

Increasing diversity and social mobility in the legal workforce: transparency and evidence. Consultation paper

Responses on behalf of 2 – 3 Gray's Inn Square

Annex A: A list of questions raised in this document

Question 1

What are your views on our assessment of what diversity data is currently collected? Are there any other sources of data that we should be aware of?

Your assessment seems satisfactory on the basis of the material we have seen. We are not aware of other, relevant data sources.

Question 2

What are your views on our assessment of what the available diversity data tells us?

It appears to be accurate but limited given the information you have to work with: more sophisticated analysis would require more detailed information.

Question 3

Is there other diversity research we should be aware of, that we did not take account of in our review of existing literature?

Not that we are aware of.

Question 4

Are there any other existing diversity initiatives run by approved regulators which are not reflected in our outline of current initiatives?

Not that we are aware of.

Question 5

What are your views on the immediate priorities for 2011 we have identified? If you disagree with our priorities in relation to equality and diversity, what should they be (bearing in mind the regulatory objectives, the Equality Act obligations and the Better Regulation principles)?

We consider that you have identified appropriate immediate priorities.

Question 6

Do you agree that a more comprehensive evidence base is needed about the diversity make-up of the legal workforce?

Yes

Question 7

What are your views on our proposal that in principle approved regulators should impose regulatory requirements on the entities they regulate, requiring them to publish data about the diversity make-up of their workforce?

Provided the regulatory requirements are kept to the minimum necessary, and in particular impose no obligation on individuals to provide diversity data about themselves, then we would not oppose the principle.

Question 8

What form should the evaluation of existing initiatives take? Should there be a standard evaluation framework to enable comparison between initiatives?

We do not believe we have sufficient information to answer this question.

Question 9

What are your views on our position that regulatory requirements on entities to take specific action to improve performance (including targets) are not appropriate at this stage?

We agree that it would not be appropriate to impose requirements on entities to take specific action to improve performance at this stage.

Question 10

Do you think we should issue statutory guidance to approved regulators about diversity data collection and transparency?

No, we believe the BSB (and other regulators) should decide how best to deal with the issue, based on guidance from you on what data you require from them to ensure there is consistency in the responses.

Question 11

What are your views on our proposal to agree standard data categories with approved regulators, to ensure comparability of diversity data within the legal workforce and with other external datasets?

We agree with this proposal

Question 12

Do you have any comments about our proposals in relation to the individuals the data collection and transparency requirements should cover?

We have no comments to make

Question 13

Should the framework include the collection of information on in-house lawyers?

No

Question 14

What impact do you consider these new regulatory requirements will have on regulated entities?

Provided there are simple and clear instructions, with a limited number of issues to be covered, the burden should not be too onerous.

Question 15

What are your views on our proposal that in general firms and chambers should be required to collect data from their workforce annually, while smaller firms and chambers (fewer than 20 people) should only be required to collect the data every three years?

We believe the same rules should apply for all and that the survey should be annual.

Question 16

What are your views on our proposal that data should be collected about all the protected characteristics listed above, plus socio-economic background? If not, on what basis can the exclusion of one or more these characteristics be justified?

We agree that the nine protected categories should be covered. On socio-economic background, however, we have divided views within Chambers. While one view held is that socio economic background should be covered, others did not agree that the case for inclusion was fully made out and note there is presently no statutory basis for the collection of this information.

Question 17

Do you think that data should be collected anonymously or enable individuals to be identified (please explain the reason for your answer)?

We believe all information should be collected anonymously: it would be invidious in the extreme to be able to identify any individual and is contrary to the purposes of a statistical analysis.

Question 18

Is there a way of integrating data collection with the practising certificate renewal process that still achieves our objective of transparency at entity level?

We do not believe that the two processes can be integrated without compromising our strong view that the information should be totally anonymous.

Question 19

Do you have any suggestions on how to improve the model questionnaire?

We have expressed views on what should be covered but the major point must be to have consistency in responses to allow a statistical overview across the whole target audience for the questionnaire.

Question 20

What are your views on the proposed categorisation of status in the model questionnaire?

These seem appropriate.

Question 21

What are your views on the proposed questions about job role as set out in the model questionnaire? Do you have suggestions about additional/better measures of seniority? Do you have suggestions on a category of measure to encompass a non-partner senior member of staff i.e. CEO who holds an influential or key role in decision-making of an organisation?

We have no suggestions to make on this question.

Question 22 Do you have any suggestions about how to measure seniority in the context of an ABS?

We believe whatever question(s) you ask on this subject should be consistent across all types of organisation.

Question 23

Should we collect any additional information, such as that suggested in paragraph 129?

No, we do not believe you should collect more data than is necessary for your immediate purposes.

Question 24

Do you have any views on our proposed approach to collecting data on disability?

No views

Question 25

What are your views on our proposed approach to collecting data on sexual identity?

No views.

Question 26

Do you think we should follow the Census approach to collecting data on religion and belief? If not, what alternative approach do you suggest?

Yes

Question 27

Do you think a question should be included in the model questionnaire about gender reassignment? If not, what other means should be used to build an evidence base in relation to gender reassignment issues in the legal workforce?

Yes

Question 28

If a question is included on gender reassignment, do you agree with our proposed question?

Yes

Question 29

What are your views on our proposed approach to include a question on caring responsibilities?

We are not convinced that the approach would provide meaningful information for diversity and equality purposes.

Question 30

What are your views on our proposed approach to measuring socio-economic background?

We are not convinced that the approach would provide meaningful information for diversity and equality purposes.

Question 31

Do you have any comments about our proposed approach to publication requirements?

We believe the over-riding requirements are that responses should be voluntary and anonymous. Publication requirements should not require the disclosure of data that would allow individuals to be identified.

Question 32

Do you have any views on special arrangements that should be considered for firms and chambers of all sizes when publicising sensitive information at different levels of seniority?

Again, we believe it is paramount to ensure there is no breach of the need for anonymity. If this cannot be guaranteed, information should not be published.

Question 33

What are the main impacts likely to be on approved regulators when implementing this framework?

Increased administrative burden in establishing the relevant requirements and guidance, monitoring compliance and collating data supplied to them.