

SOUTH SQUARE

POLICY 6B

FAIR ALLOCATION OF WORK

INTRODUCTION

1. This policy should be read in conjunction with Chambers Constitution, chambers' diversity and equality policy and chambers' grievance policy.
2. References to "unallocated work" in this policy include:
 - a. An inquiry or instruction which is received by the clerking team for an available member of chambers to be identified or recommended, without any identified barrister being requested by the instructing solicitors or client;
 - b. An inquiry or instruction which is received by the clerking team where an identified barrister is not available;
 - c. In cases where a member of chambers has the opportunity to bring another member into a case in which s/he has been or is to be instructed (an "unallocated opportunity"), and that member chooses to make a request to the clerking team for a list of available juniors or silks (as the case may be), the request which is made to the clerking team.
3. Members are encouraged to allocate each unallocated opportunity by asking the clerking team for a list of available juniors or silks (as applicable), which will be allocated in accordance with paras 8 and 9 of this policy.
4. All silks and junior members with led work opportunities should aim to lead every junior member at least once. If a junior member's performance is not up to the standard expected by the leader, they should provide feedback or advice to explain this. Having regard to the number of led work opportunities they have during the relevant period, they should also aim to give that junior member a second opportunity to prove themselves after 12 to 24 months have passed since the time of giving feedback or advice.
5. Chambers is committed to ensuring that:
 - a. Reasonable steps are taken to support all members of chambers in accessing high quality and lucrative work within chambers' core commercial practice areas;
 - b. All members of chambers are considered for instructions on an equal opportunity basis, without regard to sex, race or ethnicity, disability or other relevant protected characteristics; and
 - c. Chambers is alert to the risk of unconscious or affinity bias — including the tendency to favour individuals with similar backgrounds or characteristics — in the work allocation process.

6. Chambers will ensure that all practice managers are familiar with this policy through appropriate and regular training on fair work allocation and inclusive, non-discriminatory working practices. This may include awareness training on bias in decision-making, where appropriate, but the emphasis will be on practical steps to support fair and transparent allocation processes.
7. This policy shall be made available to be viewed by all members, practice managers, staff and pupils on a shared drive.

PROCEDURE FOR WORK ALLOCATION

8. On each occasion that an inquiry, request or instruction is made to the clerking team in connection with unallocated work (including led work), the practice management team will ensure that:
 - a. Lists of members put forward for consideration reflect a fair representation of suitably qualified barristers – including, where applicable, those who are women, from minority racial and ethnic backgrounds, those with a disability, or have other relevant protected characteristics, having regard to availability, willingness, and the known composition of chambers;
 - b. Where a selected list of members is put forward within a particular call band or seniority level, fair and objective criteria (including as set out in para 8 below) are used to select those members; and
 - c. All suitably qualified potential juniors or silks are considered on the basis of fair and objective criteria and without discrimination by reference to protected characteristics, and with appropriate monitoring to ensure the process operates equitably in practice.
9. When considering who should be offered unallocated work, the clerking team should have regard to:
 - a. a member's existing workload and their capacity or need for work, based on regular discussions with each member in addition to their existing diary commitments (see further para 10 below);
 - b. absence due to illness or a member's need to rebuild their practice after returning from parental leave;
 - c. experience in a particular practice area, or a member's wish to gain experience in chambers' core practice areas; and
 - d. the number of occasions on which a junior member has had the opportunity to work with a particular senior member of chambers.

10. In relation to para 9(a) above, chambers' Clerking Guidance requires that the practice managers are: "mindful of [members'] existing commitments". In the Clerking Guidance, this is defined as follows: "PMs should be mindful of a barrister's workload. Just as they may take account of how busy a barrister may be, therefore, so too they should be mindful of how quiet a barrister may be, recognising that ultimately this must be a matter for their judgment. In appropriate cases, therefore, PMs should assign unallocated work to barristers who happen to be short of work".
11. The practice managers will ensure that a written report of every work opportunity (including unallocated work and unallocated opportunities) is made and retained by the clerking team (using case management software or following current practices as determined by the Senior Clerk). The reports should be maintained in a form which ensures that confidential information relating to the case and client can be removed to enable the reports to be reviewed by the work allocation committee. The reports will record:
 - a. All the members of chambers to whom an opportunity has been offered;
 - b. All members who were put forward;
 - c. The member chosen for the work opportunity, whether the selection was made by the solicitor, client or senior member of Chambers, and the reasons for that selection (if given).

WORK ALLOCATION COMMITTEE

12. At all times there will exist a work allocation committee, composed of at least a senior male and female member of chambers and one or more of chambers' Diversity and Inclusion Officers. It will also include the Chambers Director and Team Leaders from the Practice Management team.
13. The work allocation committee shall meet regularly, ideally quarterly, but at least every six months, and shall:
 - a. Review the unallocated work records (including led work, unallocated work and unallocated opportunities), which identify the instructing solicitors but are redacted (as necessary) to preserve confidentiality in relation to the case and client; and
 - b. Identify any significant or recurring discrepancies in work allocation between members, and consider whether any remedial steps are necessary or appropriate. These may include discussions with relevant members of the clerking team, individual practice reviews with members, referral to chambers' Executive Committee, or consideration of internal systems or processes that may be contributing to disparities.
14. The committee shall maintain a rolling action plan to record decisions, monitor follow-up actions, and track progress on promoting fair work allocation across chambers, which is to be reviewed at each meeting.

15. The work allocation committee will keep under regular review what data is collected and how it may be improved, as experience and technology develops, and ensure that clerks and staff receive appropriate training to make the best use of chambers software.

ANNUAL REPORT

16. The work allocation committee, with the assistance of the Chambers' Director, shall prepare an annual report focused on the distribution of unallocated work and unallocated opportunities and any recommendations or remedial actions they wish to put to the Executive Committee. The final report shall be considered by Executive Committee and then distributed to members (and will remain available to be viewed by all members, clerks, staff and pupils on a shared drive).

GRIEVANCES AND REVIEW

17. If any member of chambers has a grievance in connection with work allocation, they should address their grievance to the Head of Chambers and Chambers Director, who will seek to take the appropriate steps for resolving the grievance.
18. Chambers' Diversity and Inclusion Officers will review annually the effectiveness of this policy, and where appropriate will make proposals for change to the Executive Committee.