



## XXIV OLD BUILDINGS DIVERSITY DATA POLICY

1. This is the Diversity Data Policy of XXIV Barristers' Chambers (**chambers**). This policy is effective as of the date of its adoption at the foot of the policy.
2. The name of the Data Diversity Officer (**DDO**) for chambers is **Niamh Davis** and the name of Equality and Diversity Officer (**EDO**) for chambers is **Sarah Bayliss**.
3. As and when the incumbent DDO and/or EDO office holders retire and others are appointed to those offices paragraph 2 of this policy will be amended accordingly.
4. For the purposes of the UK GDPR<sup>[1]</sup> the DDO and the EDO are data processors for chambers, which is the data controller.

### The role of the DDO

5. The DDO is responsible for **(a)** implementing the rules in the *Code of Conduct*<sup>[2]</sup> relating to the collection and processing of diversity data; **(b)** producing a written policy on the collection and use of diversity data; **(c)** arranging and supervising the collection of diversity data; **(d)** keeping diversity data collected by chambers secure; and **(e)** carrying out other tasks in accordance with the provisions of this policy.
6. The DDO must also be able from time-to-time to demonstrate compliance with the rules by providing the Bar Standards Board (**BSB**) with documents or information reasonably requested for that purpose.<sup>[3]</sup>

### Collection of Diversity Data

7. Members of chambers, staff and pupils of chambers (the workforce)<sup>[4]</sup> and applicants to join chambers' workforce are given the opportunity to provide their diversity data for collection in accordance with

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the Code of Conduct of the Bar of England and Wales.<sup>[5]</sup> Diversity data will be gathered, kept, and destroyed, according to the terms of this policy.

8. Chambers must request diversity data from the following categories of people for the following purposes:
  - From chambers' entire workforce for **(i)** anonymised publication; and **(ii)** general review of equality and diversity in chambers (**workforce diversity data for publication and general review**);
  - From the barristers in the workforce to review the allocation of unassigned work in chambers including but not necessarily limited to barristers who are pupils, barristers of fewer than four years' call and barristers returning from parental leave (**diversity data for work allocation review**);<sup>[6]</sup>
  - From applicants to join chambers' workforce for review only, that is to say applications to become **(i)** tenants in chambers, **(ii)** to join chambers' staff and **(iii)** to become pupils (**tenancy/staff/pupillage application recruitment review**).
9. Each of those purposes is addressed in turn below.

**NOTE: No member of the workforce, and no applicant to join the workforce, who is requested by chambers to provide diversity data is obliged to provide it. Each person from whom diversity data is requested by chambers is free to provide all, some or none of it.<sup>[1]</sup> Anyone who has provided diversity data to chambers may withdraw consent to the use of the data at any time by notifying the DDO.**

## **Workforce diversity data for publication and general review**

### **Publication**

10. At least once every three years the DDO must invite each person in the workforce to provide diversity data confidentially for publication. The DDO

must anonymise the data gathered and arrange for the results to be published on chambers' website.<sup>[7]</sup> An example of the format in which the results will be published is in Annex. The data collected for publication will also be used to conduct a review (**general review**) of the implementation of chambers' policy on equality and diversity.<sup>[8]</sup>

### **General review**

11. The general review will be conducted by the DDO at least once every three years. It includes analysis of diversity data that has been gathered from chambers' workforce, investigating the reasons for any disparities in that data, and taking appropriate remedial action.<sup>[9]</sup> Remedial action means any action aimed at removing or reducing the disadvantage experienced by particular groups with particular characteristics, although such action cannot include positive discrimination in favour of members of relevant groups.<sup>[10]</sup> The DDO will report the results to the EDO and the Chambers Management Committee (**CMC**)<sup>[11]</sup> and propose remedial action where disparities have been identified.<sup>[12]</sup>

### **The data**

12. The diversity data which members of chambers' workforce will be requested to provide for publication and general review includes, in respect of each person in the workforce, information about that person's role and seniority and characteristics as follows –
  - Age;
  - Disability or disabilities;
  - Ethnic group, race;
  - Religion or belief;
  - Sexual orientation;
  - Socio-economic background;<sup>[13]</sup> and
  - Caring responsibilities.

13. The DDO will collect diversity data from chambers' workforce by providing each of its members with a copy of a **Diversity Data Questionnaire** in a form similar to the example set out in Annex 2 . Each questionnaire will be suitably anonymised, *g.*, by use of a number unique to the identity of the individual in the workforce to whom the questionnaire is provided. The key to the anonymisation will be kept by the DDO and no one apart from the DDO and the EDO (or an electronic survey provider appointed pursuant to paragraph 19(a)) will have access to it.[\[14\]](#)

### Consent before publication

14. In advance of collecting diversity data from chambers' workforce the DDO is under a duty to ask for explicit consent from each of its members to the provision and processing of their diversity data in accordance with this policy statement.[\[15\]](#)

15. Accordingly, affixed to the front of the *Diversity Data Questionnaire* will be a form entitled *Notification and Consent Form for Diversity Data Provision (the Consent Form)*. An example of the consent form is at Annex 3.

16. Diversity data for publication is anonymised before publication. The published summary of anonymised data must –

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- Exclude diversity data in relation to any characteristic where there is a real risk that individuals could be identified, *unless* all affected individuals explicitly consent (see paragraph 17, below);[\[16\]](#)
- Subject to the foregoing, include anonymised data in relation to each characteristic categorised by reference to job title and seniority in the workforce.[\[17\]](#)

17. A real risk of identification can arise where the number of individuals identified with a particular characteristic is fewer than 10. In such a case the DDO will not publish diversity data in that category unless all of its members explicitly consent (**the Fewer than 10 Rule**).[\[18\]](#) When consent

is sought warning will be given that if everyone in the category consents to publication there is a risk that its individual members will be identifiable.

18. In order to obtain explicit consent to publication and to ensure that anonymity is maintained where consent has been given the **Consent Form** will contain requests from each member of the workforce for explicit consent to –

- That individual's data being published and processed as set out in this policy statement and the *Code of Conduct*;[\[19\]](#)
- The publication of data relating to that individual's religion and belief; and
- The publication of data relating to that individual's sexual orientation.
- The Consent form will also seek consent for the publication of that individual's data in accordance with the Fewer than 10 Rule;[\[20\]](#)

19. In addition the Consent Form will request consent from each member of the workforce to being contacted by the DDO or the EDO after that person has completed the Diversity Data Questionnaire to seek explicit consent to publish information about a given characteristic if it has transpired that the Fewer than 10 Rule applies,[\[21\]](#) that the individual is a member of the relevant group and that every member of that group has consented being contacted.[\[22\]](#)

### **Distribution of the Consent Form and Diversity Data Questionnaire**

20. When the DDO distributes the blank *Consent Form* with the *Diversity Data Questionnaire* to each member of the workforce, the DDO may do so:

- By means of an online electronic survey hosted by an electronic survey service provider, provided that the DDO is satisfied that the service complies with the requirements of the UK GDPR and that:
  1. For so long as the data is in the custody of the service provider, it is encrypted and securely stored;

2. The service provider has entered into a data processing agreement with the DDO on behalf of Chambers;
  - The data is password protected and no one, except the DDO or the service provider, is able to gain access to it;
1. The service gives effect to the survey respondents' rights under the terms of this policy and the general law;[\[23\]](#) or

**(b)** By means of a paper survey, in which case the DDO will provide respondents a blank envelope and invite them to put the completed form and/or questionnaire in the blank envelope and to deliver it unmarked to a member of the staff designated in the questionnaire (“**the Designate**”) by a date which the DDO will specify in the *Consent Form*. The Designate will, as soon as practicable, deliver the envelopes to the DDO or EDO for safekeeping.

#### **Publication of workforce diversity data**

21. When the due date set for responses to be provided has passed the DDO will (as the case may be) access the data on the electronic survey service provider's web-site, or open all of the blank envelopes, and (in either case) prepare it for publication subject to and in accordance with the consents given in the Consent Forms.
22. The DDO will confer with the EDO about the results before publishing these on the chambers web-site. The Diversity data for publication and general review will be collected and published once every three years on a cycle which commenced at the end of 2013.

#### **The storage and access to workforce diversity data and its destruction**

23. Where there has been a paper survey the DDO will keep completed Consent Forms, Diversity Data Questionnaires and the identification key in a safe or locked drawer located in 24 Old Buildings to which only the DDO and the EDO have access. On the expiry of 12 months from the last due date (see paragraphs 18 and 19, above) the DDO will securely destroy the Completed Consent Forms, Diversity Data Questionnaires and the

identification key for that cycle of data collection or (as the case may be) definitively delete electronically stored data

24. Each member of the workforce may request the DDO for access to and/or the correction of and/or the destruction of that individual's own diversity data. Upon receiving any such request the DDO will give the requesting person access to the requestor's own diversity data and/or correct and/or destroy it.

### **Diversity data for unassigned work allocation review**

25. The EDO will review diversity data for unassigned work allocation at least once every three years. The purpose of the review will be to identify any disparities in that data, to investigate the reasons for those disparities, to report the results to the Chambers Management Committee (CMC)[\[24\]](#) and to propose remedial action.[\[25\]](#)
26. For the purpose of the review of diversity data for unassigned work allocation the DDO will, at least once every three years, request diversity data from barristers in chambers' workforce including but not necessarily limited to pupils, barristers of fewer than four years' call and barristers returning from parental leave. The diversity data requested will include the characteristics of race, disability and gender,[\[26\]](#) although it may include other characteristics.
27. Diversity data for this purpose may be obtained from data gathered for publication and general review and/or tenancy and/or pupillage application review. However, the DDO may request diversity data for the purposes of work allocation review with a specific Diversity Data Questionnaire. Data gathered by means of such a questionnaire may be gathered by either of the means described in paragraph 19 above.
28. For the purposes of monitoring unassigned work allocation, it is important that monitoring data should not be anonymous; it should be possible to link the equality data to the person to whom it relates. Without this it is effectively impossible to monitor the recruitment and selection process at

each stage or the allocation of work, without repeatedly asking individuals for their diversity data.[\[27\]](#) Accordingly –

- In order to conduct the review, the EDO will have access to a database kept by chambers of unallocated work assigned to pupils, barristers of fewer than four years' call and barristers returning from parental leave; and
- The EDO will be able to connect the identity of the providers of relevant diversity data to the information in the database.

29. The DDO will follow the same procedure for the storage and destruction of unassigned work allocation review diversity data as the procedure for the storage and destruction of diversity data for Publication and Review.

### **Tenancy/staff/pupillage application recruitment review**

30. Diversity data from applicants for tenancy/staff/pupillage recruitment review helps to ensure an effective recruitment process because it is important to monitor each stage of the process to identify disparities in the proportions of different groups of applicants that are successful and unsuccessful. The reasons for any disparities will be investigated and action taken to remove unfairness in the process if necessary.[\[28\]](#)

31. The reviews of tenancy, staff and pupillage recruitment will be conducted at least once a year, in respect of applications –

- to become tenants by the tenancy recruitment committee;
- to join the staff by the staff recruitment committee or the CMC; and
- to become pupils by the pupillage recruitment committee.

32. For the purposes of each of these reviews every applicant for recruitment to join chambers' workforce will be requested to provide diversity data about the candidate's gender, race, disability and socio-economic background,[\[29\]](#) either in an application form or a separate *Diversity Data Questionnaire*. Data provided will be supplied to the DDO or to a person designated in writing in advance by the DDO (**the Processor**)[\[30\]](#) who will anonymise it and put the anonymised data in a spreadsheet for the

purposes of the review. The Processor may not be involved in the selection of candidates for recruitment.

33. Diversity data is requested and gathered from applicants to become pupils in the electronic application form which candidates complete online. No one apart from the DDO and/or the Processor will have access to the diversity data gathered in the electronic application form and **(i)** the electronic form of that data and **(ii)** every, if any, hard copy of it, is definitively erased or securely destroyed by the DDO or the Processor as soon as it has been anonymised for the purposes of review by the pupillage recruitment committee.
34. The reviews of diversity data gathered for recruitment are to enable chambers to consider whether the representation of applicants from different groups, such as men and women, is proportionate by reference to relevant publicly available demographic statistics. In addition, chambers will measure the relative success rates of different groups throughout the selection process making stage-by-stage comparisons to look at the overall likelihood of different groups being recruited.
35. The stage-by-stage analysis will include asking, *g.*, whether or not each applicant was shortlisted for interview or given a second interview. The EDO will be informed by each relevant recruitment committee of the outcomes in respect of each candidate so as to be able to include that data in the anonymised spreadsheet.
36. At no stage of the recruitment process will any member of the selection panel have access to, or see, any candidate's diversity data; however, at post-recruitment review stage there is a risk that the selectors will be able to associate given characteristics to particular candidates especially for those who have progressed to the later stages of selection.
37. Each applicant to join the workforce may request the DDO for access to and/or the correction and/or the destruction of, that individual's own diversity data. Upon receiving any such request the DDO will give the

requesting person access to the requestor's own diversity data and correct or destroy it as requested.

38. The DDO will follow the same procedure for the storage and destruction of unassigned work allocation review diversity data as the procedure provided for in respect of diversity data for Publication and Review.

**Approved by chambers on the 19<sup>th</sup> day of March 2023. Last reviewed by EDO/COO 19<sup>th</sup> January 2026.**

[1] “the UK GDPR” means *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)* as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the *European Union (Withdrawal) Act 2018*. For this definition see SI 2019/419

[2] *Code of Conduct of the Bar of England and Wales* (9<sup>th</sup> Ed.)

[3] *Supporting Information on the BSB Handbook Equality Rules*, p. 20, paragraph 6

[4] BSB Handbook, Part 6, “Definitions”

[5] Where in this policy the statement is made that chambers must do something it is a reference to a duty imposed on all members of chambers by the Code of Conduct.

[6] Rule C112(1)-(3)

[7] Rule C110(3)(q)-(s)

[8] Rule C110(3)(e)(i)

[9] Rule C110(3)(g)(i)-(iii)

[10] gC146 (BSB Handbook, page 77)

[11] XXIV Equality & Diversity Implementation Plan in Equality and Diversity Policies document adopted by the 2013 AGM

[12] Rule C110(3)(g)(i)-(iii)

[13] By reference only to whether or not the respondent **(a)** went to university, and if so, whether that person was in the first generation of their family to do so; and **(b)** went to a fee paying school between the ages 11 and 18.

[14] Diversity data gathered for publication and review cannot be collected anonymously because of the requirement for explicit consent and because of right of members of the workforce to see and request the amendment and destruction of their diversity data.

[15] rC110(3)(t)(ii)

[16] rC110(3)(s)(ii)

[17] rC110(3)(s)(iii)

[18] The *Supporting Information on the BSB Handbook Equality Rules* explains (at pp. 20 & 24) that in order to comply with the requirement that diversity data in relation to any characteristic where there is a real risk that individuals could be identified must not be published unless all affected individuals explicitly consent (see rC110(3)(s)(ii)) can be satisfied by application of the principle that where the number of individuals identified with any characteristic within any category is fewer than 10, a chambers should not publish diversity data in that category, save in cases where there is a consent from all those to whom the data in question relates.

[19] To comply with rC110(3)(s)(ii).

[20] In accordance with the “Fewer than 10 Rule”

[21] In accordance with the “Fewer than 10 Rule”

[22] If one member of a group to which the Fewer than 10 Rule refuses to consent to being contacted then none of the data about the characteristic in question will be published.

[23] The right to data access, the right to rectification, the right to erasure, the right to restrict processing, the right to object, and the right not to be subject to a legally consequential decision based solely on automated processing.

[24] XXIV Equality & Diversity Implementation Plan in Equality and Diversity Policies document adopted by the 2013 AGM

[25] Rule C110(3)(g)(i)-(iii)

[26] Rule C110(3)(g)(iii)

[27] *Supporting Information on the BSB Handbook Equality Rules*, paragraph 8 on p. 17

[28] *Fair Recruitment Guide 2015, A best practice guide for the Bar* (Bar Council Publication), page 9

[29] By reference only to whether or not the respondent **(a)** went to university, and if so, whether that person was in the first generation of their family to do so; and **(b)** went to a fee paying school between the ages 11 and 18.

[30] The designate will, in relation to this task, be a data processor for chambers, the data controller.

[i] Rule C110(3)(h) provides that the requirement to collect the information referred to in sub-rule (g) does not apply to the extent that relevant people refuse to disclose it. BSB Equality Rules Handbook, provides – **(i)** in ¶11 (page 20) that “*Provision by individuals of their diversity data is entirely voluntary. No one can be compelled to provide diversity data and it should be made clear in chambers’ diversity monitoring exercises, that disclosure of such information is not obligatory*”; **(ii)** in ¶19 that “*Consent to the collection and use of Diversity Data must be freely given, and it is the responsibility of all Heads of Chambers and Diversity Data Officers to ensure that it is made clear that there is no obligation to respond and that the provision of Diversity Data is entirely voluntary.*” [Underscore emphasis added.]; **(iii)** in the BSB Equality Rules Handbook, Model Diversity Data Policy, ¶5 contains a passage explaining that diversity data provision is voluntary which has been put in bold for emphasis, it says “*Please note: You are not obliged*

*to provide your Diversity Data. You are free to provide all, some or none of your Diversity Data.”*