

# WESTGATE CHAMBERS

## Pupillage Information

### Welcome to Pupillage at Westgate Chambers

Congratulations on securing a pupillage at Westgate Chambers. This document is intended as an introduction to pupillage and the way that Chambers functions. Every effort will be made to meet the expectations set out but a degree of flexibility – on both sides – is to be expected. We are pleased to welcome you to Chambers and wish you a rewarding, varied, challenging and enjoyable year.

Laura Buchan and John Hatton, Pupillage co-ordinators

### 1. General Information

These notes set out the guidelines for your pupillage. Chambers' policy is based on the premise that pupillages are part of your continuing education. These guidelines are by no means exhaustive but provide a framework for your time with us. If there is anything which you wish to know please do not hesitate to approach Laura Buchan or John Hatton (henceforth "pupillage co-ordinators") for further information and guidance.

If there are any matters about which you do not feel able to approach your pupil supervisor, please approach the pupillage coordinators. In addition, both the Chambers' Welfare Officer and the Head of Chambers have an 'open door' policy for pupils and tenants and can therefore be approached about any personal or professional problems you may have.

Each pupil will also be allocated a 'buddy', which will take the form of a junior member of chambers. This can be utilised to ask questions about the practicalities and any other general queries of pupillage.

### 2. Chambers' management

#### 2.1 Chambers has an elected Head of Chambers.

Richard Barton is the elected Head of Chambers who deals with the day-to-day running of Chambers. He has two Deputy Heads of Chambers, Andrew Stephens (Crime) and Maria Hancock (Family). Members of Chambers' interests are represented by a Trust, consisting of four or five tenants, who liaise with Richard about the management of Chambers, and meet with him on a regular basis.

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The current members of the Trust are Nicholas Hamblin, Maria Hancock, Andrew Stephens, Sarah Taite, and Chris Stringer. It is intended that the composition of the Trust should always be representative of all areas of work and the range of Call of the members generally.

There are meetings of the full membership of Chambers at least twice a year. These meetings deal with, amongst other things, decisions about tenancies, which are made on the basis of a democratic vote (see below).

- 2.1 Sean Gould, the Senior Clerk, reports to the Heads of Chambers, and the Trust. He is responsible for the day to day running of Chambers' administration and the implementation of Chambers' policy and strategy.
- 2.2 The other main clerks are: Stuart Taylor (Deputy Senior Clerk), Paul Tuffs (First Junior, Crime), Adam Armstrong (First Junior, Family) assisted by Laura Ford (Second Junior).
- 2.3 It is wise to remember that the clerks are at their busiest between about 3.30pm and 6.00pm each day organising the diaries for the following day. You are kindly asked to avoid visiting the Clerks' Room during those times save on the most pressing business.

### 3. The work you will do

**Please ensure that you have registered your pupillage with the Bar Council before you start.** Your day-to-day work will be directed by your pupil supervisor. Inevitably you will see more of the work s/he does than anybody else. However, Chambers follows the Bar Council Guidelines for ensuring that all pupils see a wide range of work during pupillage. Those Guidelines prescribe the range of court and written work that each pupil is supposed to see during pupillage. Your pupil supervisor and the clerks will attempt to ensure that pupils see the court work set out in the Guidelines. **You are reminded that it is your obligation to ensure that the checklist is completed correctly and signed. A copy must be forwarded by you at the completion of your pupillage to the relevant department at the Bar Council.**

As a pupil, you are primarily responsible for ensuring that you see the court work or complete the written work asked of you. You must approach your pupil supervisor if you think that you are not keeping up with the competences. The clerks will also be able to inform your pupil supervisor if there is any court work suitable for you to attend with another member of Chambers. You should also look out for suitable cases coming up.

You will have three principal pupil supervisors and your pupillage is essentially divided into three four-month sections. The work undertaken will be mainly be in criminal and family law depending on your area of focus.

**It is a requirement of your pupillage with us that you attend an Advocacy Training course. In addition, you must complete the Professional Ethics Examination before the practicing period of Pupillage can be signed off. In the event that a pupil does not successfully complete the Ethics examination on the first or second attempt, the pupil will be responsible for any costs associated with further re-sits.**

**Please find out as soon as you arrive when the courses are to be held and make your arrangements accordingly. The Inns each provide courses and your pupil supervisor will advise on which is the most appropriate.**

When undertaking work in your own right during your second-six it is important that in relation to court work you should feel able to approach one of your pupil supervisors or for that matter any member of Chambers for advice. In relation to any paperwork that you undertake in your own right during your second-six it is important that before it is sent out to Solicitors it is screened first by one of your pupil supervisors.

When lunching with your pupil supervisor or another member of Chambers, that person will often pay for your meal. Do not be embarrassed by this. It is a long-established convention and we are more than happy to oblige.

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## 4. Tenancies

As you probably remember from your pupillage interviews, Chambers has no specific policy as to the number of tenants it takes on in any one year. There have been years when all pupils have been offered tenancies and, exceptionally, years when none are offered. However, we do not take on directly as tenants other Chambers' pupils and therefore we look to our pupils (including any third-six pupils) as being our prospective tenants of each year's intake. Chambers recognises that securing a tenancy will be uppermost in your mind during your pupillage year. You are therefore entitled to know when a decision will be made on any application from you for a tenancy. It will be in March each year. You will be told how to make the application and when a chambers meeting is being held by either your supervisor, or Laura or John nearer the time. The process involves a Chamberswide consultation in which members will make representations as to your progress and quality and standard of work as well as consider your application and references.

If the time comes when you are informed that Chambers will not be giving you a tenancy, please do not panic. We will provide every assistance we can to help you to secure a pupillage or a tenancy elsewhere. In addition, Chambers does not have a policy of giving deadlines to pupils for them to clear their desks following an unsuccessful application. While there is a limit to the time you can or should stay on, no one has yet exceeded that limit and you will be given plenty of warning if we feel it is time to go.

## 5. Your approach

Your pupillage is very much in the hands of you and your pupil supervisors subject to the requirements of the law. However, as a rough guide, you will be expected to put in a working day between 9am and 6pm if your supervisor is working in Chambers. If s/he is going to court, then other arrangements will be made. Chambers regards all pupilages as being part of continuing education. A second-six pupil who is not in court on his/her own behalf should therefore be doing paper work for his/her pupil supervisor or other members of Chambers or taking the opportunity to be in court shadowing.

## 6. Devilling

Chambers has guidelines (below) concerning when and how devilling by pupils should be done. All members of Chambers should be familiar with these guidelines and you should also be aware of them. Work you do for your supervisor is covered by the award which Chambers has made to you and will not be separately remunerated. If another member of Chambers wishes you to do work for them at any time during your pupillage, they must first receive the consent of your pupil supervisor. You should decline to undertake such work in the absence of your pupil supervisor's consent. If you have any difficulties in this regard please approach your pupil supervisor and/or the pupillage co-ordinators for advice. If other members of Chambers wish you to work for them during your second-six, then the devilling guidelines apply.

**The devilling guidelines which apply during the second-six period of pupillage are:**

- I. Work done by a pupil for his/her pupil supervisor is not expected to be remunerated. Work done for pupil supervisors is included in the award made when the pupil arrives.
- II. Any other member of Chambers wishing to make use of a pupil's services for any substantial purpose (other than a quick errand, piece of photocopying etc.) should ask the relevant pupil supervisor before making arrangements with the pupil concerned.
- III. Where appropriate, any work done by any pupil for any member of Chambers should be discussed with the pupil as soon as possible after the pupil has completed the task and feedback provided to the pupillage coordinators.
- IV. If a member of Chambers asks any pupil to do work for them, that work should be remunerated if it is work which, because of its value to them, warrants payment. If it does not warrant payment, it is incumbent upon the member of Chambers concerned to explain why to the pupil. Any such payment is a private arrangement between the member of Chambers and the pupil and is not deemed to be a part of Chambers' earnings and is therefore not subject to the Chambers' percentage.

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- V. If a pupil approaches a member of Chambers to ask for work to do, it is a matter for the discretion of that member of Chambers whether or not that work is subsequently remunerated.
- VI. Any work which a pupil is requested to do, should, as far as possible, be directed to the pupil's continuing education. Excessively time-consuming and/or repetitive work should not generally be delegated to a pupil.

## 7. Confidentiality

Other than is necessary for proper professional purposes, no pupil should at any time, during or after pupillage, divulge to others confidential information obtained in the course of his or her pupillage in Chambers. Pupils should thus not divulge to other members of the Bar, even within Chambers, information relating to the pupil supervisor's cases or cases on which they may be permitted to work for pupillage experience. Pupils should particularly bear in mind that members of Chambers may appear on opposite sides in the same case.

## 8. Conferences

When your pupil supervisor has a conference or consultation he/she will usually, but not always, want you to attend. Sometimes it will be inappropriate for a pupil to be present. During conferences or whilst in the presence of clients, whether professional or lay, a pupil should not offer advice either to the pupil supervisor or to the client unless specifically requested to do so by his/her pupil supervisor.

## 9. Awards and financing

Chambers currently awards a grant and guaranteed earnings in accordance with the minimum amount specified by the BSB under the Pupillage Funding Rules (presently £18,884 per annum outside of London). You will receive this in equal monthly payments from end of the first month of your pupillage. All fees you receive will be paid into your bank account directly. Upon the conclusion of your pupillage year, in the event that your received earnings in your second-six exceed and guaranteed earnings in accordance with the minimum amount specified by the BSB under the Pupillage Funding Rules., that excess will be yours to keep, subject only to the Chambers' rate of rent at that time.

## 10. Exercises and assessments

Since we regard pupillage as part of your continuing professional education we run in-house pupillage exercises. The same task is assigned to all pupils (paperwork or advocacy) and structured feedback is given. We do not regard these as assessments, but an opportunity for you to gain experience and confidence, providing you with a solid foundation from which to embark upon your second-six. Previous pupils have found these exercises valuable learning experiences and we hope you will too. During the second-six, you will be required to undertake similar exercises, which will be treated as assessments, the feedback from which will be placed before chambers when considering any application for tenancy.

## 11. Our approach

Both these guidelines and the guidelines to pupil supervisors are designed to ensure that you have as full and exciting a pupillage with us as possible. During pupillage you will be regarded as a prospective tenant in Chambers and we therefore hope you will join in Chambers' activities, both professional and social. All pupils are invited to most Chambers' social events and it is very much hoped you will come and join in.

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## 12. Practicing certificates

### 12.1 Provisional practicing Certificate

While you are a pupil in your non-practising period you do not need to be authorised to practise, as you are not entitled to do anything that constitutes practising as a barrister. While you are a pupil in your practising period, you need to have a provisional practising certificate. After submitting (i) a certificate of completion or exemption from the non-practising period and (ii) registering a practising period, you will be issued with a provisional practising certificate. This will be valid for the duration of your practising period. You will not be permitted to commence your second six without having received and provided a copy of your provisional practicing certificate to the Pupillage Coordinator and your Supervisor.

### 12.2 Full practicing certificate

Upon successful completion of your pupillage and having attained the request standard as required by BSB you must apply to the BSB for a full practicing certificate before you will be allowed to practice. If you are successful in attaining Tenancy you will not be allowed to practice without having received and provided a copy of your full practicing certificate to the Head of Chambers.

## 13. Insurance

For the duration of your pupillage you will be covered by your pupil supervisor's insurance.

Once you have successfully completed pupillage you must obtain your own insurance from the BMIF. Please contact BMIF on 020 7621 0405 or email [info@barmutual.co.uk](mailto:info@barmutual.co.uk) to confirm whether you have cover or to arrange cover.

If you are successful in attaining Tenancy you will not be allowed to practice without having received and provided a copy of your insurance certificate to the Head of Chambers.

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## Annexes

- A Written Grievance Procedure for Pupils
- B Fair Distribution of Work For Pupils
- C Westgate Chambers Equal Opportunities Policy Statement
- D Westgate Chambers Anti-Harassment Policy
- E Westgate Chambers Grievance and Disciplinary Procedure
- F Working Time Regulations 1998
- G Westgate Chambers Absence from training policy
- H Westgate Chambers reasonable adjustment policy
- I GDPR

## Annex A

### Grievance procedure for pupils

1. In the first instance a pupil should feel entitled to air any matters of concern with his or her pupil supervisor and it shall be the duty of that pupil supervisor to discuss any issue raised in confidence with the pupil concerned and to recommend the course of action to be taken. Where a pupil supervisor feels able to resolve any issue raised informally upon his or her own authority within Chambers he or she may, with the pupil's agreement, do so.
2. The content of any such discussion between pupil and pupil supervisor will remain a matter of confidence between them and will not be discussed with any other member of Chambers nor will any action be taken by the pupil supervisor as a consequence of the discussion, without the pupil's prior agreement, save and except that the matter may be communicated to a Head of Chambers in the exceptional circumstances set out in paragraph 3.
3. Notwithstanding the fact that the pupil reporting to their supervisor would prefer the matters communicated to remain confidential between them and no further action taken, where a pupil supervisor considers that the content of such report is of such a nature and/or gravity as to require its communication to a Head of Chambers s/he may so report the discussion to a Head of Chambers. For example, matters of dishonesty by a member of Chambers or fellow pupil, misleading of a court, corruption, sexual harassment or discrimination on any prohibited ground would generally be reported to a Head of Chambers.
4. Where a pupil supervisor feels that it is not appropriate for whatever reason to resolve any issue raised by a pupil informally upon his or her own authority, or has attempted to do so without success, Head of Chambers, Richard Barton is available to any such pupil supervisor at any time to discuss any matter raised and to assist in recommending and/or taking any appropriate action.
5. Where a pupil does not wish to use the informal procedure or has done so and this has not resolved matters satisfactorily, a formal complaint may be made. This should be made in writing in accordance with the Westgate Chambers Grievance and Disciplinary procedure.

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6. Where a pupil feels unable to discuss a matter of grievance with his or her pupil supervisor for example because the difficulty lies with the pupil supervisor concerned and/or in the personal or professional relations between pupil and pupil supervisor; or the matter concerns a close friend or spouse of the pupil supervisor and would be a matter of substantial conflict or embarrassment; or it relates to discrimination or harassment and/or is otherwise gender sensitive and the pupil feels uncomfortable discussing the matter with the pupil supervisor; or it relates to discrimination or harassment and/or is otherwise race, disability or sexual orientation sensitive and the pupil feels uncomfortable discussing the matter with the pupil supervisor; the pupil concerned may approach the Equality and Diversity Officer, the Welfare Officer, the pupillage co-ordinators.
7. Where a pupil's concern relates to conduct by their pupil supervisor, consideration will immediately be given as to whether it is appropriate to allocate them a different pupil supervisor, temporarily or permanently.
8. In the event that a pupil decides to proceed as set out under paragraph 6 above the members of Chambers so approached shall act in accordance with the procedure set out above as if he or she were the relevant pupil's pupillage supervisor.
9. The ultimate authority in relation to the conduct of affairs within Chambers lies with the Heads of Chambers. In the case of any issue raised with them in accordance with this procedure they may take such steps as they consider appropriate.
10. In the event of a grievance or complaint of unfair treatment etc. against Chambers as a whole or where a grievance or complaint has been dealt with in accordance with the above procedure but the decision or outcome remains a matter of grievance to the pupil concerned he or she shall be entitled to report the matter to the Head of the General Council of the Bar for England and Wales.
11. If any pupil has a concern and does not feel comfortable raising it via the procedures set out herein, they are able to call the confidential Bar Council Pupil Advice and Support team:  
See <https://www.barcouncil.org.uk/supporting-the-bar/bar-councilservices/pupils'-helpline/>

## Annex B

### Fair distribution of work for pupils

1. **The distribution of work to pupils will be carried out in a fair manner by the clerks taking into account:**
  1. the weight and complexity of the case,
  2. the experience gained by the pupil
  3. the type of pupillage undertaken
  4. the availability of the pupil
  5. any specialist qualifications gained
2. In normal circumstances work will be directed to pupils via the clerks and all efforts will be taken to ensure that all pupils are offered the same level of available work. If a matter comes in for a named pupil then it will be given to that pupil unless he or she is unavailable or the senior clerk considers that it is beyond the pupil's level of experience and expertise. If diverted to another pupil or member of chambers then the original recipient will be informed. A review of the pupils' work and its allocation will take place at the monthly clerks meeting and a report offered to the Westgate Trust.
3. Any complaints received from clients concerning pupils will be dealt with under the Chambers complaints procedure. Complaints received about individual pupils, and found to be justified, could influence the offering of work if it is thought it could be to the detriment of Chambers and its relationship with a professional client.

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4. The allocation of work will be carried out, where appropriate, in accordance with the Chambers' Equal Opportunities Policy. Any request by a professional client that work not be given to a pupil on the grounds of discrimination, will be immediately reported to the Heads of Chambers. The Heads of Chambers will forthwith report the matter to the Chairman of the relevant Committee of the Bar Council or to the Chairman of the Professional Standards Committee.

## Annex C

### Westgate Chambers Equal Opportunities Policy Statement

5. Westgate Chambers prides itself on being an inclusive set. It is fully committed to promoting and advancing the principles of equality and diversity. This document is intended to set out how that commitment is implemented through our policies, practices, and procedures.

### Policy Statement

6. The principle of equal opportunities is integral to Westgate's ethos, recruitment and employment practices. We strive to foster an environment in which all tenants, pupils, mini-pupils and staff are enabled to achieve their maximum potential regardless of race, colour, ethnic or national origin, nationality, citizenship, gender identity, sexual orientation, marital or civil partnership, pregnancy and maternity/paternity, disability, age, caring responsibility, socio-economic background or religion or belief. We value difference among all with whom we interact.
7. Westgate Chambers is committed to providing a working environment where all individuals are treated with dignity and respect. We will not tolerate from or towards members of chambers, pupils, mini-pupils, employees, applicants for those positions, professional or lay clients the following discriminatory conduct:
  - direct discrimination: treating a person less favourably because of a protected characteristic. Those characteristics being: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity;
  - indirect discrimination: the unjustifiable application of an apparently neutral provision, criterion or practice, the effect of which is to put persons with a protected characteristic at a particular disadvantage compared to others;
  - associative discrimination: discriminating against a person because they associate with a person who has a protected characteristic;
  - perception discrimination: discriminating against a person because s/he is believed to have a protected characteristic even if that person does not;
  - harassment: engaging in unwanted conduct, whether of a sexual nature or related to a relevant protected characteristic which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment;
  - sexual harassment: unwanted conduct of a sexual nature/related to gender, gender reassignment or sex which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person and/or less favourable treatment for rejecting or refusing to submit to such conduct
  - victimisation: the subjection of one person by another to a detriment because they have done, or the victimiser believes that the other person has done or may do, a protected act such as:
    1. make an allegation of discrimination,
    2. give evidence in proceedings relating to an act or acts of discrimination,
    3. bring proceedings relating to an act or acts of discrimination, or



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4. do any other thing for the purposes of equality legislation or in connection with it. failure to make reasonable adjustments to a provision, criterion, physical feature or practice which puts a disabled person at a substantial disadvantage in comparison with non-disabled people and/or unreasonable failure to provide auxiliary aids where to do otherwise would place a person at a substantial disadvantage.
8. Explanations of these concepts and examples can be found on the Equality and Human Rights Commission website: <https://www.equalityhumanrights.com/en>
9. All applicants for membership, employment, traineeship, work experience and all others who work with or for us will be treated fairly and will not be discriminated against because of any of the protected characteristics. We will also use our best endeavours to protect colleagues from discrimination or harassment in the course of their work by persons outside Westgate Chambers.
10. Decisions about membership, recruitment and selection, training, disciplinary action and any other matter will be made objectively and with the goals of this policy in mind.
11. As part of its pro-active approach, Westgate Chambers may from time to time take positive action to improve under-representation of particular groups in pupillage, tenancy and/or employed positions. Action, such as targeted advertising and in the allocation of work will be based on findings and analysis from diversity monitoring exercises.

## Legal and Regulatory Framework

12. We are fully aware of our obligations as individual barristers and employers under the Equalities Act 2010 (in particular paragraphs 39 and 47) and the related Codes of Practice.

## Implementation

13. In order to promote the prevention of discrimination, Westgate Chambers shall:
  - Provide a copy of this Policy to all existing employees, members and trainees,
  - Provide a copy of this Policy to all new employees, members and trainees in their induction packs
  - Require all employees, members and trainees to confirm to the EDO that they have read and understood a copy of this Policy,
  - Provide education and/or training to members of Chambers, pupils and members of staff, where deemed necessary,
  - Publish a copy of this Policy on Westgate Chambers' website,

## Specific Procedures and Policies

14. Westgate's policy on equality and diversity is further implemented through the following procedures and policies:
  - Equality Action Plan
  - Flexible working
  - Parental leave
  - Reasonable adjustments
  - Recruitment and selection
  - Fair allocation of work
  - Diversity monitoring
  - Anti-Harassment

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## Complaints

15. Breaches of this policy will be investigated promptly and thoroughly. Suspected breaches and/or concerns regarding the implementation of this policy should be reported in the first instance to one of the Equality and Diversity Officer, or Head of Chambers. Investigations will be undertaken in accordance with Chambers complaints and grievance procedures.

## Annex D

### Westgate Chambers Anti-Harassment Policy

#### Statement of Policy

1. Westgate Chambers is committed to promoting and providing a safe environment for everyone who is associated with Chambers, or may come into contact with its members or staff, ensuring they can work without hindrance, achieve their potential, socialise with dignity and respect from others, and flourish professionally. This Anti-Harassment Policy is a central plank of Chambers' commitment and will be applied rigorously.
2. Chambers will not tolerate any form of harassment and will take all necessary steps to ensure that its members, pupils, employees or other visitors are not subject to inappropriate behaviour. Harassment is misconduct or gross misconduct for employees or a breach of the Bar Code of Conduct for barristers. Harassment on the grounds of sex, race, disability, sexual orientation, age or religion is unlawful. Disciplinary action will be taken against any member or employee of Chambers found to have harassed a colleague or other person in the conduct of his or her work.

#### The Scope of the Policy

3. This policy applies to all members and employees of Chambers and to pupils. The policy applies to:
  - all premises where Chambers' business is conducted;
  - all Chambers' related activities performed at any other site away from Chambers' premises;
  - any social, business or other function where conduct or comments may have an effect on Chambers or relationships within Chambers.
4. All forms of harassment, bullying and inappropriate behaviour are unacceptable at Westgate Chambers.
5. All persons shall be treated equally and fairly under this policy regardless of seniority or lack of it.
6. This policy should be read in conjunction with the Equality Policy and the Grievance and Disciplinary Policy
7. **Our policy is to:**
  - Offer guidance as to the type of behaviour which may be considered inappropriate;
  - Take appropriate practical steps to reduce or prevent the chances of such behaviour occurring;
  - Resolve, informally and without blame, genuine misunderstandings and disagreements about whether such behaviour has occurred;
  - Provide an effective and user-friendly system for raising concerns about objectionable behaviour;
  - Take effective steps to address incidents of such behaviour and to deal with perpetrators of the same in a fair and proportionate way;
  - Offer practical support for those who feel they have been affected by such behaviour; and
  - Ensure ongoing review of the policy

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## Definition of Harassment

8. Unlawful harassment is defined by the Equality Act 2010 as unwanted conduct of a sexual nature or related to gender, sexual orientation, gender re-assignment, race, religion/belief, age or disability, which has the purpose or effect of violating another's dignity or creating a degrading, offensive, humiliating, intimidating or hostile environment for them. In considering whether conduct has this effect, it is necessary to take into account all of the circumstances, the perception of the other person and whether it is reasonable for the conduct to have had that effect.
9. An incident does not have to fulfil the legal definition of "harassment" to be dealt with appropriately under this policy.
  - Conduct which is unwanted by the recipient and perceived as hostile or threatening;
  - Conduct which gives rise to a hostile or threatening work environment;
  - Conduct which creates an atmosphere in which it is feared that rejection or submission will be used as a basis for decisions which have an impact on the recipient at work such as an allocation of work or tenancy decision.
11. **The following are non-exhaustive examples of types of behaviour which may amount to harassment:**
  - Physical or sexual assault;
  - Requests for sexual favours in return for career advancement;
  - Unnecessary physical contact;
  - Exclusion from social networks and activities or other forms of isolation;
  - Bullying;
  - Compromising suggestions or invitations;
  - Suggestive remarks or looks;
  - Displaying or sending offensive materials, pornographic or sexually suggestive material, including on a computer screen;
  - Tasteless jokes or verbal abuse, including any sent by email;
  - Offensive remarks or ridicule;
  - Sexist, suggestive or sexual comments, "jokes" or "banter"
  - Inappropriate or unwelcome physical contact

## Communication of the Policy on Harassment

12. A copy of this policy will be provided to all members, employees and pupils of Chambers. If necessary, a briefing will be provided so that all members and employees are aware of behaviour, which is unacceptable within the working environment, and are aware of the harassment policy, procedures for making complaints and assistance available.
13. Chambers shall have at least one Equality and Diversity Officer (EDO) who shall have primary responsibility for the implementation of this policy and to whom anyone with any concerns regarding inappropriate behaviour and/or this policy can turn to for advice or information.

## Challenging Inappropriate Behaviour, Harassment and Bullying

14. Everyone who works at Westgate Chambers is encouraged to take steps to stop, deter and prevent harassment, bullying and inappropriate behaviour.

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15. Anyone who witnesses such behaviour directed either towards themselves or another, is encouraged to challenge it rather than let it pass (unless to do so would place themselves in danger). They are also encouraged to bring it to the attention of the EDO, as set out below.
16. Any barrister who has reasonable grounds to believe that there has been sexual or other harassment by another barrister which amounts to serious misconduct, has a professional duty to report it to the Bar Standards Board. To fail to do so is a breach of the Code of Conduct, unless they reasonably believe that the misconduct has already been reported to the BSB by someone else. If you are not sure whether an incident should be reported, or has already been reported, you can seek the advice of Head of Chambers. Guidance from the BSB, and a link to a form which can be used to report the misconduct to the BSB, can be found here: [https://www.barstandardsboard.org.uk/media/1687156/bsb\\_guidance\\_on\\_reporting\\_serious\\_misconduct\\_of\\_others\\_-\\_external\\_produced\\_by\\_reg\\_pol\\_.pdf](https://www.barstandardsboard.org.uk/media/1687156/bsb_guidance_on_reporting_serious_misconduct_of_others_-_external_produced_by_reg_pol_.pdf) and/or advice can be obtained from the BSB by calling them on 0207 611 1444 or from the Bar Council by calling their Ethical Queries Helpline on 0207 611 1307.

## Resolving Complaints of Harassment

17. Chambers is committed to providing a supportive environment in which to resolve problems of harassment. Anyone who has been the target of inappropriate behaviour and anyone who has witnessed or learnt of such behaviour by another, is strongly encouraged to raise their concerns formally or informally within Chambers in order that appropriate support can be provided and appropriate, proportionate action taken.

## Informal Resolution

18. Complaints of harassment may be raised informally in the first instance with Chambers Equal Opportunities Officers, Head of Chambers, Richard Barton or any other trusted member of Chambers who shall discuss and agree a way forward, taking account of the views of the person raising the complaint.
19. Where the concerning conduct is particularly serious, including a repeated series of incidents or including any incident involving any form of assault, the EDO/Head of Chambers shall encourage the person raising the concern to raise it formally.
20. Where a serious allegation is made, Chambers will make an independent assessment of the situation to determine what further action is required. In so far as is possible, Chambers will take the wishes of the person raising concern into account, but may take action contrary to those wishes if deemed necessary in the circumstances.
21. **Possible outcomes from raising a concern informally could include, by way of example**
  - simply providing emotional support or guidance to any person who needs it
  - the EDO/Head of Chambers meeting with the person whose behaviour was reported to advise them their behaviour was inappropriate, to explain why it was unwelcome and to inform them that if further similar incidents are reported the consequences might be a formal investigation.
  - arrangements being made so that the person about whom the concern was raised, and the target of their alleged behaviour are not clerked into the same cases
  - the person about whose behaviour concern was raised agreeing not to attend Chambers/Bar social functions for a period, or not to consume alcohol at such events.
  - the person about whose behaviour concern was raised agreeing to attend a harassment training course
  - involving Heads of Chambers or Westgate Trust for further advice, support or action.
  - making a BSB report on behalf of the person raising the concern, or assisting them in making such a report.
  - support in lodging a complaint with the Judicial Conduct Investigations Office, if the concern relates to the conduct of a judge.

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- support in lodging a complaint with the Solicitors' Regulatory Authority, if the concern relates to the conduct of a solicitor.
- support in accessing alcohol misuse advice or other support services
- support in accessing counselling
- ongoing monitoring of the person whose behaviour caused concern
- ongoing support for anyone involved who may benefit from it
- such other action as is deemed appropriate and proportionate by the Head of Chambers and/or Westgate Trust.

22. The person raising a concern, and the person targeted by the behaviour will be kept informed of the outcome of any action taken, and a record will be kept.

## Formal Complaints Resolution

23. Where a complainant does not wish to pursue the informal resolution options or has exhausted such options, he or she may make a formal complaint to the Head of Chambers, or if that is not appropriate, the Westgate Trust. The individual raising the concern should make clear that the concern is being raised formally pursuant to this policy.
24. A formal complaint should be made in writing. If the alleged behaviour is not admitted, an investigation of the allegation may be necessary. This will usually be commenced within 1 week and such investigation will usually be completed within 14 days, unless there are good reasons for delay. If appropriate, such investigation may include obtaining written evidence from each of the parties and any other persons who may be a witness.
25. Investigations will be conducted in accordance with standards of natural justice. The Head of Chambers and/or Westgate Trust will appoint two members of Chambers to investigate a complaint, this panel may include Head of Chambers and/or Trust members. Where possible the members appointed to carry out the investigations will not be directly involved in the matters complained of and will not have been involved in any informal complaint. The parties shall be permitted to be accompanied by a colleague or friend at any hearing.
26. At the end of the investigation, those investigating the complaint will prepare a report setting out the conclusions for Head of Chambers and/or Westgate Trust along with a proposed appropriate and proportionate outcome/action to be taken.
27. If the allegation of harassment is upheld, appropriate remedial action will be taken. This may include any of the following;
- formal apology;
  - counselling;
  - written warning;
  - training for the perpetrator;
  - restriction on the perpetrator attending chambers events;
  - change of work assignment;
  - report to the relevant Inn recommending the removal of pupil supervisor status;
  - suspension of discharge of member or employee;
  - referral to Professional Conduct Committee (PCC);
  - Such other action as is deemed appropriate and proportionate by Head of Chambers and/or Westgate Trust

# WESTGATE CHAMBERS

28. Where the investigation has provided reasonable grounds to believe that serious professional misconduct has occurred, a recommendation will be made to the Head of Chambers and/or Westgate Trust that reporting to the BSB should be considered.
29. If the person raising or subject to the concern is not satisfied with the outcome, he or she may request that the Head of Chambers or Westgate Trust (whichever received the initial complaint) refer the matter for review to a panel of three (3) members of chambers not involved in the grievance or in the original investigation. The person seeking a review must indicate their intention to do so, setting out brief grounds in writing to the Head of Chambers or Westgate Chambers (whichever received the initial complaint) within 14 days of being notified of the decision.
30. If, (i) no review is requested; or (ii) following the review, the recommendation that the matters complained of amounted to serious misconduct is upheld; and/or (iii) the conclusion on appeal is that there was serious misconduct, the Head of Chambers and/or Westgate Trust should consider and make a determination as to whether the matter should be reported to the BSB.
31. Where Chambers decides not to make a report to the BSB, no pressure shall be put on any person affected by the inappropriate behaviour not to make a report to the BSB themselves.

## Confidentiality

32. Chambers recognises that a recipient of harassment may find it difficult to come forward with a complaint and it is understood that recipients and alleged harassers may be particularly concerned about confidentiality and the effect that a complaint may have on career advancement. To protect the interests of all involved, confidentiality will be maintained throughout any investigatory process to the extent that this is practical and appropriate under the circumstances. Details will only be disclosed where necessary, and with the prior consent of the person(s) involved where at all possible. All records of complaints, including notes of meetings, interviews, results of investigations and other relevant material will be kept confidential by Chambers except where disclosure is required for disciplinary or other remedial processes.

## Victimisation

33. Chambers is committed to ensuring that no one who makes an allegation of harassment in good faith should be subjected to any detriment as a result. Any victimisation of a person making a complaint, witness or anyone else involved in the investigation of a complaint will be viewed as a disciplinary matter. The raising of such a complaint will not have any adverse consequences for the person making the complainant, particularly in relation to tenancy, distribution of work and promotion decisions.

## Pupils

34. Pupillage is a period of professional training and Chambers regards it as inappropriate for a sexual relationship to develop between a pupil supervisor, or any other member or employee of Chambers, and a pupil. No member of Chambers may participate in decisions concerning a pupil where he or she is or has been in a relationship with that pupil.

## Judicial Conduct

35. Where there is concern regarding the conduct of a Judge, Chambers can provide advice and support from Head of Chambers through the informal process set out above. Alternatively, advice can be secured from the Bar Council's confidential E&D helpline 0207 611 1426
36. Where appropriate, a formal complaint should be made to the Judicial Conduct Investigations Office and Chambers can provide advice and support in relation to this.

# WESTGATE CHAMBERS

## Anonymous Advice and Support

37. Advice can be sought anonymously from the confidential Bar Council Equality & Diversity Helpline on 0207 611 1426. This resource is available to all pupils and members of the Bar.
38. This policy shall be carefully reviewed at least every 2 years by the EDO and amended as appropriate.

## Annex E

### Westgate Chambers Grievance and Disciplinary Procedure

#### Scope of Policy

39. This procedure covers all members of chambers (including door tenants and squatters), pupils, mini pupils, employees and applicants for positions in chambers. This procedure is applicable to any complaint, grievance or dispute including but not limited to complaints of unfair discrimination or harassment. Complaints from members of the public concerning barristers or the employees of barristers, will be dealt with in accordance with the Westgate Chambers complaints procedure.

#### Statement of Policy

40. Westgate Chambers is committed to providing a working environment in which all individuals including members, pupils, mini-pupils, employees, clients and the public are treated with dignity respect and fairness. It is recognised that it is for the benefit of Chambers as a whole that there is open communication within Chambers. Everyone at Westgate should be encouraged to raise concerns or difficulties with specific members of chambers and/or employees and should be able to do so in the knowledge that they will not be victimised or suffer any detriment because they raise a complaint or grievance in good faith under this procedure.

#### Notification of Procedure

41. A copy of the procedure, which includes names of the nominated persons for responding to formal and informal complaints and grievances, will be given to all members, staff, pupils and mini-pupils in chambers and a copy kept in the chambers' administration folder, which is accessible in the clerks room.

#### Confidentiality

42. Complaints and grievances raised will be treated with confidentiality as far as this is proper or appropriate in the circumstances.

#### Informal Procedures

43. Complaints of grievances are more easily resolved if dealt with at an early stage. Anyone with a grievance is encouraged to raise the matter informally in the first instance with the appropriate contact who will, as far as possible, give confidential advice and assistance:
  - Pupils and mini-pupils: their pupil supervisor or if that is not appropriate then an EDO, welfare officer, or pupillage co-ordinator.
  - Staff: Sean Gould, Richard Barton, Charmaine Wilson (EDO)
  - Tenants: Richard Barton, Sean Gould, Charmaine Wilson (EDO)
44. Any grievance raised in this manner will not form any part of Chambers' formal disciplinary or grievance process.

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## Complaints or Grievances by Pupils

45. Pupils are encouraged to discuss any grievances which they may have during their pupillage with their pupil-supervisors.
46. In some cases this may not be possible or appropriate and the pupil should then approach one of the nominated informal advisers named above. If informal resolution of the complaint is not possible, the pupil should set out the complaint formally in writing to the Head of Chambers for investigation. Further details are contained in the Grievance Procedure for Pupils document included in the pupil pack.

## Complaints or Grievances by Tenants

47. If a member of chambers has a complaint about a clerking matter, in the first instance he/she should attempt to resolve it with the senior clerk, Sean Gould or seek the assistance of the Head of Chambers, Richard Barton. Any other issue may be raised with Head of Chambers or with nominated members of chambers listed above. If resolution of the complaint is not possible through these informal channels, the complaint should be referred formally in writing to the Head of Chambers or if that is not appropriate, the Westgate Trust, for investigation.

## Complaints or Grievances by Chambers Staff

48. Chambers' staff are encouraged to raise any matter about which they are unhappy in respect of their overall treatment within chambers with the senior clerk in the first instance. Where it is inappropriate to raise the matter with the senior clerk, the matter can be referred to the Head of Chambers or the EDO. If informal resolution of the complaint or grievance is not possible or inappropriate, a formal complaint should be referred in writing to the senior clerk or, if not appropriate, the Head of Chambers for investigation. Employees have a statutory right to be accompanied at all grievance hearings.

## Formal Complaints Procedures

49. The ultimate authority in relation to the conduct of affairs within Chambers lies with the Heads of Chambers. In the case of any issue raised with them in accordance with this procedure they may take such steps as they consider appropriate.
50. A formal grievance must be made as soon as reasonably possible and in any event within 6 months of the act being complained of or within 6 months of any informal action taken (save in exceptional circumstances).
51. A formal grievance should be in writing, addressed to Head of Chambers or if that is not appropriate, the Westgate Trust. It should contain the details of the grievance, any parties involved and the relevant dates.
52. The grievance will normally be acknowledged within 7 working days of receipt. Any investigation will normally be completed within 14 days of receipt for complaints of harassment, 28 days for all other complaints, unless there are good reasons for delay.
53. Head of Chambers or the Westgate Trust will appoint two members of Chambers to investigate a grievance, this investigating panel may include Head of Chambers and/or Trust members. Where possible the members appointed to carry out the investigations will not be directly involved in the matters complained of and will not have been involved in any informal complaint. Investigations will be conducted in accordance with standards of natural justice
54. All parties to a grievance may be assisted by a friend, colleague or representative at any stage of a formal complaint.
55. The complainant will receive a written response on the outcome of the investigation. If the complaint is upheld they will be given a clear indication of the action Chambers proposes to take. If the complainant is satisfied with the proposed action, appropriate steps will be taken to implement such action as soon as is practicable.



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56. A confidential report of the grievance and the outcome will be produced for the Head of Chambers and/or the Westgate Trust. Such records shall not be disclosed to any other person except where disclosure is required for disciplinary or other remedial processes. Records will be retained for a period of one year from the conclusion of the case with a discretion to keep longer if necessary.
57. If a complainant is unhappy with the response received, he or she may request that the Head of Chambers or Westgate Trust (whichever received the initial complaint) refer the matter for review to a panel of three (3) members of chambers not involved in the grievance or in the original investigation. The complainant must indicate their intention to do so, setting out brief grounds in writing to the Head of Chambers or Westgate Trust within 14 days of being notified of the decision.

## Disciplinary Action

58. **Following the report of any grievance and during the course of any investigation the following interim actions may be taken:**
- Person subject of complaint continues to be clerked but asked to stay away from Chambers
  - Person subject to complaint will not be clerked and will not be permitted to enter chambers
  - Parties will be clerked to ensure they are not expected to work together
  - Staff prohibited from entering chambers
  - Restricted access to chambers emails
  - Such other action as is deemed appropriate and proportionate by the Head of Chambers and/or Westgate Trust
59. **If a grievance is upheld, appropriate remedial action will be taken. This may include any of the following;**
- formal apology;
  - counselling;
  - written warning;
  - training;
  - restriction on a member attending chambers events;
  - change of work assignment;
  - report to the relevant Inn recommending the removal of pupil
  - supervisor status;
  - suspension of discharge of member or employee;
  - referral to Professional Conduct Committee (PCC);
  - Such other action as is deemed appropriate and proportionate by the Head of Chambers and/or Westgate Trust

## Disability Discrimination Act 1995

60. Where a barrister, pupil or chambers employee is disabled there is a duty to consider a reasonable adjustment to this policy. A request for a reasonable adjustment should be made to the Head of Chambers or EDOs.

## Other resources

61. Barristers who have paid their voluntary subscriptions and their clerks may approach the Bar Council Arbitration and Mediation Service to resolve disputes between barristers themselves and between barristers and their clerks.

# WESTGATE CHAMBERS

## Annex F

### Working Time Regulations 1998

For your information, the definition of working time is hours spent carrying out activities or duties for your pupillage supervisor or any other member of Chambers. During your second six months of pupillage you will be engaged to a greater or lesser extent on work which is directly provided by you to professional clients i.e. court work or paper work in your own name. Such work is not regarded as working time as this time is spent on your own endeavour in a self-employed capacity.

Travel to Chambers is not considered working time, however, travel to court with a member of Chambers which includes work for that tenant is regarded as working time.

Whilst Chambers will take all reasonable steps to ensure that in any reference period (i.e. each 17 weeks) you do not exceed the 48 hours maximum for each seven days, **it is YOUR responsibility to ensure that you do not place yourself in breach, or if you are at risk of becoming in breach you MUST inform your supervisor.**

During each workday, whilst undertaking duties or activities for Chambers you are entitled to an uninterrupted rest period of 20 minutes away from the work station if applicable.

All pupils are entitled to at least 4 weeks paid annual leave during their pupillage. This includes time taken off over Christmas and Easter and bank holidays. Whilst Chambers appreciates only one week's notice is required for each week of holiday requested, out of courtesy to the clerks you are asked to give 8 weeks notice of any leave, especially during your second six months of pupillage. The 'paid holiday leave' is included within your pupillage award.

## Annex G

### Absence From Training Policy Annual Leave

In accordance with the Bar Standards Board's current guidance, you are entitled to four weeks of leave during the 12 months of your pupillage (in addition to any bank holidays that fall within the period of pupillage). Except with special permission given by the Head of the Head of Chambers, no more than two weeks' leave may be taken prior to the Decision as to Tenancy, which is usually taken in the second half of June.

All requests for holiday must in the first instance be made in writing (by email) to the Head of Pupillage. If approved, the Head of Pupillage will notify the clerks by email (copying in the pupil and the pupil-supervisor) with the holiday dates.

In special cases, these Holiday Entitlement provisions may be relaxed by the Head of Chambers, provided always that the relevant pupil spends the minimum amount of time in Chambers required for the issue of a Certificate of Satisfactory Completion of Pupillage.

### Sick Leave

If you are sick you must notify your Pupil Supervisor and the clerks immediately by email and/or telephone. If you have an excessive number of days' sick leave (at the discretion of your Pupil Supervisor) in any six-month period of pupillage, your pupillage may be extended by the period of absence.

Absences from training, other than for attendance at compulsory training courses or annual leave, may have an impact on a Pupil's ability to demonstrate competence and progression through the curriculum. In the event that the pupil requires a leave of absence from training (for example due to illness or other extenuating circumstances), Chambers may in its absolute discretion consider whether it is appropriate to defer or extend the period of pupillage to enable the pupil to complete their training (with the duration of any permitted extension reflecting the period necessary to enable the pupil to demonstrate competence rather than the period of absence); and Chambers will notify the BSB as required.

# WESTGATE CHAMBERS

## Pupil Supervisor Absence

There is no specified maximum amount of time that a supervisor may be absent or unavailable (eg overseas or ill) before an alternative supervisor must be appointed. However, it is the duty of the supervisor to ensure that the BSB is contacted for advice when a material change occurs so that special provision can be made where necessary.

## Termination of Pupillage or it's not progression

Chambers is entitled to withdraw the pupillage prior to its commencement and to terminate the pupillage during the pupillage year with immediate effect at any time if:

1. (1) The pupil commits a serious breach of the BSB Handbook;
2. (2) The pupil is guilty of a serious or persistent breach of Chambers' policies, procedures or codes of conduct applicable to him or her;
3. (3) The pupil is convicted of a criminal offence (other than an offence under any road traffic legislation in the UK or elsewhere for which a fine or non-custodial penalty is imposed);
4. (4) The pupil fails to meet the minimum attendance or other regulatory requirements of the BSB for commencing or completing the nonpractising or practising periods of the pupil's pupillage training;
5. (5) During the practising period of the pupillage, the pupil ceases to hold a valid practising certificate;
6. (6) The pupil's actions or omissions (whether or not in the course of the pupillage) bring or are such as to risk bringing the name or reputation of Chambers or its members into disrepute or to prejudice the interest of Chambers;
- (7) Chambers reserves the right to seek repayment from the pupil of such part of the Award as may have already been paid in the case of withdrawal of the pupillage prior to its commencement or termination of the pupillage during the pupillage year, on one or more of the above grounds. The decision to withdraw or terminate a pupillage or to decline signing off the pupil from the non-practising or practising period of pupillage because they have failed to meet the Competences to the required standard will be taken by the Pupillage Coordinator on the advice of the pupil's supervisors. The pupil will have the right to appeal the decision to the Head of Chambers. The grounds of appeal should be set out in writing within 14 days of the pupil being notified of the decision to withdraw, terminate the pupillage, or refuse to sign off and a final decision will be taken by the Head of Chambers within a further seven days.

## Annex H

### Reasonable Adjustments Policy

#### Aim and Remit of Policy

1. Westgate Chambers is committed to making reasonable adjustments in order to remove or reduce substantial disadvantage for disabled people working with chambers or receiving legal services. This policy covers all employees of chambers, barristers, clerks, pupils, mini-pupils and visitors to chambers.

#### Circulation

2. This policy is circulated to all members, staff, pupils, clerks and those who are required to read and understand it.

#### Definition of Disability

3. For the purposes of this policy the definition of disability follows that set out in the Equality Act 2010 s.6. A person is therefore disabled if s/he has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day-to-day activities. "Substantial" means more than minor or trivial and "long term" means 12 months or more".

# WESTGATE CHAMBERS

## Types of Reasonable Adjustment

4. This policy does not provide an exhaustive list of the reasonable adjustments that chambers will make for staff, barristers, pupils or visitors however the following types of adjustment that may be made are listed below:
  - a. Provision of information in alternative formats (e.g. large print, Braille etc)
  - b. Paid leave for disabled employees of chambers, for example where a disabled employee of chambers needs to take time off work for treatment, rehabilitation or assessment related to their disability
  - c. Provision of auxiliary aids
  - d. Provision of accessible conference room facilities
  - e. Provision of a reader or interpreter

## Staff, barristers and others in chambers

5. Staff or barristers with specific requirements should make requests to Sean Gould who shall refer the matter to Head of Chambers, Richard Barton or the Westgate Trust for reasonable adjustment decisions. All requests for reasonable adjustments will be considered on a case by case basis with the advice and assistance of chambers' Equality and Diversity Officers and where it is not possible to make the adjustment requested Westgate Chambers will discuss viable alternatives with the applicant.
6. Head of Chambers is responsible for considering whether or not disabled staff, barristers or pupils require assistance during an emergency evacuation and if so whether or not a personal emergency evacuation plan is required for the individual/s concerned. If so, the plan will be developed in partnership with the individual concerned in order to ensure that adjustments to the emergency evacuation procedure may be made.

## Visitors to chambers

7. Barristers are responsible for considering reasonable adjustment requests for their visitors. They are also responsible for anticipating any likely reasonable adjustments that will need to be made for visitors whom they know to be disabled and are likely to require assistance. Visitor requests for specific reasonable adjustments may be made by contacting the Senior Clerk, Sean Gould at [sgould@westgatechambers.co.uk](mailto:sgould@westgatechambers.co.uk).

## Cost of making reasonable adjustments

8. In no circumstances will Westgate Chambers pass on the cost of a reasonable adjustment to a disabled person. Monitoring and review.
9. This policy is reviewed by chambers' Equality and Diversity Officer every two years.

## Annex I

### GDPR

### Barrister Privacy Notice – General Data Protection Regulations (“GDPR”)

### Privacy Notice for [INSERT NAME]

Please read the information below, carefully. This is my privacy notice in relation to information I hold, as data controller about you, as a data subject.

This notice should be read in conjunction with Westgate Chambers' Information Management Policy, available on Chambers' website.

# WESTGATE CHAMBERS

As you have instructed me to represent you in your case, I will need to collect and hold your personal information in order to represent you. The measures in place to ensure protection of your personal information are contained within Westgate Chambers' Information Management Policy.

This Privacy Notice describes the information I collect about you, how it is used and shared, and your rights regarding it.

## 1. Data Controller

I am registered with the Information Commissioner's Office (ICO) as a Data Controller for the personal data that I hold and process as a barrister. My registered address is Westgate Chambers, 9 Pavilion Parade, Brighton, East Sussex, BN2 1RA and my registration number is [INSERT HERE].

## 2. Data Collection

Most of the information that I hold about you is provided to or gathered in the course of your case and/or throughout proceedings. My instructing solicitor and/or I will tell you why we need the information and how we will use it.

## 3. Our Lawful Basis for processing your information – Article 6 of the GDPR.

**Article 6 of the GDPR requires all organisations that process personal data to have a Lawful Basis for doing so. These are listed below:**

1. The data subject has given consent to the processing of his or her personal data for one or more specific purposes;
2. Processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
3. Processing is necessary for compliance with a legal obligation to which the controller is subject.
4. Processing is necessary in order to protect the vital interests of the data subject or of another natural person;
5. Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
6. Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject.

**These legitimate interests above, include:**

- a. Where the data subject is a client or in the service of the controller;
- b. Transmission within a group of undertakings for internal administrative purposes;
- c. Processing is necessary to ensure network and information security, including preventing unauthorised access;
- d. Processing is for direct marketing purposes, or to prevent fraud; and
- e. Reporting possible criminal acts or threats to public security.

# WESTGATE CHAMBERS

## 4. I may use your information for the following purposes:

- a. Provide legal services, legal advice and legal representation in courts and other tribunals.
- b. To enable me to act as an arbitrator, expert determiner or mediator.
- c. Assist in the training of pupils, junior barristers and mini-pupils.
- d. To maintain accounts, records for billing purposes and to undertake other office administration.
- e. To conduct conflict checks.
- f. In response to or in defence of any potential complaint and to take or defend legal or regulatory proceedings.
- g. Providing references.
- h. Investigate or address legal proceedings relating to your use of my services/products, or as otherwise allowed by applicable law.
- i. For consideration and processing of any references, applications for tenancy, pupillage, mini-pupillage or staff employment at Westgate Chambers.

I collect and process both personal data and special categories of personal data in accordance with the conditions of lawfulness found at Article 9 of the GDPR. Special categories of personal data might include, physical or mental health information, racial or ethnic origin, political opinions, religious, philosophical or other beliefs, trade union membership, sex life or sexual orientation, genetic and biometric data and outcomes / sentences following criminal proceedings.

## 5. Client data

### I may share your personal data with:

- a. My instructing solicitors
- b. Other legal professionals, professional clients and lay clients.
- c. Potential witnesses, in particular experts and friends or family of the data subject.
- d. A pupil or mini pupil or other junior barrister assisting me with your case.
- e. Westgate Chambers management and staff who provide administrative services.
- f. The courts and other tribunals.
- g. My regulator or legal advisors in the event of a dispute or other legal matter. This may include, but is not limited to, the Bar Standards Board, the Bar Council, the Financial Conduct Authority or the Information Commissioners Office.
- h. Law enforcement officials, government authorities, or other third parties as permitted by law and / or to meet legal obligations.
- i. Any other party where I ask you and you consent to the sharing.
- j. The Legal Aid Agency for purposes of billing and remuneration.

# WESTGATE CHAMBERS

6. Transfers to third countries and international organisations [I do not transfer any personal data to third countries or international organisations.]

OR

[I transfer personal data to the following third countries or international organisations using the identified safeguards because INSERT PURPOSE FOR DOING SO.]

## Insert Country and Transfer Safeguard in place

I am satisfied that such transferred data is fully protected and safeguarded as required by the General Data Protection Regulation.]

7. **Retention of Personal Information**

My professional obligations may require me to keep your personal data for a period of time following representation and/or the conclusion of your case. This will in most cases be for at least a year after the maximum relevant limitation period, most likely from the conclusion of proceedings or final remuneration / writing off fees, or other defined endpoint. (It should be borne in mind that where representing a minor, that limitation period may be for up to 25 years).

My Chambers' Information Management Policy, available on Chambers' website, details how I dispose of your information when it no longer needs to be held. I will delete or anonymise your information at your request unless, there is an unresolved issue, such as claim or dispute, I am legally required to do so, or there are overriding legitimate business interests, including but not limited to fraud prevention and protecting customers' safety and security.

8. **Security Measures.**

My security arrangements comply with The Bar Council good practice guidance and procedures. This includes but is not limited to, backing up, encryption, locks, firewall and anti-virus protection and password-protection. For more information on the security measures I undertake and the security measures undertaken by my Chambers, please see the Westgate Chambers Information Management Policy on Chambers' website.

9. **Your Rights**

**As a "data subject", the GDPR give you specific rights around your personal data, which include you:**

- being informed about the information I hold and what I use it for;
- being able to ask for a copy of the personal information I hold about you;
- you being able to ask me to correct any inaccuracies with the personal data I hold;
- you being able to ask me to stop sending you direct mail, or emails, or in some circumstances ask us to stop processing your details.

The above is subject to any exemptions contained within Article 15 of the GDPR.

You have the right to lodge a complaint against me with my supervisory authority and may seek compensation for damage as a result of infringement of the GDPR from a data controller or a processor (Article 82). You can find out more information from the ICO's website [http://ico.org.uk/for\\_the\\_public/personal\\_information](http://ico.org.uk/for_the_public/personal_information) and this is the organisation that you can complain to if you are unhappy with how I managed GDPR compliance.

10. **Accessing and Correcting Your Information**

You may request access to, correction of, or a copy of your information by contacting Westgate Chambers' Senior Clerk at [sgould@westgate-chambers.co.uk](mailto:sgould@westgate-chambers.co.uk)

# WESTGATE CHAMBERS

## 11. Breaches.

In the event of a data breach – dependent upon the level of risk – I may be required to notify my Chambers' Administrator and the Information Controller Office without undue delay.

## 12. Marketing Opt-Outs

You may opt out of receiving emails and other messages from Westgate Chambers by following the instructions in those messages.

**I will occasionally update my Privacy Notice.** I will publish the updated Notice on my website profile.