

Annex C: Equality Impact Assessment

Equality Analysis – Practice Area Declaration

Date of Assessment	May - September 2017
Name of Policy/Function to be Assessed	<p>Rule change for new reporting and registration requirements:</p> <ul style="list-style-type: none">• Declare areas of practice; and• Declare the percentage of income derived from each area of practice; and• Declare the percentage of income derived from public access work; and• Provide the BSB with a unique email address to access the My Bar portal
Aim/Purpose of Policy	<p>We are proposing a rule change which would require barristers to declare their areas of practice during the Authorisation to Practise (AtP) process from 2018, accompanied by the percentage of income attributable to each area.</p> <p>We are also proposing that barristers who have declared they are undertaking public access work must provide us with the percentage of their total income that this accounted for in the last full calendar year.</p> <p>By collecting this information, it will enable us to have more reliable information on the Bar and a good understanding of the dynamics of the market.</p> <p>Without such information, we are limited in our ability to be an effective risk-based regulator – one that is targeted and proportionate in our work - if we view the Bar as a homogenous set of practitioners and practices.</p> <p>The aim of proposing a new rule which would require barristers to provide us with a unique email address is to ensure their data is kept confidential, by not allowing other users (who may be using the same username if it</p>

	was a general email for example) to view and edit personal details.
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1. Do you consider the policy to have an adverse equality impact on any of these groups? Write either 'yes' or 'no' next to the appropriate group(s).

Race	No	Sexual Orientation	No	Marriage/Civil Partnership (only in employment matters)	No
Gender	No	Religion/Belief	No		
Disability	No	Gender Reassignment	No		
Age	No	Pregnancy/Maternity	No		

2. If you answered 'yes' to any of the above, give your reasons why.

3. If you answered 'no' to any of the above, give your reasons why.

We do not have evidence to suggest that the introduction of rules which would require barristers to comply with the above would result in a significant adverse impact on the protected characteristics outlined above.

We do acknowledge that some individuals may require reasonable adjustments in order to comply with these requirements and we can take steps to accommodate this on request.

We anticipate, that by having more robust data on areas of practice that we will be able to be risk based when targeting our regulatory activities. This could have a positive impact on barristers if we identify a relationship with the protected characteristics.

Equality Analysis - Youth Court registration

Date of Assessment	May - September 2017
Name of Policy/Function to be Assessed	Rule change for new reporting and registration requirements – Registration of Youth Court work
Aim/Purpose of Policy	<p>We are proposing a rule change which would require barristers to register if they have undertaken work in the Youth Court in the last 12 months, and if they are currently instructed to do so. At the point of registration, barristers would need to declare their competency against the Youth Proceedings Competences.</p> <p>This will be captured either during the AtP process from 2018, or if a barrister registers within 28 days after having undertaken the work (if they did not register during AtP).</p> <p>The aim of introducing this rule change is to ensure that we understand which barristers are undertaking such work so that we can tailor our regulatory activities accordingly and to improve standards of advocacy in the Youth Court.</p>

4. Do you consider the policy to have an adverse equality impact on any of these groups? Write either 'yes' or 'no' next to the appropriate group(s).

Race	No	Sexual Orientation	No	Marriage/Civil Partnership (only in employment matters)	No
Gender	No	Religion/Belief	No		
Disability	No	Gender Reassignment	No		
Age	No	Pregnancy/Maternity	No		

5. If you answered 'yes' to any of the above, give your reasons why.

6. If you answered 'no' to any of the above, give your reasons why.

Race

Practitioners

We do not have evidence to suggest that this policy will adversely impact on barristers on the basis of race.

As the proposed rule would impose a minimal burden on barristers undertaking this work, we do not anticipate that introducing a registration process will have a significant adverse impact on BAME barristers.

Consumers

Young people from a White ethnic background accounted for 75% of all young people receiving a youth caution or court conviction in the year ending March 2016. Those from a Black ethnic background accounted for 9%, those from an Asian ethnic background for 5% and those from a Mixed ethnic background for 6%. The Other ethnic group made up 1%¹. This is not representative of the UK population and we therefore anticipate that young people from BAME backgrounds are more likely to be impacted by the Youth Court project since they are over-represented in the youth justice system². As we will know which barristers are undertaking work in the Youth Court, we will be able to tailor our supervisory activities accordingly. We aim that this will increase standards of advocacy in this area which could have a positive impact on those clients from BAME backgrounds as they are disproportionately represented in the Youth Justice system.

Consumers may be aware that they can check whether their advocate is registered to undertake work in the Youth Court but as we are not prohibiting barristers from representing clients if they are not registered, as they will still be covered by the general competency rules within the Handbook, we do not anticipate a negative impact will result of the publication of the registration.

Gender

Practitioners

We do not have evidence to suggest that this policy will adversely impact on barristers on the basis of gender.

As the proposed rule would impose a minimal burden on barristers undertaking this work, we do not anticipate that introducing a registration process will have a significant adverse impact on barristers on the basis of gender.

Consumers

As males are over-represented in the youth justice system³ we anticipate that any increase in the standards of advocacy will have a greater impact on males.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/585897/youth-justice-statistics-2015-2016.pdf [30-31]. The remaining 5% were unknown.

² <https://www.gov.uk/government/statistics/youth-custody-data> and http://webarchive.nationalarchives.gov.uk/20160105160709/http://www.ons.gov.uk/ons/dcp171776_2_90558.pdf

³ <https://www.gov.uk/government/statistics/youth-custody-data>

Age

Practitioners

We do not have evidence to suggest that this policy will adversely impact on barristers on the basis of age.

Consumers

Our proposals specifically target young consumers due to the focus of the Youth Court. The report on advocacy in youth proceedings showed that a number of respondents were unlikely to continue practising in this area, with some stating the reason for this being the relatively low pay and status of Youth Court advocacy⁴. It could be suggested that requiring barristers to fulfil extra criteria (registration) may create a disincentive to undertake such work, which may have an adverse impact on young consumers. However, as this will impose a minimal burden, we consider that this relatively unlikely risk is justified.

We do not have evidence to suggest that the implementation of a rule requiring registration and declaration of competency will impact of the following protected characteristics;

disability, religion/belief, sexual orientation, gender reassignment, pregnancy/maternity, marriage and civil partnership.

⁴ The Youth Proceedings Advocacy Review: Final Report, Ali Wigzell, Amy Kirby and Jessica Jacobson, Institute for Criminal Policy Research, 2015 [18]

Equality Analysis – The Regulations

Date of Assessment	May - September 2017
Name of Policy/Function to be Assessed	Rule change for new reporting and registration requirements – The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (the Regulations)
Aim/Purpose of Policy	<p>We are proposing a rule change which would require barristers to disclose during the Authorisation to Practise (AtP) process:</p> <ol style="list-style-type: none"> 1. whether they have undertaken, are currently undertaking or have been instructed to undertake work which falls within the scope of the Regulations as set out in paragraphs 11 (d), 12 (1)(a) to (e) and (2) (a) to (d); and if they do, to declare: <ol style="list-style-type: none"> a. annually that they have not been convicted of a relevant offence as listed in Schedule 3 of the Regulations; and b. that they will undertake a basic disclosure check and provide the result to the BSB

7. Do you consider the policy to have an adverse equality impact on any of these groups? Write either 'yes' or 'no' next to the appropriate group(s).

Race	No	Sexual Orientation	No	Marriage/Civil Partnership (only in employment matters)	No
Gender	No	Religion/Belief	No		
Disability	No	Gender Reassignment	No		
Age	No	Pregnancy/Maternity	No		

8. If you answered 'yes' to any of the above, give your reasons why.

9. If you answered 'no' to any of the above, give your reasons why.

Race

Foreign lawyers may not be able to satisfy the document requests for the basic disclosure checks. For these individuals, we would expect them to contact the Supervision department at the BSB. We will then take a risk-based approach in response and review each matter on a case by case basis. We do not therefore anticipate that foreign lawyers will be adversely impacted as we are not proposing that a failure to obtain the basic disclosure check by June 2018 will necessarily mean they must cease practice until the result is available.

Disability & Age

Barristers will be required to declare online as part of the annual AtP process. This process is predominantly conducted online which may affect those barristers who have IT literacy issues as the result of a disability and we can make reasonable adjustments if required.

Some older people may also find an online system more difficult to navigate and require more support. We can make reasonable adjustments if required.

We do not have evidence to suggest that the implementation of a rule which would require barristers to make the above disclosures and undertake a basic disclosure check will have an adverse the following protected characteristics; **gender, sexual orientation, religion/belief**, whether they are, have or are proposing to undergo **gender reassignment** or whether they are **pregnant or on maternity**.