

SRA comments on LSB consultation: *Equality report and proposed equality objectives*

Comments on the LSB's review of compliance to date:

We welcome this consultation. Some good progress has been made through the LSB's Single Equality Scheme 2010/11, particularly the positive developments set out at paragraphs 2.12 to 2.16 of the consultation paper relating to social mobility across the legal profession.

In other areas however there have been some missed opportunities that we feel should be learnt from as we move along in 2012. The LSB's Diversity Forum, described at paragraphs 2.3 to 2.11 of the consultation paper, is one example of this. The Forum helped the LSB and approved regulators to collectively explore ideas and establish the thinking behind much of the policy direction that followed during 2011. We were disappointed then with the LSB's decision to step back from chairing the Forum, and while we fully understand the rationale provided for this decision, our view remains that by virtue of its oversight capacity the LSB has a lead role to play in championing diversity and maintaining emphasis on progress across the legal services sector. We believe that initiatives like the Diversity Forum are instrumental to the LSB in achieving this.

The work of the approved regulators to deliver the LSB's requirements around diversity data should result in a market-wide view of the legal workforce's diversity. Paragraph 2.9 of the consultation paper confirms the intention to publish assessments of regulators' plans which is essential in terms of transparency. The LSB's parallel consultation on its draft Business Plan 2012 / 13 also confirms there will be a strong focus on supportive working with the approved regulators to resolve issues associated with data collection for future years.

We support these commitments. As the regulators move beyond the evidence-gathering stage we believe it will be important for the LSB to remain transparent about its proposals for making good use of the information and translating its analysis into a plan to bring about changes where required across the legal sector. Strong communication channels with all the regulators must underpin this work.

Paragraph 2.17 of the consultation paper reads "*We believe equality and diversity to be essential considerations to be woven into the development of our work programme and priorities. To support this we made committed and concerted endeavours to include and take account of consumer and interest groups in several ways*". However it is not clear what measures are being referred to here. We would be interested to learn how the work the LSB has undertaken in this area could support us and other regulators to take forward our own work with consumer and other interest groups.

Comments on the proposed equality objectives for 2012 / 13

As the oversight regulator for legal services across England and Wales we believe the LSB's equality objectives should be aspirational and set a clear vision for the legal services market. They should also be capable of translating into explicit expectations for the approved regulators.

The proposed objectives rightly reflect the LSB's remit deriving from the Legal Services Act, and the spirit of the Act's Regulatory Objectives. However we consider that they might be strengthened to make the objectives clear. For example, the first objective (at paragraph 3.3 of the consultation paper) might read "*Ensure the regulators promote equality and diversity including developing a diverse workforce across the legal sector at all levels...*".

We note at paragraph 3.2 that the LSB intends to put in place an action plan to support the delivery of its objectives and we agree that this is essential. The action plan should not just identify activities and projects, but should also confirm the outcomes that the LSB expects to see as a result.

The second proposed objective refers to the LSB's approach to considering equality as part of its decision-making process, and confirms the expectations for the Legal Services Consumer Panel. While we support the intentions of this objective we feel that the vision is unclear, particularly in relation to consumers who may be vulnerable. For example, we believe that protecting and getting a better deal for such consumers is a key element of the diversity agenda within the legal services market. We believe this could be communicated more explicitly as an objective.