

Response of the Bar Lesbian and Gay Group (BLAGG) to the Legal Services Board Consultation: Increasing diversity and social mobility in the legal workforce

This response is prepared by the Co-chair of BLAGG, and while attempting to represent the views of our members it is not the result of specific consultation. It only relates to the monitoring of sexual orientation at the Bar, rather than dealing with other forms of diversity or professions.

Question 1

What are your views on our assessment of what diversity data is currently collected? Are there any other sources of data that we should be aware of?

BLAGG agrees that there is at present insufficient data available to make a reliable assessment about sexual orientation, and that more comprehensive evidence should be gathered from across the Bar.

Question 2

What are your views on our assessment of what the available diversity data tells us?

As per the previous question, there is not presently sufficient data to be able to make a proper assessment of sexual orientation diversity.

Question 3

Is there other diversity research we should be aware of, that we did not take account of in our review of existing literature?

No. The only reasonably comprehensive and scientific survey concerning sexual orientation was the 2007 Bar survey referred to in the consultation paper.

Question 4

Are there any other existing diversity initiatives run by approved regulators which are not reflected in our outline of current initiatives?

BLAGG adopts the comments of the Bar Council's Equality and Diversity Committee: without a definition of 'diversity initiative' finds this question difficult to answer.

Question 5

What are your views on the immediate priorities for 2011 we have identified? If you disagree with our priorities in relation to equality and diversity, what should they be (bearing in mind the regulatory objectives, the Equality Act obligations and the Better Regulation principles)?

BLAGG again adopts the comments of the Bar Council's Equality and Diversity Committee, which were prepared with our input. While it is necessary and desirable to obtain more comprehensive evidence on the diversity of the Bar (and by way of comparison with those applying for the BPTC and pupillage if possible), to do so at a chambers level would risk being counterproductive. Having canvassed the opinion of our members before on this issue, there was grave concern that those applying to sets of chambers would not feel that their answers were anonymous: it was thought that because only one to three people normally commence pupillage or join a set of chambers at any one time, the risk of being identified would be too high. Even a 'prefer not to say' option would not allay such fears, because of the inference often made from such an answer.

Many thought that by asking such questions sets of chambers could risk even putting people off applying. That may not be the case with very large sets, but our members remain to be convinced. In the circumstances we share the Bar Council's view that a range of other options, especially anonymous surveys, should be considered rather than set by set monitoring of sexuality.

Question 6

Do you agree that a more comprehensive evidence base is needed about the diversity make-up of the legal workforce?

Yes, as per the above answers, but not on a chambers by chambers basis. The benefits of transparency in terms of encouraging diversity are accepted, but in the case of sets of chambers and sexual orientation such questions could be counter-productive.

Question 7

What are your views on our proposal that in principle approved regulators should impose regulatory requirements on the entities they regulate, requiring them to publish data about the diversity make-up of their workforce?

As dealt with above, and adopting the Bar Council's response, a blanket requirement on sets of chambers (if they are to be included in the definition of entities) would not further the broader aim of such regulation. Having due regard to the need to eliminate discrimination, the most effective way of doing that with regard to sexual orientation in our view is to assess the make up of those at the Bar and applying for pupillage and the BPTC by anonymous survey.

Questions 8 to 33

BLAGG adopts the answers given by the Bar Council, and in particular endorses the view expressed in relation to Question 12 that data should also be obtained in relation to barristers' clerks, who are fundamental to ensuring that work is distributed fairly to barristers.

9th March 2011