



The Law Society

Response to Consultation on the Legal Services Board's Draft Equality Scheme

The LSB as an employer and an oversight regulator

The Law Society welcomes the opportunity to comment on the Legal Services Board (LSB) draft Equality Scheme. We share the LSB's commitment to promote equality and diversity. As an approved regulator we take our legal obligation to promote equality and diversity very seriously and strive to go beyond these requirements. We have taken actions to promote equality and diversity within our organisation, throughout the solicitor profession and in the wider legal sector.

The Law Society accepts that no single organisation can successfully improve diversity and equality across the whole of the legal sector. To effect real change it remains important to work in partnership. The LSB can support a coherent and cohesive legal sector wide drive to improve equality and diversity if it achieves its own objective of putting fairness and equality at the heart of everything it does. We welcome the commitment in the LSB draft Action Plan to encourage other regulators to adopt the approach of the Law Society's in relation to the Procurement Protocol.

Equality Duties

Equality duties make an important contribution to challenging discrimination. The Law Society believes that the LSB's clear articulation of its commitment to equality and diversity in its broadest sense is necessary to reflect the aspirations of the sector it oversees. We also wish to stress that the needs and interests of lawyers with disabilities at all stages of their professional careers must be addressed. In addition the Law Society believes that it would be helpful if the LSB were to broaden the scope of its equality scheme to include the characteristics of age, sexuality orientation, religion or belief, transgender, caring responsibilities and income group. This recognises that there is a wider array of factors that can inhibit entry and success within the legal profession and equally access to justice. The issue of multiple discrimination needs to be factored into an equality scheme. Taking this broader approach anticipates some of the additional duties that are likely to arise from the new single Equality Act.

The Law Society strongly recommends that if the LSB is to meet its statutory duties and its aspirations, that a comprehensive and robust Equality Impact Assessment

(EIA) process is applied to all aspects of its work. At a minimum EIA's should be an integral element of all project streams.

The Law Society welcomes the range of actions outline to deliver a diverse and inclusive working environment for LSB employees. In particular, the setting of an aspirational target for diversity amongst those applying for positions through recruitment service providers. It is not clear from the consultation information whether the LSB will have a suite of policies to advance equality and diversity. A comprehensive equality and diversity policy, including the promotion of flexible working and a member of the senior management team designated with responsibility for the work is strongly recommended.

Collaborative Working

The Law Society welcomes the aspirations the LSB has for the Profession Regulators Diversity Forum. However we all need to be mindful of duplication of effort, in particular the work that is underway in response to the Milburn - Access to the Professions recommendations. Whilst there is history of collaborative working between ILEX, the Bar and the Law Society, we look forward to the wider sharing of best practice and to supporting the LSB in ensuring that changes to the sector does not result in discriminatory outcomes within the profession and to those seeking legal services.

Learning from other sectors

The Law Society believes that it would be useful if the LSB could provide clear indicators of how it intends share learning from other sectors

Accessibility

The principle of inclusiveness is vital to the process of access to information and consultation. Dependence upon access to consultation publications via the LSB website has inherent limitations. The LSB needs to work with diversity stakeholders groups about how the LSB can best engage and to encourage approved regulators to do likewise. The use of a disability advisory panel to ensure accessibility by all sections of the disabled community is recommended. Accessibility for those with disabilities needs a sophisticated approach particularly in relation to access to legal services. As public body the LSB needs to have its own Welsh language scheme and have regard for the specific needs of Wales and its devolved status.

Measurement

The Law Society believes that it is essential that the LSB provide clear indicators of how it intends to measure the success of the equality scheme.