

The Legal Services Board's Draft Equality Scheme

*Response to consultation on the draft Equality
Scheme*

Contents

Contents	2
1. Introduction	4
2. Responses to our draft Equality Scheme	5
2.1 General comments.....	5
2.2 Introduction	5
Statement on Diversity	5
2.3 The Legal Services Board.....	6
2.4 The legislative requirements	6
Access to justice	6
Barriers to diversity	6
Competition.....	6
2.5 Role as an employer and over-sight regulator.....	7
As an employer	7
As an oversight regulator	8
Consumer Panel	8
2.6 LSB starting point	9
Additional strands of equality	9
Gender, disability and race duties	9
ABS	9
2.7 LSB's equality and diversity objectives.....	10
Setting a clear focus	10
Resourcing.....	10
Lack of diversity data	10
2.8 Consultation and engagement	11
Policy on engagement.....	11
Feedback from interest groups.....	11
2.9 Progressing the Scheme.....	12
Monitoring and bench-marking.....	12
Equality Impact Assessments (EIA)	12
Website access and the Welsh Language Scheme.....	12
2.10 Action plan.....	13
General comments.....	13
OBJECTIVE: to make everyone at the LSB more aware of our equality and diversity objectives on an ongoing basis	14

OBJECTIVE: to make sure the LSB always take equality into account when we develop our policies and put them into action	15
OBJECTIVE: to make our actions and objectives more measurable so that we can monitor progress internally	15
OBJECTIVE: to encourage a more diverse mix of people employed across the legal sector at all levels	15
OBJECTIVE: to promote equality and diversity among the legal sector and the approved regulators we regulate.....	16
OBJECTIVE: to make the LSB's duties, policies and services accessible to everyone via the LSB website and to ensure all correspondence is available in a variety of different formats.....	17
3. Responses to our workshops	18
4. The LSB's Final Equality Scheme 2010/11	20
ANNEX A Participation in the consultation process	21

1. Introduction

On 16 December 2009 the Legal Services Board (LSB) issued a draft Equality Scheme for a 12 week consultation period ending 10 March 2010.

The purpose of this paper is to provide a summary of the range of responses we received to the draft Equality Scheme. It also includes feedback received from two consultation workshops and a supplementary session which focussed on both the draft Business Plan 2010/11 and the draft Equality Scheme.

This paper sets out the LSB's response to the main issues raised in the consultation process from the workshops and the submissions received through the 12 week public consultation period. This feedback will be reflected in the Final Equality Scheme to be published on the LSB's website.

The LSB would be like to thank all respondents for their constructive engagement in this consultation process. The LSB notes that respondents welcomed the opportunity to comment on the draft Equality Scheme and provided helpful input to strengthen the Final Equality Scheme.

2. Responses to our draft Equality Scheme

We received 10 responses to the draft Equality Scheme. A full list of respondents is set out at Annex A and a full copy of each response is posted on the LSB's website¹.

The paragraphs below will summarise the main issues raised under each relevant section of the draft Equality Scheme.

2.1 General comments

The majority of respondents gave general support towards the LSB's commitment to equality and diversity in the draft Equality Scheme. The Legal Services Commission (LSC) commented that the draft Equality Scheme clearly demonstrates that the LSB is engaging with stakeholders.

The Bar Standards Board (BSB) set out specific concerns that barristers were not adequately mentioned or addressed in the draft Equality Scheme and the draft Equality Scheme should do more to take into account the need for the LSB to actively address and promote equality across the regulatory objectives.

Another general point was that the success of the Final Equality Scheme will be measured by its implementation.

LSB response

The LSB is committed to equality and diversity issues through the development and implementation of our Equality Scheme. The LSB has a strong commitment to engaging with stakeholders, consumers and legal professionals in the development and review of the Final Equality Scheme.

It is intended that the Final Equality Scheme will encompass all parts of the legal sector and does not single out any one professional group specifically. The objectives in the Final Equality Scheme will therefore apply equally to all groups.

The Final Equality Scheme will be amended to emphasise that equality and diversity will be considered across all the regulatory objectives, not just those specifically relating to diversity.

2.2 Introduction

The introduction section of the document defines an Equality Scheme and sets out the LSB's statement and commitment to equality and diversity.

Statement on Diversity

Several comments were received to the 'Statement on Diversity' with one suggestion requesting an explanation of the statement of how the LSB intends to progress equality and diversity. Other comments recommended that the statement mention that the work done by the approved regulators on equality and diversity will help supplement and support the

¹ It is noted that the Institute of Trade Mark Attorneys (ITMA) indicated that they supported the draft Equality Scheme and had no further comment at this stage. The British Nigeria Law Forum (BNLF) indicated that they were largely in support of the submission made by the Solicitors Regulation Authority (SRA).

LSB's efforts and that reference is made to the creative use of external agencies and consultants that have a commitment to equality and diversity.

The BSB recommend a change in wording from 'We oppose and will seek to overcome...' to 'We oppose and will eliminate...' It was also recommended that the term gender identity be replaced with the term 'transgender'.

LSB response

The LSB agrees the suggested amendments in this section and will include them as appropriate in the Final Equality Scheme. However the Board considers it more appropriate to see its efforts as supplementing those of approved regulators, as both the Legal Services Act 2007 (the Act) and the general equality duties apply equally to all bodies. The LSB highlights that the Diversity Statement will be updated and amended as a separate document.

2.3 The Legal Services Board

This section sets out a description of the LSB and our functions. There were no comments from the consultation responses which specifically relate to this section.

LSB response

This section will be updated according to the LSB's Business Plan 2010/11.

2.4 The legislative requirements

This section sets out the general laws which apply to any public body and the relevant regulatory objectives in the Act.

A general comment on this section suggested the Final Equality Scheme be built on the understanding that it (by proxy of the approved regulators and regulatory arms) should promote equality and diversity for all individuals and groups.

Access to justice

There were several comments made about the regulatory objective on access to justice. It was suggested that the LSB define how it will promote equality across the objectives in particular when promoting public interest and access to justice; that a wider focus should ensure all legal professionals are trained and equipped to deliver legal services effectively; and the provision of legal services must be affordable to the provider and the consumer.

Barriers to diversity

When referencing barriers to diversity, it was suggested that the LSB consider barriers to career progression, retention, access to senior positions and transferable skills between different legal sectors in their policy development.

Competition

The Black Solicitors' Network (BSN) welcomes competition and hopes that the market changes do not lead to the exclusion of disadvantaged groups as providers or consumers.

The BSN encourages the LSB to consider third parties such as insurance companies who can have an indirect effect on the provision and cost of the provision of legal services.

LSB response

The LSB agrees that the approved regulators and their regulatory arms have a responsibility to promote equality and diversity for individuals and groups and the Final Equality Scheme will be amended to reflect this point.

It is recognised that work around the regulatory objective on access to justice has been considered in a separate project stream under the LSB's current work programme. That project will be tasked with addressing access to justice issues and will ensure equality and diversity issues are fully considered. A similar approach is being taken in relation to all the LSB's policy work.

The LSB agrees with the comments made on barriers to diversity and will amend the Final Equality Scheme to include consideration of barriers to career progression, retention, access to senior positions and transferable skills.

The LSB notes the concerns that were raised on the regulatory objective around competition. The impact assessment process will assess the impact of any changes to the legal services market, including consideration of the impact on disadvantaged groups and other third party groups.

2.5 Role as an employer and over-sight regulator

This section sets out the LSB's dual role as both an employer and over-sight regulator of the legal sector in England and Wales. A general comment by the Solicitors Regulation Authority (SRA) suggested the format of this section was useful and recommends the inclusion in the Final Equality Scheme.

As an employer

The Institute of Legal Executives and the ILEX Professional Standards Limited (ILEX and ILEX IPS) recommended the inclusion of a paragraph stating that the LSB values diversity in its service provision, as an employer and in the public interest by:

- treating everyone fairly and with respect;
- providing varying solutions for different needs and expectations;
- promoting equal opportunities in employment and progression;
- challenging prejudice and discrimination.

In terms of performance management, respondents indicated that key equality and diversity competencies be integrated into roles of senior staff and management with progress monitored as part of a performance management framework. There was also a need for formal training for all staff on equality and diversity and Equality Impact Assessment (EIA) training for policy leads and the Board.

In terms of recruitment, there was support for the 20% threshold for candidates of underrepresented groups. However, robust data to identify those candidates is needed plus an assurance that this system does not allow positive discrimination in appointments.

Respondents suggested a comprehensive diversity and equality policy to include the promotion of flexible working options such as working from home or a condensed working week.

The following additions were suggested for inclusion in the section on cultural development:

- dignity at work;
- the need to challenge inappropriate behaviour;
- inequality in the workplace;
- an environment free from harassment and discrimination;
- diverse talent is welcomed and nurtured;
- clear leadership.

A separate action point was recommended for inclusion in the criteria to 'encourage equality, diversity and inclusiveness' (see objective *'to make everyone at the LSB more aware of our equality and diversity objectives on an ongoing basis'* in the Action Plan).

LSB response

The LSB notes the specific comments that were raised in the section on the LSB as an employer. Equality and diversity training has already been identified as a need and will be delivered as a priority and a flexible working policy is already in production. The LSB will take particular care that the 20% application target does not lead to positive discrimination. HR policies are about to be promulgated and feedback from this consultation has helpfully informed their development.

As an oversight regulator

The BSN commented that BME solicitors do not have a sufficient level of confidence in their approved regulator and hopes that the LSB in their role as over sight regulator will assist in addressing this.

The SRA recommended the LSB set out how it will engage and consult with the diverse regulated community.

LSB response

The LSB notes the comments made by the BSN and the SRA.

In our role as over-sight regulator we will encourage the approved regulators to communicate efficiently and effectively with their regulated communities.

We also have a commitment to engage and consult with stakeholders, consumers and interest groups through various consultation methods including out-reach forums, research seminars and workshops. We will also seek to utilise other networks already in place to gather information from a range of individuals and groups. We will continue our commitment to consultation and engagement through policy development over the rest of the LSB's work programme in 2010/11.

Consumer Panel

The SRA recommended that Final Equality Scheme confirm the role and responsibilities of the Consumer Panel in promoting equality and diversity and addressing adverse impact.

LSB response

The LSB recognises the importance of the Consumer Panel but highlights that it is an independent body of the LSB with a panel of members separate to the LSB's Board. The

Board will formally draw the Panel's attention to these comments and invite them to consider them. Any existing reference to the Consumer Panel currently within the draft Equality Scheme will be amended with a link to the Consumer Panel's website for further information.

2.6 LSB starting point

This section sets out the LSB's work so far in terms of equality and diversity and indicates the LSB's general direction of travel on these issues. It also sets out our public duties under current legislation.

Additional strands of equality

Several respondents recommended the inclusion of additional strands of equality into the LSB's Equality Scheme. It was suggested that this section also consider indicators of socio economic background, caring responsibilities and income group. It is considered that the early inclusion of the indicators mentioned in the paragraph above would avoid the risk of add-ons and duplication later in the policy development process.

Some respondents felt that the inclusion of additional strands of diversity and the additional indicators mentioned in the paragraphs above would demonstrate a commitment to equality and diversity which goes beyond the current statutory duties (i.e. gender, disability and race).

Gender, disability and race duties

The Council for Licensed Conveyancers (CLC) asked for clarity under the section that relates to disability i.e. ensuring disabled people are fully served by the legal services sector which may require the rules set by approved regulators to include all types of diversity.

The CLC also asked for clarification on how the LSB will meet the general duty to promote good relations between people of different racial groups i.e. the specific initiatives to promote diversity.

ABS

In reference to the section 'a focus on diversity', the draft Equality Scheme mentions previous consultation documents by the LSB that discuss the impact of ABS on diversity; the BSB highlighted that this previous work does not cover the topic in sufficient depth.

LSB response

The LSB agrees in principle to include additional strands of equality in the Final Equality Scheme. The LSB will commit to incorporating age, sexual orientation, gender identity and religion or belief when the main provisions of the Equality Act 2010 come into force in October 2010 and the Scheme is reviewed later in the year as part of the business planning process for 2011/12.

The LSB agrees to make the necessary amendments to clarify more fully the sections around the gender, disability and race duties.

The LSB notes that the concerns raised by the BSB on the impact of ABS on diversity have been considered under a separate consultation process for ABS. The guidance to Licensing Authorities on their approach to regulating ABS has now been published on the LSB's

website. The LSB recognises that any reference to this work in the draft Equality Scheme is now out of date and will be omitted from the Final Equality Scheme.

2.7 LSB's equality and diversity objectives

This section sets out the LSB's equality and diversity objectives.

Setting a clear focus

The respondents showed general support for the equality and diversity objectives. It was suggested that a clear focus be set by stating the regulatory objectives at the beginning of the Equality Scheme followed by the equality objectives and supported by a sound evidence base.

The General Council of the Bar (BC) suggested a change in wording and inclusion of a new objective, for example:

- the objective 'a profession that reflects the make-up of society' should define what a 'more diverse mix of people' means to make actions and objective more measurable;
- the objective to 'encourage a more diverse mix of people employed across the sector' should include retention of diversity across the profession and be reflected in the action plan;
- to include an objective 'a requirement to consider equality considerations at the beginning of the policy making process'

Resourcing

It was suggested that the actions relating to any targets should take into account the resources the approved regulators can allocate to these initiatives will vary and may be limited.

Lack of diversity data

It was recommended to include a separate section on evidence gathering due to the lack of clear evidence base upon which the LSB has formulated their equality and diversity objectives. There was a suggestion that further data on the diversity of the profession would assist in terms of outlining context and this should be supported by an activity on evidence gathering in the action plan.

LSB response

The LSB notes the changes to the equality objectives suggested by the BC and will take into account their suggestions when amending the Final Equality Scheme. We consider that determining measurable outcomes such as the definition of a 'more diverse mix of people' will be possible once the evidence base and measurement framework has been developed and implemented through the Diversity Forum of Professional Regulators.

The LSB recognises the issue of resourcing for all approved regulators and in particular the smaller approved regulators. The LSB highlights that issues relating to smaller approved regulators is the subject of a separate work stream under the current LSB work programme and it is envisaged that resourcing will be considered under that framework. However, it is

equally mindful that it is the responsibility of all approved regulators to ensure that they are resourced adequately to meet their statutory responsibilities.

The LSB highlights that we are currently working through the quarterly Diversity Forum for Professional Regulators to develop a better evidence base on the make-up of the legal profession, against which the success and effectiveness of existing diversity and equality initiatives by approved regulators can be measured. We will consider the management arrangements for monitoring progress against that agenda further as the focus shifts to delivery over the coming months. We are clear that greater transparency will be the key in both measuring our own success and holding the approved regulators to account. The LSB's current research programme will include some commissioned research on diversity that will contribute to an evidence base.

2.8 Consultation and engagement

This section sets out the LSB's approach towards both internal and external consultation on equality and diversity issues.

Policy on engagement

The respondents generally supported the LSB's approach to partnership working and coordinated strategic links. However, the general consensus was that this section needed more detail on the specific processes for consultation and engagement with stakeholders, highlighting the specific groups and individuals the LSB will consult with including disabled people.

The CLC commented that website publications are not an effective vehicle to consult with a wide range of people and groups, particularly on equality and diversity issues. They suggested that the LSB should engage individuals in all equalities areas to complement work through other vehicles i.e. outreach forums.

Feedback from interest groups

The British Nigeria Law Forum (BNLF) indicated that they look forward to working with the LSB in the future. The BSN highlighted that the LSB has already begun a dialogue with representative groups as set out in the consultation paper and acknowledged the opportunity to meet the LSB and discuss the draft Equality Scheme and how the LSB intends to carry out its statutory duties.

The Law Society (TLS) recommends working with the approved regulators to utilise their access to the minority lawyers groups and women professionals will help reduce the burden on LSB to organise consultation and help the various groups to respond to the substantial number of requests they receive. This may involve using TLS's BME Forum which consists of the Chairs of Minority Lawyer Groups or the Disability Advisory Panel to ensure access by different sections of the disabled community.

LSB response

The LSB has a commitment to engage and consult with stakeholders, consumers and interest groups and will continue this process through policy development over the rest of the LSB's work programme in 2010/11.

The LSB will seek to work with the approved regulators to utilise their existing networks to help organise consultation and help various groups respond to the requests they receive. For example, this may involve engaging with the Law Society's BME Forum consisting of the Chairs of Minority Lawyers Groups and the Disability Advisory Panel which accesses various sections of the disabled community. However, we believe that effective web communication also remains a key vehicle to reach individual members of diverse groups in addition to representative bodies.

2.9 Progressing the Scheme

This section outlines the LSB's approach toward monitoring, carrying out impact assessments and access to information through the website.

Monitoring and bench-marking

Some respondents supported a separate section on monitoring and benchmarking including the work the LSB is doing, a timeline, how it will be monitored and the team or individual responsible plus key performance indicators to measure progress.

Equality Impact Assessments (EIA)

A number of respondents placed a strong emphasis on the importance of EIA in policy development. It was highlighted that the introduction of a robust EIA framework should be a priority for the LSB.

Recommendations were made to what the framework should include i.e.

- a minimum threshold if approved regulators will adopt the methodology;
- equalities information on the profession and consumers;
- consultation with the profession and consumers;
- training for staff;
- where and when the results of each EIA will be published.

There was debate on when an EIA should be conducted i.e. on the outset of policy formulation or only when there is a project or policy proposal with a significant impact.

Website access and the Welsh Language Scheme

There was a general consensus to include a Welsh Language Scheme as the jurisdiction of the LSB's powers includes Wales.

More information was requested on the relative standards' of the website with support for different formats on the website to include a 'browse aloud', translation and large text facilities. These should be implemented in the action plan between 2010 and 2011.

LSB response

The LSB is committed to working through the quarterly Diversity Forum for Professional Regulators to develop a better evidence base on the make-up of the legal profession, against which the success and effectiveness of existing diversity and equality initiatives by approved regulators can be measured.

The LSB is committed to completing impact assessments through our policy making process. As a priority we will develop our processes to improve their focus on equality

issues and ensure that this is embedded in the staff development strategy which we are currently developing.

The Final Equality Scheme will be amended to make it clear that information on the website will be available in different formats on request. We are in the process of scoping the re-development of our website and accessibility concerns will be included in this although as there is no dedicated budget for this project this year, we may only be able to deliver incremental improvements.

The LSB has developed a draft Welsh Language Scheme that will be subject to a 12 week consultation period shortly and submitted to the Welsh Language Board for approval. Once the LSB's Welsh Language Scheme has been implemented the Welsh Language Board will also be responsible for reviewing the LSB's progress on the Scheme's action plan.

2.10 Action plan

General comments

Overall, there was general support for the actions listed in the draft Equality Scheme's action plan with the SRA indicating that a number of the actions complement their existing work. The BSN commented that the proposal to encourage measurable outcomes is welcomed; the BSN's Diversity League Table similarly measures actual performance against a number of equality strands.

There were several suggestions to amend the action plan which include:

- a commitment to leadership and support to implement the Scheme i.e. Diversity Champion, Diversity Officer and Diversity Board;
- indicators of how success will be measured i.e. performance indicators and targets;
- compiling an equalities data base to aid decision-making;
- key timescales and owners to take forward the actions;
- providing clear indicators of how to share learning from other sectors.

There was also a concern that the action plan focuses on measures to promote social mobility, qualification routes and quality assurance rather than race, gender and disability equality duties.

LSB response

The LSB is a small organisation with around 35 staff organised by a collegiate culture which requires people to work across many projects in which diversity is a core element. The identification of separate Diversity Officers or Champions would, we believe, lessen this sense of organisational responsibility and work against effective "mainstreaming" of diversity issues. The LSB is committed to equality and diversity as a mainstream issue in all our work and will provide adequate training on equality and diversity to all staff.

As stated in the previous sections, the LSB is committed to working through the quarterly Diversity Forum for Professional Regulators to develop a better evidence base on the make-up of the legal profession, against which the success and effectiveness of existing diversity and equality initiatives by approved regulators can be measured. We envisage that this exercise will also aid us in our decision-making processes.

The objectives and deliverables in the action plan are as tightly specified as possible and that accountability for delivery is clear.

We will look for ways to share learning from other sectors. Our commitment to cross-sector working has included hosting a sub-group on regulatory and corporate issues through the Gateways to the Professions Collaborative Forum.

The LSB notes the concern on the action plan and the precedence it gives to promoting social mobility, qualification routes and quality assurance. These issues are part of a broader package of work on 'developing a workforce for a changing market'. We anticipate that this work will support the equality duties. The Equality Scheme will be reviewed later in the year as part of the business planning process for 2011-12.

The LSB considers that the equality duties around race, gender and disability will be encompassed both in our internal policies through our working and recruitment processes, and also across our policy development through the use of EIA to identify opportunities and mitigate any potential areas of adverse impact on equality and diversity on the outset of policy making.

The LSB is committed to promoting equality and diversity inside our organisation and also in the wider legal sector. This includes adhering to the race, gender and equality duties to 'remove unlawful discrimination', 'promote equal opportunities', and 'eliminate harassment'.

The LSB will seek to work with the approved regulators to utilise their existing networks to further the other equality duties' requirements. For example, this may involve engaging with the Law Society's BME Forum to further the race equality duty 'to promote good relations between people of different racial groups' and/or the Law Society's Disability Advisory Panel 'to ensure disabled people have the same opportunities as everyone else', 'to make allowances for disabilities', 'to promote positive attitudes to people with disabilities' and 'encourage disabled people to take part in public life'.

The LSB will amend the Final Equality Scheme to reflect the consideration of the equality duties mentioned in the paragraphs above.

OBJECTIVE: to make everyone at the LSB more aware of our equality and diversity objectives on an ongoing basis

ILEX and ILEX IPS suggested adding an action under this objective which relates specifically to the LSB's cultural development. This should include the criteria to 'encourage equality, diversity and inclusiveness' as listed in section 6.1 of the draft Equality Scheme and extend to Board appointments.

ILEX and ILEX IPS recommended the addition of staff related objectives on training, embedding equality and diversity into person specifications and Staff Diversity Questionnaires.

LSB response

The LSB notes the additional action on LSB's cultural development and will consider its inclusion in our final internal HR policies. Feedback from this exercise will inform both the specific policy on equality and diversity and other policies as appropriate.

The LSB notes that equality and diversity training has already been identified as a need and will be delivered as a priority along with a commitment to fair and equal recruitment of staff.

OBJECTIVE: to make sure the LSB always take equality into account when we develop our policies and put them into action

There was general support for the action point relating to LSB Board paper headings with equality and diversity considerations. Some amendments to this action point were recommended, they include:

- Board papers to include an EIA (or summary) where appropriate;
- relevant training for staff and Board members;
- the provision of evidence of any potential impact against groups or individuals in all diversity strands and how any adverse impact will be addressed

ILEX and ILEX IPS recommended a change in wording to the objective to include 'procedures and processes'.

LSB response

The LSB agrees to the first two amendments to the action point on the LSB Board papers heading with equality and diversity considerations. We consider that this should also apply to relevant sub-Committee papers and will amend the Final Equality Scheme accordingly.

The LSB has agreed in principle to include additional strands of equality in the Final Equality Scheme. We note that the inclusion of consideration of the potential impact across all equality strands will not be possible until the additional strands of equality have been considered when the Scheme is reviewed later in the year alongside the business planning process for 2011/12.

The LSB agrees to change the wording in the objective to include 'procedures and processes'.

OBJECTIVE: to make our actions and objectives more measurable so that we can monitor progress internally

ILEX and ILEX IPS has sought clarification on how quality assurance fits with the objective of measuring actions and objectives.

LSB response

The LSB agrees that the action points on 'quality assurance' do not fit squarely with the objective 'to make our actions and objectives more measurable so that we can monitor progress internally'. The action points on 'quality assurance' will be removed from the Final Equality Scheme. It is important to note that the action points on quality assurance will be delivered under the work stream for 'developing a workforce for a changing market'. The milestones and outputs are included under this work stream in the Business Plan 2010/11.

OBJECTIVE: to encourage a more diverse mix of people employed across the legal sector at all levels

There was general support for the action points around progression and retention barriers, qualifications routes for a non-traditional aspirant and the development of an evidence base against which to measure the effectiveness of approved regulators' current programmes.

ILEX and ILEX IPS emphasised their role as a further education provider through the ILEX route into the legal profession.

A concern was that the timescale of 2013 was too short to achieve the objective 'at all levels ever more closely matches the diversity of the UK'. A more appropriate target by 2013 would be to allow some progress in making the student body more diverse (CLC).

LSB response

The LSB is committed to working through the quarterly Diversity Forum for Professional Regulators to develop an evidence base and a metrics framework to measure success or effectiveness of existing diversity and equality initiatives by approved regulators.

Through the metrics framework initiative, the LSB emphasises the importance of establishing a firm baseline for approved regulators as to where we are now, and from this, to agree a set of aspirations for the future of the profession. The LSB highlights that these aspirations will ensure a more diverse profession at all levels and not just at the entry level. We believe that it is appropriate to look for very significant progress by 2013, the timescale for all the strategic ambitions in the LSB's Business Plan, but accept that further action may well be needed at that stage.

The LSB will amend the action plan in the Final Equality Scheme to include a specific action point on developing and implementing the metrics framework initiative.

OBJECTIVE: to promote equality and diversity among the legal sector and the approved regulators we regulate

The BSN gives support to Diversity Forums and highlighted that cross-referencing and non-exclusivity is needed for Forums to work effectively.

The BC recommended that the Diversity Forum for Professional Regulators allows for agendas and priorities to be drawn up with the agreement of all members of the Forum.

TLS indicated that caution must be applied with Diversity Forums so there is no duplication with the work of the Milburn report recommendations on 'access to the profession'. TLS encouraged wider sharing of best practice, and that change to the sector does not result in discriminatory outcomes.

ILEX and ILEX IPS recommended that the LSB maintain an ongoing level of awareness of existing Equality and Diversity Schemes owned by approved regulators to ensure synergies are identified and opportunities are maximised i.e. through the Diversity Forum of Professional Regulators or an agreed alternative mechanism.

LSB response

The LSB notes the comments made on the Diversity Forum of Professional Regulators. There are several ongoing projects that have come out of the Forum which are currently being developed between the approved regulators and the LSB. The terms of reference and future of the Diversity Forum of Professional Regulators will be reviewed in summer 2010 and the BSN's comments considered in the light of that.

OBJECTIVE: to make the LSB's duties, policies and services accessible to everyone via the LSB website and to ensure all correspondence is available in a variety of different formats

The BSB suggested incorporating additional actions to:

- develop equality and diversity outcome measures for the approved regulators;
- develop and promote equality and diversity standards for the profession;
- develop appropriate mechanisms to encourage the take up of standards, achieved through procurement, monitoring schemes and broader quality standards.

LSB response

The LSB notes the recommendations to include the additional actions to the above objective.

The LSB's broad approach as an oversight regulator is to not prescribe to this level of detail set out in the suggested actions as we see much of this work as the role of the approved regulators to develop, take forward and hold ownership.

We have set out in the Business Plan 2010/11 that we will encourage approved regulators and practitioners to systematically collect and display transparent, consistent, measurable and, understandable information. We see this as contributing to an exercise which maps current sector diversity as a baseline for measuring the impact of future changes to the legal services market and a framework for approved regulators to measure the effectiveness of their current programmes.

We also encourage the support of the Law Society's Diversity and Inclusion Charter and protocol on the procurement of legal services in the action plan.

3. Responses to our workshops²

Two workshops were held by the LSB to discuss the draft Business Plan 2010/11 and draft Equality Scheme. The main issues that were raised in these workshops include:

- The draft Equality Scheme did not give enough weight to the public duty on equality;
- The LSB's commitment to include all strands of diversity at a later date needs to be made clearer in the final document;
- Details are needed on how the Final Equality Scheme will be disseminated to staff and how the Scheme will be included in the selection criteria for preferred suppliers.

LSB response

The LSB notes that the issues raised in the initial workshops have been discussed in the previous sections under 'LSB response'. For example, the LSB's commitment to the equality duties on race, gender and disability are discussed on page 12-13; to include additional strands of equality is highlighted on page 8; staff training on the diversity and equality issues have been discussed on page 7 and the support of the Law Society's Diversity and Inclusion Charter and protocol on the procurement of legal services is referred to in the action plan.

A supplementary session was also held with interest groups in addition to the workshops and followed the format of a general discussion with interest groups on diversity issues affecting the legal profession rather than being specifically targeted at the draft Equality Scheme. The main issues that were raised in the supplementary workshop include:

- The LSB could set targets for approved regulators around diversity;
- There was general support for transparency of diversity statistics at entity level;
- A clear message was conveyed that ABS opens the market and provides new opportunities including for BME lawyers;
- Impact assessments were not effective if relevant groups were not consulted in the beginning of the policy making process;

LSB response

The LSB recognises that many of the comments from the supplementary session were not specifically related to the draft Equality Scheme and were focussed around a general discussion on diversity issues. However, each issue has been addressed in turn in the following paragraphs.

The LSB is committed to working through the quarterly Diversity Forum for Professional Regulators to develop an evidence base against which the success or effectiveness of existing diversity and equality initiatives by approved regulators can be measured. This will include working with the approved regulators to determine what the sectors' aspirations should be in terms of increasing diversity within the profession.

The LSB notes that the potential impact of ABS on diversity has been considered under a separate consultation process for ABS. The guidance to Licensing Authorities on their approach to regulating ABS has now been published on the LSB's website.

The LSB is committed to completing impact assessments through our policy making process. As a priority we will develop our processes to improve their focus on equality

² Please see ANNEX A for a list of attendees to the workshops and supplementary session.

issues and ensure that this is embedded in the staff development strategy which we are currently developing. This will include early engagement with relevant groups.

4. The LSB's Final Equality Scheme 2010/11

The LSB's Final Equality Scheme 2010/11 will be amended according to feedback received through the consultation process.

The Final Equality Scheme 2010/11 will be built on in the coming months subject to the LSB's ongoing work programme. It will be reviewed later in the year alongside the Business Plan 2010/11. We will be guided by our statutory duties under the Legal Services Act 2007 and the Equality Act 2010. Our duty to follow better regulation principles, both in relation to transparency, which we believe will be a key tool in ensuring effective implementation and proportionality, will ensure that our systems and efforts as an organisation of only 35 people are most effectively targeted.

A copy of the Final Equality Scheme for 2010/11 is available on the LSB's website.

ANNEX A Participation in the consultation process

List of respondents who provided written comments

- The Bar Standards Board (BSB)
- The Black Solicitors Network (BSN)
- The British Nigeria Law Forum (BNLF)
- The Council for Licensed Conveyancers (CLC)
- The General Council of the Bar (BC)
- The Institute of Legal Executives and ILEX Professional Standards Limited (ILEX and LEX IPS)
- The Institute of Trade Mark Attorneys (ITMA)
- The Law Society (TLS)
- The Legal Services Commission (LSC)
- The Solicitors Regulation Authority (SRA)

List of attendees to the workshops

- Better Regulation Executive
- Ministry of Justice
- The Law Society
- Legal Services Consumer Panel
- Institute of Chartered Accountants in England and Wales
- Legal Complaints Service
- Institute of Barristers Clerks
- Office of Fair Trading
- Legal Services Commission
- Institute of Trade Mark Attorneys
- Commercial Bar Association Equality and Diversity Committee
- Bar Council
- Claims Management Regulator
- Association of Law Costs Draftsmen
- Solicitors Regulation Authority
- National Association of Paralegals
- Society of Scrivener Notaries
- Institute of Professional Willwriters
- John Flood (University of Westminster)
- Fellowship of Professional Willwriters and Probate Practitioners
- Commercial Bar Association
- Committee of Heads of University Law Schools
- Bar Standards Board
- Professor Stephen Mayson (Legal Services Policy Institute)

List of attendees to the supplementary session³

- The Black Solicitors' Network
- The Disability Law Service

³ A number of interest groups from both lawyer and non-lawyer or consumer backgrounds were contacted to attend the supplementary workshop. The interest groups broadly covered different areas of equality in terms of age, race, disability, gender, religion or belief, sexual orientation and gender identity. Government departments and other diversity related groups were also invited to attend. We are keen to widen the range of bodies that we consult with so if you would like to be added to our consultation list, please let us know.

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