10: Percentage of chambers who made use of the sample policies in the BSB guidance (% of those chambers who have all the necessary policies in place)



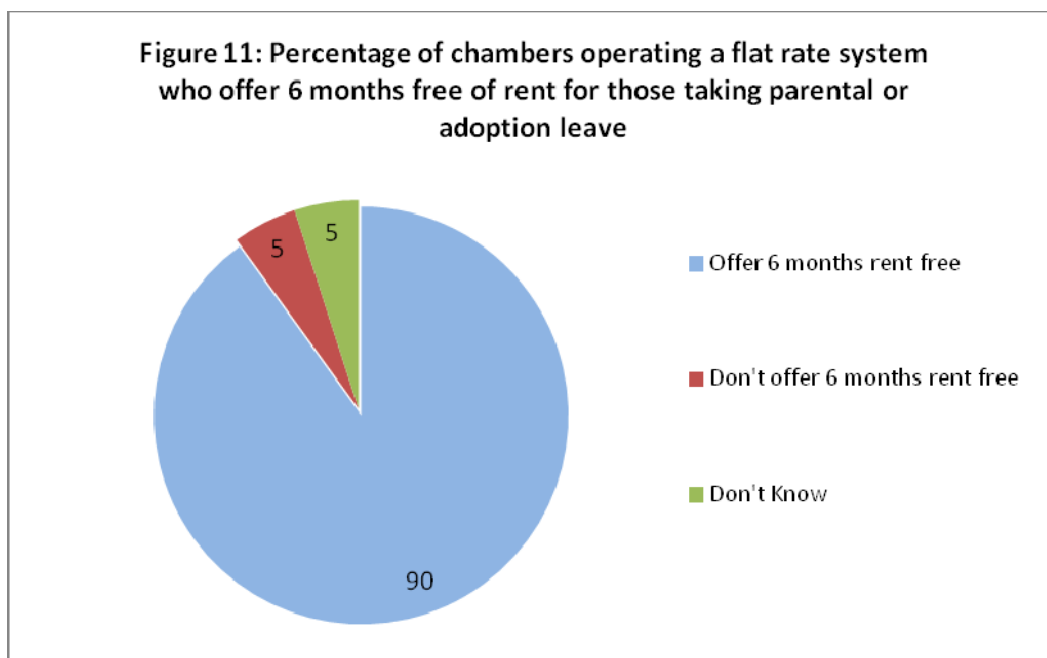
The vast majority (34 out of 39) of chambers used the BSB’s sample policies in meeting the requirements of the rules in this area. Just over a quarter of those interviewed stated (without prompting or being asked) that they found the sample policies useful. Two chambers reported that a sample flexible working policy should be provided and one chambers commented that a sample equality policy should be provided. These points were considered during the course of the development of the BSB Guidelines on the rules and it was considered that it would not be possible to produce an “off the shelf” product for chambers to use in relation to these two areas given the very different circumstances that apply to each chambers. It was felt that such equality and flexible working policies need to be tailored to the specific needs of each chambers, addressing the particular equality issues facing that chambers and setting out the aims and objectives of chambers in relation to equality. Given this, it was not possible to design a “one size fits all” policy which meaningfully addresses the issues whilst catering to the specific requirements of each individual chambers.

One chambers commented that the model harassment policy should be amended to include those providing services to chambers. Third party harassment was unlawful in the employed sphere until March this year when the government repealed the relevant provisions of the Equality Act in this area.

However in the spirit of achieving best practice and in view of the fact that the model policy can be adapted by chambers to suit individual need it is proposed that this suggestion forms the basis for recommendation 2.

Recommendation 2: That the model chambers anti-harassment policy be amended to cover all those providing services to chambers.

d) Rent and Parental Leave [408.2 (h) and (i)]



51% of chambers interviewed reported operating a flat rate rental system (a system whereby rent is paid at a fixed rate as opposed to a percentage of receipts). Of those operating such a system 90% reported that they offered the required 6 months free of chambers' rent to those taking a period of parental leave.

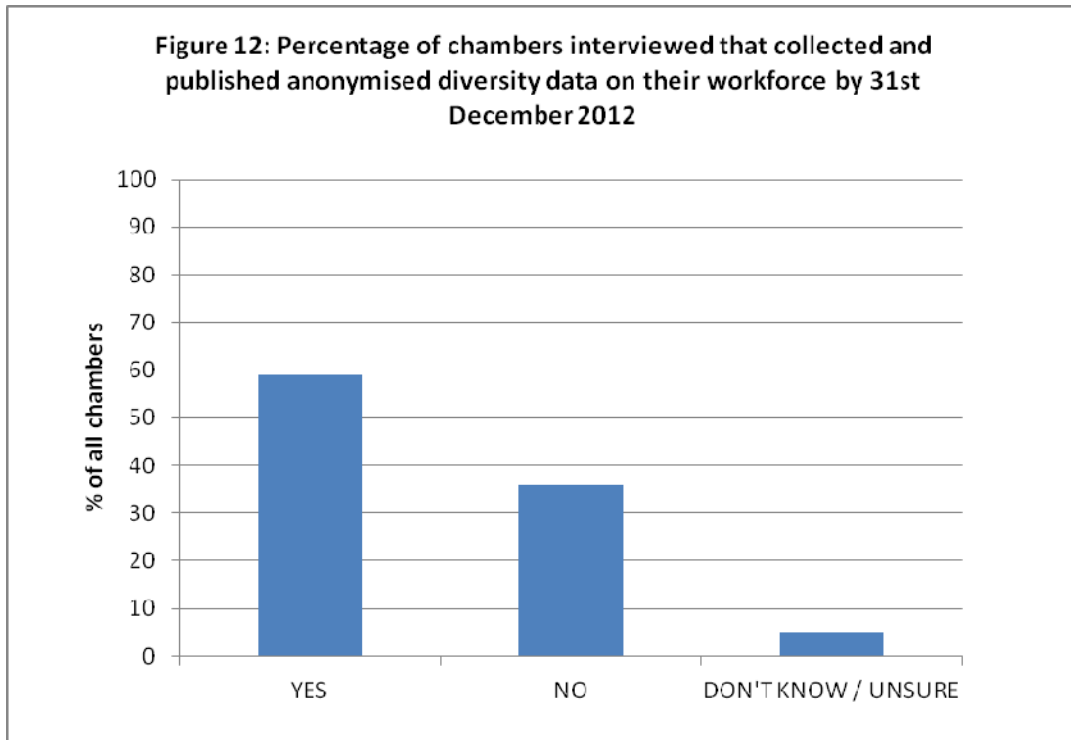
In a number of instances much more generous parental leave provisions were in place, for example four chambers reported offering 12 months' free of rent to those taking a period of parental leave. Other examples of good practice include:

- Chambers offering 6 - 12 months' free of rent even though the chambers does not operate a flat rate rental system.
- Chambers offering a £10,000 fixed credit for those returning from parental leave which can be set against all chambers' expenses, not just rent.
- Chambers offering a 50% reduction on the flat rate rent sum for the first two months of return to work.
- Chambers offering a deferral of rent payment option.
- Chambers offering those taking paternity leave to pay only 5% of on all receipts for up to 6 months of leave.
- Chambers offering 12 months free of both rent and expenses.
- Chambers offering primary carers a 9 month rent credit (calculated on the basis of the previous year's earnings) and secondary carers a 1 month rent credit calculated on the same basis.
- Chambers offering an unlimited amount of parental leave.

Recommendation 3 – that the BSB Guidelines on the rules dealing with parental leave and rent relief be revised to include case study examples utilising the good practice set out above.

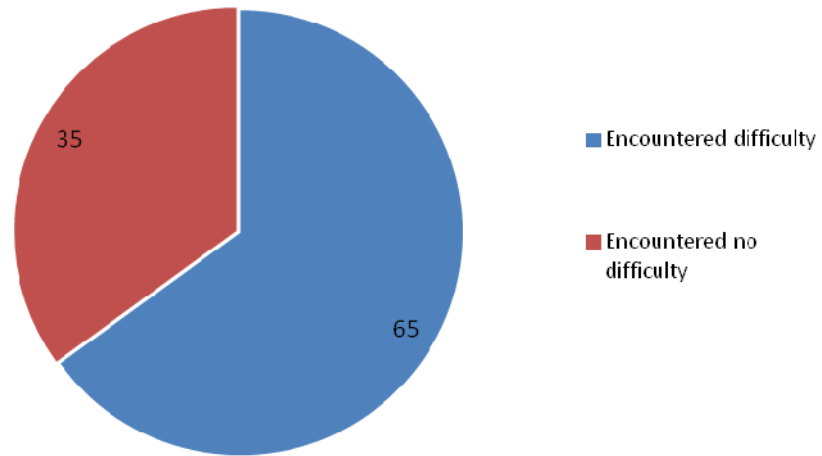
e) Data Collection Rules

i) Collection and publication of workforce data [408.2 (o) – (q)]



This was the area of lowest compliance with the new rules. As set out at Fig. 12 above, only 59% of chambers interviewed indicated that they had complied with the rule requiring the gathering and publication (where possible) of equality data on their workforce. 72% of those in compliance with the rule published data on their websites and where this was not possible many chambers offered hard copies of the data available on request as suggested in the BSB's Guidance.

Figure 13: Percentage of chambers who complied with the data collection rule that encountered difficulty in getting members of their workforce to provide diversity data



Of the chambers in compliance with the data collection rule the majority (65%) stated that they had had difficulties in getting members of the workforce to provide diversity data. The top five difficulties are listed below at Fig. 14.

Figure 14: Top five difficulties in obtaining diversity data from chambers' workforce

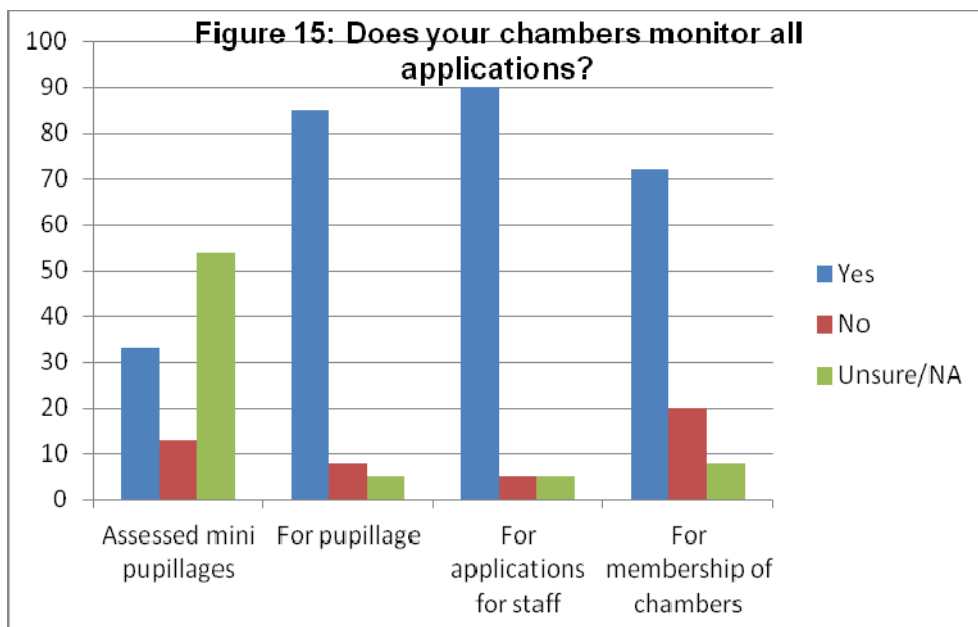
Nature of difficulty	% of chambers reporting the issue
Objections from workforce on basis of invasion of privacy	29%
Complaints that the questionnaire took too much time to complete when busy	24%
Objections that the exercise was unnecessary	19%
Lack of response due to lack of interest in E&D matters	14%
Objections to monitoring questions covering sensitive characteristics such as sexual orientation	9%

The data indicates that more work may need to be done to achieve greater compliance with the diversity data collection and publication rule. The nature of the obstacles to achieving compliance stated above imply a lack of awareness in relation to the reasons for the data collection and it may be that this problem would be reduced were more information about the reasons for data collection made available.

Recommendation 4 – The BSB should produce further information on the reasons for - and benefits of data collection and publication - in the form of briefing sheets. These would be used by chambers’ EDOs/DDOs in order to improve the level of engagement with the rule in chambers.

ii) Monitoring rules (assessed mini-pupillages, pupillage, staff and membership) [408.2 (e)(ii)]

Overall compliance with these rules was generally very good with the vast majority of chambers being in compliance with all the monitoring rules. It should be noted that many chambers stated that they did not offer assessed mini-pupillage (and in some cases pupillage) and therefore the compliance rates appear lower as requirements in these areas did not apply.



Interestingly, lower levels of compliance were discovered in relation to the monitoring rules applying to membership of chambers with 72% of chambers reporting that they were monitoring diversity in relation to members. This may be attributable in part to the lack (in many cases) of a formal recruitment process for membership of chambers.

iii) Allocation of unassigned work

This was an area of relatively low compliance in comparison with the other rules, with only 64% of chambers interviewed reporting that they were compliant with the requirement to monitor unassigned work.

The responses detailed several examples of good practice in relation to work allocation monitoring however this was an area where many chambers expressed that they met with difficulties in meeting the requirement.

Some key themes in relation to this rule emerged:

- Lack of appropriate software to capture the data resulting in chambers undertaking this work by hand
- Lack of clarity as to the definition of unassigned work resulting in many chambers assuming the rule did not apply to them. For example one chambers stated that it did not receive any unassigned work but then went on to state that solicitors often ring chambers and are given a list of barristers' names from which to choose. The fact that they are receiving unassigned work into chambers, but were not aware of it, signals the need for greater definition and clarity in relation to the term itself.
- Lack of guidance on how existing software such as LEX/Meridien could be adapted to capture and report on this data
- Lack of guidance within the BSB guidance documents on how to monitor unassigned work with worked examples
- The high price of software used to undertake monitoring.

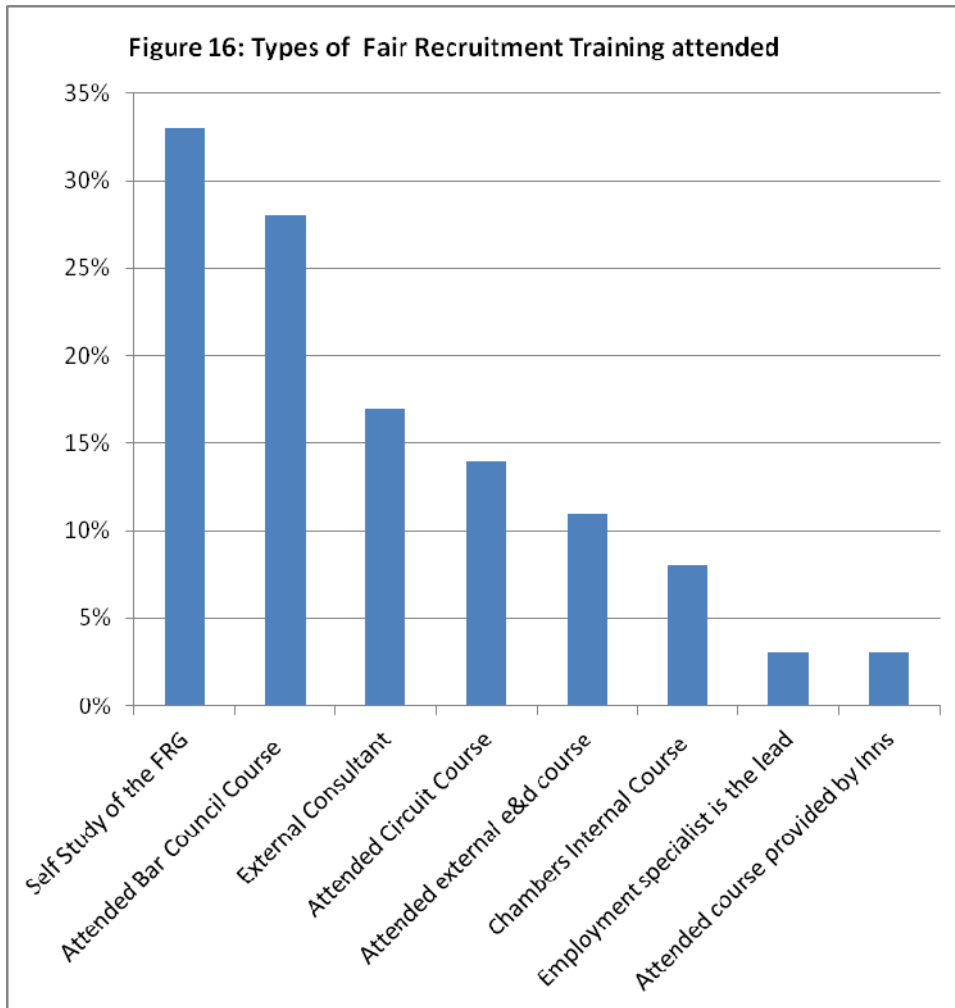
Given the difficulties identified in this area and the lower levels of compliance as compared with other monitoring requirements of the rules it seems sensible to propose recommendations to deal with issues identified.

Recommendation 5: To amend the current BSB Guidelines section dealing with unassigned work monitoring to include:

- a. a definition of unassigned work
- b. further guidance on how work allocation might be undertaken in chambers including how existing software packages might be adapted
- c. examples of current good practice gleaned from this exercise.

f) Training Requirements [408.2 (b) – (c)]

Compliance with these rules was generally quite high with 82% of those interviewed being able to confirm that the person with lead responsibility for selection in chambers had been trained in fair recruitment processes.



The graph at Fig. 16 shows the types of training chambers received in relation to recruitment. It is clear from this that private study of the Bar Council's Fair Recruitment Guide was the most popular form of training and it is logical to assume that this may be in part due to the low cost and ease of this method of compliance. The data also indicates the success of the various Bar Council courses in this area and the fact that chambers are willing to commission external consultants to ensure that they are properly trained.

Chambers appeared to be at ease with the requirement for all members of selection panels to be trained in fair recruitment by July 2014. 79% of those interviewed said that they did not see

any challenges in getting everyone trained by that date. Many of those chambers expressing concern in relation to the July 2014 rule cited issues such as cost, time and travel to London for training. These chambers were reassured when advised that private study of the Bar Council's Fair Recruitment Guide falls within the definition of training for the purposes of the rule. It was clear in the course of conducting the interviews, that many respondents were unaware that private study of the Guide was sufficient to satisfy the rule. Therefore it may be necessary for the Bar Council to promote the Guide more widely to ensure greater awareness.

Useful suggestions made in the context of discussions in this area include:

- Some chambers reported that they felt the Bar Council's Guide was too long which discouraged many people from reading it. It was suggested that an executive summary at the start of the Guide would be useful.
- Some chambers reported that Bar Council training on fair recruitment appeared to be offered on some but not all circuits.
- One chambers requested that the BSB produce a webinar on this subject to avoid the need to travel to classroom training in this area

Recommendation 6: That the Bar Council disseminate information on its Recruitment Guide more widely to encourage greater awareness and allay fears in relation to satisfaction of rule 408.2(i).

Recommendation 7: That the BSB liaise with the Bar Council equality team to ensure greater geographical coverage for fair recruitment training in particular for circuits not covered already.

Section 3 - Use of Guidance and support materials

The Guidelines, Guidance and other support materials produced by the BSB were generally well used and feedback was that both were regarded for the most part as very useful.

95% of those interviewed used, and found useful, the BSB's Guidelines on the rules. Generally chambers reported that they found the Guidelines to be of high quality and well produced. Some chambers requested that there should be more examples in the Guidelines whilst others stated that the Guidelines were long enough and did not require any additions. Several chambers commented that the Guidelines could not be improved upon, however some chambers made the following suggestions:

- There should be more case studies which can be applied to smaller chambers. Some of the case studies in relation to parental leave are not applicable to smaller sets.
- There should be greater detail on flexible working and more detailed guidance produced

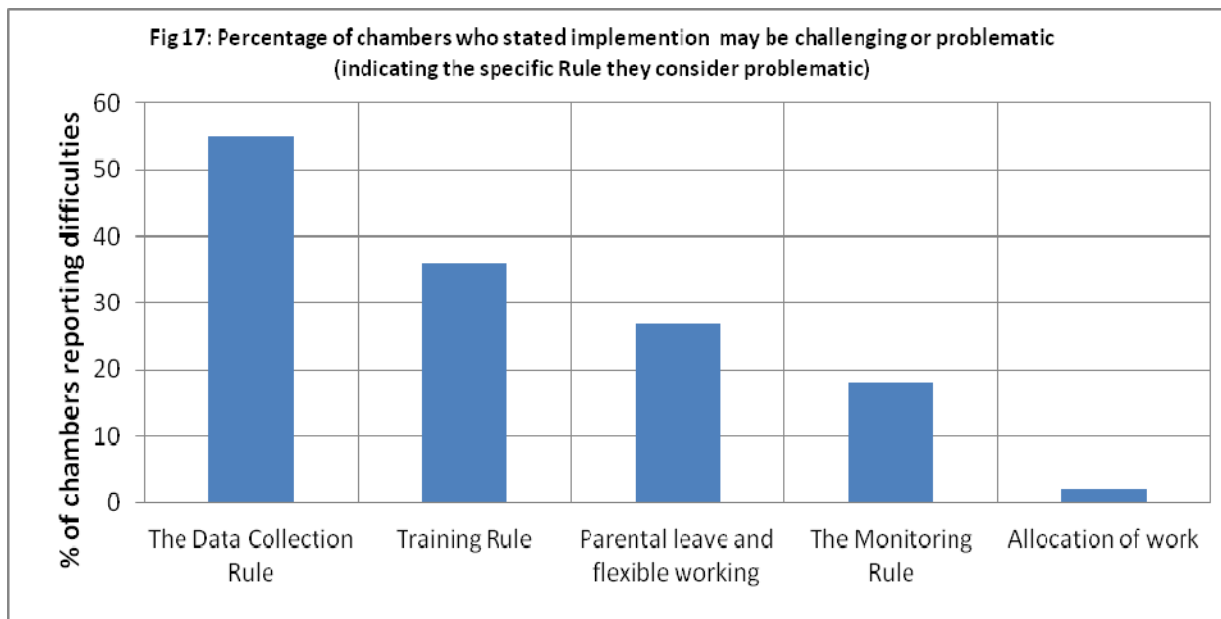
90% of chambers interviewed stated that they had consulted the BSB's guidance on data collection and publication however a lower percentage (79%) stated that they found this guidance useful. Generally chambers were able to meet the requirements of the rules but had difficulty in some cases understanding how to apply the "less than 10" publication rule. The following suggestions were made:

- More guidance is needed on how data might be analysed and presented and what to do if individuals do not return their forms.
- Paragraph 6.6 (the tick box for consent) should be clearly put at the top of the model questionnaire as it can be easily missed when sending it out as part of a covering email.
- More guidance is needed on how to apply the "less than 10" publication rule
- The guidance needs to be simplified and less legalistic in order to encourage compliance and for ease of reference. It should be noted that many of those implementing the rules are not lawyers and the guidance should be better tailored to the needs of its audience.

Recommendation 8: That the BSB revise the Guidelines and Data Collection Guidance to include more case studies, greater detail on flexible working and reasonable adjustments, practical guidance on the collection and presentation of diversity data and specific guidance on the less than 10 rule. Consideration should also be given to the need to simplify both documents where possible.

Section 4 - Areas of challenge or difficulty

Feedback from most chambers was that there were no significant areas of difficulty in implementing the rules. 72% of those interviewed stated that there were no particular areas of difficulty or areas that would be problematic to implement. Of the 28% reporting such issues these were largely associated with implementation of one or two rules as opposed to systemic issues with the rules as a whole.



The most difficult area for chambers finding implementation challenging is the data collection rule. 55% of those finding the rules challenging stated that it is the data collection rules that is the issue. As has been stated earlier in this report the reasons given for this include the perceived intrusiveness of the questionnaire, issues connected with the presentation of data and the original December 2012 deadline for publishing data being too tight. The second greatest area of concern is training. Respondents raised issues about the onerous nature of the training requirements and it was reported that in some chambers many are not engaged sufficiently with equality work. Sets also reported issues associated with obtaining universal agreement of parental leave and flexible working policies. Some chambers found the policies difficult to implement given the natural working patterns of self employed barristers.

Section 5 - Other comments

In general chambers were enthusiastic about the progress check exercise, the rules and what they were designed to achieve. Most chambers displayed great willingness to engage and were positive and thoughtful in their responses. It was largely an easy task to secure time with chambers to discuss their answers to the questionnaire and the exercise was received for the most part, as a positive one.

Feedback on the rules project in general was positive and areas where several chambers made the same point are set out below:

- There are a number of new regulatory provisions being brought in at the same time which is burdensome for the profession. New initiatives such as QASA, the new handbook and these new rules are all coming into force at the same time which makes it difficult for chambers to meet all the requirements and feels overwhelming.
- The lead in time for the introduction of the equality rules was insufficient.
- The progress check exercise was very useful and helped chambers understand where deficiencies remained.
- It would be useful if new initiatives/rules were flagged up on the BSB website early on. One chambers suggested using a “web-flash” highlighting the latest changes to the rules or guidance.
- More regional training is required for those sets outside of London.
- The BSB should consider “active engagement” in relation to new initiatives. One example given was a phone call to chambers before new rules are launched during which areas of particular importance are highlighted.
- The BSB should consider email alerts to draw attention to imminent deadlines in relation to new rules to encourage timely compliance.
- An event for EDOs in chambers would be very useful and would be an excellent forum for sharing personal experiences.

Recommendation 9: that the BSB hold an event for EDO's in chambers aimed at supporting them in the implementation of the new equality rules.

Section 6 – Conclusions and Recommendations

The progress check exercise was generally well received and welcomed by chambers and is a demonstrably successful method of engaging with the profession on new regulatory provisions and measuring implementation levels.

The exercise revealed areas where further work needs to be undertaken to improve on areas of difficulty and to support the profession in its work in this area.

Key points by section are:

Section 1 - Awareness of rules

BSB emails and notices on the website are the best mechanisms to use to communicate with the profession. However more may need to be done to ensure emails are getting through to chambers and that messages are read and understood. Most chambers have not had any training on how to implement the rules and this might be remedied by better communication of the support/training packages the BSB and Bar Council have on offer.

Section 2 - Compliance

There is not a serious issue with non-compliance with the rules although some areas are clearly better implemented than others. Chambers need greater support in understanding the requirements of the data collection provisions and greater practical assistance in understanding how best to present data captured. The BSB needs to provide chambers with information that can be used to support those in chambers tasked with gathering and publishing data, in obtaining that data from individuals. Chambers are clearly experiencing some difficulty with the practicalities of monitoring unassigned work and more work needs to be done to ensure chambers are equipped with the knowledge and best practice examples relating to this. More information on how chambers software might be adapted to capture and report on this data is clearly needed.

There is a wealth of good practice in the profession relating to parental leave. Such practice should be captured and shared more widely in order to encourage greater retention of parents at the Bar.

Section 3 - Use of Guidance and support materials

Guidance produced by the BSB is well used and appreciated. Chambers are experiencing some difficulties with the data collection guidance that could be remedied by simplification and greater use of best practice examples particularly in relation to presentation of data. Chambers are experiencing some difficulty in applying the “less than 10 rule” and greater clarity in this area would be appreciated. Many chambers are not aware of the Bar Council’s Fair Recruitment Guide or the fact that private study of this document satisfies the training rule which could be remedied by greater dissemination and explanation of the documents by Bar Council colleagues.

Section 4 - Areas of challenge or difficulty

The vast majority of chambers do not consider the rules to be challenging or problematic to implement. This is in some respects to be considered a great success in relation to the way in which the rules have been communicated and the support packages produced by the BSB and Bar Council to assist the profession. Of those chambers experiencing or foreseeing difficulty in implementation the main concerns are in relation to the data collection and the training rules. These difficulties may be alleviated by greater dissemination of the Fair Recruitment Guide and refinement of the guidance materials on data collection and publication.

Section 5 - Other comments

There may be an issue with the way in which the BSB plans and imposes its regulatory activity on the profession. Timing is evidently key as is ensuring that the Bar is not overburdened with too many different activities crossing a range of areas (QASA, E&D rules and new handbook). Some precursory investigation of what support might be needed prior to (or during) the consultation on the rules might have resulted in the guidelines giving better support to chambers in the implementation of the rules, in particular in relation to unassigned work allocation monitoring. The BSB webinar was a good idea and more support, accessible to those outside of

London, should be developed. Equality Officers in chambers are largely a group of volunteers undertaking extra burden in order to achieve greater equality at the Bar and this should be recognised with additional support provided specifically for this group.

The report makes the following recommendations:

Recommendation 1: There should be wider dissemination of information regarding the various Bar Council training packages and BSB support products designed to assist those implementing the rules more visibly including clearer signposting on both the BSB and BC websites.

Recommendation 2: The model chambers anti-harassment policy should be amended to cover all those providing services to chambers.

Recommendation 3: The BSB Guidelines on the rules dealing with parental leave and rent relief should be revised to include case study examples utilising the good practice reported in the course of the progress check exercise.

Recommendation 4: The BSB should produce further information on the reasons for data collection and publication in the form of briefing sheets for chambers EDOs/DDOs in order to improve the level of engagement with the rule in chambers.

Recommendation 5: The current BSB Guidelines section dealing with unassigned work monitoring should be amended to include:

- a definition of unassigned work
- further guidance on how work allocation monitoring might be undertaken in chambers including how existing software packages might be adapted
- examples of current good practice gleaned from this exercise.

Recommendation 6: The Bar Council should disseminate information on its Fair Recruitment Guide more widely to encourage greater awareness and allay fears in relation to satisfaction of rule 408.2(i).

Recommendation 7: The BSB should liaise with the Bar Council equality team to ensure greater geographical coverage for fair recruitment training in particular for circuits not already covered.

Recommendation 8: The BSB should revise the Guidelines and Data Collection Guidance to include more case studies, greater detail on flexible working and reasonable adjustments, practical guidance on the collection and presentation of diversity data and specific guidance on the less than 10 rule. Consideration should also be given to the need to simplify both documents where possible.

Recommendation 9: The BSB should hold an event for EDOs in chambers aimed at supporting them in the implementation of the new equality rules.

BSB Equality and Diversity Adviser

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