



Legal Services Board  
Increasing diversity and social mobility in the legal  
workforce

**RESPONSE BY STONEWALL**

1. Stonewall are pleased to respond to the Legal Services Board (LSB) consultation. Stonewall welcomes the objective of the LSB of increasing the diversity and social mobility of the legal workforce.
2. Stonewall are the leading organisation campaigning and lobbying for lesbian, gay and bisexual (LGB) equality in Britain. Stonewall work with a range of partners involved in the administration of justice including the Law Society, the Interlaw Diversity Forum, the Ministry of Justice, the Judicial Appointments Commission and the Judicial Studies Board.
3. Stonewall are also experts in workplace equality for lesbian, gay and bisexual people. Stonewall's Diversity Champions programme is the leading forum for employers on improving the workplace for lesbian, gay and bisexual people with over 600 Diversity Champions from the private and public sectors, including over 45 law firms (or 'entities'). Stonewall also runs the annual Workplace Equality Index, a free benchmarking tool for employers to assess workplace equality for their lesbian, gay and bisexual staff. The most recent list of Britain's most gay-friendly employers included 7 legal entities. Only one law firm featured in the Top 25 gay-friendly employers in Britain in 2011.
4. As there are a number of questions posed in the consultation document which cover similar proposals and merit similar concerns from Stonewall, this response will cover the broad themes and proposals presented in the consultation document rather than addressing individual questions in turn.

**Stonewall response**

5. Evidence clearly shows that lesbian, gay and bisexual people face barriers to being out in the workplace, experience homophobic bullying and harassment and difficulties reaching senior positions within organisations. Organisations that address these issues and create a workplace culture where gay people can be themselves have found their gay employees feel more productive, motivated, creative and loyal. For example:
- Nearly one in five lesbian, gay and bisexual people have experienced bullying because of their sexual orientation at work (Serves You Right)
  - A quarter of them have been bullied by their manager, half by team members and a third by people junior to them (Serves You Right)
  - Lesbian, gay and bisexual people who are able to open about their sexual orientation at work say they are more productive, confident, creative, loyal, motivated and more able to build good working relationships with colleagues (Peak Performance)
  - Lesbians report that they often experience a combination of discrimination because of their gender and sexual orientation. They also report that many initiatives to support women or gay people do not always meet their needs, that there are a lack of development opportunities for them and that they lack role models in the workplace (Double Glazed Glass Ceiling)
  - Bisexual men and women share many of the same experiences as lesbian and gay people in the workplace, however they encounter different stereotypes of them as being untrustworthy, indecisive and unreliable because of their sexual orientation. They also report specific difficulties of being out at work and that workplace initiatives which often only take into account the needs of lesbians and gay men (Bisexual People in the Workplace)
6. Stonewall therefore support efforts by the LSB to produce an evidence base of the numbers of lesbian, gay and bisexual people in the legal workforce and the numbers of legal employees who are unwilling to disclose their sexual orientation. Stonewall agree that this evidence is vital for the LSB and its partners to effectively address

the issues faced by lesbian, gay and bisexual members of the legal workforce.

7. Stonewall also believe that monitoring the sexual orientation of employees, where appropriate, can provide the vital evidence needed for individual employers to deliver effective change for lesbian, gay and bisexual staff. Monitoring data, where appropriate and in conjunction with other data, can also play an important role for employers and employees on tracking progress in improving their workplaces for lesbian, gay and bisexual staff.
8. Stonewall also support the LSB's emphasis on placing responsibility on individual employers to improve their workplaces for their lesbian, gay and bisexual employees. This reflects the legal responsibilities placed on individual employers by the Equality Act 2010 and the preceding 2003 regulations.
9. Stonewall believe however that the proposals for individual entities to publish sexual orientation monitoring data will risk 'outing' individual lesbian, gay and bisexual employees working in smaller entities to their colleagues and managers. This would likely have a significant impact on disclosure rates. Stonewall consistently recommends that sexual orientation monitoring should be anonymous and not allow individuals to be identified by their colleagues or managers.
10. To be clear, Stonewall do not oppose the collation of sexual orientation monitoring from smaller entities in principle. Smaller entities make up a significant sector of the legal workforce and for workforce-wide data to be robust they must be included. However, Stonewall encourage the LSB to identify alternative methodologies that allow the collation of this data whilst maintaining the anonymity of individuals working in smaller entities. Stonewall would welcome alternative proposals which allow data to be collected in smaller entities without it being accessible by colleagues and managers.
11. Stonewall believe that the anonymity of individuals should be maintained for everyone. Stonewall recommend that should the LSB revise their proposals to ensure greater anonymity for employees of smaller entities, the same anonymity standards should apply to all equality strands.
12. Stonewall also recommends that employers should only monitor sexual orientation when action has already been

undertaken to address lesbian, gay and bisexual equality in their workplaces. As explained in Stonewall's *How to Monitor Sexual Orientation in the Workplace* guide, this is to ensure lesbian, gay and bisexual employees have the confidence to complete monitoring exercises, making monitoring data more robust and usable. Stonewall are concerned that the LSB proposals may result in data which is neither robust nor reliable due to poor disclosure rates.

13. Stonewall believe in taking a flexible approach allowing individual entities to take their own action to address diversity issues and therefore do not oppose the LSB's decision not to set regulations on individual entities to take specific actions. However it is clear that many employers do not believe lesbian, gay and bisexual equality is something relevant to their workplace and lack understanding of how to implement policies and practices that make their workplaces more gay-friendly. Stonewall believe that the LSB and its partners therefore should play a crucial role in providing information and support to entities on how they can address lesbian, gay and bisexual workplace equality.

If you have any questions regarding this submission please contact Sam Dick, Senior Public Affairs Officer on [sam.dick@stonewall.org.uk](mailto:sam.dick@stonewall.org.uk) or 020 7593 1852.

All the research and reports cited in this response is available to download free from [www.stonewall.org.uk/publications](http://www.stonewall.org.uk/publications).