



The Legal Services Board's Draft Equality Scheme – Response from the Bar Council's Equality and Diversity Committee

The Bar Council's Equality and Diversity Committee welcomes the development of an Equality and Diversity scheme by the Legal Services Board and its "commitment to place the equality and diversity agenda at the heart of all our work". The LSB is responsible for providing for oversight regulation of the legal profession in the public interest and its statutory objectives require it to improve access to justice and to encourage an independent, strong and diverse legal profession. It is important that the promotion of Equality and Diversity should be central to the LSB's objectives and we note the LSB's intentions to adopt co-ordinating and developmental functions across the sector on equality and diversity.

In this response, we have focused on race, sex and disability equality, the current statutory equality duties, but welcome the LSB's intention to give consideration to the wider equality strands that will come into force in 2011 once the Equality Bill has been enacted.

Comments:

1. LSB Chosen Equality Objectives

- The LSB is in its first year of operation and plans to define a clear set of objectives in 2010. Currently, the scheme lacks data on diversity to provide a context for the objectives. We **recommend** that the process of defining a clear set of objectives in 2010 should include an examination of current diversity data and diversity research available on the legal profession. This should be supported by an activity on evidence gathering in the action plan.
- The LSB is a new organisation and it is right that increasing equality and diversity awareness within the organisation should have a high priority. We **recommend** that the proposed training programmes and initiatives to

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promote diversity within the staff should extend to training on conducting equality impact assessment.

- Evidence based policy decisions are an essential requirement of the public equality duty and we **recommend** that the objectives in the LSB's equality scheme should be strengthened to reflect the requirement to consider equality considerations at the beginning of the policy making process.
- We **recommend** the objective to encourage a more diverse mix of people employed across the legal sector at all levels should be extended to include the retention of diversity across the profession. This should also be reflected by activities in the action plan. Current data on access to the legal profession indicates a reasonable gender and ethnic representation on entry but pools for judicial and other senior appointments show an under-representation by gender and ethnicity. The Bar's annual survey of those leaving self-employed practice shows a disproportionate dropout rate of women compared to men and some BME groups compared to white groups. The Bar Council has given priority to promoting and retaining diversity within the profession. Retention of diversity within the legal profession is key to achieving the regulatory objective, "encouraging an independent, strong, diverse and effective legal profession". We note that the LSB state that it is seeking a profession that reflects the "make up" of the public. We **recommend** that when developing its policy further consideration should be given to defining "a more diverse mix of people". This will also help in achieving the objective to make actions and objectives more measurable.
- The LSB aims to promote equality and diversity among the legal sector by bringing those together who work on diversity in the legal sector, co-ordinating equality and diversity work and highlighting good practice. We **recommend** that the organisation of the quarterly diversity forums allows for agendas and priorities to be drawn up with the agreement of all members of the forum.
- We welcome the LSB's objective to ensure the accessibility of its services and website and that this is supported by an activity in the action plan to be implemented between 2010-11. We note also the LSB's plans for consultation

and **recommend** that these should lead to an involvement of disabled people in the further development of the Scheme.

2. Equality Impact Assessments

We welcome the LSB's commitment to a vigorous and systematic process of equality impact assessment, to following best practice and to developing a framework for equality impact assessment. **We recommend** that the equality impact assessment policy and action plan: makes clear the need for equality impact assessments to be conducted at the outset of policy formulation; provides for the development of a data bank of equalities information on the profession and consumers of legal services; and provides for consultation with both the profession and consumers. We welcome the LSB's commitment to consultation set out in its draft scheme and **recommend** that those consulted include diverse lawyer groups from all the legal professional bodies and from lay and professional users of legal services. These should cover women's groups, groups of disabled people and ethnic minority groups.

New policy and practices are to be expected from the reform and modernisation of the legal services market which is "an overarching goal" of the LSB. Where these originate from the LSB rather than the frontline regulators, it is expected that the LSB will provide full equality impact assessments.

3. The Action Plan

The Action Plan aims in Annexe 1, 2010 – 2011, appear to be focused mainly on measures to promote social mobility, qualification routes and quality assurance rather than with the race, sex and disability equality duties.

We recommend that the action plan should contain an objective and activities related to the compiling of an equalities data base so that the Board has sufficient relevant information to reach an informed decision on any adverse or positive impacts arising out of its policy formulation and decisions.

*Bar Council's Equality and Diversity Committee
5th March 2010*