

## BRICK COURT CHAMBERS

### POLICY STATEMENT ON DIVERSITY DATA

1. This is the Data Diversity Policy for Brick Court Chambers.
2. The name of the Diversity Data Officer is Zahra Al-Rikabi.

#### Collection of diversity data

3. Members of a BSB authorised body's workforce are given the opportunity to provide their diversity data for collection in accordance with the Bar Standards Board's requirements. The Diversity Data Officer is responsible for arranging and supervising the collection of diversity data.

#### Why diversity data is collected

4. Brick Court Chambers gathers diversity data for two separate exercises:
  - a. collection of diversity data for the purposes of publication in compliance with rule 408(o) to (t) of the Equality and Diversity Rules issued by the Bar Standards Board (hereafter referred to as '**diversity data for publication**'); and
  - b. collection of a narrower range of diversity data for the purposes of conducting work allocation monitoring in compliance with rule 408(e) to (f) (hereafter referred to as '*diversity data for work allocation monitoring*').
5. In relation to diversity data for publication, barristers, pupils and staff have the opportunity to provide their diversity data in order for Brick Court Chambers to publish an anonymous summary of such data. This provides transparency

concerning recruiting and employment activities across Brick Court Chambers and analysis of diversity data encourages a strong, diverse and effective legal profession.

6. In relation to diversity data for work allocation monitoring, barristers and pupils have the opportunity to provide their diversity data in order for Brick Court Chambers to monitor the fair allocation of unassigned work.

**Please note: You are not obliged to provide your diversity data. You are free to provide all, some or none of your diversity data.**

### **How diversity data is collected and processed**

7. Although there is an overlap in relation to the data gathered, Brick Court Chambers conducts two separate data gathering exercises: diversity data for publication is gathered through an anonymous survey to be conducted at 3 yearly intervals,<sup>1</sup> the next survey being due in January 2020; and diversity data for work allocation monitoring is gathered through a one-off online survey that requires participants to provide their name. This reflects the fact that Chambers needs to be able to identify barristers and pupils in order to conduct the work allocation monitoring.

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<sup>1</sup> Because the information will be collected on an anonymous basis, it will be necessary to ask each Member of the Workforce to provide Diversity Data at approximately 3 year intervals, even if they have previously provided such information. As well as being necessitated by anonymity, this will help ensure the Diversity Date remains up to date as regards matters which will or may change over time, such as each individual's seniority and age, and whether any their day-to-day activities are limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months.

### *Diversity data for publication*

8. The DDO will invite all Members of the Workforce to provide Diversity Data about themselves, using the model questionnaire at Annex C of the E&D Rules, anonymously.
9. To help ensure anonymity, the DDO will invite each Member of the Workforce to deliver or send their completed questionnaires in a sealed envelope to Lyana Peniston by a specified date. Ms Peniston will deliver the unopened envelopes to the DDO on or after that date.
10. If the number of completed questionnaires is less than the total number of Members of the Workforce, the DDO may send one or more chasers, to all Members of the Workforce, inviting them to submit their questionnaires as soon as possible if they intend to provide Diversity Data and have not already done so. The DDO will reiterate that the provision of Diversity Data is voluntary.
11. The DDO will use the Diversity Data set out in the completed questionnaires in order to prepare, and ensure the publication on chambers' website of, the summary required by the E&O Rules. Those rules require that the published summary of anonymised data shall:
  - a. exclude Diversity Data relating to the characteristics of sexual orientation and religion or belief, unless there is consent from each of the Members of the Workforce;
  - b. exclude Diversity Data in relation to any characteristic where there is a real risk that individuals could be identified, unless all affected individuals consent; and

- c. subject to the foregoing, include anonymised data in relation to each characteristic, categorised by reference to the job title and seniority of the Members of the Workforce.
12. In order to comply with 11.a above, the DDO will, at the same time as inviting Members of the Workforce to provide Diversity Data about themselves, ask them to indicate (by an additional question at the end of the form) whether or not they consent to the inclusion, in the anonymous published summary, of Diversity Data relating to the characteristics of sexual orientation and religion or belief. The answers to this question, like the completed forms as a whole, will be anonymous.
13. In order to comply with 11.b above, the DDO may need to contact particular individuals in order to seek their consent to the publication of Diversity Data in relation to the relevant characteristic. This applies where there are fewer than 10 individual within each published category who identify through the questionnaire with the same diversity characteristic.
14. The DDO will be the data controller, for the purposes of the Data Protection Act 1998, in relation to the Diversity Data so collected.
15. The DDO will process the Diversity Data solely in the manner and for the purposes identified in paragraphs 11 and 12 above.
16. The DDO will securely destroy the Diversity Data collected promptly after the Data has been anonymised and in any event within 3 months following the date of collection. Secure destruction means that as far as possible we shall not hold the Diversity Data in any way where it is possible to identify and individual.
17. The DDO will keep the contents of the questionnaires confidential, and will not disclose them or their contents to any person other than by the publication of the anonymised summary referred to in paragraph 4 above.

### *Diversity Data for work allocation monitoring*

18. The data required to enable chambers to conduct this review will be gathered by virtue of a one-off online survey in which members of chambers will be invited to give their consent to the processing of their data in accordance with this policy, and supply information in relation to gender, ethnicity, disability and sexual orientation. This information will be kept secure and access to it will require a password. In order to keep the data up-to-date, members of chambers are asked to notify Collette Vanner of any changes.
19. New tenants and pupils will be invited to complete this questionnaire upon joining chambers.
20. In order to keep the allocation of unassigned work under review, the clerks will use Lex to log the names of barristers to whom unallocated work is offered, and whether or not it is accepted.
21. The information supplied by the clerks will then be analysed against gender, ethnicity, age and sexual orientation on a quarterly basis. The data generated by this analysis is anonymised by allocating a unique code to every member of chambers and set out in a quarterly report to the Equality and Diversity Committee. One member of staff, currently Collette Vanner, will be allocated to carry out this task, and only he or she will have the password to the data gathered for these purposes.
22. The anonymised quarterly report will be generated on a quarterly basis and reviewed by the Equality and Diversity Committee, who will consider whether there are any potential disparities in the data. The Head of the Equality and

Diversity Committee will then write to the Heads of Chambers, alerting them to any concerns identified.

23. The Heads of Chambers will investigate the reasons for the apparent disparity and take remedial action as necessary. This exercise may require access to the data in non-anonymised form.
24. The Heads of Chambers will notify the Equality and Diversity Committee whether the reasons for the apparent disparity were such as to require remedial action, and if so what action has been taken.

### **Questions or complaints**

25. You have a right to withdraw your consent or object to the use of your diversity data at any time.
26. Where your data has already been provided and you wish to withdraw your consent to its use, please notify the Diversity Data Officer in writing. She will promptly delete or destroy any diversity data which includes your personal data and will confirm to you that this step has been taken within 21 days of receiving notification from you.
27. Where the anonymised data has been published in summary form, the Diversity Data Officer will not extract your personal data from the published summary unless it is likely that continued publication could cause you or someone else substantial damage or distress. In such circumstances, the Diversity Data Officer will consider the reasons you have put forward and shall respond within 21 days from the date you notify him/her of your belief to let you know whether she has determined that the continued publication of the data is justified and, if not, to

confirm the action taken to extract your data from the published summary and to delete or destroy any copies.

28. Should you have any questions or complaints about this Diversity Data Policy, please contact the Diversity Data Officer.
29. This Policy Statement will be published on chambers' website.

*Brick Court Chambers*

*Approved by Executive Committee 4 December 2017*