

RACE ACTION PLAN FOR 12KBW

Introduction

This Race Action Plan for 12 King's Bench Walk is intended to improve access, retention and career progression for all those under-represented at the Bar in terms of race and ethnicity. The title of this Plan and the terminology adopted herein is in accordance with Bar Council Guidance.

It is intended to be a living document, which we will review, amend and improve on a regular basis. We will keep our targets under annual review, analyse them by reference to all relevant data which we will collect, and amend them as appropriate. Our plan does not yet contain a positive action plan, but it is likely to do so after we have concluded the focus group meetings and reports referred to below.

In the first instance our priority is to target racial equality, but we aim in due course to adopt the same or similar principles and actions to target equality in respect of all people under-represented at the Bar. It is important to note that improving racial equality is likely to have wider benefits. For example, race often intersects with religion and belief. We need to keep in mind the issue of class and socioeconomic status too - although not currently recognised as a protected characteristic, it can intersect with race and, or religion and belief.

Our action plan is divided into four chapters, and each chapter is subdivided into **actions** and **targets**:

- Culture at 12
- Access and recruitment to 12
- Career progression at 12
- Staff at 12

Culture at 12

What we mean by culture in this context is:

- embracing and promoting greater racial and ethnic diversity at all levels within 12 e.g. through our systems of recruitment and promotion of members and staff alike;
- improving our existing culture at 12 - we have always welcomed diversity and have a good number of members and staff from ethnically diverse backgrounds – by focussing on identifying areas in which we are less good at promoting diversity and effecting change so as to make 12 even more supportive and inclusive of people of different race and ethnicity than it already is;
- maintaining and developing a culture of transparency and inclusivity, and tackling non-inclusive behaviour;
- maintaining and promoting our zero-tolerance policy towards discriminatory behaviour of any kind, and our effective complaints system in respect of such behaviour.

Actions

- If any members or staff from ethnic minority backgrounds wish to form voluntary focus groups for the following purposes, we will welcome and enable such action:
 - to hold confidential discussions and give anonymised feedback on their experiences within 12 and the results of our 2021 race survey with anonymised recommendations as to how we can improve the culture at 12 (as defined above);
 - to give anonymised feedback on their experiences outside 12 (in court or at the wider Bar) and the support received from 12 in relation to any problems, with recommendations as to what more should be done to improve matters.
- In the event that focus groups take place and provide feedback to chambers, 12 will then take appropriate action to promote and effect meaningful change to our culture so as to better support all those from ethnic minority backgrounds.
- Chambers will hold internal workshops or focus groups for members and staff – both separately and together – for these issues to be discussed: these will be safe spaces in which to foster a culture of learning about inclusion and non-discrimination. The proposal here is for a trainer/member/member of staff from a minority ethnic community to talk about their experience or specific topic of relevance before then having a Q&A session.
- We already have an effective system for dealing with both informal and formal complaints (with provision for appropriate sanctions) but the Head of Chambers and the Equality and Diversity Officer will actively encourage members and staff to use it.
- Regular Racial Awareness and Equality and Diversity training (including refresher training) compliant with all Bar Council requirements is mandatory for all members and staff, as is the requirement to keep such up to date. Additional regular in-house webinars/seminars will be provided on relevant topics.
- We actively encourage all members and staff (of whatever seniority) to offer mentoring and take up mutual/reverse mentoring opportunities with students or

young people from ethnic minority backgrounds. We will actively create a culture of shared mentoring so that we pass mentees around members or staff and their contacts depending on their particular needs (i.e. to find the most appropriate person to advise the mentee about a particular issue).

- We already have an effective internal mentoring scheme but the Head of Chambers and the Equality and Diversity Officer will actively encourage ethnic minority members and staff to use it, and to be allocated a senior member of chambers or staff with a view to promoting mutual mentoring.

Targets:

- We already have a system of diversity data collection and monitoring but we need and will institute and enforce an improved system by the end of July 2022 such system to include the need for regular monitoring of the data so as (i) to identify the need for further action and (ii) to ensure that all our relevant policies to promote racial equality are being implemented. This will be done by requiring the relevant officer(s) to report to the Management Committee regularly, and at least annually.
- We will publish our diversity data and analysis where possible and appropriate.
- Subject to there being sufficient take up we will complete the exercise of (i) holding initial voluntary focus groups for ethnic minority staff and members and (ii) their reporting to chambers by the end of September 2022.
- We will start a programme of issue-based internal workshops or focus groups by the end of 2022 at the latest.
- We will review the need for any necessary revisions to our formal and informal complaints policy and systems in the light of any feedback received from the focus groups and/or to achieve the above and below and have enacted any required amendments to the policy by the end of 2022.
- External mentorships: we aim to have initiated at least 100 mentorships (including reverse and/or mutual mentoring) of which 50% will be with ethnic minority mentees/mentors by the end of 2023.
- Internal mentorships: all ethnic minority members and staff will be encouraged to take up an internal mutual mentorship with a senior member or member of staff by the end of 2022.

Access and recruitment to 12

Actions

- We will assign responsibility for analysing ethnicity and diversity data as follows.
 - The Pupillage committee is to monitor and analyse diversity data for pupil selection and produce an annual report assessing whether chambers is on course to meet the targets set and if not recommending further changes to our systems.
 - The Mini-pupillage co-ordinator is to do likewise for all mini-pupillages.
 - The Social Mobility committee is to do likewise for our Social Mobility mini-pupillage scheme.
 - Our Diversity Data Officer is to do likewise for all staff and staff recruitment.

- We will continue to promote our commitment to racial diversity and inclusion by posting a suitable message in a prominent position on our website and in all our recruitment literature.
 - The message will read: *“12KBW is committed to equal opportunities, diversity and inclusion. We encourage all potential applicants to consider an application to 12KBW irrespective of disability, race, sex, sexual orientation, age, religion, or social/economic disadvantage. We particularly encourage applications from ethnic minority candidates and from those with non-traditional backgrounds who are currently under-represented at the bar.”*
- We will improve our recruitment processes (which are already blind to ethnicity at the sift stage) with the aim of enabling more applicants from ethnic minority backgrounds to succeed in obtaining (i) an interview and (ii) an offer of pupillage or tenancy.
 - We will ensure that where possible, one or more ethnic minority members of 12, takes an active part in all stages of the recruitment process.
 - We are using Rare Recruitment to assist us in the contextualisation of the educational achievements of all applicants.
 - We will reformulate our questions and marking systems so as to:
 - weight appropriately for socio-economic disadvantage;
 - prioritise raw talent, life skills and experiences over privilege-based achievements; and
 - factor in, in the context of advocacy exercises, matters which may inhibit a candidate’s performance in interview (less public speaking skills due to lack of training or experience, no access to barristers to help with interview preparation etc.) and to bear in mind that such skills would be nurtured and developed at 12.
 - We will increase awareness of unconscious bias by regular training of all members and staff engaged in any part of the recruitment processes.
 - We will offer to mentor ethnic minority applicants who were interviewed but were unsuccessful.
- We will continue to actively run and support social mobility and racial/ethnic diversity schemes such as:
 - open evenings for potential pupils;
 - 10,000 black interns;
 - visits from and to schools by members and staff;
 - the Frank Burton QC funded social mobility mini-pupillage.
- We will launch a 12KBW external mentoring scheme in the near future.

Targets:

- In our race targets and under the principle of ‘intersectionality’, we aim to focus on ethnic minority individuals from underprivileged socioeconomic backgrounds.
- We aim to increase the proportion of black applicants (the most under-represented group within chambers currently) for pupillage to 10% (from 6% currently).
- We aim to make at least one offer of pupillage or tenancy to a black applicant within the next 3 years; and take on at least 1 black pupil within the next 5 years.
- We aim to enable 25% of all pupillage offers to be made to ethnic minority candidates on average over the next 5 years.

- We aim to have initiated at least 100 mentorships (including mutual and/or reverse mentoring) by the end of 2023 (see above).

Career progression at 12

Actions:

- We will ensure that we collate earnings data and fair allocation of work data by ethnic minorities (and also by gender) and monitor that annually (by reference to the average earnings for members of that call and area of practice). The Director of Clerking is to conduct an annual analysis of such data, investigate the reasons for any discrepancy, formulate a proposed plan to remedy any discrepancy; and report to the EDO annually.
- We will continue to support ethnic minority members who wish to do so to write articles, books, texts and blogs and publicise such work.
- We will continue to support ethnic minority members to undertake regular speaking engagements (internal and external) and publicise the same.
- We will encourage all ethnic minority members who wish to do so to apply for ranking in the directories and ensure that that they are equally promoted for such entry. If they do not apply we will seek to explore the reasons why and also how to support that member in submitting such an application in the future.
 - The Senior Practice Managers must include a discussion around directory rankings within all annual practice management reviews of any ethnic minority member; and must help to develop practices in a way which maximises the prospects of an application (in the event of their making one) being successful.
- We will encourage all members from ethnic minorities to take on positions of responsibility in the management of chambers i.e. management committee and all other committees/sub-committees or working groups. If they do not wish to do so we will seek to explore the reasons why not and how to support that member in taking on such positions in the event of their doing so.
 - The Head (and Deputy Head(s)) of Chambers will be responsible for encouraging such members where appropriate to stand for election to the Management Committee and, where appropriate, to consider the co-option of such members onto that Committee.
 - The Chairs of all sub-committees or practice working groups will be responsible for encouraging such members where appropriate to stand for (s)election to their committee or working group.
- We will encourage members from ethnic minority backgrounds wishing to apply for judicial appointment and/or Treasury Counsel Panels and/or QC to join our 12KBW pathway schemes for these and then to apply for the same. If they do not wish to do so we will seek to explore the reasons why not and how to support that member in submitting such an application should they wish to do so.
 - The officers running our pathway schemes are to be responsible for approaching all members from ethnic minority backgrounds regularly to explore the above.
 - The Senior Practice Managers must include such encouragement where appropriate within all annual practice management reviews of any member of an ethnic minority background; and must help to actively develop that member's practice in a way which maximises the prospects of any application being successful.

- We will institute and enforce a policy of mandatory reporting to the EDO for all Practice Managers to report any client who expresses a wish not to instruct a barrister from an ethnic minority background.
- We will aim to institute and enforce a system whereby all emails made and received by Clerks are retained for at least 6 months so that they can be monitored where necessary.

Targets:

- We will have systems in place which enable us to collect all necessary diversity data for earnings and allocation of work and will monitor that data regularly (sufficiently to comply with all Bar Council requirements as a minimum). The Director of Clerking is to conduct an annual analysis of such data, investigate the reasons for any unexplained discrepancy, formulate a proposed plan to remedy any unexplained discrepancy, and report to the EDO annually.
- In respect of our practitioners from ethnic minority backgrounds we aim to:
 - continue to support them in any way we can when they write blogs, articles or books and/or present a seminar or webinar;
 - have at least three more members ranked and/or three rankings in new practice areas of members already ranked in one or more directories within the next five years.
 - have at least one practitioner on the Management Committee within the next year, by co-option if necessary.
- We aim to have all our practitioners from such backgrounds take on at least one position of responsibility on a committee or working group within chambers within the next two years, by co-option if necessary.
- We aim to have at least one practitioner from an ethnic minority background appointed to silk within the next 5 years.
- We aim to have at least one practitioner from an ethnic minority background appointed to full or part-time judicial office within the next 5 years.

Staff at 12

Actions:

- All staff must be trained in E&D including racial awareness and fair recruitment. This training must include refresher training and must at all times be kept up to date. Additional regular in-house webinars/seminars will be provided on relevant topics.
- All staff policies are to be reviewed and updated to ensure that adequate provision is made for the promotion of ethnic diversity within chambers.
- The Diversity Data Officer must collect and monitor diversity data in relation to all members of staff and provide an annual report on the same to the Management Committee.

Targets:

- All staff must have undergone any necessary E&D training, including racial awareness and fair recruitment (refresher) training by the end of June 2022.
- Diversity data must be collected in relation to the recruitment of any member of staff and monitored annually. Such data is to be analysed and reported on by the Diversity Data Officer in an annual report to the Management Committee. The next such report must be produced by the end of 2022.
- While we have staff from black and ethnic minority backgrounds in diverse staff positions within chambers we aim to increase the racial and ethnic diversity of our clerks room between now and the end of 2024, as and when vacancies arise.