

Fair Distribution of Work

Furnival Chambers' approach to the allocation of work is conducted in a way that is fair for all members of Chambers and pupils. This includes the fair distribution of work opportunities among members and pupils.

Where a specific barrister is not requested, we apply fair allocation of unassigned work. We ensure a fair system is in place when presenting options to those instructing and for opportunities to attract future work. This applies regardless of the source of work.

A copy of this policy is provided to all members, pupils and those instructing. The policy is available on our website.

This document sets out our policy in relation to:

- The process of allocation of unassigned work
- The monitoring of unassigned work
- The monitoring of equality and diversity data against the allocation data.

This policy is designed to ensure best practice in accordance with the BSB Equality Rules. To this end, the policy is kept under regular review and we welcome and encourage feedback.

Discrimination on grounds of race, sex, gender, disability, sexual orientation, religion or belief, pregnancy or age ('the protected characteristics'), is unlawful and constitutes professional misconduct. The core anti-discrimination duty is set out at CD8, supplemented by rC12 of the BSB Handbook. Guidance in relation to work allocation equality monitoring is provided in the BSB Handbook Equality Rules and rC110 of the BSB Handbook.

Work is 'unassigned' if, at the point of enquiry and/or at the point at which it is sent to Furnival Chambers (this may be in hard copy, electronically, by telephone or email, in person or by any other means), the person instructing does not state that it is to be assigned to a named member of Chambers.

Work is classed as 'bulk work' if, at the point of enquiry and/or at the point at which it is sent to Furnival Chambers the person instructing does not wish to participate in the work allocation decision.

The term 'work' includes any instructions to counsel to provide written advice, drafting, conferences or representation at court hearings.

Assigned Work

This policy does not apply to assigned work. However, the duty to not discriminate applies to all aspects of all services provided by barristers, including the acceptance of instructions.

Instructions will not be accepted by Furnival Chambers on behalf of any members or pupils if they are discriminatory of any of the protected characteristics.

Allocation of Unassigned Work

Furnival Chambers uses a Chambers Management System, LEX (by BarSquared). This system allows clerks to reference all members' online diaries and availability and account settings (e.g practice areas, public access, seniority etc). Barristers are therefore only excluded from a shortlist by their account settings which are set at the time of joining and accessible for review at any time.

A shortlist of barristers is then provided to those instructing in order of seniority usually providing information of experience, availability and, if applicable, fees charged. The respective barristers' online profiles will be on our website for those instructing to view in more detail.

Furnival Chambers ensures that all of the clerks involved in allocation of work have undertaken training in Equality Diversity and Inclusion.

Unassigned Work Monitoring

Furnival Chambers policy is to monitor its data to ensure that work is being allocated fairly within Chambers including to Queens Counsel, senior tenants, junior tenants, pupils and those returning from parental leave or working flexibly. Monitoring takes place on a daily basis.

Where the LEX system is used, all factors considered through the system are non-discriminatory of the protected characteristics. It follows that monitoring is particularly required where there has been a decision to override the LEX system. This is the only aspect of decision making where discrimination, or the perception of discrimination, might arise.

The relevant allocation data for the purposes of monitoring is:

- The names of those barristers on the short list
- The name of the barrister to whom the work was allocated
- The reason that the barrister was selected
- The identity of the clerk making the allocation
- Identification of any case where a decision was taken to override LEX and why that was decided.

Review of allocation of data and equality information

The Senior Clerk, Equality and Diversity Officers, DDO and the Directors will regularly review the data and will identify any patterns indicating a concern relating to the allocation of unassigned work by any member of the clerking team.

Managing concerns

Where any pattern indicating a concern is identified, the concern will be addressed by the Senior Clerk and Equality and Diversity Officers with the member or clerk concerned.

If any issue cannot be resolved by the Senior Clerk and the Equality and Diversity Officers, it will be referred to and dealt with by the Directors and Head of Chambers.

Barrister concerns

If a barrister has reason to raise a concern with regard to the fair distribution of work and/or any of the content within this policy, which does not relate to the Senior Clerk, the barrister should raise it in the first instance with the Senior Clerk. Where a concern is raised, the Senior Clerk and Equality and Diversity Officers will examine the data to ascertain whether there is a pattern of concern. Where a pattern is identified, the concern will be addressed by the Senior Clerk and the Equality and Diversity Officers with the member or clerk concerned.

If a barrister has reason to raise a concern relating to the fair allocation of work or anything contained within this policy which does relate to the Senior Clerk, they are required to raise it with the Directors. Where a pattern is identified, the concern will be addressed by the Directors with the Senior Clerk.

In any case where a barrister raises a concern relating to the allocation of work or the contents of this policy, the concern will be addressed by the appropriate persons and a written response provided as soon as practicable but, in any event, within 28 days of the date on which the concern was raised.

This policy is subject to review every 2 years.