

**Meeting:** Legal Services Board

**Date:** 20 October 2020

**Item:** Paper (20) 49

**Title:** **Diversity and inclusion work plan**

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**Status:** Official

### **Introduction: Purpose of the paper**

1. We have been distilling the Board's long-standing desire to drive the pace of change in relation to the diversity objective into a coherent programme of activity. This paper sets out that programme and provides updates where relevant.

### **Recommendation(s)**

2. The Board is invited to note the paper and provide feedback.

### **Background**

3. We expect diversity and inclusion to be a significant priority in our new strategy and therefore we have developed a plan for how best to use the remainder of this financial year on activities which lay strong foundations for future work, alongside our wider commitments. Our plan covers the following areas:
  - a) better use of regulatory levers
  - b) convening power
  - c) strengthening the evidential approach, including work on intersectionality and socio-economic diversity ("social mobility")
  - d) developing a consumer strand of diversity and inclusion work (recognising that experience of legal services can differ significantly for different groups)

### **Better use of regulatory levers**

4. We have already put the regulators on notice of our intention to focus on:
  - a) barriers to progress (and not just entry)
  - b) evaluation

- c) differential impact on disciplinary outcomes
- 5. We consider the first two bullets to be already provided for in our existing guidance, although arguably with less emphasis than we have recently added. Before the end of this business year, we will **critically analyse** the current approaches regulators are taking on understanding barriers to progress and evaluation. From the analysis of the returns provided to us earlier this year we will test our emerging findings through a series of workshops with regulators and stakeholders. In particular, this will help us to **identify any good examples of evaluation and initiatives** that are having a positive impact. We will also use these workshops as an opportunity to start to **review the impact and effectiveness of our current statutory guidance**, ahead of a more formal review in the next business planning year.
- 6. We expect the findings of this work to feed into a **systemic review of the regulatory performance framework**, including our statutory guidance on diversity and inclusion, which we are currently expecting to schedule in the second half of 2021.
- 7. That review will also, subject to consultation, allow us to establish very clearly expectations in relation to **disciplinary outcomes**.

### **Convening power**

- 8. As we move through and beyond the intense engagement on the strategy, we expect Diversity and Inclusion to become a focus for our convening power going forward. We expect there to be a locus for us in **convening and co-producing** work on matters including:
  - a) Approaches to design and evaluation of interventions
  - b) Collation and use of data
  - c) “Lived experience” of legal professionals

### **Strengthening our evidential approach**

- 9. In general terms, much comparative progress has been made in terms of data gathering, but weaknesses and gaps remain. For example, social mobility has not featured strongly in the evidence base, and it is only recently that intersectionality has begun to be considered. We propose to build both into our framework.

### **Developing a consumer strand of diversity and inclusion work**

- 10. Until now, most of the LSB’s focus has been on the diversity objective and hence on diversity of the profession.
- 11. However, the legal needs analysis study we published (with the Law Society) earlier in the year provides insights into the access issues associated with diversity. We expect this to feature in the strategy. In the meantime, within the evidence compendium for the state of the legal sector report we include analysis into how those with protected characteristics and/or lower socio economic

background address the legal issues they face. Consumer diversity will inform further segmentation work on the data that we will carry out later in 2020/21.

<b>Risks and mitigations</b>	
<b>Financial:</b>	N/A
<b>Comms and engagement:</b>	There are significant challenges to demonstrating that the sector has an effective approach to improve diversity and inclusion. The LSB's guidance with its four outcomes has been effective in encouraging tailored approaches by each regulator on initiatives and data collection. However, the complexities of a variable approach coupled with the lack of reliable underpinning data means that an assessment of actual impact by each regulatory body is not possible. This has hampered our ability to assess progress made and therefore to promote meaningful change to the regulators' approaches.
<b>Resource:</b>	Depending on the decisions of the board on the scale of future actions, additional resource may be required.

<b>Freedom of Information Act 2000 (Fol)</b>		
<b>Para ref</b>	<b>Fol exemption and summary</b>	<b>Expires</b>
None	<u>N/A</u>	