

Equality Objectives 2013/14

Report on Equality Objectives

April 2014

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Introduction

1. The Equality Act 2010 consolidated and harmonised all previous equalities legislation in England, Scotland and Wales. It places an equality duty on public bodies and others carrying out public functions and covers the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
2. The public sector equality duty (section 149 of the Act) came into force on 5 April 2011. It supports good decision-making by ensuring public bodies consider how different people will be affected by their activities, helping organisations to deliver policies and services which are efficient, effective, accessible to all and meet different people's needs. Specifically, in our work we must have due regard to the need to:
 - eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010;
 - advance equality of opportunity between people who share a protected characteristic and people who do not share it;
 - foster good relations between people who share a protected characteristic and people who do not share it.
3. We are also subject to specific duties, set out in regulations that came into force on 10 September 2011, which require public bodies to publish relevant, proportionate information demonstrating compliance with the equality duty; and to set specific, measurable equality objectives. The LSB provided its first report on compliance with the general equality duty in December 2011 and consulted on proposed equality objectives for 2012/13 at the same time. We confirmed our objectives for 2012/13 in April 2012 and included these in our Business Plan. These objectives were reviewed at the end of the 2012/13 reporting year. Following this review, the organisation renewed the objectives for the year 2013/14, revising actions and outcomes accordingly.
4. This report describes what we have done to comply with our equality responsibilities during the financial year 2013/14. It also describes the work undertaken by the Legal Services Consumer Panel, the independent advisory panel set up to advise the LSB on the interests of consumers, to support delivery of our equality responsibilities during the same period. By delivering our objectives we aim to demonstrate our ongoing efforts to deliver our responsibilities. We have a firm organisational commitment to integrate diversity and equality into our work and organisational culture.

Progress against the objectives

Objective 1

Through our regulatory oversight role, encourage and work with the approved regulators to promote equality and diversity, including developing a diverse workforce across the legal sector at all levels by:

- assessing regulators' implementation plans to gather and evaluate diversity data;
- reviewing and monitoring the progress made by regulators in delivering their implementation plans;
- continuing to engage with approved regulators and others on how best to enhance a more diverse workforce across the legal sector.

Background

5. The LSB continues to believe that the legal workforce needs to reflect better the communities that it serves. We have conducted research¹ that identified significant challenges facing diversity in the workforce. In July 2011, we issued guidance² to the approved regulators introducing new transparency duties at firm and chambers level to monitor and publish diversity statistics. This initiative was designed to create a commercial incentive to take action to widen access and support progression and retention.

Progress

6. In 2012, we received action plans from each regulator as to how they intended to meet the requirements of our guidance. We assessed those plans, and published the results of our assessment, together with the corresponding action plans, on the LSB website.³ Following this, we undertook a review process to assess how well regulators are delivering their implementation plans. We have completed this review and a report on the assessment was published at the end of July 2013, subject to additional revisions.

¹ <http://research.legalservicesboard.org.uk/reports/diversity-of-the-legal-profession>

² http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/diversity_guidance_final.pdf

³ http://www.legalservicesboard.org.uk/Projects/workforce_development/index.htm

7. In February 2013, we reviewed the available evidence on the equality of pay in legal services to understand the issues and highlight further actions.⁴ The review and research summary were published on the LSB website. The research received strong national and trade press coverage, including articles in *The Guardian*⁵ and the London free sheet *Stylist*⁶. In September 2013, we published our [report](#) on regulators' progress (in response to the guidance we published in July 2011) on diversity data collection and publication. During 2014/15, we will repeat the review process of 2012, once regulators have completed publication of the next round of data collection.
8. The LSB will host a roundtable event, with academic and law firm representatives, on 1 May 2014, to discuss the completion of research on how talent is judged in the legal profession by law firms and clients. We have also achieved wider coverage of our equal pay research, which was quoted in the Law Society's diversity and inclusion charter [annual review](#). The review includes a "spotlight on equal pay" section, and echoes the LSB's call for firms to complete and act on equal pay audits. The LSB also published statutory guidance on regulatory arrangements for legal education and training in March 2014. This guidance is intended to result in a more flexible approach to education and training which widens access and increases diversity of entrants.
9. The LSB will also consider the findings, due to be published in the first half of 2014, into a [comparative case review](#) conducted by the Solicitors Regulation Authority (SRA). The review is to "identify whether there is disparity in the way the SRA applies its policies and procedures in dealing with BME practitioners as compared to other with a view to identifying potential improvements to such practices, policies and procedures to maximise fairness and consistency"⁷.

⁴ <https://research.legalservicesboard.org.uk/reports/diversity-of-the-legal-profession>

⁵ <http://www.guardian.co.uk/law/2013/mar/20/equal-pay-city-law>

⁶ <http://www.stylist.co.uk/people/uk-justice-system-lack-of-women-judges>

⁷ From Terms of Reference, Comparative Case Review, linked in para 9.

Objective 2

Make decisions based on information that takes equality into account including input from relevant consumer and interest groups where possible by:

- factoring equality and diversity into our research;
- undertaking Equality Impact Assessment Screening (now called Equality Analysis) where appropriate when developing our programme and policies for consultation;
- reviewing and developing the consumer toolkit that helps LSB staff identify and analyse consumer groups and their needs;
- engaging with diversity groups and organisations;
- continuing to encourage the Consumer Panel to develop a wide range of contacts and to incorporate diversity and equality into its consideration of consumer issues.

Background

10. In November 2012, we launched a new resource for all with an interest in research into legal services. These new pages on our website contain not only all evidence and data commissioned by the LSB, but links to all publicly available data and research we have been able to identify. Wherever possible we included links to raw data sets so that researchers and others with an interest in the demand and supply of legal services could undertake their own analysis. This is an invaluable resource and informs all impact analysis, including equality impact analysis that is undertaken by the LSB. In 2012, we produced formal equality analysis for two policy areas – our statutory investigation into the regulation of will-writing, probate and estate administration services, and the regulation of special bodies.

Progress

11. As in 2012/13, our engagement with a diverse range of groups and organisations continued both proactively – as we seek opportunities to discuss our developing thinking and learn about emerging concerns and challenges – and reactively, when we receive responses to consultations or queries about issues affecting legal services providers or consumers, particularly those from vulnerable groups. Equality and diversity elements have been incorporated across all projects. In July 2013, we published joint research with the Legal Services Consumer Panel and the charity, Mencap, looking at challenges facing consumers of legal services who have learning disabilities. In September 2013, the Chairman of the LSB provided a statement of support for inclusion in the Diversity League Table publication issued by the Black Solicitors Network.

12. We also reviewed and updated the LSB's internal Consumer Toolkit, following consultation with the Consumer Panel, to better reflect the focus of LSB work, and to provide a useful resource for colleagues as they work to identify and analyse consumer groups and their needs. The toolkit was designed to signpost colleagues at the LSB to the materials available to them, in order to help them to understand the impact of their action, or action plans, on consumers. This could be, for example, a direct impact, through a policy being developed, or indirect impact, through a regulator's arrangements. The toolkit was launched internally on 19 December 2013 and is being piloted for six months. At the end of the pilot, we will review its use and consider how best to make it available to regulators.
13. When planning and policy development takes place, potential equality concerns are highlighted within consultations and feedback considered. Research projects gathering quantitative data on consumers include anonymous diversity data so that any differences can be analysed and reported. We hope that this will continue to enhance our ability to consider the transitional nature of vulnerability within the policy setting. We have also held a colleague workshop to highlight the potential benefits that this can deliver for policy development.

Legal Services Consumer Panel

14. The Legal Services Consumer Panel was established by the LSB under the Legal Services Act to advise it on the interests of consumers. The Panel provides independent advice on issues relating to the regulation of legal services.
15. In 2013/14, the Consumer Panel continued to develop a wide range of contacts and incorporate diversity and equality into its consideration of consumer issues. It also reviewed its overall approach towards consumer vulnerability. In relation to each of our external facing equality objectives we can report the following key Consumer Panel actions:

Encourage the approved regulators to promote equality and diversity including developing a diverse workforce across the legal sector at all levels

16. The Panel has prompted the LSB's efforts to encourage use of BS18477: Inclusive Service Provision by approved regulators and the Legal Ombudsman. In support of this, it has agreed a project for 2014/15 to produce clear and simple guidance for the regulators which translates BS18477 into a legal services setting. Based on this guidance, it then plans to invite the regulators to develop consumer vulnerability strategies. In addition, the Panel offers to assist regulators when they commission research with vulnerable groups. For example, it is currently inputting into research led by the Solicitors Regulation Authority with asylum-seekers.

Make decisions based on information that takes equality into account including input from relevant consumer and interest groups

17. Much of the Panel's work is informed by consumer research and the Panel has explicitly sought to identify diverse samples in all its projects. For example, its annual Tracker Survey includes a sample that covers age, religion, ethnicity, disability, and social grade, as well as an additional Welsh sample. During 2013/14 the Panel published research, jointly commissioned with the LSB and Mencap, on the legal needs and experiences of consumers with learning disabilities. The research report was accompanied by an easy read summary and video. It found that a lack of experience in dealing with people with learning disabilities means lawyers often struggle to provide this vulnerable client group with the specialist support they need. The Law Society has since agreed to fund training support for solicitors to assist them in meeting the needs of this client group.

18. Whereas in the past the Panel has conducted research with specific vulnerable groups, such as deaf consumers and consumers with learning disabilities, during 2013/14 it has mainstreamed vulnerability considerations across its work programme. For example its project on McKenzie Friends has a strong focus on consumer vulnerability, since the clients of these providers are normally on low incomes and/or may need to access legal services when they are in vulnerable situations, such as domestic violence victims.

To ensure that the LSB's own practices and policies, in relation to staff/stakeholder communication and focus on equalities through our entire work programme, are examples of the approach we promote to others

19. The Panel's advice to the LSB consistently includes a strong focus on consumer vulnerability. As stated above, prompted by the Panel, the LSB has incorporated BS18477 into its internal consumer policy toolkit. A member of the Panel Secretariat runs a lunchtime seminar series for staff which includes guest speakers bringing a strong vulnerable consumer focus, for example the Personal Support Unit – a charity that helps litigants in person through the court system.

Objective 3

To ensure that the LSB's own practices and policies, in relation to staff/stakeholder communication and focus on equalities through our entire work programme, are examples of the approach we promote to others. We will do this by:

- ensuring that our publications are available in all formats on request; monitoring and publishing the diversity of our staff;
- when tendering for services, we will work with firms who can demonstrate that they have a commitment to equality and diversity;
- applying recruitment processes that are in line with our Equality Duty.

Progress

20. Our default mechanism for making our information and publications available is electronic and we publish all of our documents, data and papers on our website in PDF format (CSV and Excel for data). In 2013/2014, we did not receive any request for information in alternative formats, nor needed to correspond with a member of the public using anything other than the telephone, email or written correspondence. We continue to review whether we can improve the way we make clear to those interested in our work that we can make any necessary adjustments to our communication methods, and make sure that we have appropriate arrangements in place for when we receive such requests. Publications, communications, recruitment and tendering of services take account of equality and diversity.

21. The LSB conducted a colleague diversity survey in 2012, and responded to the results. Actions from the 2012 survey are published on the LSB's [website](#). The survey is due to be repeated in 2014, which will be the appropriate time to address issues relating to survey design and completion rates. In the interim, we have continued to encourage candidates for LSB vacancies for complete our model survey but, with limited recruitment, small applicant numbers, and response rates, scope for learning is limited.

22. We continue to make a commitment to diversity an important consideration in our procurement – primarily in tendering for research providers – and, in the recruitment competitions run, we again stressed the need to secure a diverse range of candidates from our recruitment partners and conducted diversity monitoring. We ask recruiters to source from as wide a variety of sources as they can to attract applicants from diverse backgrounds; we also ask them to provide appropriate diversity breakdown statistics at each stage of recruitment, where candidates have chosen to disclose this information. This applies to our non-executive recruitment as well as executive recruitment. Equality and diversity

considerations are one of the assessment criteria for awarding contracts. This was a key feature of our most significant tender in 2013/14, for a new IT services provider.

23. We have also continued to ensure that all LSB colleagues are made aware of the LSB's Equality Objectives and obligation to the Equality Act duties, and understand what they mean for the LSB's work and their individual roles, through compulsory training for all colleagues, including Board members. During 2013/14, we will continue to review the organisation's equality and diversity policies, in consultation with all colleagues, to ensure that they remain compliant with both the letter and spirit of the Equality Act. Refresher online training will also be provided for all colleagues.