



CPS Equality and Diversity Expectations Statement for the Bar

2007 to 2011 Benchmarking Report

Contents

Foreword from the CPS and Bar Council	2
1. Introduction	4
2. The Expectations	5
3. The Assessment Process	6
4. Assessment Findings	7
5. Key Development Areas For Chambers	20
6. Moving Forward	21
Annex A	
CPS Equality and Diversity Expectations Statement reporting form for Chambers from 2009/10	23

Author: CPS HQ Equality & Diversity Unit
Leona Vaughn, Equality & Diversity Advisor

Foreword from the CPS and Bar Council

The relationship between the CPS and the Bar is a fundamental part of an effective criminal justice system (CJS), working in the public interest. Public confidence in the system and the quality of service provided to people affected by crime is crucial to how fair the CJS is perceived to be. In turn, this influences the public's willingness to play their part in the prosecution process.

Equality and Diversity is a fundamental part of that confidence and that quality of service. In the field of criminal justice, we have a responsibility to address inequality and promote fairness and justice. The public want to be assured that in providing a service to them we are actively working towards that fairness in all that we do, both for those providing the services and for those receiving them.

The CPS Equality and Diversity Expectations Statement (EDES) for the Bar was launched in April 2007 by the then DPP and Chairman of the Bar, it was a major milestone at the beginning of this journey. It has played an integral part in strengthening our work together and improving performance on this important issue.

The Statement sets out clear equality and diversity expectations of chambers which prosecute cases on behalf of the CPS. There are mutual benefits in the CPS and the Bar taking this initiative forward together. It has provided an important mechanism for monitoring the CPS pre-2010 legal obligations in respect of disability, gender and race equality when procuring external services from the Bar. It has assisted the Bar Council to achieve goals set out in Lord Neuberger's 2007 report, which called on the profession to ensure that people from all backgrounds with the talent to succeed could have a career at the Bar.

In the years since the introduction of the EDES, the CPS has been monitoring and assessing how chambers of all sizes are performing in relation to the EDES. The findings from those assessments are laid out in this report. We commend those chambers which met our Expectations for their effort to address equalities issues. We are pleased to highlight within this report some examples of best practice demonstrated by chambers. 93 per cent of large chambers responded to the recent CPS checks but the response rate of medium chambers was less positive. Combined results from all chambers which responded show 83 per cent of these had met or partly met the Expectations. The low response rate of medium chambers suggests many chambers which prosecute still need to focus on developing their equality policies, but a significant proportion of large and small and some medium chambers have made real progress.

The challenge is to ensure that the CPS and chambers are compliant with the Equality Act 2010 and that we meet our obligations under the new Public Sector Equality Duty due to come into effect April 2011. Both the CPS and the Bar Council (General Council for the

Bar) are due to be subject to the specific duties of the Equality Act; to eliminate discrimination, advance equality of opportunity and foster good relations between different groups. This is an important obligation, not least because the CPS spends £140million of public money on instructing counsel each year, the second biggest part of its expenditure after internal staff costs.

We are determined to continue to ensure that we promote and embed equality and diversity across all of our activities and meet the standards expected of us in contributing to a CJS that is fair, transparent and accountable to all.



A handwritten signature in black ink that reads "Keir Starmer". The signature is written in a cursive style with a horizontal line underneath.

Keir Starmer QC
Director of Public Prosecutions

A handwritten signature in black ink that reads "Peter Lodder". The signature is written in a cursive style with a long horizontal line extending to the right.

Peter Lodder QC
Chairman, Bar Council

1. Introduction

- 1.1 Throughout the period of 2007 to 2011, CPS has had specific legal duties to promote disability, gender and race equality across its activities including, where relevant, when it secures external services. The Bar Council has had a general duty to promote disability, gender and race equality. Both the CPS and the Bar Council also have had obligations to ensure equality in respect of age, religion or belief and sexual orientation.
- 1.2 The Equality and Diversity Expectations Statement (EDES) was developed jointly with the Bar Council, and reflected the requirements and recommendations of both the Bar Council's Code of Conduct and the Equality and Diversity Code for the Bar (in 2009, ownership and responsibility for the revision of the E&D Code for the Bar moved to the Bar Standards Board).
- 1.3 The purpose of the EDES is to:
 - provide the Bar with a clear, concise statement of expectations on equality and diversity when seeking and undertaking work for the CPS
 - ensure that the CPS continues to meet its legal obligations to promote equality when it secures external legal services from the Bar.
- 1.4 The intended benefits included increased confidence that both the CPS and the Bar were meeting their equalities duties and commitments when legal services were secured; an assurance of consistency in equalities practice; improved prosecution practice; improved recruitment practice and a Bar that was more aware of equality issues and more representative of the communities it serves.
- 1.5 The EDES was jointly launched on 14 March 2007 by Ken Macdonald QC, the then Director of Public Prosecutions, and Geoffrey Vos QC, then Chairman of the Bar Council, and was issued to all Chambers undertaking CPS prosecution work. The Expectations Statement is available in the Publications section of the CPS website www.cps.gov.uk and on the Bar Council website www.barcouncil.org.uk

2. The Expectations

2.1 The EDES outlines the following key elements that the CPS expects to see in place and actively implemented in the Chambers from which it secures legal services:

- an equality and diversity policy/policies and actions to implement the policy/policies; including reasonable adjustments to promote disability equality, maternity, paternity and parental leave and flexible working
- arrangements for equalities monitoring and data collection
- arrangements for addressing under-representation in Chambers
- positive action
- training on equality and diversity
- familiarisation with and commitment to key CPS policies, including hate crime policies
- equal access to and fair allocation of work within Chambers
- handling of complaints, including harassment complaints.

3. The Assessment Process

3.1 The EDES had a tiered reporting system for CPS to benchmark Chambers' performance against the Statement:

- larger Chambers (45 members and above) reported progress within one year of launching the Statement with subsequent annual progress updates
- medium Chambers (20-44 members) reported on progress every two years
- smaller Chambers (under 20 members) reported on progress every three years.

3.2 Chambers were required to report on progress against the EDES to the CPS and their Joint Advocate Selection Committee (JASC) using a self-assessment process according to a standard template issued by the CPS. The self-assessment reports were then assessed by the CPS HQ Equality and Diversity Unit and given one of three ratings:

Expectations met - Chambers were rated as 'Met' if their progress report addressed all/almost all of the expectations set out in the Statement.

Expectations Partly Met - Chambers were rated as 'Partly Met' if their progress report partly addressed most of the expectations set out in the Statement.

Expectations Not Met - Chambers were rated as 'Not Met' if their progress report did not address most of the expectations set out in the Statement

3.3 Chambers were provided with a short report from the CPS detailing their overall rating together with an analysis of their current position and specific recommendations for improvement. Additionally, CPS HQ Equality and Diversity Advisors undertook pre-announced verification visits to a number of randomly selected Chambers to support the integrity of the assessment process.

4. Assessment Findings

Large Chambers were the first to report on progress against the CPS EDES in summer 2008. The evaluation approach was revised and refined following feedback and learning from those assessments, as well as the changes in equality legislation. The new approach was then agreed by CPS with Bar Council and the Criminal Bar Association. This was the approach adopted for assessing all size Chambers in 2009/10 and 2010/11.

4.1 First reports from large Chambers 2008/09

In 2008/09 sixty-seven large Chambers were approached for a progress report. Nine Chambers did not respond. Fifty-eight Chambers responded and were assessed through a self-assessment process according to a standard template issued by the CPS which required information about their equality and diversity policies; equalities monitoring; training on equality and diversity; processes for the equal access to and fair allocation of work and complaints handling. The CPS subsequently provided all Chambers with a short report outlining their assessed position and identifying recommendations for improvement as appropriate.

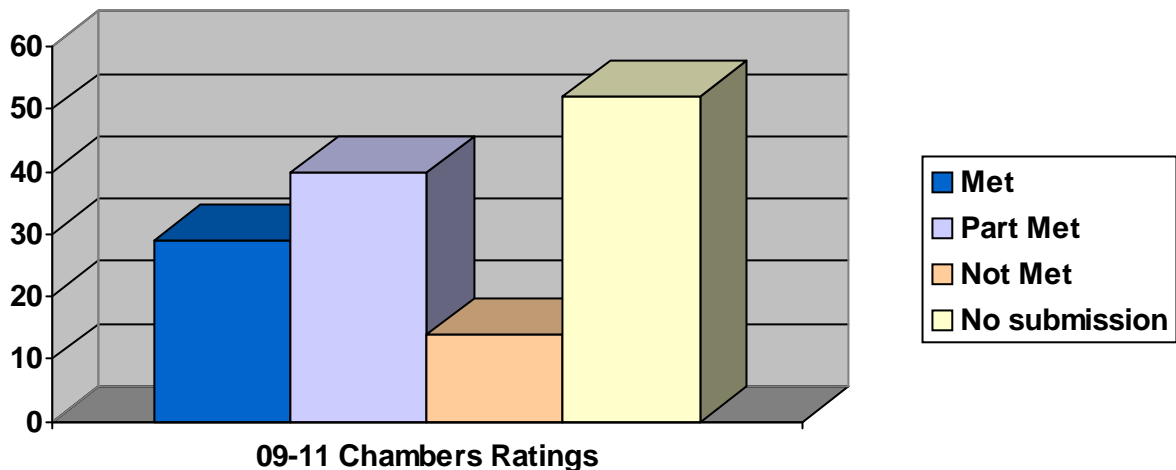
- 86 per cent of Chambers submitted a response
- 24 per cent of the Chambers were assessed as meeting the EDES
- 76 per cent of the Chambers were rated as only partly meeting the EDES

4.2 Progress Reports from All Size Chambers in 2009/10 and 2010/11

In 2009/10 large Chambers were assessed for the second time and medium Chambers for the first. In 2010/11 small Chambers reported for the first time.

4.2.1 The total number of Chambers approached was 135 (55 large, 73 medium and seven small). The total number of responses was 83 (61 per cent) - 51 large, 27 medium, and five small:

- 35 per cent (29) of Chambers who submitted were rated as 'met'
- 48 per cent (40) of Chambers who submitted were rated as 'partly met'
- 17 per cent (14) of Chambers who submitted were rated as 'not met'



4.2.2 There were a significant number of non-submissions in 2009/10 and 2010/11 - 39 per cent of all those approached; 52 Chambers in total (four large, 46 medium, two small). Those who did not return a submission have been rated as 'not met' (for their first report) or retain their previous rating (second reports). The highest number of non returns was from medium Chambers reporting for the first time (46) rather as opposed to large (four).

4.2.3 Of the large Chambers reporting for the second time, 10 Chambers had improved, eight had regressed and 33 remained the same against 2008/09 ratings.

4.2.4 The total number of Chambers not meeting CPS Equality and Diversity Expectations (those rated as not met and those who did not submit) was 57-42 per cent of all Chambers approached.

4.3 Breakdown by Expectation

4.3.1 Equality and Diversity policy/policies

In 2008/09 more than half of the Chambers who responded failed to demonstrate a robust and comprehensive approach to the implementation of equality and diversity policies. This was supported by the BSB 2009 Chambers Monitoring Pilot Study, which also showed equality policies to be 'inadequate'¹. 2009/10 and 2010/11 assessments have shown significant improvements in this area for the Chambers who responded:

¹ BSB Consultation Paper: Proposed New Equality and Diversity Conduct and Practising Rules, 2010

Does your E&D policy cover reasonable adjustments and actions on disability equality for members?

	Large	Medium	Small
	per cent	per cent	per cent
No	10	36	40
Yes	90	64	60

Whilst policies on disability equality for members seem to be in place it is unclear as to how Chambers monitor the impact of the policy, as disability monitoring in Chambers is very limited.

Does your E&D policy cover maternity leave provisions – staff and members?

	Large	Medium	Small
	per cent	per cent	per cent
No	12	24	40
Yes	88	76	60

Performance here is relatively good for large Chambers, but becomes less so for medium and small Chambers. Bar Council data shows that women make up 34 per cent of the Bar, and that under-representation of women is an issue at the more senior levels. Bar Council research² into women who change practice indicates that four in 10 women surveyed left the Bar due to the desire to spend more time with families, and three in 10 cite inflexibility of working arrangements; therefore it would appear that Chambers need to give this area extra attention

Do you have an Equality and Diversity Officer (EDO) in place?

	Large	Medium	Small
	per cent	per cent	per cent
No	2	20	20
Yes	98	80	80

² Survey of Barristers Changing Practice Status 2001-08 (Bar Council December 2009)

Of the Chambers assessed a high proportion state they comply with this section of the Code of Conduct for the Bar. However, 20 per cent (five) of the medium Chambers do not have an EDO - coupled with the high non-return rate for this size Chambers, this may be an indication of a lack of focus on equality and diversity.

Aspects of good practice identified

- E&D policy is regularly reviewed and comprehensive in scope; covering areas such as access to and fair allocation of work, career development, adoption leave or services provided to disabled clients
- maternity provisions include a six month rent free period irrespective of an earlier return to work.
- an annual review of equality and diversity policies and procedures to ensure that they are updated and in line with relevant legislation
- publishing the equality and diversity policy or policies on the Chambers' website
- Bar Council Equality and Diversity Code provided to members
- members being consulted on parental leave arrangements
- monthly reporting by EDOs to the management committee
- regular management committee audits of areas such as maternity, paternity and flexible working policies, and disability access (when a building cannot be made accessible - use of accessible premises for meetings, video link and home visits)
- Business Plans containing an Equality and Diversity policy implementation plan as well as promotion and awareness plans.

Chambers conducts an Annual Equality Review which considers the effectiveness of our implementation of the policy in terms of recruitment, training, the need for positive action and the compliance of our internal working procedures.

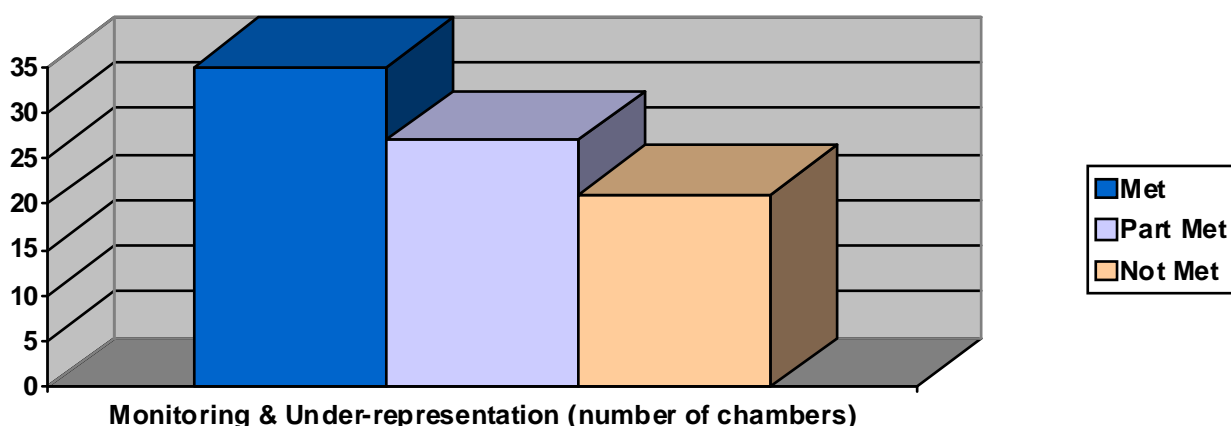
St Johns Chambers

The Equality and Diversity Officers are responsible for the effective operation of the Equality and Diversity Policy and for reviewing annually Chambers' equality and diversity policies and procedures. In addition they will review any guidance issued by the Bar Council, The Bar Standards Board, the CPS, the LSC and any other relevant organisation and make any recommendations necessary to the Management Committee who will consider the amendments to the procedures and policies in respect of equality and diversity accordingly.

2 Hare Court

4.3.2 Equalities monitoring and under - representation

In 2008/09, only 21 per cent of Chambers demonstrated a proactive approach to addressing under-representation including the use of positive action measures. BSB 2009 Chambers Monitoring Pilot Study showed that data on membership was not being consistently captured, and CPS findings support this. Performance in both monitoring and addressing under-representation is cause for concern as the Expectations set out in the EDES are consistent with paragraph 1.16 of the Bar Council's Equality and Diversity Code.



Do you collect monitoring data from members?

	Large	Medium	Small
	per cent	per cent	per cent
No	16	88	80
Yes	84	12	20

Aspects of good practice identified

- equalities monitoring in place – explained to staff and members
- use of positive action in mini-pupillage to address under-representation
- equalities monitoring data for staff, members and pupils benchmarked against the local demography, Bar Council data and ONS
- equalities monitoring data utilised to identify areas of under-representation and the areas where actions are necessary
- work experience offered to inner city schools and exit interviews undertaken
- attendance at careers fairs
- changing the wording of recruitment and website material to encourage applications from minority groups
- organising work placements for under-represented groups through external community agencies
- signing up to the Positive About Disabled People Scheme.

The EO Committee carries out an Annual Equality Review when it analyses monitoring data relating to staff (pay reviews, recruitment, promotion, training, appraisals and grievances); pupils (fair distribution of work [value and mix], reviews, financial award / benefits, Pupillage Portal equal opportunities monitoring, other pupillage applications, mini pupillage equal opportunities).

Atkinson Bevan

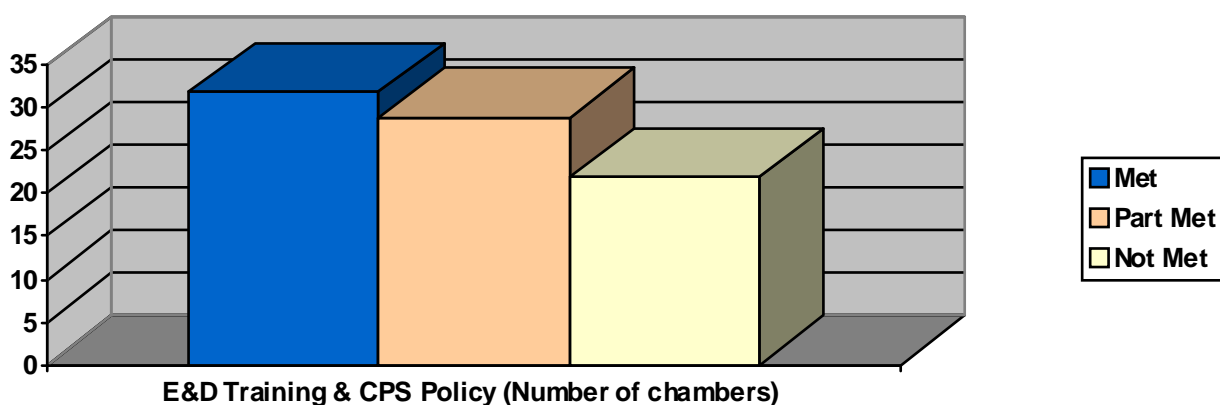
As part of our 'Matrix in the Community' scheme and other projects, members undertake mentoring with young people who are socially disadvantaged and/or from an ethnic minority background... conduct regular surveys and consultations with our members, trainees and staff to monitor how inclusive Matrix is perceived to be.

Matrix

We modified our mini-pupillage material to indicate that we positively encourage applications from suitably qualified disabled applicants... With assistance from the Bar Council, we identified a number of Universities with a high proportion of students from BME and other backgrounds. We wrote to them, enclosing copies of our Pupillage Brochure, and asked that they encourage their students to make applications to us for Pupillage.

1 Kings Bench Walk

4.3.3 Training on E&D and familiarisation with key CPS policies



Has E&D training been undertaken in the last two years (members)?

	Large	Medium	Small
	per cent	per cent	per cent
No	80	92	100
Yes	20	8	0

Has E&D training been undertaken in the last two years (staff)?

	Large	Medium	Small
	per cent	per cent	per cent
No	62	64	80
Yes	38	36	20

The Neuberger Report³ cited concerns about the potential for recruitment and selection processes to discriminate against lower socio-economic groups, minority ethnic groups, older and disabled applicants. The low positive responses on training in equality and diversity coupled with the lack of equalities monitoring will not assist in remedying this scenario.

Do you ensure that members who undertake CPS work have copies/access to key CPS policies including those covering the prosecution of hate crimes and Violence against Women?

	Large	Medium	Small
	per cent	per cent	per cent
No	8	26	40
Yes	92	74	60

In 2008/09 only 24 per cent of Chambers demonstrated a proactive and thorough approach to ensuring familiarisation with key CPS policies. Performance has improved here for large Chambers, but considering all respondents undertake work for CPS this area still needs to be focussed on.

Aspects of good practice identified

- E&D training undertaken by EDOs and cascaded down to staff, members and pupils
- E&D and CPS policies are a part of staff, member and pupil induction
- E&D training bought in by Chambers for all staff, members and pupils
- cultural awareness training provided by local community/voluntary organisations
- EDES provided to all criminal practitioners and clerks
- training for criminal practitioners and the criminal clerking team on CPS policies
- CPS circulars forwarded to all members with instructions to ensure familiarity and competence in applying CPS policies
- an annual refresher course to ensure familiarity with key CPS policies
- members provided with a copy of relevant CPS policies

³ Neuberger Working Party report 'Entry to the Bar'

- clerks ensuring that, counsel is provided with a copy of the relevant CPS policy in order to familiarise themselves with the applicable policy prior to the commencement of the case.
- discussion of standards and CPS policy updates at monthly Criminal Practitioners meetings
- members made aware of and encouraged to attend courses, for example on religious and racist crime as part of CPD and advertising of such courses within Chambers.

All new members undergo a two week training period with the CPS; the various guidance materials are available on line and in Chambers.

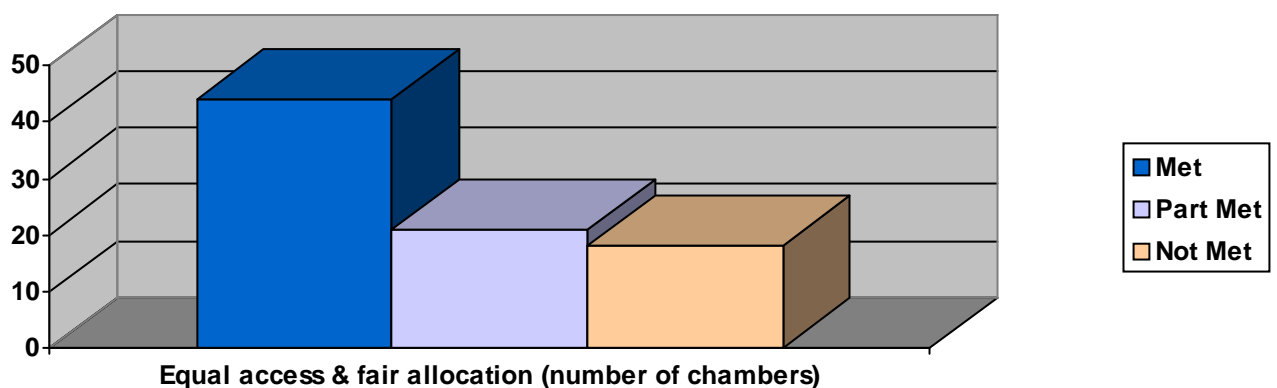
Walnut House

Policies are published to members who undertake CPS work and relevant support staff as they are received. Measures include:

- Notifying members that the policies are accessible on the CPS website
- Policies are available in the library
- Policies are now sent out by email, including updates, and in the past have also been placed in printed form in members' pigeon holes
- Criminal Group representatives update members at the regular practice group meetings
- Training sessions are available for members both externally and in-house.

Zenith

4.3.4 Equal access to and fair allocation of work



Do your Chambers provide guidance to clerks on the equitable allocation of unnamed work within Chambers?

	Large	Medium	Small
	per cent	per cent	per cent
No	12	32	80
Yes	88	68	20

In 2008/09 only 22 per cent of Chambers demonstrated a robust and systematic approach to ensuring equal access to and fair allocation of work. This has improved greatly in large Chambers, but progress still needs to be made for all Chambers.

Aspects of good practice identified

- analysis of earnings by finance director across equality strands
- systems in place to produce and analyse work allocation reports, with the equal opportunities officer often playing a critical role in ensuring appropriate data collection and analysis and supporting clerks in identifying and addressing any potential or actual unfair differences
- ensuring that detailed work allocation reports are routinely considered by, for example, Equality and Diversity Committees, Management Committees or a Chambers Review Group and with an active approach to investigating discrepancies
- analysing member's receipts and billings quarterly and investigating situations where one member has less receipts and billings than another of equal standing
- having an active policy of rotating briefs amongst pupils to ensure they receive a similar amount of work
- adapting a maternity policy to include measures to ensure that the fair allocation of work is not jeopardised by a member taking maternity leave
- including a statement in the equal opportunities policy on the fair distribution and allocation of work and ensuring all clerks are aware of this policy
- training clerks to Bar Mark and Quality Mark standard on the fair distribution of work.

Junior tenants' work (five years' call and under) is monitored on a quarterly basis. Data analysed includes diary printout, payment summary and aged debt, case report, case origin analysis report and practice analysis report, and comparisons are made with previous quarters to ensure that there are no obvious concerns from an EO perspective. Annual Equality Review uses monitoring data produced from Meridian to look at the fair distribution of work (value and mix) amongst pupils.

Atkinson Bevan

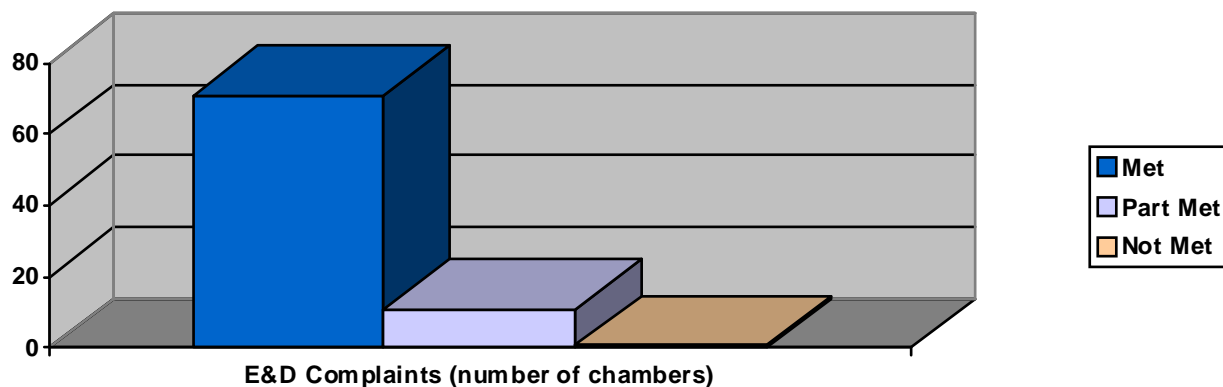
Practice Director and all clerks have attended training in March 2010 in 'Avoiding Discrimination and/or harassment in the clerks' room.

Broad Chare

Clerks communicate to ensure that we have fair allocation of work and that it is evenly distributed, we have monthly tables showing how much each barrister earns and how many new briefs have come into chambers and for who.

33 Chancery Lane

4.3.5 Handling E&D complaints



Does your written complaints policy include discrimination and harassment?

	Large	Medium	Small
	per cent	per cent	per cent
No	6	56	20
Yes	94	44	80

Whilst overall performance in this section has remained high over the period of assessments, progress needs to be made to ensure that discrimination and harassment are adequately covered in formal complaints procedures particularly for medium and small size Chambers.

Aspects of good practice identified

- harassment and grievance policies in place for staff, pupils and members
- complaints policies and procedures for clients, members, staff and pupils
- equal opportunities officer as the first point of contact for complaints
- a Complaints Committee responsible for handling complaints, including identifying trends and causes of complaints, training needs arising from complaints and agreeing preventative action
- annual reporting to Management, giving details of complaints together with recommendations for changes to procedures
- harassment covered by the Bullying and Harassment Committee including informal and formal stages.

Internal complaints... are referred to informal mediation with the Equality and Diversity Officer, provided both agree. Should it not be possible to reach a satisfactory outcome, more formal procedures will come into operation with written statements being provided. The Head of Chambers will adjudicate on the grievance with the option thereafter of an appeal to the Chairman of the Equality Committee or another senior Silk. The Management Committee... meets at least six times a year. The monitoring of complaints handling is always on the Agenda... taken extremely seriously and we aim to conclude them within six weeks, and that includes any appellate procedures.

1 Kings Bench Walk

4.3.6 Verification visits

The visits provided a checking mechanism for the assessment process – meetings were set up with randomly selected Chambers and assessors verified the submission made by asking to see documents referred to. No visits have resulted in a change of rating for Chambers. However, these visits have highlighted that:

- Chambers did not know where to get good practice examples from
- Chambers did not always recognise their own good practice

- Chambers welcomed and needed guidance on how to do better on E&D
- Chambers often were unaware of changes to equality legislation and how that impacted on them as employers and service providers
- Chambers did not utilise systems already existing to their fullest for scrutinising equality practices and taking action e.g. computerised systems for work allocation.

5. Key Development Areas For Chambers

Overall there has been a mixed picture of improvement for Chambers of all sizes in the benchmarking period. Some issues have persisted in needing attention, and also with new legislation, new areas of need have arisen. Specifically:

- E&D related policies should be updated to reflect the changes to equality legislation, in particular those brought in by the Equality Act 2010
- Chambers must improve the collection of equalities monitoring data; this will mean improving their knowledge for the reasons behind the collection of the data, what categories should be used, how it should be stored and how it should be used to identify equalities issues and take appropriate action as a result of analysis.
- those who stated they were undertaking monitoring were mostly confined to race and gender, and the categories used were often inconsistent - outdated terminology such as 'Asian gentleman' or 'Anglo-Indian' was often used.
- more action needs to be taken to address under-representation. For those who could provide equalities monitoring data, few went on to describe what actions were being taken to address any under-representation evidenced
- poor quality monitoring data means that Chambers cannot possibly accurately monitor fair and equal access to work - this leaves vulnerability for people to feel that they have been discriminated against
- in relation to fair and equal access to work, practice was not consistent. Some Chambers cited the 'Cab-Rank Rule' (the rule that members undertake the first piece of work that comes along) as preventing Chambers from ensuring fairness across the equalities strands. This Rule was also cited as causing a reluctance to suggest alternative Members when the named request is not available.
- improvement has been made on ensuring members who undertake or wish to undertake work for CPS have access to and are familiar with CPS prosecution policies, but this remains a priority area for development for Chambers
- Chambers should be more open and transparent about informal and formal complaints procedures, particularly for discrimination and harassment, as this will improve confidence for staff, members, pupils and clients to report any concerns.

6. Moving Forward

The EDES and the three year period of assessments was a first step towards establishing a benchmark in order to build equality and diversity 'standards' into the future procurement of external advocates. This approach towards assessment and benchmarking was adopted as an acknowledgement of the fact that Chambers were quite new to reporting on equality and diversity.

The process has gone some way to achieving its aims; however, there has also been some understandable frustration on the part of Chambers who have been required to report on equality issues to three separate entities (CPS, Treasury Counsel and Bar Council). This may be a contributory factor to the decline in response rates in 2009/10 and 2010/11; therefore for the future, a single assessment process that meets all stakeholders' needs and keeps equalities high on the agenda should be developed.

Now that the benchmarking process is complete, future assessments will also need to place a stronger emphasis on ensuring that the Chambers that we procure services from comply with the EDES and equality legislation. In a compliance context, there would need to be clear consequences for Chambers who fail to meet the standards. This approach is supported by the BSB proposed 'Equality & Diversity Conduct and practising rules of the Code of Conduct'⁴, which would make a breach of the E&D provisions a breach of the Code of Conduct.

For individuals, the process of recruitment to the proposed CPS Advocate Panel⁵ should adequately address the competencies required to fulfil our legal obligations on E&D, and those obligations referred to in our Core Quality Standards, Statement of Ethical Principles and Code for Crown Prosecutors. However, for those individuals or Chambers who can continue to be instructed on an ad-hoc basis and do not have to be Advocate Panel members, we would need to identify the best way to be assured of their E&D practice. CPS would have to consider how to handle a scenario wherein an individual has been accepted onto the Advocate Panel, but their Chambers does not meet the EDES.

For Chambers, there would need to be clear consequences for Chambers not meeting our EDES. The actions to be taken by CPS, for example not instructing Chambers who do not meet the EDES, should be clearly spelt out. This approach is supported by the Bar Standards Board (BSB) proposed 'Equality & Diversity Conduct and practising rules of the code of conduct'⁶, which would make a breach of the E&D provisions a breach of the Code of Conduct.

⁴ 'Proposed new Equality and diversity Conduct and Practising Rules – Consultation Paper' Bar Standards Board, November 2010

⁵ Bar Council Consultation on outline proposals for revising the CPS process for the selection of self-employed advocates, November 2010

⁶ 'Proposed new Equality and diversity Conduct and Practising Rules – Consultation Paper' Bar Standards Board, November 2010

6.1 Recommendations

In order to ensure that the CPS is able to assure itself that its legal obligations are adequately dispensed by those instructed to undertake advocacy on its behalf in the future, it is recommended that:

- the CPS incorporates an assessment of **individual** advocates' competence on equality and diversity, including hate crime and VAW policies into the recruitment and selection process for the Advocate Panels, proposed to be established in 2011
- the CPS incorporates equalities monitoring, reflecting all 'protected characteristics' under the Equality Act 2010, into the recruitment and selection process for Advocate Panels to ensure we are monitoring the diversity of advocates that we instruct to undertake CPS work
- the CPS determines a process for ensuring our equality obligations are met by those Chambers not on the Advocate Panel but who may be instructed on an ad-hoc basis
- the CPS supports the development of the proposed regulatory requirements set out by the BSB on equality and diversity in the draft Conduct and Practising Rules, to ensure both that areas of concern highlighted in this report and the key elements of the CPS EDES are reflected
- the CPS works with Bar Council and BSB to contribute to the development of any monitoring arrangements e.g. assessments, for **Chambers** that assure compliance with the proposed Equality & Diversity Conduct and Practising Rules and thereby assure compliance with the CPS EDES
- the CPS reviews the EDES to ensure it reflects the forthcoming Public Sector Equality Duty under the Equality Act 2010 and the final version of the BSB Equality and Diversity Conduct and Practising Rules.

Annex A

CPS Equality and Diversity Expectations Statement Reporting form for Chambers from 2009/10

The CPS Equality and Diversity Expectations Statement for the Bar was jointly launched by the CPS and Bar Council in 2007 setting out clear expectations in regard to equality and diversity for Chambers undertaking or seeking to undertake work on behalf of the CPS.

The self-assessment focuses on five key areas within the Expectations Statement: equality and diversity policies, monitoring and addressing under-presentation, training, equal access to and the fair allocation of work and complaints handling. Please refer to the relevant sections of the Expectations Statement as necessary when completing this form.

Please note: supporting documents should not be attached to this report. However, Advisors from the CPS Equality and Diversity Unit will consider supporting documentation when undertaking verification visits to a number of randomly selected Chambers.

Chambers	
Date of submission	
Name and contact details of person completing this report	

Introductory paragraph

Please briefly describe your Chambers, including numbers of members, pupils and staff	
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1. Equality and diversity policy or policies
(Please refer to 3.1, 3.8 & 3.9 of the Expectations Statement)

1.1 Policy scope and content

<p>1.1a</p>	<p>Do you have written policies <u>for members</u> on</p> <p>a) equality and diversity?</p> <p>b) recruitment and selection</p> <p>b) maternity leave?</p> <p>c) paternity leave?</p> <p>d) parental leave?</p> <p>e) flexible working?</p> <p>f) career breaks?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>
<p>1.1b</p>	<p>Please indicate the strands covered by these policies:</p> <p>age <input type="checkbox"/> disability <input type="checkbox"/></p> <p>ethnicity <input type="checkbox"/> gender <input type="checkbox"/></p> <p>religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/></p> <p>gender reassignment <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>	
<p>1.1c</p>	<p>Do your existing <u>members</u>' policies referred to in 1.1a address the following:</p> <p>a) retention and career development?</p> <p>If no, please indicate a timescale when you intend to address this gap:</p> <p>b) training?</p> <p>If no, please indicate a timescale when you intend to address this gap:</p> <p>c) fair allocation of work and equal access to a range of work?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Select a timescale</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Select a timescale</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>

	<p>If no, please indicate a timescale when you intend to address this gap:</p> <p>d) reasonable adjustments and actions to promote disability equality?</p> <p>If no, please indicate a timescale when you intend to address this gap:</p> <p>f) maternity leave provisions allowing a period of rent and expenses free leave, and the right to return?</p> <p>If no, please indicate a timescale when you intend to address this gap:</p> <p><input type="checkbox"/> Official use only</p>	<p>Select a timescale</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Select a timescale</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Select a timescale</p>
<p>1.1d</p>	<p>Does your pupillage policy incorporate how equality and diversity issues are addressed?</p> <p>If no, please indicate a timescale when you intend to address this gap:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Select a timescale</p> <p><input type="checkbox"/> Official use only</p>
<p>1.1e</p>	<p>Do you have written policies for staff on:</p> <p>a) equality and diversity?</p> <p>b) recruitment and selection</p> <p>c) maternity leave?</p> <p>d) paternity leave?</p> <p>e) parental leave?</p> <p>f) flexible working?</p> <p>g) career breaks?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>

1.1f	Please indicate the strands covered by these policies: age <input type="checkbox"/> disability <input type="checkbox"/> ethnicity <input type="checkbox"/> gender <input type="checkbox"/> religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender reassignment <input type="checkbox"/> <input type="checkbox"/> Official use only	
1.1g	Do your existing staff equalities policies referred to in 1.1e address the following: a) retention and career development? If no, please indicate a timescale when you intend to address this gap: b) training? If no, please indicate a timescale when you intend to address this gap: c) reasonable adjustments and actions to promote disability equality? If no, please indicate a timescale when you intend to address this gap:	Yes <input type="checkbox"/> No <input type="checkbox"/> Select a timescale Yes <input type="checkbox"/> No <input type="checkbox"/> Select a timescale Yes <input type="checkbox"/> No <input type="checkbox"/> Select a timescale <input type="checkbox"/> Official use only
1.2 Policy implementation		
1.2a	Do you have processes for monitoring the implementation of all of the above policies? If no, please indicate a timescale when you intend to address this gap:	Yes <input type="checkbox"/> No <input type="checkbox"/> Select a timescale <input type="checkbox"/> Official use only
1.2b	Do the processes for policy implementation include a timetabled action plan? If no, please indicate a timescale when you intend to address this gap:	Yes <input type="checkbox"/> No <input type="checkbox"/> Select a timescale <input type="checkbox"/> Official use only
1.2c	Do the monitoring processes for policy implementation involve formal Committee structures, e.g. E&D Committee?	Yes <input type="checkbox"/> No <input type="checkbox"/>

	If no, please indicate a timescale when you intend to address this gap:	Select a timescale <input type="checkbox"/> Official use only
1.2d	Do you have a designated Equality and Diversity Officer(s)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If no, please indicate a timescale when you intend to address this gap: Select a timescale <input type="checkbox"/> Official use only	
	Please provide contact details and outline the duties of the above Officer(s) (maximum 200 words): <input type="checkbox"/> Official use only	
1.2e	Do you actively monitor progress against the CPS' Expectations Statement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If no, please indicate a timescale when you intend to address this gap: Select a timescale <input type="checkbox"/> Official use only	
1.2f	Please outline the processes/arrangements for monitoring the implementation of equalities policies and indicate how copies of any action plans and/or achievements against the plans can be obtained (maximum 200 words): <input type="checkbox"/> Official use only	
1.2g	Has any action been taken to ensure compliance with duties under the Disability Discrimination Act 2005?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes, please provide a summary describing the actions taken, including publicising Chambers commitment to making reasonable adjustments for members, employees and clients/service users (maximum 200 words):	

	<input type="checkbox"/> Official use only	
	If no, please indicate a timescale when you intend to address this gap:	Select a timescale <input type="checkbox"/> Official use only
1.2h	Has any action been taken to ensure Chambers has the ability to meet the needs of diverse clients?	Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> Official use only
	If yes please summarise the actions taken (maximum 200 words): <input type="checkbox"/> Official use only	
	If no, please indicate a timescale when you intend to address this gap:	Select a timescale <input type="checkbox"/> Official use only
2. Equalities monitoring and under-representation <i>(Please refer to 3.2, 3.3 & 3.4 of the Expectations Statement)</i>		
2.1 Equalities monitoring		
2.1a	Do you collect monitoring data from <u>staff</u> ? If yes, please indicate the strands the data covers: age <input type="checkbox"/> disability <input type="checkbox"/> ethnicity <input type="checkbox"/> gender <input type="checkbox"/> religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender reassignment <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> Official use only
2.1b	Do you collect monitoring data from <u>members</u> ? If yes, please indicate the strands the data covers: age <input type="checkbox"/> disability <input type="checkbox"/> ethnicity <input type="checkbox"/> gender <input type="checkbox"/> religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender reassignment <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> Official use only

<p>2.1c</p>	<p>Do you collect monitoring data from pupils?</p> <p>If yes, please indicate the strands the data covers:</p> <p>age <input type="checkbox"/> disability <input type="checkbox"/> ethnicity <input type="checkbox"/> gender <input type="checkbox"/> religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender reassignment <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>
<p>2.1d</p>	<p>Do you collect monitoring data from applicants for tenancy in recruitment campaigns?</p> <p>If yes, please indicate the strands the data covers:</p> <p>age <input type="checkbox"/> disability <input type="checkbox"/> ethnicity <input type="checkbox"/> gender <input type="checkbox"/> religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender reassignment <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>
<p>2.1e</p>	<p>Do you collect monitoring data from applicants for pupillage?</p> <p>If yes, please indicate the strands the data covers:</p> <p>age <input type="checkbox"/> disability <input type="checkbox"/> ethnicity <input type="checkbox"/> gender <input type="checkbox"/> religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender reassignment <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>
<p>2.1f</p>	<p>Please indicate where further information in regard to monitoring can be obtained:</p> <p><input type="checkbox"/> Official use only</p>	
<p>2.1g</p>	<p>Please provide the monitoring breakdown for members and staff for each of the last two years and comment on the trends in Chambers' diversity. Data should be provided for disability, gender and ethnicity. Please note that % rather than actual numbers should be used.</p> <p><input type="checkbox"/> Official use only</p>	

2.2 Addressing under-representation		
2.2	Do you analyse monitoring data and take action to address under-representation of particular groups within your Chambers?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes, please summarise any actions taken and/or the policies and plans you have in place to address under-representation (maximum 200 words). This can include positive action in regard to recruitment or retention (e.g. action to develop an inclusive environment within Chambers):	
	If no, please indicate when you plan to take action/develop a policy:	Select a timescale <input type="checkbox"/> Official use only
3. Training on equality & diversity and familiarisation with key CPS policies (Please refer to 3.5 & 3.6 of the Expectations Statement)		
3.1 Familiarisation with CPS policies		
3.1	Do your Chambers ensure that members who undertake CPS work have copies/access to key CPS policies including those covering the prosecution of hate crimes and Violence against Women?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	If yes, please summarise the procedures for ensuring that members are familiar with those CPS policies (maximum 200 words):	
	If no, please indicate when you will provide copies/access to policies	Select a timescale <input type="checkbox"/> Official use only
3.2 Equality and diversity training		
3.2a	Training for members (excluding joiners within the last three months): Have all members undertaken equality and diversity training within the last two years?	Yes <input type="checkbox"/> No <input type="checkbox"/>

	<p>If no, please state the number of members who have not received training and indicate a timescale when you intend to address this gap:</p> <p>Have members received training within the last two years covering all of the equalities strands?</p> <p>If no, please indicate which equalities strands have been covered by members' training:</p> <p>age <input type="checkbox"/> disability <input type="checkbox"/> ethnicity <input type="checkbox"/> gender <input type="checkbox"/> religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender reassignment <input type="checkbox"/></p> <p>Have members received training within the last two years covering the legal obligations under equalities legislation?</p> <p>Have members received training within the last two years covering good practice in equalities?</p> <p>Is E&D training for members integrated into wider training?</p> <p>Is E&D training for members integrated into induction processes?</p>	<p>Select a timescale</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>
<p>3.2b</p>	<p>Training for staff (excluding joiners within the last three months):</p> <p>Has all staff undertaken equality and diversity training within the last two years?</p> <p>If no, please state the number of staff who have not received training and indicate a timescale when you intend to address this gap:</p> <p>Has your staff received training within the last two years covering all of the equalities strands?</p> <p>If no, please indicate the equalities strands that have been covered by training for staff within the last 2 years:</p> <p>age <input type="checkbox"/> disability <input type="checkbox"/> ethnicity <input type="checkbox"/> gender <input type="checkbox"/> religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender reassignment <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Select a timescale</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>

	<p>Has your staff received training within the last two years covering the legal obligations under equalities legislation?</p> <p>Has your staff received training within the last two years covering good practice in equalities?</p> <p>Is equality and diversity training integrated into wider staff training?</p> <p>Is equality and diversity training integrated into staff induction processes?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>
3.2c	<p>Training for pupils:</p> <p>Does pupil supervision include legal obligations under equalities legislation?</p> <p>Does pupil supervision cover good practice in equalities?</p> <p>Do pupils have access to other training in equality and diversity?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>
<p>4. Equal access to and fair allocation of work <i>(Relates to 3.7 of the Expectations Statement)</i></p>		
4.a	<p>Do you monitor access to work for junior tenants?</p> <p>Please indicate which equalities strands are addressed in monitoring the access to work for members:</p> <p>age <input type="checkbox"/> disability <input type="checkbox"/></p> <p>ethnicity <input type="checkbox"/> gender <input type="checkbox"/></p> <p>religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/></p> <p>gender reassignment <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>

<p>4.b</p>	<p>Do you monitor access to work for pupils?</p> <p>Please indicate which equalities strands are addressed in monitoring the access to work for pupils:</p> <p>age <input type="checkbox"/> disability <input type="checkbox"/> ethnicity <input type="checkbox"/> gender <input type="checkbox"/> religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender reassignment <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><input type="checkbox"/> Official use only</p>
<p>4.c</p>	<p>Do you monitor the fair allocation of returns and unnamed briefs by equality strand for all members?</p> <p>age <input type="checkbox"/> disability <input type="checkbox"/> ethnicity <input type="checkbox"/> gender <input type="checkbox"/> religion/belief <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender reassignment <input type="checkbox"/></p> <p>If you do not monitor, please indicate a timescale when you intend to address this gap:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Select a timescale</p> <p><input type="checkbox"/> Official use only</p>
<p>4.d</p>	<p>Do you monitor the fair allocation of returns and unnamed briefs by equality strand for pupils?</p> <p>If no, please indicate a timescale when you intend to address this gap:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Select a timescale</p> <p><input type="checkbox"/> Official use only</p>
<p>4.e</p>	<p>Do you provide guidance to Clerks on the equitable allocation of unnamed work within Chambers?</p> <p>If no, please indicate a timescale when you intend to address this gap:</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Select a timescale</p> <p><input type="checkbox"/> Official use only</p>
<p>4.f</p>	<p>If you answered yes to any of the above, please outline the monitoring processes/systems to ensure the fair allocation of work and indicate where further information is available (maximum 200 words):</p> <p><input type="checkbox"/> Official use only</p>	

5. Handling equality and diversity complaints <i>(Please refer to 3.10 of the Expectations Statement)</i>		
5.a	Do you have a written complaints policy including discrimination and harassment? If no, please indicate a timescale when you intend to address this gap:	Yes <input type="checkbox"/> No <input type="checkbox"/> Select a timescale <input type="checkbox"/> Official use only
5.b	Do you have an established procedure for resolving complaints informally and promptly? If no, please indicate a timescale when you intend to address this gap:	Yes <input type="checkbox"/> No <input type="checkbox"/> Select a timescale <input type="checkbox"/> Official use only
5.c	Do you have an established formal procedure for investigating and resolving formal complaints? If no, please indicate a timescale when you intend to address this gap:	Yes <input type="checkbox"/> No <input type="checkbox"/> Select a timescale <input type="checkbox"/> Official use only
5.d	Do you have a written policy statement which treats breaches of E&D policies/procedures as a disciplinary issue? If no, please indicate a timescale when you intend to address this gap:	Yes <input type="checkbox"/> No <input type="checkbox"/> Select a timescale <input type="checkbox"/> Official use only
5.e	Please summarise your policies and arrangements for complaints handling and indicate where further information can be obtained (maximum 200 words): <input type="checkbox"/> Official use only	

5.f

Please state the numbers of **formal written** discrimination and harassment complaints for each of the last 2 years and the numbers upheld for each category.

Official use only

6. Please provide any additional comments, including any work that you do that you feel is good practice but is not captured elsewhere on the form:

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