



LSB Consultation
on
Proposed Equality Objectives
2012-13

Response of the
Equality and Diversity Committee
of the General Council of the Bar

The Committee supports and endorses the LSB's commitment to respecting and promoting equality and diversity through all its work and its commitment to meeting its equality duties arising out of the Legal Services Act 2007 and the Equality Act 2010. The Bar Council shares these commitments and has published a wide range of diversity evidence to demonstrate its transparency. It will be publishing equality objectives setting out measurable goals towards its aims of widening access to the profession, strengthening diversity within it and promoting equality and diversity across its internal functions. It continues to support the implementation of the CPS and Attorney General's Equality and Diversity Expectations Statements at the Bar.

The Bar Council objective on widening access to the profession encompasses the protected characteristics plus increasing social mobility in the profession. It is approaching 5 years since the publication of the Neuberger Working Party's report on "Entry to the Bar" during which time the Bar Council has focussed on implementing the Report's recommendations. It is renewing its commitment to increasing social mobility and this year set up a free standing social mobility committee with dedicated staff support to produce a strategy and programme of work. The evaluation of initiatives will be a central part of this strategy. The Bar Council supports the LSB's on-going commitment to address social mobility challenges and the sharing of good practice and welcomed the recent publication of the 'Professions for Good' social mobility toolkit for regulators and professional associations. The Bar is appreciative of the LSB's initial involvement in this project.

Transparency and Evaluation of Diversity Data

Improving transparency and tracking change through data collection is stated as being at the core of the LSB's equality activities. The Bar Council has given priority to improving its already extensive data collection and reporting and is surprised that the LSB considers that there is such a disappointing lack of progress in certain parts of the profession. The legal profession compares well to other professions in monitoring diversity and for the record the position on diversity monitoring at the Bar is set out below:

- The Bar Council has been collecting and monitoring data by ethnicity and sex on students on the Bar Vocational/Bar Professional Training Course for the last twenty years.
- More recently, data across all the protected characteristics and socio economic background has been collected from Bar students and pupils.
- For 10-12 years the Bar Council has published data by ethnicity and sex on students, pupils and members of the profession.
- Following from the Neuberger WP's recommendations in 2007 the Bar Council has invested in the development of a centralised data base which will enable the collection of data directly from barristers across all the protected characteristics, socio-economic background and main practice area. The database is going live this month and will enable the tracking of the progress of individual cohorts of students through pupillage and into practice, as recommended by the Neuberger WP.
- In addition to significant improvements in the methods of data collection and storage, the Bar Council has set up a research section that is taking forward a planned research programme and enabling more detailed analyses of data collected. Through the research section the Bar publishes an annual Bar Barometer setting out data by ethnicity and sex on entrants to the profession and practising barristers over a five year period. The Bar Council has just published the first of regular biennial surveys of "Barristers Working Lives" and this provides information on barristers broken down by protected characteristic, socio economic background and main practice area.
- The Bar Council has published surveys since 2005 on barristers leaving practice or changing their practising status to identify trends in those leaving, to better understand the reasons for leaving and to inform strategic policy making.
- The Bar Council and BSB publish the findings of their equality impact assessments and analyses relating to policy decisions.

The Bar Council responded to the LSB's consultation last year on guidance to approved regulators on data collection and publication at firm/chambers/entity level. It accepted the need for an evidence base against which changes and progress could be measured across the legal profession but recommended a staged approach that was flexible enough to take account of the differences in diversity data held centrally by the ARs. The continuation of the LSB's work on increasing transparency at entity level and the promotion of a diverse workforce remains an LSB objective for 2012-13. The Bar Council will be assisting chambers to respond to the new regulations on transparency through workshops and an advice line but it remains concerned about the burden, particularly on small chambers, balanced against the usefulness of the proposed data collected given the extent of centralised diversity data collection at the Bar.

Equality Impact Analysis (EIA)

The LSB refers to its EIA screening for the Statutory Instrument changes related to Alternative Business Structures (ABS). The broad conclusion was that the impact on market structure might be more keenly felt at junior parts of the profession and lower value parts of the market and the LSB has stated it will consider this area in its continued evaluation of ABSs. The junior part of the profession is more diverse than other parts and in publicly funded areas of practice there is evidence already of reductions in work for the junior bar and considerable strain. The exit survey confirms that the factor most influencing the decision to leave or to change practising status is concern about actual or anticipated income levels. Given the LSB's objective to develop a diverse workforce at all levels in the profession and the likely impact of changing market structures, it is vital that the impact of our current legal aid funding policies and their detrimental reversal on the achievements thus far in relation to progression and the retention of diversity within the profession should not be underestimated and cannot be ignored. It seems not to have been considered at all and thus in the circumstances the analysis is in this regard, we consider, incomplete and unsatisfactory.

Engaging with Diversity Groups and Organisations

The LSB intends to take account of input from relevant consumer and interest groups so that it makes decisions based on relevant diversity information from such groups. The Committee encourages the LSB to engage also with diverse lawyer groups and associations as many will have relevant experience and understanding of clients from diverse backgrounds.

The Committee welcomes the opportunity to respond to this consultation from the LSB on its proposed equality objectives.

Kim Hollis QC

Chair Equality and Diversity Committee