



THE LAW SOCIETY
of SCOTLAND
www.lawscot.org.uk

EQUALITY & DIVERSITY STRATEGY

Including our Race, Disability and Gender
Equality Schemes - 2008 to 2011

CONTENTS

SECTION 1 FOREWORD

SECTION 2 EXECUTIVE SUMMARY

SECTION 3 WHO WE ARE AND WHAT WE DO

- A Overview
- B The Council and Committees
- C The Executive
- D The Strategic Aims of the Organisation

SECTION 4 WHAT ARE EQUALITY AND DIVERSITY?

- A Definitions of Equal Opportunities, Equality, and Diversity
- B The Separate 'Strands' of the Equalities Legislation
- C Statement of Council on what Diversity means for the Society
- D Mainstreaming Equality to Promote Diversity

SECTION 5 EQUALITY, DIVERSITY AND THE LAW

- A Legislation
- B Codes of Practice
- C What Protection is Offered?
- D The Society's Codes of Conduct

SECTION 6 A SINGLE SCHEME – WHY AND HOW?

- A Introduction
- B The General Duties (Race, Disability and Gender)
- C The Specific Duties (Race, Disability and Gender)

SECTION 7 WHAT DID THE LAST EQUALITY AND DIVERSITY STRATEGY ACHIEVE?

- A Introduction
- B Our Original Targets
- C Additional Work to Assist in Meeting the General Duties

SECTION 8 MEETING THE GENERAL DUTIES

SECTION 9 GATHERING INFORMATION

- A Introduction
- B Society Staff – Data and Views
- C Job Applicants
- D The Profession
- E Other Relevant Data

SECTION 10 INVOLVEMENT AND CONSULTATION

- A Introduction
- B Working with Individuals
- C Our Elected Council and our Membership
- D Diversity Advisory Group
- E Equality Forum
- F Working with Other Organisations
- G Major Involvement Projects – Equality Specific
- H Major Involvement Projects – Mainstreaming the Equality Dimension

SECTION 11 IMPACT ASSESSMENT

- A Introduction
- B The Future of Impact Assessment

SECTION 12 MONITORING OUTCOMES

- A Introduction
- B Future Plans

SECTION 13 TRAINING

- A Introduction
- B What Impact has Training Had?
- C What is Planned Next?

SECTION 14 ACCESS TO INFORMATION AND SERVICES

SECTION 15 WHAT HAPPENS NEXT?

SECTION 16 REPORTING ON PROGRESS & UPDATING OUR STRATEGY

APPENDICES

A ACTION PLAN

B HOW OUR STRATEGY LINKS TO THE THREE SETS OF 'SPECIFIC' STATUTORY DUTIES

C EQUAL PAY STATEMENT

The Society believes that organisations sharing information, ideas and experiences in relation to diversity affords the greatest opportunity for us all to move forward in this important work. We would encourage anyone with questions or feedback about our work to contact the Head of Diversity (diversity@lawscot.org.uk, 0131 226 7411 or text-phone 0131 476 8359).

FOREWORD

1. This is a single equality strategy, representing a single commitment - to ensure equality and to take strength from diversity.
2. The Society has successfully completed an ambitious and progressive three-year strategy on equality, and now seeks to build on that by setting an agenda for both the organisation and the wider profession for the next three years.
3. The Society has taken account of the specific requirements of the Race, Disability and Gender Equality duties, but continues its policy of addressing all strands of equality in an integrated way so as to ensure that the lessons learnt from the specific requirements of one area are applied across all that we do.
4. For example, the Race requirements have made us consider how our organisation is perceived both by our members and by the general public. The Disability requirements have made us think about how everyone accesses our services. The Gender duties have encouraged us to rethink patterns of work for all.
5. Equally important to us are the areas not currently covered by a public sector requirement. We realise our work on sexual orientation and transgender issues sent a powerful message about a modernising organisation, whilst our exploration of faiths has led us to consider the attributes lawyers bring to their work above and beyond what is provided by formal education and training. Consultations now regularly collect data on issues such as the age of the respondent to ensure we can genuinely represent the full spectrum of the profession in Scotland and map trends, for example, different attitudes to issues such as education of the use of IT.
6. We are proud of our achievements so far, and have been reassured when various external reviews of our work have identified examples of best practice in what we do. In particular, the work of the Professional Associations Research Network flagged several case studies of best practice based on our work, and

also provided valuable ideas from other professions about how we can continue to improve our approach.

7. We also believe in speaking openly and publicly about our equality work, and presenting at conferences and events, which allows us to share our experiences of implementing an equality strategy and highlighting both the successes, and the challenges still to be faced. This is because we firmly believe that open debate, a willingness to learn from others, and transparency about strengths and issues will progress the equality agenda further for all organisations.
8. This belief also led us to work with the new Equality and Human Rights Commission on our 2007/2008 Schools Debating Tournament - the largest debating competition in Scotland. Throughout the heats young people were encouraged to explore often difficult and controversial issues, and debated with skill and understanding topics like *'This house believes that immigrants are a drain on Scotland's public services'*. A grand final was held in the debating chamber of the Scottish Parliament and chaired by the Presiding Officer. Such work demonstrates our commitment not just to ensuring we meet minimum standards, but to truly promote greater understanding of equality to our members, the general public and throughout civic Scotland.
9. The Society knows there is more still to be done, and our programme of planned work shows honest reflection on the real issues still facing us, including; the 'pay gap' in the profession, the experiences of solicitors from minority ethnic groups, and the challenges faced by disabled people in accessing legal services. We have sets targets and plan to monitor impact, we will continue to liaise with groups and individuals to learn what we can do better, and work to ensure that Equality and Diversity are meaningfully considered in all aspects of our work.
10. We would like to thank everyone who has contributed to the development of this area so far, and to encourage others to raise their views and ideas as we move to implementing this new three-year strategy. Particular thanks go to Kathryn Ramsden and Imogen Blood of Equality Works, whose help, support and enthusiasm has been invaluable.

Richard Henderson

President

The Law Society of Scotland

EXECUTIVE SUMMARY

11. **This Equality and Diversity strategy covers the period November 2008 to November 2011.**
12. It meets our responsibilities in relation to the publication of a Race Equality Scheme, Disability Equality Scheme, Gender Equality Scheme, and Equality Policy. It also applies the principles of these schemes to the other strands of equality.
13. **In this Strategy you can find out about:**
- | | |
|--|----------------------|
| What we do as an organisation , the committees and departments we have, and the services we provide | Section 3 |
| How we see the law applying to our organisation , and the services we provide | Sections 5, 6, and 8 |
| What our last strategy achieved , and the many ways we have ensured equality of access to our services, and diversity of contribution to our work | Section 7 |
| The information and data we have collected to ensure that we meet the required standards, and what we plan to collect in the future | Section 9 |
| How we involved people in the development of this strategy, and how we will involve and consult in the future, including how you can contribute | Section 10 |
| How we impact assessed all our key policies and processes , ensuring that all aspects of equality were considered | Section 11 |
| How we will monitor progress and outcomes and report on progress | Sections 12 and 14 |
| The objectives we have set ourselves in our Action Plan | Appendix A |
14. **The Society remains committed to mainstreaming Equality and Diversity across all its work, and believes this strategy shows both its level of commitment and the tangible progress it is making in this field.**

WHO WE ARE AND WHAT WE DO

A. OVERVIEW

15. The Law Society of Scotland is the regulatory and membership body for Scottish solicitors. It was established by the Legal Aid & Solicitors (Scotland) Act in 1949. The main aims of the Society are set out in the Solicitors (Scotland) Act 1980. In essence, the Society promotes the interests of the solicitors' profession in Scotland and the interests of the public in relation to the profession.
16. All practising solicitors in Scotland must be members of the Society and must hold a current Practising Certificate. These are issued annually by the Society and the charge made for the certificate provides the majority of the Society's income. The organisation is not funded by the government, nor associated with the civil service or any other executive agencies. Nevertheless, many of our functions are regulatory and are deemed 'public functions', therefore a high standard of fairness and equity is expected by public and government alike, of which a commitment to Equality and Diversity is part.

B. THE COUNCIL AND COMMITTEES

17. A Council of 53 members governs the Society. Of this number; constituents elect 44 based on the geographic spread of Sheriffdoms in Scotland, and 9 are co-opted from industry, commerce, local government and private practice. Four non-solicitor observers contribute to the debates of Council and the Society is currently seeking changes to our governing statute to see their role on Council become formalised. The Council meets monthly to discuss current legal issues, policy, and to oversee the decisions of the committees of the Society.
18. The Council also elects a President and Vice President for the Society who serve a one-year term of office. The President chairs the 'President's Committee', the main executive committee of the organisation. This is comprised of the President, Vice President, the past President, the Treasurer, an elected ordinary member of Council, the Chief Executive and the Deputy Chief Executive.

19. The Council delegates some of its responsibilities to its committees and others directly to the Executive (staff) of the Society. Some of these committees have formal regulatory functions, whilst others monitor and develop services across a wide range of areas. Schemes of Delegation define which areas can be dealt with by the Executive staff of the organisation, by committee, or by the recommendation of a committee to Council.

20. Key Committees within the Society are:

| Regulatory Committees | Non-Regulatory Committees |
|--|--|
| Admissions Committee | Access to Justice Committee |
| Audit Committee | Civil Procedure Committee |
| Client Care Committee | Conveyancing Committee |
| Client Relations Committees (x 10) | Criminal Law Committee |
| Competence Committee | Education and Training Committee |
| Conveyancing & Executry Practitioners Com. | Equality and Diversity Committee |
| Guarantee Fund Committee | In-House Lawyers Group |
| Insolvency Solicitors Adjudication Committee | Insolvency Solicitors Committee |
| Insurance Committee | Law Reform Committee |
| Investor Protection Committee | <i>Employment Law Committee*</i> |
| Practising Certificate Committee | <i>Mental Health & Disability Committee*</i> |
| Professional Conduct Committee | <i>Equalities Law*</i> |
| Professional Practice Committee | Legal Aid Solicitors Committee |
| Quality Assurance Committee | President's Committee |
| Rights of Audience Committee | Remuneration Committee |
| (Section 31) Legal Aid Complaints Committee | Strategy Group |

** The Law Reform Committee has numerous sub-committees focussing on specific areas of law, only three are included here because of their relevance to the strategy.*

21. Committee appointments are advertised in the national press and law journals, and solicitors and non-solicitors are short-listed against predetermined criteria in a transparent process.

22. Reform of our governance structures are anticipated in the coming years and consultation with our membership and stakeholders will ensure issues around Equality and Diversity are taken into account during this period.

23. We are happy to provide further information on the work of these committees to those who are interested.

C. THE EXECUTIVE

24. In addition to the Council, the Society has a permanent staff of around 130, who are responsible for the administration and day-to-day running of the organisation. Headed by the Chief Executive, the staff work with the committees and progress the various areas of interest to the profession such as law reform, practice development and education and training. The Society's Brussels office monitors European law and the Society lobbies in Edinburgh, Westminster and Brussels for law reforms to help improve Scottish law.

25. The Executive is divided into several core operational areas that also represent our major functions. These are:

26. STANDARDS

Client Relations Office

Dealing with complaints from the public and other sources in relation to solicitors, and the provision of a help-line service in relation to complaints.

Financial Compliance

Administration of the Guarantee Fund (which covers the financial losses of clients as a consequence of dishonesty on the part of a solicitor in the conduct of their practice), inspection of the accounts of solicitors, and interventions in practices where required.

Regulation Liaison Team

Liaising with the new Scottish Legal Complaints Commission and advising the profession on meeting the Commission's requirements.

27. PROFESSIONAL SUPPORT

Professional Practice

Support and guidance for the profession in relation to ethics, The Codes of Conduct and the Practice Rules set by the Council of the Society.

Education and Training

Responsible for the accreditation of providers of pre-qualification legal education, monitoring traineeships, careers advice and admissions to the profession.

UPDATE Department

Provides post-qualification training and education events for solicitors on

a commercial basis. Supporting In-house lawyers with government, commerce, the public and private sectors, and the not-for-profit sector.

28. **REGISTRAR**

Responsible for dealing with issues in relation to practising certificates (required by all solicitors in Scotland), professional indemnity insurance arrangements for solicitors in private practice, and for various regulatory functions in relation to investment business.

29. **CHIEF EXECUTIVE'S OFFICE**

Human Resources

Provision of all internal Human Resources functions.

Business Development

Developing commercial services for the Society.

Corporate Communications

Central contact point for media requiring comment from the Society or the profession on legal issues, provision of internal media training and briefings, proactive provision of press-releases and articles.

Strategic Change

Supporting the delivery of major organisational change programmes, including the Equality and Diversity work of the Society.

30. **LAW REFORM**

Provides commentary and analysis on various proposals for law reform from around the UK and other European institutions, with the aim of improving the law in the Scottish legal system for the benefit of the public and the profession by promoting change and responding to consultations.

31. **CENTRAL SERVICES**

Comprises several teams providing reception services, records management, property management, internal finance and accounting, post office and printing services, catering, and IT.

32. The Society also provides additional services for the public, for example a wide range of easy-to-understand leaflets giving information on a broad range of legal topics. These can be obtained from the Society (in electronic or paper format), from solicitors' offices and from general public outlets.

33. Further restructuring is envisaged to continue in the future and groupings of functions may be subject to change.

C. STRATEGIC AIMS OF THE ORGANISATION

34. The Executive Staff of the Law Society of Scotland developed a strategy for the organisation which was approved by Council in August 2008.

35. The Society's over-arching aim is:

“To be recognised as an effective, relevant and innovative professional body, protecting the public interest and leading a successful and respected profession.”

36. To achieve this, we recognise the need to keep certain 'shorthand' ambitions in mind at all times:

- a. Ensure high standards for membership of the profession
- b. Continuously improve quality standards for the delivery of legal services
- c. Be the leading provider of business services, training and support to the profession
- d. Play a prominent role in civic Scotland

37. Our business plans for the coming period are currently being developed, and must reflect these ambitions and support the Corporate Objectives to:

Offer a rigorous and respected route to qualification as a Solicitor and continuing development of requisite professional and business skills

- f. Be recognised as a centre of excellence for career-long training, development and professional recognition of Solicitors and associated legal practitioners
- g. Ensure the Society adopts a flexible and responsive approach to improving quality and standards of service and conduct in compliance with the regulatory framework
- h. Encourage our members to aspire to and deliver exacting but meaningful standards in all the work they do
- i. Build strong and productive relationships with our members, the different sectors of the profession and varied publics we serve

38. If the goal of 'mainstreaming' is to be achieved then it is essential that there is an overt link between Equality and Diversity and the strategic plan of the organisation. This link must be bi-directional; Equality and Diversity must always be taken account of in moves to achieve each of the organisation's overall strategic objectives, and key issues identified through Equality and Diversity must feed into the organisation's overall plan and influence the direction and content of it where necessary.
39. In developing the strategic objectives the Strategy Group reviewed data from our various research studies and profiling exercises. The Head of Diversity also sat on the Society's overall Strategy Group. It was considered that a key part of being seen as "*effective, relevant and innovative*" was that we served all groups within the profession and the general public fairly and well. All of the lower level objectives were also influenced by thinking on equality. For example, in discussing what would make us a "*centre of excellence*" for training, we concluded that it was likely to involve options to allow everyone to participate, which might include distance/online learning (for those unable to attend courses through geography or carer responsibilities), and that these would need to be accessible to people with a range of impairments. In discussing "different sectors of the profession" it was noted these might be occupational ('large firm' and 'high street practice') or demographic ('new lawyers', 'parents/carers').
40. If you wish further information on the Society it can be found on our website, or you can contact the Head of Diversity directly (diversity@lawscot.org.uk, 0131 226 7411 or text-phone 0131 476 8359).

WHAT ARE EQUALITY AND DIVERSITY?

A. DEFINITIONS OF EQUAL OPPORTUNITIES, EQUALITY, AND DIVERSITY

41.

Equal Opportunities

Equal Opportunities may be the term in this field that most people are familiar with. In business it has historically been summarised as ‘treating everyone the same’ and concentrated on legal requirements. Organisations tended to take a compliance-driven, reactionary and/or tokenistic approach to the subject meaning the term has often been relegated to little more than a cliché. HR/Personnel departments were traditionally responsible for implementing Equal Opportunities Strategies and even where this was done to a high standard there was often a failure to transfer the skills and best practice to other business areas, particularly in relation to service delivery. Whilst there are numerous examples of successful Equal Opportunities Strategies which have delivered real change, the Society has not used the term in the remainder of this document because of its mixed connotations.

42.

EQUALITY / EQUALITIES

Equality is about creating a fairer society where everyone can participate and has the same opportunity to fulfil their potential. Equality is backed by legislation designed to address unfair discrimination based on membership of a particular group. A more detailed list is provided at Section 5 but some of the Acts you may be most familiar with are:

Race Relations Act 1976
Sex Discrimination Act 1975
Disability Discrimination Act 1995

Core concepts:

- Equality of outcome
- Compliance with legislation
- ‘Owned’ by experts
- Risk management (of litigation)

DIVERSITY

Diversity is about recognising that everyone is different in a variety of visible and non-visible ways. It is about creating a culture and practices that recognise, respect and value difference. It is about harnessing this potential to create a productive environment in which the equally diverse needs of the customer/client can be met in a creative environment. It is about creating a workforce who feel valued/respected and have their potential fully utilised in order to meet organisational goals. Diversity is not an ‘initiative’ or a ‘project’, it is an ongoing core aim and a core process.

Core concepts:

- Recognising difference
- Linking diversity to business goals
- Diversity as ‘mainstream’ vision
- Benefits of diversity are stressed

B. THE SEPARATE 'STRANDS' OF THE EQUALITIES LEGISLATION

43. Throughout this document we refer to the 'strands' of equality. In simple summary form these are:

| | |
|------------------------------|--|
| Race | Discrimination is prohibited on the grounds of a person's race, colour, nationality, and their ethnic & national origins in employment and the provision of goods & services |
| Sex | Discrimination is prohibited on the grounds of a person's sex, marital/civil partnership status or transgender status in relation to employment and the provision of goods & services |
| Disability | 'Disability' is defined as a physical/mental impairment with a substantial and long-term adverse effect on the ability of a person to carry out day-to-day activities – this covers employment, goods & services and our role as a Qualifications Body & Trade Organisation |
| Religion & Belief | Discrimination is prohibited on the grounds of religion, religious belief, or similar philosophical belief – this relates to employment, vocational training, and the provision of goods and services – some religions may also be covered under Race (those which 'map' to an ethnic group) |
| Sexual Orientation | Discrimination is prohibited in employment, training, and goods and services on the basis of a person's sexual orientation (or perception of it/association with someone with a perceived orientation), towards persons of the same sex, persons of the opposite sex, or persons of the same & of the opposite sex |
| Age | Legislation outlaws age discrimination in employment and vocational training (currently not goods and services). This covers private and public sectors. It will include every member of the workforce, young and old – age restrictions can, in certain circumstances, amount to sex discrimination. |

44. People may be less familiar with the concept of disability and on transgender status, so it is worth providing a little more information on these two areas:

45. ***Disability:***

The Disability Discrimination Act sets out the circumstances in which a person is considered 'disabled'. It says you are disabled if you have: a mental or physical impairment which has an adverse effect on your ability to carry out normal day-to-day activities, the adverse effect is substantial, the adverse effect is long-term (meaning it has lasted, or is likely to last, more than 12 months).

46. ***Transgender status:***

The term *transgender* refers to someone who considers that they do not identify strictly to one gender or the other. The term *transgender* includes a number of sub-categories which, among others, include transsexual, cross-dresser, transvestite, consciously androgynous people - the term gender dysphoria is often used to explain these tendencies.

47. More details definitions of all these areas are contained within the legislation and the statutory codes, noted in Section 5 of this strategy, and these must be taken into account in the detail of our equality work.

C. STATEMENT OF COUNCIL ON WHAT DIVERSITY MEANS FOR THE SOCIETY

48. On Friday 25th June 2004 the Council of The Law Society of Scotland pledged a commitment to diversity and ratified a formal statement. In developing this new strategy the statement was reviewed by both the Equality and Diversity Committee and the Council and it was again confirmed as our position statement on this important issue in a Council decision of November 2008.

49. As the professional body for solicitors in Scotland the Society has responsibilities to the profession, to the public as a whole, and as an employer. To represent and protect these truly diverse groups the Society recognises the need to:

- *Value the contribution from all who make up the population of Scotland*
- *Take strength from the widest experience, knowledge and understanding it can access – both within and outwith our Society membership*
- *Go beyond legal compliance by integrating diversity into all that we do*

And

- *Promote the core values of diversity to the profession as a whole.*

50. The emphasis is on creating a culture of 'Inclusivity' and continuous development, above and beyond the limitations of each strand of equality – for the reasons explored in Section 6. Whilst understanding and continually consulting on issues such as 'Race', 'Disability' and 'Gender' is vital, a deliberate decision has been made to stress our responsibilities in a way that makes them core to our functioning rather than as a 'Diversity bolt-on' emphasising particular groups.

D. MAINSTREAMING EQUALITY TO PROMOTE DIVERSITY

51. The Society is committed to ***'mainstreaming' equality to promote diversity*** and it is noteworthy that the definition approved by Council (see above) places Equality and Diversity at the heart of carrying out its regulatory functions effectively and fairly.

52.

To the Society 'mainstreaming' means ensuring that:

- All staff take a responsibility for Equality and Diversity issues
- All managers know and meet their responsibilities to members of their team
- All managers know and meet their responsibilities in relation to the provision of services
- Council and Committee members are aware of Equality and Diversity and its implications for the decisions they make
- Equality and Diversity are taken into account at the start of every new project
- Equality and Diversity become a standard element of the criteria on which project and personal success are measured within the organisation
- Equality and Diversity is simplified so that all staff can understand key implications and issues, and where necessary, identify where they need to ask for more technical assistance
- We 'talk up' diversity, emphasising its importance and benefits to the Society and profession, specific projects, and our general operations
- Equality and Diversity is never viewed as solely the domain of Human Resources or a Diversity officer.

53.

'Mainstreaming' is the only way to ensure that diversity becomes a part of the way the Society functions rather than an 'initiative' or 'project' which sits alongside existing Society work. This approach can mean progress is slower than it would otherwise be; with managers taking time to learn the necessary knowledge and skills and experiment putting them into practice, whereas a dedicated Diversity Officer could perhaps arrive at solutions or provide guidance immediately. Nevertheless, it is the only approach which creates the sustainability and accountability which is essential if diversity is to be meaningful within an organisation. The Society is firmly committed to this approach.

54.

If you are interested in finding out more about Equality and Diversity and what they mean to you as an individual then you might want to look at the Equality and Human Rights Commission website:

www.equalityhumanrights.com

EQUALITY, DIVERSITY, AND THE LAW

A. LEGISLATION

55. The Law Society of Scotland recognises its legal responsibilities under the following legislation, as subsequently amended:
- **Equal Pay Act 1970**
 - **Sex Discrimination Act 1975**, as amended (SDA), in particular by the Sex Discrimination (Gender Reassignment) Regulations 1999 and the Sex Discrimination (Indirect Discrimination and Burden of Proof) Regulations 2001, The Employment Equality (Sex Discrimination) Regulations 2005, Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) (Scotland) Order 2007
 - **Race Relations Act 1976**, as amended (RRA), in particular by The Race Regulations (Amendment) Act 2000, the Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2002 (as amended) and The Race Relations (Amendment) Act 2003, The Race Relations Act 1976 (Statutory Duties) (Scotland) Order 2005
 - **Disability Discrimination Act 1995**, as amended (DDA), in particular by the Special Education Needs and Disability Act 2001, the Disability Discrimination Act 1995 (Amendment) Regulations 2003 and the Disability Discrimination Act 2005, The Disability Discrimination (Public Authorities) (Statutory Duties) (Scotland) Regulations 2005
 - **Employment Rights Act 1996**
 - **Protection from Harassment Act 1997**
 - **The Human Rights Act 1998**
 - **Employment Act 2002**
 - **Employment Equality (Religion or Belief) Regulations 2003**
 - **Employment Equality (Sexual Orientation) Regulations 2003**
 - **Disability Discrimination Act 2005**
 - **Equality Act 2006**
 - **Employment Equality (Age) Regulations 2006**
 - ***Single Equalities Bill (proposed)***

B. CODES OF PRACTICE

56. In addition to the legislation there are various Codes of Practice issued including:
- The Commission for Racial Equality code of practice on racial equality in employment (2006)
 - The Equal Opportunities Commission code of practice on sex discrimination; equal opportunities policies, procedures and practices in employment (2002)
 - The Equal Opportunities Commission code of practice on Equal Pay (2003)
 - The Equal Opportunities Commission code of practice on the Gender Equality Duty (2006)
 - The Disability Discrimination Act 1995 codes of practice in relation to employment (2004)
 - The Disability Discrimination Act 1995 codes of practice in relation to rights of access to facilities, services and premises (2002)
 - The Disability Discrimination Act 1995 codes of practice in relation to trade organisations and qualifications bodies (2004)
 - The Disability Discrimination Act 2005 codes of practice in relation to the Disability Equality Duty (2006)
 - The European Community code of practice on the protection of the dignity of men and women at work
57. All but one of these originates with one of the three former equality commissions. They now are available from the Equality and Human Rights Commission website (www.equalityhumanrights.com)
58. The legislation, and where appropriate the related Statutory Codes, affect our role as:
- Employer
 - Service Provider to the Public
 - Service Provider to the Profession
 - As a Trade (membership) Organisation*

- As a Qualifications Body*
- As a 'Public Authority' in respect of our 'public functions'*

** these three terms come from the equality statutes and apply to specific functions of the Society, rather than being how the Society would define itself*

C. WHAT PROTECTION IS OFFERED?

59. Again, it must be emphasised that each regime has its own specific requirements and rules. However, there are four areas in which protection is generally offered:

60.

1. Direct Discrimination

This is where a person is treated less favourably than another in a similar situation on a protected ground (as listed at Section 4 B).

2. Indirect Discrimination

This is where a rule or practice is applied across the board, but it operates to particularly disadvantage a protected group when compared to others outside the group, unless the rule is needed to achieve a legitimate aim, and the means of achieving that aim are appropriate and necessary.

3. Victimisation

This is where an individual who has sought to enforce their rights, or has helped another to do so, has as a result been treated less favourably than others who have not complained.

4. Harassment

This where an individual is subjected to unwanted conduct on a protected ground which has the purpose or effect of violating his or her dignity or of creating an intimidating, hostile, humiliating, or offensive environment.

61.

Two further important areas to consider relating to disability are:

5. Disability related discrimination

Employment

This is where a person is treated less favourably for a reason relating to their disability. This is different from direct discrimination in that the reason for the treatment relates to the disability, but is not the disability itself (which would be direct discrimination).

Goods and Services

Treating someone less favourably for a reason relating to their disability by:

- refusing to provide a service
- providing a lower standard of service
- providing a service on worse terms
- victimisation of people who complain

6. Duty to make reasonable adjustments

Employment

This is where a practice, procedure or policy, or a physical feature places a disabled person at a substantial disadvantage compared to a non-disabled person - the employer must adjust them where reasonable to do so.

Goods and Services

A failure to comply with the duty to make reasonable adjustments:

- changing practices, policies and procedures
- providing auxiliary aids or services
- overcoming a physical feature by:
 - removing the feature
 - altering it
 - providing a reasonable means of avoiding it
 - providing the service by a reasonable alternative method

Unless this can be justified on certain limited grounds such as:

- health and safety
- the disabled person cannot enter agreement or give consent
- the different treatment is necessary to provide the service to the public
- any increased charge reflects increased cost, beyond the requirement to take “reasonable steps” to meet duties
- an adjustment is “not reasonable in all the circumstances”
- a service provider is not required to “fundamentally alter the nature of the service in question or the nature of the trade, profession or business”
- the adjustment will cost more than the prescribed limit (*none set at the moment*).

62. Professional bodies, such as the Society, need to take particular care in relation to indirect discrimination, where rules around assessment, entrance requirements or standards of practice can ‘accidentally’ have a less favourable impact on certain groups. For example, a requirement to have ten years of practice experience prior to applying for a specialist status would discriminate against women, who are more likely to have taken time off at some point during their working life for maternity reasons, and may find it harder to reach this standard – the issue is that a simply time requirement does not really equate to a level of experience/competence, and so it could be seen as an unfair barrier.
63. It should also be noted that these areas should be seen as providing protection over a period from before, during, and after direct involvement. For example; ‘employment’ covers a period from pre-employment (protecting those making applications, affecting advertising of posts, and so on) to post-employment (in relation to references etc.). Likewise a Trade Organisation has responsibilities prior to membership (accessible applications process, not discriminating on the basis of sex or race), during membership (opportunities for training, election to offices) and after membership (in not discriminating when confirming past membership, or in recovering training costs). **Furthermore, solicitors should**

take particular note that much of this legislation covers partners, self-employed, and contract workers as well as full and part-time staff of a partnership or company.

64. There are certain limited exceptions to the protections offered by the legislation (for example, Genuine Occupational Requirements). There are also some specific issues around 'positive action' in relation to race and gender and treating disabled people 'more favourably' in certain circumstances. However, in all cases these are limited and specific advice should always be sought before relying on one of these.
65. Finally, it should again be noted that the aim here is to simplify a complex body of into an understandable format and simple principles - NOT to provide definitive legal guidance.

D. THE SOCIETY'S CODES OF CONDUCT

66. It is not only external regulation that is relevant in defining the framework within which this strategy sits. Since June 2002 Scottish solicitors have had an obligation in respect of Equality and Diversity under The *Codes of Conduct* of The Law Society of Scotland. This rule is kept under regular review and was revised in August 2006, and again in October 2008.

67. **Extract from Codes of Conduct: 15. Diversity**

Solicitors must not discriminate on the grounds of race, sex (including on the grounds of marriage), disability, sexual orientation, religion and belief, or age (including perceived orientation, religion and belief, and/or age) in their professional dealings with clients, employees or other lawyers.

Solicitors must ensure that where they act in a managerial capacity or supervise others:

- (a) there is no unlawful discrimination in employment including recruitment, training, employment terms, promotion, advancement and termination of employment;
- (b) those they manage or supervise do not discriminate unlawfully;
- (c) they, and those they manage or supervise, have appropriate awareness and understanding of the issues surrounding equal opportunities, unlawful discrimination, Equality and Diversity; and
- (d) there is no unlawful discrimination in the provision of legal services, and that those to whom legal services are provided can access them in a manner most appropriate to their needs.

A SINGLE SCHEME – WHY & HOW?

A. INTRODUCTION

68. **The Society recognises that there are different regimes for the different strands of the Equalities Legislation.** The Society staff monitor, aim for and must legally comply with each of the individual statutory arrangements. However, the Society also considers that there is good reason to concentrate on the ‘whole’ of Equality and Diversity, whilst being aware of the strands. The reasons for this are fourfold:
69. **The need for the different strands to ‘inform’ each other in order to attain the highest standards**
As a rule, the Society is committed to trying to achieve the highest standard specified in one strand across all the strands. This means we work as if the public sector duties for Race, Disability and Gender are mirrored by ones which cover the other strands of equality, and that we apply the highest standards from within the duties (for example, seeing the ‘involvement standard’ in the disability legislation as a more challenging target than the duty to ‘consult’ in the race and gender duties). Consequently a truly integrated approach to Equality and Diversity can be taken and mainstreamed in a consistent way across our functions and responsibilities. This proactive approach should also help prepare us better for likely changes under a single equalities bill.
70. **The need to simplify a complex area of law**
Within any organisation and with any set of rules, certain staff must understand all the detail of the legislation to ensure the organisation is complying. However, in mainstreaming Equality and Diversity the Society wanted to ensure that all staff, and in the future the whole profession, understands the core underlying concepts and principles. This necessarily means trying to simplify a highly complex field, but should not be seen as indicative of the approach taken at a policy level.
71. **The need to learn from analogy**
In raising awareness, promoting understanding, and creating change it is often easier if individuals can try to explore issues around Equality and Diversity in

ways that relate to their own experience. For example, in Scotland some people may have had very little exposure to issues faced by some members of ethnic minority groups in employment or accessing services. However, they may have previously had experience of sex discrimination themselves, or through a partner/child, or may be able to relate to race discrimination through experiences of sectarianism. Equally, whilst someone may feel they have no experience of disability, they may understand the difficulty of pushing a pram around a busy city centre, the issues faced by an elderly relative, or an experience of being a young person dressed in a particular style and consequently treated in a particular way in a shop or leisure facility.

72. Of course there are differences. For example, the young person can take off the type of clothing that generates a certain response, whereas the young Asian man cannot change the ethnic origin to which some people may respond. Nevertheless, to focus strictly on the individual strands of equality can often miss the vital opportunity to generate greater understanding through exploring 'discrimination' in its widest sense, something most people will have experienced at some point in their life be it knowingly or not.
73. We believe our approach generates an inclusive understanding of equality, where everyone understand they have rights and responsibilities, to ensure Equality and Diversity, rather than the 'them and us' issues that can sometimes be created by the over-emphasis of strands rather than the issues facing all people in their daily lives.
74. **The legislation creates separate strands. This does not mean that people will identify themselves (identity categorisation) in that way nor that their identify is delineated so clearly (multiple-identity).**
One of the biggest issues around the discrimination legislation is that in order to protect, the legislation must categorise (or discriminate). Whilst most people would state they wish to be treated as an individual, legislation to protect interests necessarily groups people and suggests that there is a commonality (if in nothing else, in that the whole of that group needs special extra protection), and often ignores the complexity and issues related to other aspects of identity.
75. In implementing legislation within an organisation this raises two issues. Firstly, to talk about and manage Equality and Diversity one must discuss the groups protected but at the same time recognise that the categories used by the legislation do not necessarily relate to individual experience. For example, one person with relatively serious dyslexia may consider that to be a 'disability' whereas another sufferer may not. The fact that the legislation may cover the

circumstances does not necessarily correlate to a person feeling that they are a member of that particular 'group'.

76. Equally, another individual may consider themselves 'disabled' and suffer discrimination on that basis, but be unable to bring themselves under the statutory definition of disability. Research has shown that it is not unusual for siblings to identify differently in defining their ethnic origin. The regulations on sexual orientation suggest a linear model of orientation, with protection being afforded to people who have an orientation towards (or are perceived to have an orientation towards, or associate with someone with a orientation towards) persons of the same sex, persons of the opposite sex, or persons of the same & of the opposite sex. However, a sex-based definition of sexual orientation fails to recognise that very few people within those groups will be attracted to all people within the group and indeed sometimes the attraction to a "type" of person will be more powerful than consideration of their sex. Thus, again, the legislation adopts one particular model of categorisation but this may not equate to individual experience.
77. The categories used in the legislation can, therefore, alienate individuals as well as bring benefit. Indeed in some quarters, medical and legal discourses which are so reliant on categorisation, are seen to perpetuate and add authority to issues surrounding 'labelling' and 'identity'. Discussing the issues together can help prevent this and, so long as an organisation still recognises the different standards and effects of the legislation behind the individual strands, generate greater understanding through recognition that issues of identity and response-to-(perceived)identity effect us all on a daily basis.
78. A second major issue is that people cannot, even under the legislative categories, have single identities. For example, people will have a sex, a sexual orientation, and an ethnic origin – even if they do not particularly subscribe to this view of themselves - and as such have multiple-identities. Multiple-identities can combine to create deeply marginalised groups within society, for example, people with certain ethnic origins who are also disabled may find it particularly hard to access employment and/or services.
79. Multiple-identities can also lead to one aspect or another being attributed different 'significance' in different areas of a person's life. For example, someone from a traditional Muslim background may feel they are treated differently in the work place because of their religion and/or their ethnic background. However, when this same person returns home it may be her gender that becomes an issue, facing discrimination in her local community for

being a working-woman rather than staying within the home. This also introduces the concept of *double-discrimination*; this is where people feel ‘torn’ between two identities – for example, the need to fit in the work-place environment by wearing western business dress and the need to fit in the home environment with traditional dress. This can lead to a person suffering discrimination for the same aspect of their identity but for different reasons and from different sources.

80. Overemphasising the individual strands can create an artificially compartmentalised approach and the Society believes overarching concepts of identity and discrimination need explored alongside the individual streams. This has been the policy of the Society for over three years, but it is now noted that this thinking is also likely to be better acknowledged in the new single equality bill which may for the first time allow employment discrimination cases to be brought which cover more than one area of discrimination (for example, being female and Muslim). It may also promote the concept of a single equality scheme that the Society has long subscribed to.

81. In Scotland, the three former Commissions developed a joint document entitled:

Bringing Equality to Scotland: The Three Public Sector Duties

A joint publication by the Commission for Racial Equality, Disability

Rights Commission and Equal Opportunities Commission in Scotland

82. This provides an excellent summary of the key issues for organisations in Scotland covered by the duties. It stresses that a single equality scheme might be right for some bodies, but not for others, but provides helpful advice on key things to consider if using this approach. The Society also examined both single and joint schemes developed by other organisations, and attended sessions with the former commissions where the strengths and weaknesses of a single scheme submitted for the Gender Duty were discussed.

Continued overleaf...

B. THE GENERAL DUTIES

83. It is worth producing a useful summary, contained in the above document, of the **‘General Duties’** the Society now must meet in relation to Equality and Diversity:

| <u>RACE</u> EQUALITY DUTY | <u>DISABILITY</u> EQUALITY DUTY | <u>GENDER</u> EQUALITY DUTY |
|---|---|--|
| <i>Due regard to the need to:</i> | <i>Due regard to the need to:</i> | <i>Due regard to the need to:</i> |
| <ul style="list-style-type: none"> a) Eliminate unlawful racial discrimination b) Promote equality of opportunity c) Promote good relations between persons of different racial groups | <ul style="list-style-type: none"> a) Promote equality of opportunity between disabled persons and other persons b) Eliminate discrimination that is unlawful under the Disability Discrimination Act 1995 c) Eliminate harassment of disabled persons that is related to their disabilities d) Take steps to take account of disabled persons’ disabilities, even where that means treating disabled persons more favourably than other persons e) Promote positive attitudes towards disabled people f) Encourage participation by disabled people in public life | <ul style="list-style-type: none"> a) Eliminate unlawful discrimination and harassment b) Promote equality of opportunity between men & women. |

84. It should be noted that the legislation technically only applies to the ‘public functions’ that the Society carries out. However, the decision was also made to include our ‘member services’ within this work so they operate as if the duties applied to all that the Society does.

C. THE SPECIFIC DUTIES

85. The document also provides a useful summary of the **'Specific Duties'** the Society now has in relation to Equality and Diversity.

| RACE EQUALITY DUTY | DISABILITY EQUALITY DUTY | GENDER EQUALITY DUTY |
|--|---|---|
| <p>Listed public authorities must publish a Race Equality Scheme setting out functions and policies that are relevant to the general duty on race and arrangements for:</p> <ul style="list-style-type: none"> ▪ assessing and consulting on the likely impact of proposed policies on the promotion of race equality ▪ monitoring policies for any adverse impact on the promotion of race equality ▪ publishing the results of such assessments, consultation and monitoring ▪ ensuring public access to information and services which it provides ▪ training staff in connection with the duties imposed by the Race Equality Duty <p>Employers are required to monitor by reference to racial group staff in post and applicants for employment, training and promotion. Where the employer employs 150 or more full-time staff it must also monitor the numbers who receive training, benefit or suffer detriment from performance assessment reviews, are involved in grievance procedures, are the subject of disciplinary procedures or cease employment</p> <p><i>Continued overleaf...</i></p> | <p>A listed public authority must involve disabled people in the development of a Disability Equality Scheme which demonstrates how it intends to fulfill its general and specific duties and which includes a statement of:</p> <ul style="list-style-type: none"> ▪ The way in which disabled people have been involved ▪ The methods for impact assessment ▪ Steps which the authority will take towards fulfilling its general duty (the Action Plan) ▪ The arrangements for gathering information in relation to employment and, where appropriate, its delivery of education and its functions ▪ The arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent DES <p>Within 3 years of the Scheme being published, take the steps set out in its action plan and put into effect the arrangements for gathering and making use of information</p> <p>Publish an annual report containing a summary of the steps taken under the action, the results of its information gathering and the use to which it has put the information</p> <p><i>Continued overleaf...</i></p> | <p>A listed public authority must prepare and publish a Gender Equality Scheme.</p> <p>The Scheme must set out the overall objectives the public body has set to allow it to meet its general duty</p> <p>The public body must consider the need to have an objective to address the causes of any unequal pay for men and women staff related to their sex</p> <p>The scheme must also set out the actions it has taken or intends to take to:</p> <ul style="list-style-type: none"> ▪ Gather information on the effect of its policies and practices on men and women, in particular the extent to which they promote equality between male and female staff, and the extent to which the services it provides and the functions it performs take account of the needs of men and women ▪ Make use of the information it has gathered to meet the duty and review the effectiveness of its scheme and the actions taken ▪ Assess the impact of its policies and practices on men and women, and use the results to inform its work ▪ Consult employees, service users, trade unions and other relevant parties ▪ Achieve the objectives it has set <p><i>Continued overleaf...</i></p> |

RACE EQUALITY DUTY

Cont.

Listed educational authorities must prepare a **race equality policy**, and have and fulfill arrangements to:

- assess the impact of its policies, including its race equality policy, on pupils, staff and parents of different racial groups, including, in particular, the impact on attainment levels of pupils
- monitor the impact of the operation of such policies on such pupils, staff and parents, including, in particular, their impact on attainment levels of pupils
- take steps to publish annually the results of its monitoring

Where the race equality policy is prepared by an education authority, that authority should ensure that each school under its management complies with the arrangements in the race equality policy

Further and higher education institutions must prepare a **race equality policy**, and fulfill arrangements to:

- assess the impact of its policies, including its race equality policy, on students and staff of different racial groups, including, in particular, the impact on attainment levels of pupils
- monitor, by reference to those racial groups, the admission and progress of students and the recruitment and career progress of staff
- include in its written statement of its race equality policy an indication of its arrangements for publishing that statement and the results of its assessment and monitoring
- take steps to publish annually the results of its monitoring

DISABILITY EQUALITY DUTY

Cont.

From December 2008, Scottish Ministers will have to publish reports every 3 years that:

- Give an overview of the progress made by public authorities in relation to disability equality
- Set out proposals for co-ordination of action by public authorities so as to bring about further progress on disability equality

GENDER EQUALITY DUTY

Cont.

The public authority must put the scheme, and the actions identified, into effect within three years. It must report annually on the actions it has taken

It must review the scheme and publish a revised scheme within three years

Listed public bodies with at least 150 full time equivalent staff must publish an **equal pay policy statement**, and report on this every three years

Scottish Ministers must publish reports every three years, in addition to the Scottish Executive's equality scheme and equal pay statement

These reports will set out the priority areas which Ministers have identified for advancement of equal opportunities across the public sector, and provide a summary of progress made in these priority areas by the public sector

86. This scheme seeks to bring these three duties together into a single cohesive approach that also covers the other strands of equality. **However, so as to ensure that it is clear that we have tackled each area required by the individual duties we have provided an appendix (Appendix B) which maps which sections are relevant to which duties.**
87. It should also be noted that, according to the legislation, the duties only cover the Society's 'public functions'. However, the policy of the Council of the Society is to work as if the duties apply to all areas of the Society's operations.
88. The Society is happy to discuss its single scheme approach further with interested parties, or to accept feedback on how this approach works for particular groups and how it can be developed further in the future. In all cases please contact the Head of Diversity (diversity@lawscot.org.uk, 0131 226 7411 or text-phone 0131 476 8359).

WHAT DID THE LAST EQUALITY AND DIVERSITY STRATEGY ACHIEVE?

A. INTRODUCTION

89. The main focus of this Strategy is forward looking, with those interested in what was achieved during the last three-year period being able to access the annual reports through the Society's website. However, it is important that this work does lead to outcomes and real change, and so it is worth noting some of the most significant achievements.
90. The original strategy took the **Race** Equality Duty and applied this to other strands (so the original strategy also included targets related to gender, race and the other areas of equality). There were then supplemental Action Plans for **Disability** and **Gender**, to ensure we fully met the duties. These are also reported on below.
91. The Society would like to thank the staff and committee members who made this work possible, and the many stakeholders who guided and supported these projects in a variety of ways.

B. OUR ORIGINAL TARGETS

- | | | |
|-----|------------------------------------|---|
| 92. | Recruitment and Appointment | A new staff recruitment system has been launched, as has a new open system of recruitment for Society committees. Non-solicitor representation has continued to increase on committees and non-solicitor observers have been appointed to our Council. <i>We believe this target has now been achieved, the effect on recruitment outcomes can be seen in Section 9.</i> |
| 93. | Guidance for the Profession | <i>This work is little behind schedule</i> , but consultation and involvement work on its development is now complete, and the guidance is being 'piloted' in certain law firms in Scotland. It should be launched at the same time or shortly after this strategy. |

| | | |
|-----|-----------------------------------|---|
| 94. | Impact Assessment | An independent external consultant, and the Equality and Diversity Committee of the Society, have now approved our approach to, and paperwork for, Equality Impact Assessment. The paperwork is based on the outcome of research into best practice models within the public sector. A training session for representatives from all teams took place in January 2008, with supporting 'coaching' sessions for staff happening in April & May. A schedule of impact assessment was planned so as to ensure that all the Society's work had been assessed to the new standards by the launch of this new Equality Strategy in November 2008. Impact Assessments are available on our website. <i>We believe this target has now been achieved.</i> |
| 95. | Involvement | The last update noted our 'Forum', 'Committee', and 'Service Accessibility Review', where senior staff worked with people with a range of disabilities to consider improving access. We consulted on our interim GES and DES, and have identified and built links with other organisations working on equality (such as the Scottish Legal Aid Board and the Judicial Appointments Board). We have carried out specific involvement work when amending significant policies and process. For example, we worked with a group of disabled people to look at new arrangements for our complaints process, to ensure that it was accessible to all. One-to-one and group interviews were also undertaken with key stakeholders as part of the development of this strategy. More details, and plans for the future, can be seen in Section 10. <i>We believe this target has now been achieved (although noting that 'involvement' is an ongoing responsibility and that new targets in this area are set in the Action Plan in Appendix A) .</i> |
| 96. | Measurement and Monitoring | A complete audit of the profession has been undertaken and data from 3017 respondents analysed - this was published in July 2007. A follow-up profile will be collected in January 2009 as part of the new strategy. Recruitment and staff monitoring has been established, and initial data is in this strategy. A greater focus on monitoring is planned in this current strategy. |
| 97. | Accreditation | Equality and Diversity criteria have now been included in the relevant accreditation schemes for external providers of legal education, and monitoring has commenced. Enhanced criteria |

| | | |
|------|--|--|
| | | are now planned for the next edition of the accreditation guidelines, which are currently being developed. Accreditation processes have identified both equality issues and attached specific conditions in relation to equality. <i>We believe this target has now been achieved.</i> |
| 98. | Procurement and Partnership | A new policy on procurement has now been approved and internal training sessions are now being run. The policy includes a standard questionnaire on equality, which collects information on their own compliance record (do they run equality training for all staff, have they had equality cases against them, etc) and asks them to provide information on how they can help us meet our general and specific duties. <i>Target met.</i> |
| 99. | Diversity Awareness Raising and Training | 'The Journal' has had a consistent coverage of equality related issues throughout the last three-year period, and events have been run to promote awareness in the wider profession. Various online learning packages are currently being evaluated to roll out a further phase of staff training, which will allow them to improve their knowledge and skills in the various different strands of equality. <i>Target met.</i> |
| 100. | Accessible Information & Events | Many of the publicly available information services (dial-a-law and guidance leaflets) have now been discontinued for reasons outwith the equality remit meaning some areas here are now less relevant than they previously were. A new and more accessible complaints pack has been launched and piloted for feedback amongst a range of individuals with special access needs. The new WAI 'AA' accessible website has been launched, although it is still awaiting a full external review. An events checklist system is in place and being monitored. The Roll Management System project is somewhat less advanced than originally anticipated, but progress continues to be made. <i>Target met.</i> |
| 101. | Departmental Action Plans and Gender Equality Scheme Plan | All departments have been delivering well and plans are on target. The Society views it as especially positive that this 'bottom up' work has been progressing at the same sustained pace as the broader strategic objectives. Almost all targets have been met, leaving only five small elements to be carried forward into this strategy to ensure they are implemented. |

102. **Badging Scheme** (added in Disability Scheme) An outcome of involvement work was *to consider the possibility of a 'diversity badging' scheme for law firms, and to make appropriate recommendations for targets to be set in this, the next strategy.* This concept was researched and a paper developed that was considered by the Equality and Diversity Committee. It was agreed a better way to promote standards (without significant cost which may put firms off a voluntary scheme) would be to insist certain information (number of male/female partners, date of equal pay audit, etc) was published by each firm, starting with our larger firms. A target on this is set within this strategy. **Target met.**
103. **Firm Accessibility Information** (added in Disability Scheme) An outcome of involvement work was an objective to *review what information was held on firms in terms of access, to identify if targets could be set in this, the next strategy.* This review was undertaken and considered by the Equality and Diversity Committee. It was considered this was not the most effective way to improve practice, but instead that 'secret shopper' research should be undertaken, with the results used to raise awareness and promote guidance on accessibility. A target on this is set within this strategy. **Target met.**

C. ADDITIONAL WORK TO ASSIST IN MEETING THE GENERAL DUTIES

104. As well as working to achieve these organisational targets a significant number of other projects have sought to address issues and promote equality in line with the 'General Duties'. Some of these were the result of impact assessment and individual departmental action plans, whilst others came about as part of routine work or simply because an opportunity to do so arose. Many more achievements are detailed in the annual reports, available from our website, but a selection is provided below to illustrate the breadth of work we have undertaken and some of the innovative ways we have ensured equality is mainstreamed into all that we do.
105. **Service Access Review.** The design and completion of a one-day workshop to involve disabled people in setting the future agenda of our equality and accessibility work. Fifty people (50:50 split of Society staff/committee members and disabled people) attended this externally facilitated event and contributed to the establishment of a future action plan.

106. ***Launch of the results of the ‘Women in the Legal Profession’ research.*** This was jointly run and funded with the Equal Opportunities Commission Scotland and over 2300 people responded to the study which was then launched to an invited audience of around 150.
107. ***Launch of the ‘Profiling the Profession’ project*** to generate a full demographic profile of the profession covering all the strands of equality – this achieved over 3000 responses.
108. ***Lay membership has been increased across all committees,*** with a positive presumption that there will be lay-membership – there is now open advertisement for appointments through the national press. Our ‘recruitment’ process for committees has been opened up, with national adverts in the press and in ‘The Journal’ encouraging all to consider applying, and a structured role and person specification is being used to identify potential appointees.
109. ***Four lay observers have been appointed to Council*** through an open recruitment process, and the Society is lobbying the Scottish Parliament for an amendment to our constitution to allow these observers rights of membership of Council.
110. ***The creation of a solicitor specialty in ‘Discrimination Law’*** making it easier for members of the public to access expert legal advice on discrimination law.
111. ***The review of every ‘Practice Rule’ and ‘Practice Guideline’ and amendment, where appropriate, in light of the new Civil Partnership legislation.***
112. ***A new and tighter definition of ‘discrimination’ included in a review of the Codes of Conduct for solicitors.***
113. ***All 10,000 members of the profession have been sent a basic information leaflet on Equality and Diversity*** containing key definitions, an outline of the work of the Society, and details of where to access further information.
114. ***The Society has provided input into the parliamentary drafting of legislation*** on civil partnerships, immigration and asylum, establishing a Scottish Commission for Human Rights, the Family Law Scotland Bill, Mental Health legislation, the Adult Support and Protection Bill, and the Adoption of Children Bill. Many bills can have Equality and Diversity implications, for example, in May 2007 the Society responded to the proposals for a Judiciary (Scotland) Bill,

emphasising that the selection criteria for judges must not discriminate directly or indirectly. In 2008 the Society responded to a review of the powers of the Scottish Parliament, suggesting that equality should be devolved to the Scottish Parliament rather than being reserved to the Westminster government.

115. ***Developing and submitting a detailed and progressive response to the Discrimination Law Review 'A Framework for Fairness: Proposals for a Single Equalities Bill for Great Britain'.***
116. ***The Society has offered financial support to the Achievers UK website – this aims to provide youngsters from every school in Scotland with role models who are former pupils of their school that have subsequently gone on to succeed*** – the Society sponsors the legal sections, aiming to encourage all youngsters to see the law as a possible future career.
117. ***The launch of a new Society website and 'Journal' website meeting the WAI 'AA' standard for accessibility*** – the aim is to make as much information as possible about the Society available as clear and easy to access materials on the website.
118. ***The Society has supported career advisory services trying to match young people with 'mentors' in the profession*** by identifying solicitors willing to help encourage the next generation where they may have no contacts within the legal world.
119. ***The Society has undergone a job evaluation process with Hay, with a focus on equal pay for equal work.*** Staff have been re-graded and remuneration altered accordingly.
120. ***Staff can opt for remote access to the Society's IT system.*** Alongside flexible working and flexitime policies this has increased the flexibility staff have around the ways they work.
121. ***The Society has launched a new recruitment and selection policy and recruitment paperwork*** which meets all equality requirements. All 'identifying' data will be taken off the forms used in short-listing. The system also removes data on areas such as the institution at which qualifications are gained and the requirement for all jobs to be listed, instead asking for only for 'relevant' previous work to be noted. This means that those short-listing the applications have much less access to data on the 'background' of candidates, ensuring that assumptions made on the basis of where they went to school/university or easily identifiable

maternity/disability related gaps in employment history do not form part of the recruitment process. Attendance at a mandatory two-day training course is required before staff can be involved in the recruitment process.

122. ***Introduction of a Child Care Voucher scheme, which is open to all staff.***
123. ***A new performance appraisal system is being introduced,*** and staff and managers have also started to engage with the development of ‘competencies’, which lead on from our work on job evaluation and equal pay.
124. ***A review of our Investors in People status was undertaken*** and a follow-up meeting with the assessor will take place early in the new year.
125. ***Mandatory two-day training for all those involved in recruitment selection*** (this is in addition to a day-long Equality and Diversity training session and an age discrimination training event).
126. ***New accessible facilities (including toilets) built within the Society offices,*** and new signage and other work has been undertaken to improve access.
127. ***‘Discrimination Law’ and ‘Human Rights’ to be added to the law curriculum.*** The education review of the Professional Subjects (those underpinning the LL.B. and the Society’s exams) has led to a recommendation that ‘Discrimination Law’ and ‘Human Rights’ be contained as mandatory subjects for all those wishing to enter the profession – this would increase the knowledge and skills in this field of around 2000 students per year.
128. ***Equality and client care to be added to skills training.*** The education review of the Diploma in Legal Practice has led to a recommendation that ‘Equality and Diversity’ in relation to client care be contained as a mandatory subject for all those wishing to enter the profession. It also suggests that assessment should contain a greater emphasis on client care and ‘soft skills’ – this would increase the knowledge and skills in this field of around 600 diploma students each year.
129. ***The Society has again commissioned accessible distance learning materials to support some subjects in the Diploma in Legal Practice.*** These were designed incorporating feedback from current students who required materials to be made available in alternative formats. It is the fourth year the Society has supported providers in central commissioning of this software.

130. ***In June 2007 the Society ran an event to discuss engagement with the next generation of lawyers.*** A wide range of representatives were there, including groups such as 'Lawcare' (which supports solicitors facing times of stress, bullying and/or addiction), lawyers from other countries who have re-qualified in Scotland, 'widening participation' officers from universities, and so on. Again, this is assisting the Society in designing the information and support services on offer to those considering a career in law or within the training process. Open invitations ensured a wide cross section of participants.
131. ***Training for complaints 'reporters'.*** Presentation of an Equality and Diversity training session, with supporting learning materials, to over 200 of the Society's reporters (lay and solicitor) who work on analysing complaints received by the Society and producing reports for the Client Relations Committee.
132. ***Our equality work being selected as an example of best practice for how a professional body can tackle these issues*** by the UK Professional Associations Research Network (PARN).
133. ***Collaborating with the new Equality and Human Rights Commission,*** in running our 2007/2008 Schools Debating Tournament on equality related topics, ensuring that young people engage with concepts concerning rights and responsibilities.
134. The distribution of the second edition of the ***'Young Citizens' Passport'*** to every secondary school in Scotland, detailing the rights and responsibilities of young people in relation to everything from employment law and access to services, to laws relating to relationships and sexuality.
135. ***The establishing of a 'reference group' to assist in the review of the personal and practice standards set for individual solicitors by the profession.*** This group is chaired by a non-solicitor (public) member of our Council, and includes representatives from the Equality and Human Rights Commission, Scottish Women's Aid, Citizens' Advice Bureau Scotland, the Scottish Legal Aid Board, and the Scottish Consumer Council. Further consultation is planned in spring 2008 with groups of service users we can access through these organisations, with a full public consultation later in the year.
136. ***The Society is actively working with others in relation to equality*** in general (such as with the Judicial Appointments Board, and the Scottish Legal Aid Board)

and in relation to specific aspects (such as trying to establish a justice sector disability forum with the Scottish Legal Aid Board, the Crown Office and Procurator Fiscal Service, the Association of Chief Police Officers, the Scottish Court Service, and the Scottish Prison Service). We've also worked with groups like Able Magazine, Capability Scotland, Equality Works, and Eastern Eye Scotland (part of the Ethnic Media Group).

137. ***A free Equality and Diversity CPD webcast was launched in January 2008*** and distributed to the profession, allowing them to learn about equality and gain CPD.
138. ***The publication of a wide variety of articles on Equality and Diversity related issues in the members' monthly 'Journal'***, ranging from the role of Sharia law within the Scottish legal system and experiences of women within the profession to a review of disability discrimination law and reporting on the work of Ethnic Minority Law Centres.
139. ***We have worked with developing countries to assist in capacity building in relation to Law Societies and legal regulation.*** For example, our Director of Law Reform was at the West African Bar Association Meeting in Dakar to work with local Law Societies and Bar Associations.

MEETING THE GENERAL DUTIES

140. In developing an Equality and Diversity scheme it is easy to focus on the many **specific duties** which set out what is required, for example on impact assessment and involvement. However, it is important to remember that the specific duties are meant to assist in the meeting of the **general duties** – it is important to meet the specific requirements but they should not be seen as an end or outcome in themselves.
141. Ensuring that the general duties, and not the specific duties, are the focus of our work has influenced several areas, from how we structured our impact assessments through to the projects and targets we have set. For example, impact assessment is often focussed on removing barriers and ensuring systems are fair, we tried to also focus further on positive opportunities for entirely new projects and for promoting equality and understanding, something the general duties actually place significant emphasis on. Another example would be our new procurement policy, which specifically asks all those tendering for work to discuss each of the general duties, and how the work they may provide can assist the Society in meeting these.
142. Another example of this ‘general duties’ focus would be our work with young people through our debating tournament. This is not a formal function of the Society, but simply something we believe is important - getting young people to engage in analysis and discussion on important issues.
143. This belief also led us to work with the new Equality and Human Rights Commission on our 2007/2008 Schools Debating Tournament - the largest debating competition in Scotland. Throughout the heats young people were encouraged to explore often difficult and controversial issues, and debated with skill and understanding topics like *‘This house believes that immigrants are a drain on Scotland’s public services’*. A grand final was held in the debating chamber of the Scottish Parliament and chaired by the Presiding Officer. Such work demonstrates our commitment not just to ensuring we meet minimum standards, but to truly promote greater understanding of equality to our members, the general public and throughout civic Scotland.

144. The previous year we had encouraged students to think about national/Scottish identity, and as a prize our debate final students were given the opportunity to work with a film maker to produce a short film on this topic. It has subsequently been distributed to all schools in Scotland as part of our 1707 partnership project and contains interviews with young people from a range of backgrounds about their concepts of national identity. This year's tournament will be held in association the Scottish Youth Parliament and Young Scot.
145. This work helps young people and also raises awareness of our organisation - the fact it sees these issues as important and the fact it is trying to be accessible, in the broadest sense of that word, to all, is an indication of our commitment to the betterment of society as a whole.
146. In interpreting what the General Duties meant to our organisation we examined what we would need to do in order to meet the standard. To give an overview of the general duties of the Society: The **Equality and Diversity Strategy** is designed to ensure:

- Equality and Diversity considerations are taken into account in all decision making
- That we do not discriminate as an employer, service provider, Trade Organisation, Qualifications Body, or in our exercising of public functions
- That our organisation has an understanding of the issues in relation to diversity, including, but not limited to:
 - Prejudice, discrimination, and the exercise of power
 - Equality, equity, and fairness
 - Direct and indirect discrimination, victimisation, harassment, and 'reasonable adjustment'
 - Institutional discrimination
 - Positive action
 - Historical power imbalance
 - Cultural competence in relation to the issues affecting people belonging to one or more of the diversity strands
- That we promote 'best practice' in relation to diversity to the profession, our partners, and our stakeholders.
- That we promote understanding between different groups

147. **An equality scheme must be structured around specific duties, but it is worth bearing in mind throughout that it is the general duties that should be, and are, the real drivers. The Society is committed to this emphasis both with this strategy and throughout our work in general.**

GATHERING INFORMATION

A. Introduction

148. The Society sees this area as applying to two key aspects of our operation: direct employment of staff by the Society, and in relation to those working within the legal sector generally.
149. Although the Society employs less than the 150 full-time staff cut-off point set within the Race Equality Duty we have nevertheless decide to use those standards to guide our monitoring across all areas of equality.
150. **Employment:** There is a significant challenge in reporting on data within a small employing organisation, as although it can be used to guide policy work and internal discussions, publication would often reveal individuals identities. For example, in an employer of hundred staff you may find four staff from a minority ethnic background, a figure that would be in line with the general population within, for example, Edinburgh. However, identifying staff by grade (to measure progression, training allocations, or performance assessment grades) may immediately identify an individual, breaching the requirements of the Data Protection Act.
151. To ensure we do not identify individuals, but to still demonstrate we are collecting and monitoring this data, general trends and themes are discussed below in relation to each area of equality.
152. In the Gender Duties ‘information gathering’ also includes collating data on service delivery, however, within this strategy we have reported on those aspects in Section 12, Monitoring Outcomes.
153. **The Profession:** One of the key themes of the integrated Equality and Diversity Strategy was to collect better data in a variety of areas to let us identify the views of various key groups, statistics on the demographic make-up of our profession

and to assess the experience of discrimination (and related issues) which may be affecting the people to whom the Society has a responsibility.

154. In relation to the profession this section will examine two projects:

1. The ***'Women in the Legal Profession' project***, which was a partnership project with the Equal Opportunities Commission to examine issues around career development, remuneration, networking, areas of work, and gender.

2. The ***'Profiling the Profession' project***, aimed at collecting data on the solicitors profession in Scotland, their perceptions of the profession and their experiences of discrimination in terms of nature, source, and the stage of career at which it happened.

Where references are made to the 'baseline' in the profession, it will be the appropriate one of these studies that is being referred to.

155. **General Population Data:** In order to interpret the above information and measure outcomes for the Society it was necessary to draw together general population data for Scotland. Data on general trends in Scotland, across all of the strands of equality was collated for the Society by Equality Works, and a report on the outcomes is available from our website. This was also used to inform the guidance which is being developed for the profession, as it also relates to the likely composition of clients of legal firms.

156. The Action Plan (Appendix A) sets out what information we plan to collect in the future to ensure that we continue to meet these duties.

B. SOCIETY STAFF – DATA AND VIEWS

157. In September 2008 we carried out a staff survey, both to collect data on the composition of the Society's staff and feedback on our equality work.

158. Out of around 130 staff, 67 responded (a response rate of 51%). A good spread of grades and lengths of service was achieved, suggesting a reasonably representative data set.

- 159. **Sex:** 75% of respondents were female, and 24% were male. This compares with an absolute gender ratio of 74% female and 26% male generated from the HR data systems, again suggesting this is a broadly representative response, although with a slight under-response from male staff.

- 160. In relation to gender we also have data originating from HR systems that gives us a definitive picture and shows the distribution across all grades (from A, at the lower level, to senior management/director grade F). The numbers are too low to be statistically significant (and a single appointment would significantly change the ratios). In most posts women significantly outnumber men, suggesting the Society needs to consider why men are not applying and being appointed in numbers proportionate to the general population. In terms of the two senior management grades, the Society has more women in senior positions (Director and Deputy Director) than most comparators (whether public or private sector, using the 'Women in Power' study as a guide).

| Grade | Male | Female |
|---------------|-----------|-----------|
| A | 4 | 8 |
| B | 2 | 22 |
| C | 4 | 23 |
| D | 9 | 25 |
| E | 5 | 7 |
| F | 7 | 3 |
| Totals | 31 | 88 |

- 161. **Orientation/Transgender:** 94% identified as heterosexual (with 6% being gay, bisexual, or preferring not to answer the question). Around 4.5% of respondents identified as either transgender or indicated they would prefer not to answer the question. This tallies well with baseline data we collected. The Society is also in line with the general figures in the legal profession in terms of employment of gay and transgender staff.

- 162. **Race/Ethnicity:** 68.7% of respondent identified as 'white – Scottish', with another 24% being from other white groups (including British, Irish, and 'Other'). This left 6% defining themselves in non-white categories or preferring not to answer the question. The baseline data for Scotland is around 2% of the population coming from Black and Minority Ethnic (BME) groups, with the baseline from Edinburgh being 4.1%, although this data may now be somewhat out of date as we wait for

the next household survey results. The Society also has a greater proportion of BME staff than the general figure for the legal profession in Scotland.

163. **Disability:** 4.5% of staff reported having a disability which came within the legal definition (this being provided in the questionnaire), with 6% preferring not to answer the question. The baseline figure for Scotland is around 18% of the population having a disability or long term health condition. Many of the jobs at the Society are skilled and require graduate, and post graduate qualifications, and this may account for some of the gap due to historic barriers in education. The Society has a greater proportion of disabled staff than the general figure for the legal profession in Scotland.
164. **Age:** respondents covered an appropriate distribution of ages, including 3% under the age of 18. At the upper end of the age ranges provided there was, perhaps, a lower than to be expected number of staff responding to the study.
165. **Religion and Belief:** statistical data was not collected on this issue, but free-text comments identified no specific issues.
166. **Parent/Carer:** 52% of staff had some parental responsibility, with 45% having parental responsibilities ranging from current pregnancy to parenting children still in full-time education. 7.5% of staff had caring responsibilities for older people, with 3% of people preferring not to answer that question.
167. **Discrimination:** 41.7% of Society staff felt they had been discriminated against at some point during their employment on equality grounds. The most significant issues were being left out of communication (10.7% of staff) and in relation to career development (9.5% of staff). This is significantly higher than the level of discrimination identified in the legal profession, where in general 22% felt they had suffered discrimination.
168. **Equality knowledge:** staff were tested on a variety of key areas around equality to ensure that they continued to be aware of issues and responsibilities. The results showed a high level of awareness. In testing, a minimum of 70%, and on average 80%, of all respondents could correctly define key definitions and issues within equality (including equality, diversity, prejudice, discrimination, direct

discrimination, and indirect discrimination). Training and awareness raising is seen as an ongoing responsibility, and so these messages can be reinforced over the next few months.

169. They were also asked to identify their own perceived level of understanding of Equality and Diversity (with this section coming after the ‘knowledge’ questions’, which should have made them reflect on this issue). The results show a high level of confidence, which links well statistically with the actual elements testing their knowledge.

170.

| I feel that I personally: | Strongly Agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree | Do not wish to answer |
|--|----------------|-------|----------------------------|----------|-------------------|-----------------------|
| Have sufficient understanding of equality & diversity issues as they apply to staffing and my team | 10.4% | 65.7% | 17.9% | 4.5% | 0.0% | 1.5% |
| Have sufficient understanding of equality & diversity issues as they apply to the work of the Society | 4.5% | 64.2% | 22.4% | 7.5% | 0.0% | 1.5% |
| Try to take account of equality issues in relation to my own | 14.9% | 68.7% | 14.9% | 0.0% | 0.0% | 1.5% |
| Know where to go if I need more information | 25.4% | 61.2% | 4.5% | 7.5% | 0.0% | 1.5% |
| Would rate equality and diversity as a high priority for the Society | 17.9% | 50.7% | 22.4% | 7.5% | 0.0% | 1.5% |

171. **Exit interview feedback:** Data is also collected from staff as part of the exit interview process. This is an important process for collecting information from those leaving the organisation who may have positive or negative views they are more willing to share once it is known they are moving on. On the whole feedback was positive when asked a specific question about Equality and Diversity. Some relevant issues were however raised, in particular after a period of significant change where contract terms had been standardised across all staff and a new structured pay-scale had been introduced. Some concerns were raised about career progression, some of which relate to being a small organisation that does not have defined paths of career progression and it is hoped that other issues will be addressed via the new appraisal system and work to prepare us to meet the new Investors in People standard.

172. **Implementation of Equality and Diversity:** We also used the study to identify if Equality and Diversity were being taken into consideration, as intended, during

the day to day activities of the Society. We wanted to gain the views of both staff and managers, and look at a range of settings where it was felt equality should be being addressed:

173.

| The department within which I work at the Society: | Strongly Agree | Agree | Neither agree nor disagree | Disagree | Strongly disagree | Do not wish to answer |
|---|----------------|-------|----------------------------|----------|-------------------|-----------------------|
| Discusses equality and diversity issues in relation to its ongoing work | 10.4% | 34.3% | 40.3% | 13.4% | 0.0% | 1.5% |
| Takes equality and diversity issues into account when planning new projects or policies | 13.4% | 43.3% | 37.3% | 4.5% | 0.0% | 1.5% |
| Takes equality and diversity issues into account when making decisions | 11.9% | 50.7% | 34.3% | 1.5% | 0.0% | 1.5% |
| Views equality and diversity issues as important to delivering services | 16.4% | 49.3% | 31.3% | 1.5% | 0.0% | 1.5% |
| Views equality and diversity issues as important in relation to staff & teams | 11.9% | 58.2% | 26.9% | 1.5% | 0.0% | 1.5% |
| Promotes the equality and diversity work the Society undertakes when opportunities arise | 7.5% | 44.8% | 38.8% | 7.5% | 0.0% | 1.5% |
| Places a high priority on ensuring equality and diversity is taken into account | 10.4% | 32.8% | 49.3% | 6.0% | 0.0% | 1.5% |

174. On average 50% of ALL staff ‘strongly agree’ or ‘agree’ that Equality and Diversity are being taken into account regularly and across the Society’s functions. When looking at management grades, that would be leading meetings and involved in policy level work, the average rises to 83%. This demonstrates that equality is being considered at all levels, and as the next phase of training and awareness raising is implemented we will be able to assess what impact this has had on day to day business.

175. The study also collected free-text comments from staff. The majority of staff could explain the various different benefits of equality, where to go within the Society for further information, and how to escalate any concerns they had. A variety of feedback was received on the issues generally, ranging from positive comments about the Society’s work to ideas of what could be improved. These often were individual, coming only from one person, but some areas that received multiple comments were:

- Flexi-time and flexible working were seen as significant benefits and appreciated by staff, but more could be done to improve (perceived) consistency between departments and to ensure that those taking up flexible options were not treated differently (particularly relating to ensuring they were included in communication, meetings were organised in a way sensitive to different patterns of work, and ensuring workload is reduced in line with hours worked).
- Concern that the number of women in management roles within the Society was not reflective of the general population (This is in fact a misconception as the ratio is good, with 12 men and 10 women in the top two grades, with a male Deputy CEO and a female CEO).
- Better communication between staff, and between management and staff.
- Emphasise equality to the profession, giving guidance where necessary.

176. Management are now looking at ways these, and the other issues raised, can be addressed.

C. JOB APPLICANTS

177. During the last year we collected equality data from over 200 job applicants so as to ensure that a wide range of applicants were applying to work at the Society.

178. This data can be disaggregated by job grade or particular job. However, because of the small numbers involved this data cannot be publicly reported on due to the possibility it may identify individual applicants. However, a summary of the data and how it relates figures in the current staffing and baseline population is provided below. We do not report the Society's own recruitment figures against figures for the membership of the profession for two reasons. Firstly, only a limited number of jobs at the Society would require a solicitor qualification, and so general population data is a more useful measure. Secondly, the general population figure tends to be higher in most groups and therefore represents a higher target for the Society to compare itself to.

179. The data shows that the Society continues to attract applicants from a broad range of backgrounds, largely in line with what would be expected compared to baseline data. In some areas (such as non-white applicants) we continue to attract and go on to appoint a higher percentage than the baseline within the local population.
180. The Society will continue to monitor the situation in line with our obligations, but believes this shows a robust and merit based approach to recruitment (with no personal data used during short listing), combined with significant work to address perceptions around a 'old boys' image, which allows diverse recruitment and selection outcomes.

Continued overleaf....

181.

| 'Strand' | Descriptor | No. of people | % of people | Comparison |
|-----------------------------------|----------------------------|---------------|-------------|---|
| Ethnicity: 194 | Scottish | 138 | 71.1 | This means that 9.7% of applicants come from a non-white background. This is well above the baseline data for Edinburgh (about 4.1%) and Scotland generally (about 2%). In terms of Society staff 6% of respondents were non-white. |
| | Other British | 25 | 12.9 | |
| | Irish | 1 | 0.5 | |
| | Any other white background | 11 | 5.7 | |
| | Mixed | 1 | 0.5 | |
| | Indian | 5 | 2.6 | |
| | Pakistani | 2 | 1.0 | |
| | Bangladeshi | 0 | 0.0 | |
| | Chinese | 3 | 1.5 | |
| | Other Asian Background | 2 | 1.0 | |
| | African | 4 | 2.1 | |
| | Caribbean | 0 | 0.0 | |
| | Other Black Background | 1 | 0.5 | |
| | Other ethnic background | 1 | 0.5 | |
| Prefer not to answer | 0 | 0.0 | | |
| Gender: 171 | Male | 58 | 33.9 | In terms of comparison to population we continue to attract more female applicants than male. This compares to HR database which shows 64% of current staff are female. |
| | Female | 111 | 64.9 | |
| | Prefer not to answer | 2 | 1.2 | |
| Transgender: 191 | Yes | 7 | 3.7 | This is within 0.2% of the figures for current staff, showing a good match |
| | No | 181 | 94.8 | |
| | Prefer not to answer | 3 | 1.6 | |
| Sexual Orientation: 200 | Heterosexual | 181 | 90.5 | A slightly higher proportion of gay and lesbian people apply than are appointed, although the appointment figure is in line with baseline data. |
| | Gay Man | 5 | 2.5 | |
| | Lesbian | 7 | 3.5 | |
| | Bisexual Man | 0 | 0.0 | |
| | Bisexual Woman | 0 | 0.0 | |
| | Other | 0 | 0.0 | |
| Prefer not to answer | 7 | 3.5 | | |
| Age: 186 | 16-24 | 24 | 12.9 | The Society continues to appoint across a range of ages. Baseline data for likely levels of applications from different age groups has yet to be identified. |
| | 25-34 | 80 | 43.0 | |
| | 35-44 | 44 | 23.7 | |
| | 45-54 | 23 | 12.4 | |
| | 55-64 | 10 | 5.4 | |
| | 65+ | 1 | 0.5 | |
| | Prefer not to answer | 4 | 2.2 | |
| Religion: 192 | None | 97 | 50.5 | Across all denominations & religions the Society seems to attract a lower level of applicants than the general population. This may be something we need to consider in the future. |
| | Church of Scotland | 44 | 22.9 | |
| | Roman Catholic | 12 | 6.3 | |
| | Other Christian | 13 | 6.8 | |
| | Muslim | 3 | 1.6 | |
| | Jewish | 1 | 0.5 | |
| | Hindu | 9 | 4.7 | |
| | Buddhist | 1 | 0.5 | |
| | Sikh | 0 | 0.0 | |
| | Other | 9 | 4.7 | |
| Prefer not to answer | 3 | 1.6 | | |

182. **The Society will continue to collect data from all applicants for new posts, and will periodically monitor the composition of its workforce to ensure that equality is being effectively implemented and creating appropriate outcomes for all.**

D. THE PROFESSION

183. WOMEN IN THE LEGAL PROFESSION

The Law Society of Scotland and the Equal Opportunities Commission Scotland jointly commissioned this study into the position of women in the legal profession in Scotland because of the perception that women appeared to be obtaining proportionately fewer senior positions in practice or the public sector. There was very little recent empirical research into the accuracy of such perceptions.

184. During the initial stages of the project a survey was undertaken of research which had been carried out in Scotland as well as in other jurisdictions, including Australia, Canada and the USA. This identified a range of universal key themes. Alongside this survey a study was undertaken of the membership database of the Law Society of Scotland.

The key themes related to progression within the profession, the possibility of a gender pay gap, work-life balance issues and whether there existed a masculine ethos within the profession.

185. It was felt by the research team that the most effective research strategy would comprise a questionnaire encompassing the entire Law Society of Scotland membership. A project of this scale was unprecedented in Scotland insofar as the legal profession is concerned.

186. This questionnaire was drafted on the basis of the key themes which had been identified from previous research carried out within Scotland and other jurisdictions. Given the size of the population, this data was to be analysed quantitatively. In addition, respondents were to be given the opportunity to add comments which would provide additional, qualitative data.

187. An initial draft of the questionnaire was piloted within a cross sample of the

solicitors' profession in Scotland. As a consequence of these results, minor alterations were made to the instrument of research.

188. The Society's thanks go to Moira MacMillan, Dr Nick McKerrell, Angus McFadyen and their supporting teams for their work on this project and for the summary provided below.

189. Issues were identified around pay-gap, flexible working, and career progression. The full findings, and an executive summary, can be found on the Society's website at www.lawscot.org.uk/diversity/research.aspx. These have influenced the development of this strategy, and where findings are being directly addressed in our Action Plan (Appendix A) this is indicated in the 'Notes' section.

190. **PROFILE OF THE PROFESSION**

One of the major initiatives of 2006 was the 'Profiling the Profession' project. This project was managed by an independent organisation (**The Grange Group** – <http://www.thegrangegroup.com>) and involved the distribution of a questionnaire to all our members, accompanied by information highlighting our marketing campaign, which emphasised the importance of the project. Of around 10,000 members 3,017 responded and there was a good demographic match to some of the data we can already definitively identify from our database of members (such as gender and age profiles). This means we believe we have a dataset we can be confident in.

191. As this was the Society's first time in collecting much of this sensitive data the decision was made to make the questionnaire anonymous and use a third-party data processor so that individuals were not having to return the data to the Society directly.

192. The questionnaire was developed with the support of our Diversity Advisory Group, and a pilot was tested on 20 practising solicitors prior to the release of the final questionnaire.

193. **The study collected baseline data across all the strands of equality**, the full findings, and an executive summary, can be found on the Society's website at www.lawscot.org.uk/diversity/research.aspx. The results have influenced the

development of this strategy, and where findings are being directly addressed in our Action Plan (Appendix A) this is indicated in the 'Notes' section.

194. The study also collected various other data.

195. **Discrimination:**

Of all those that responded 22% said they had suffered discrimination of some form at some stage in their career. The tables below examine the source of that discrimination, the form of the discrimination and the stages of their career in which people felt discrimination had taken place.

196. In the case of each table the percentage ONLY relates to those who responded that they had suffered discrimination – for example '2%' in the column means 2% of the 22% who felt they suffered some discrimination and NOT 2% of all respondents. It is also important to note that respondents often indicated multiple issues within the same question. For example, they feel they have suffered discrimination from 'partners' and 'colleagues'. Respondents were also allowed to note multiple discrimination, for example, on the grounds of their sexual orientation and because they had a disability.

197. The nature of discrimination took various forms:

| Response | Age | Gender | Part-time working | Disability | Ethnic origin | Religion/ Belief | Sexual Orientation | Marital Status | Other |
|--|-----|--------|-------------------|------------|---------------|------------------|--------------------|----------------|-------|
| Left out of communication <i>n</i> =251 | 28% | 53% | 24% | 2% | 4% | 5% | 3% | 5% | 10% |
| Not considered for promotion <i>n</i> =310 | 22% | 54% | 29% | 2% | 4% | 4% | 2% | 10% | 11% |
| Not considered for training <i>n</i> =118 | 28% | 31% | 19% | 3% | 7% | 16% | 2% | 9% | 24% |
| Allocation of work <i>n</i> =235 | 24% | 51% | 22% | 3% | 5% | 4% | 1% | 8% | 11% |
| Allocation of flexi-time <i>n</i> =54 | 15% | 39% | 43% | 4% | 2% | 4% | 0% | 13% | 9% |
| Allocation of leave <i>n</i> =76 | 25% | 33% | 17% | 3% | 5% | 5% | 0% | 28% | 12% |
| Allocation of other benefits <i>n</i> =107 | 18% | 55% | 21% | 5% | 4% | 2% | 3% | 13% | 9% |
| Bullying <i>n</i> =171 | 29% | 55% | 9% | 5% | 5% | 4% | 5% | 7% | 18% |
| Harassment <i>n</i> =129 | 22% | 55% | 7% | 5% | 5% | 9% | 9% | 7% | 13% |
| In relation to social activities <i>n</i> =159 | 17% | 65% | 12% | 3% | 4% | 8% | 8% | 9% | 8% |
| In relation to networking <i>n</i> =203 | 21% | 66% | 16% | 1% | 5% | 6% | 3% | 7% | 6% |

198. The study also collected data on the source of discrimination:

| Response | Age | Gender | Part-time working | Disability | Ethnic origin | Religion/ Belief | Sexual Orientation | Marital Status | Other |
|---|------------|---------------|--------------------------|-------------------|----------------------|-----------------------------|---------------------------|-----------------------|--------------|
| Partner <i>n=425</i> | 19% | 63% | 27% | 3% | 4% | 8% | 4% | 13% | 16% |
| Line Manager/Supervisor <i>n=188</i> | 19% | 60% | 28% | 5% | 6% | 5% | 3% | 12% | 18% |
| Colleagues/other staff <i>n=161</i> | 25% | 52% | 27% | 3% | 7% | 9% | 8% | 10% | |
| Clients <i>n=179</i> | 44% | 71% | 9% | 3% | 8% | 9% | 3% | 5% | 4% |
| Entry process to profession <i>n=125</i> | 28% | 33% | 3% | 6% | 10% | 20% | 2% | 10% | 36% |
| Organisational policies <i>n=98</i> | 18% | 44% | 40% | 7% | 5% | 3% | 3% | 13% | 10% |
| Recruitment process in other firms <i>n=181</i> | 28% | 35% | 15% | 4% | 8% | 18% | 3% | 12% | 25% |

199. This detailed analysis has allowed us to focus efforts in this action plan. For example, on average, the most significant source of discrimination across all groups comes from partners, followed by line managers and clients (equal). The single most significant source of discrimination against any group is clients in relation to females.

200. Understanding these patterns has meant, for example, that we have focussed our efforts in engagement with partners and the issues around discrimination (as they can also influence line managers) and have specifically identified discrimination from clients as an issue to tackle. Likewise, from the earlier table, we were concerned at the level of active bullying, as opposed to areas of subtle indirect discrimination, and have therefore sought to specifically tackle this. Examples of how we plan to address this can be seen in Objective 1 within the Action Plan (Appendix 1).

201. We also asked a range of questions to gauge the perceptions of our members. The questions asked were deliberately wide – to start us in the initial exploration of these issues and to help direct future data collection, focus groups, etc. The ability to break down the responses between different demographic groups allowed greater insight into the findings. This allowed us to understand better what the views of our membership were on a range of equality related issues,

looking in particular at the views of those in positions of influence (such as partners in law firms).

202. **What should the Society be doing to tackle equality:**

The study also collected important information on what the Society should be doing to tackle equality. We have done much work to gain the views of other stakeholders (See Section 10 on Involvement) but knowing the views of our own members is of particular importance, especially as they are the sole source of income of the Society.

203. The percentage directly after the suggestions on actions are an aggregate of 'strongly agree' and 'agree', which gives a summary of where there is consensus that the Society should act.

| | STRONGLY AGREE | AGREE | DISAGREE | STRONGLY DISAGREE | DON'T KNOW |
|---|----------------|-------|----------|-------------------|------------|
| PROMOTE BEST PRACTICE (94%) | 39% | 55% | 1% | 1% | 4% |
| ISSUE GUIDELINES TO ALL SOLICITORS (80%) | 23% | 57% | 11% | 2% | 7% |
| PROVIDE TRAINING (73%) | 22% | 51% | 15% | 2% | 10% |
| PROVIDE AN ADVISORY SERVICE (80%) | 20% | 60% | 9% | 1% | 9% |
| SET MINIMUM STANDARDS IN RELATION TO EQUALITY AND DIVERSITY (62%) | 19% | 43% | 22% | 5% | 11% |
| TAKE DISCIPLINARY ACTION AGAINST MEMBERS (61%) | 18% | 43% | 18% | 5% | 16% |
| ENSURE EQUALITY AND DIVERSITY ARE TAUGHT ON THE DIPLOMA (55%) | 13% | 42% | 26% | 7% | 12% |
| ENSURE EQUALITY AND DIVERSITY ARE PART OF THE TRAINEESHIP (46%) | 11% | 35% | 33% | 7% | 14% |
| ENSURE EQUALITY AND DIVERSITY ARE TAUGHT ON THE LL.B. (39%) | 11% | 28% | 39% | 8% | 14% |
| REVISE THE DISCRIMINATION RULE IN THE CODES OF CONDUCT (41%) | 10% | 31% | 18% | 3% | 38% |
| MAKE CPD IN EQUALITY & DIVERSITY MANDATORY EVERY THREE YEARS (32%) | 9% | 23% | 40% | 13% | 15% |

204. These results have heavily influenced the work of the Society. Guidance to solicitors, collating best practice, will be issued early in 2009, whilst Objective 7 of the Action Plan (Appendix 1) looks at promoting the advisory service already in place and how this might be developed in the future, and Objective 8 addresses issues around training and CPD.

E. OTHER RELEVANT DATA

205. We regularly review internal data to ensure we identify any issues around equality. For example, it is important to ensure that our governing Council broadly represents the composition of the profession and the general population. We cannot publish information on all areas of diversity due to the low numbers involved which could identify individuals. However, as an illustration of the type of monitoring we undertake we can look at the gender composition.

Council (with four non-solicitor observers) is 25% female, regulatory committee conveners are 17% female, and non-regulatory committee conveners are 42% female. 18% of Faculty Deans are women. This compares to approximately 22% of partners within law firms being female, around 45% of the general profession being female, and around 67% of lawyers under 30 being female.

These benchmarks compare reasonably against the latest 'women in power' study (Equality and Human Rights Commission 2008) if we look at a basket of comparators from FTSE directors, to members of parliaments/council, to public leadership roles. As with many areas, more can be done, and changes to the way conveners are nominate will look at this issue, as well as ongoing work to encourage a greater breadth of people to consider standing for election to the Council.

206. **The Scottish Legal Aid Board (SLAB)** commissioned research to examine various issues around race/ethnicity and legal services. *“The specific objectives of this short piece of research were to gather information on:*

- *ethnic minorities understanding of the legal aid system and the type of issues for which they seek legal aid;*
- *the routes ethnic minorities use to access legal advice and representation;*
- *the reasons for non-disclosure of ethnicity background when applying for legal aid;*
- *the satisfaction of ethnic minority applicants with legal aid services”.*

207. **The Law Society of England and Wales** regularly commissions research on various aspects of equality (such as publishing demographic profiles of the

profession, looking at the experience of gay and lesbian solicitors, and examining issues around their 'Enforcement Unit'). Like the SLAB research these studies have been used to inform the work of the Society by providing information on issues from a similar (although far from identical) jurisdiction.

INVOLVEMENT AND CONSULTATION

A. INTRODUCTION

208. The Race and Gender Equality Duties use the term ‘consultation’ whilst the Disability Equality Duty use the term ‘involvement’, seen by many as a higher standard which goes beyond gaining feedback through consultations to actual participation in processes.
209. The Society’s policy for the last three years took account of this debate and best-practice in this field and set the ‘involvement’ standard as the one that we would apply to all strands of our equality work, even prior to this becoming a legal requirement in relation to disability.
210. This policy continues, and we believe this takes us to a standard well beyond that of a minimum compliance approach.
211. The Society recognised that some of the leading work in this field has been carried out within the healthcare sphere and would see relevant standards and guidance being provided by the following documents:
212. **Involving People In The NHS - Building Strong Foundations**
The Scottish Executive
- Involving People In The NHS - Building Strong Foundations: Opening Up**
The Scottish Executive
- User And Public Involvement In Health Services: A Literature Review**
Dr Julie Ridley And Lyn Jones, Partners In Change
SHS Trust
- Assessment of Innovative Approaches To Testing Community Opinion**
Andra Laird, Jo Fawcett, Fiona Rait and Sharon Reid
George Street Research Ltd
- CRE/DRC/EOC GUIDANCE**
Now available from the EHRC website – www.equalityhumanrights.org
213. In designing each element of our involvement work the Society committed to the following five principles:

214. **Proportionate** -to the nature of the issue(s) involved
Transparent - aims, objectives, possible outcomes, and the (possible) results of involvement are all clear and publicised
Appropriate- to the aims and objectives of the involvement
Inclusive - ensuring a range of groups are involved and that deliberate effort is made to involve hard-to-reach groups
Accessible - in the way those involved are 'recruited', in method, and in implementation

215. It was also felt important to have a range of short and long-term involvement strategies. Whilst long-term involvement allows knowledge and skills to grow in those involved, it can equally bring implicit acceptance of some barriers/ways of working, lack of innovation, and the potential that a group of individuals - rather than a group of representatives with experiences of wider groups - will sway policy. A blended approach allows the benefits of a variety of involvement methods to contribute to policy.

216. There have been a variety of different involvement methods used in the preparation of this strategy and in other work. This section introduces our approach to involvement before we move to look at each of these methods in turn:

- Working with individuals
- Our elected Council and our membership
- Equality and Diversity Committee
- Working with other organisations
- Major involvement projects – equality specific
- Major involvement projects – mainstreaming the equality dimension

B. WORKING WITH INDIVIDUALS

217. Working with groups, and on specific projects is vital if a strategic approach to Race, Gender, Disability or any other strand of equality is to be achieved. However, it is common for organisations to work with individuals to find out about their personal issues and experiences and deal with specific issues. This information often fails to be passed across the organisation to, where appropriate, inform future practice and policy. We have tried to address this issue, believing that such direct involvement in addressing an issue can provide valuable and rich qualitative data.

218. The Society, therefore, attempted to ensure through the Equality and Diversity Strategy that information of this nature was shared and could lead to future policy change.
219. An example would include working with a recently appointed female partner - the first to reach that position within the firm. The agenda for an upcoming partnership meeting indicated that the partners were considering reducing the standard of maternity benefits available to partners (not to their employees). As the only person likely to be affected by the policy in the foreseeable future she felt a duty to speak, despite the fact she was not actively planning a family. She contacted the Society to discuss the issue. The Society was able to contact a network of other firms to find out about their maternity arrangements, and assist in the development of a negotiation position by providing this data and further complimentary information about the currently competitive recruitment/retention market in that speciality of law (where competition to attract solicitors was, at that time, fierce). The Society was also able to provide further supporting information and refer the individual to other advice services, such as the EOC legal advice line. The whole process raised the Society's knowledge and awareness of these issues, allowing us to plan future work in this field.
220. Another example would include working with a bisexual solicitor who felt the definition of 'bisexual' in the Society's Equality and Diversity Strategy was not appropriate. This led to a better understanding of the experiences of bisexuals in the profession, and meant that we could improve the wording we used as part of the annual review and reporting process on the strategy, and also informs the approach in this strategy.
221. Looking at the area of disability, we could use the example of a blind student who worked with the Society to examine how we could adapt our process in relation to a traineeship to assist them. In particular, we looked at how we could work with the profession to assist in gaining and progressing with a traineeship. As well as identifying solutions for individuals this information was shared across the regulatory departments to provide ideas as to how their processes could, in the future, be adapted to improve their accessibility.
222. Another example would come from the Client Relation Office, which has over time worked with people with a variety of access issues, and also a variety of mental health issues which have had an affect on their interaction with the Society. The experiences of this team have now helped shape various organisation-wide policies.

223. Our Annual Report details the protocol for Special Issue Reporting from departments and individuals, and how this information is shared across the organisation.
224. The key benefits of this method of involvement include raising awareness within the organisation of a variety of issues facing people in relation to equality. It is also important in 'humanising' the issues and developing confidence among staff in working with people from a range of backgrounds with a range of issues.
225. Feedback from these sources has influenced the development of this Strategy, and will continue to be used to inform projects and work set out in the Scheme.

C. OUR ELECTED COUNCIL AND OUR MEMBERSHIP

226. An elected Council governs the organisation, and major policy needs to progress through the Society's Annual General Meeting (AGM). Every solicitor on the 'roll' of the Society has voting rights and can participate in elections. All of these individuals have the power to vote in elections, and on issues debated at the AGM. Voting at the AGM can even be done by proxy, without attending in person, opening up real authority to anyone who wishes to contribute.
227. In an organisation governed and directed by its members, it is appropriate to consider involvement with the profession as a whole as also including the involvement of those with specific interests and issues within the profession. Indeed, this is actually mainstreaming equality, ensuring that everyone has involvement all of the time, rather than specific involvement projects to address specific issues (with the value of that latter type of work being discussed later in this section).
228. All solicitors in Scotland were contacted as part of the preparation for this strategy by an e-bulletin, and asked to contribute their views on how the Society should develop its equality work.

D. DIVERSITY ADVISORY GROUP / EQUALITY AND DIVERSITY COMMITTEE

229. In recognition of the work and achievements of an earlier informal advisory group the Equality and Diversity Committee became a convened sub-committee of our statutory elected Council (May 2007). It now sits alongside other core functions such as 'Admissions' (dealing with entry to the profession) and the 'Professional Conduct Committee'. The current convenor is Farah Adams, a Council Member and solicitor in private practice. The key benefits of this form of

involvement are a committed and knowledgeable group to guide complex policy and process issues and share their experiences from a range of other organisations working in the equality field and implementing their own equality work. This allows the Society to learn from other organisations where possible, saving duplicating resources if it is not necessary, and equally to share its own work. It also provides a focussed and flexible group which can help ‘trouble shoot’ and identify issues – which may in turn lead the use of other consultation and involvement methods to then collect a more detailed set of feedback and data.

230. The newly formalised role of the group means it will continue to influence and inform opinion.
231. A governance review is underway, examining the role of all committee structures within the Society. At this stage the proposals are still at the discussion phase, but the role of the Equality Committee is seen as vital to being a transparent and effective organisation. It is currently envisaged that only three ‘group committees’ will report directly to Council, with all work focussed below them. However, the Equality Committee was seen as an exception to this rule and at this stage it is planned it will report directly to Council and have oversight of the ‘group committees’ to ensure that equality is being effectively implemented through their work.
232. The ‘recruitment’ process for the committee includes adverts in ‘The Journal’ (which goes to all solicitors) and the national press (for non-solicitor members). A significant number of applications were received. Selection was against a structured person specification, and also took account of the need for diversity in a committee of this nature.

E. WORKING WITH OTHER ORGANISATIONS

233. Many of the areas in which the Society works are complex, and our organisation alone cannot always stimulate change, nor does it always have an authority to act. For example, in relation to accessing legal services the Society has a role to play, as do individual law firms in areas we do not have authority to regulate, as does the Scottish Executive, the Scottish Legal Aid Board, and others.
234. Whilst some might not see working with other organisations as ‘involvement’ it can indeed fulfil what we see as the accepted definition. For example, if we chose to do a joint study on career progression for female solicitors within the solicitors’ profession, but are also looking at transfer to the bar and judiciary,

that could clearly be an involvement project, as could working in partnership with another organisation, as could funding another organisation to carry out the study. This extends to allowing another organisation to run and fund that study while you tackle another area – with both organisations sharing the outcomes for mutual benefit.

235. It is not being suggested that the duty to ‘involve’ and ‘consult’ could be dispensed purely by being party to, or having access to, other organisations’ involvement work. Nevertheless, the Society feels it is important to emphasise that this is a valid part of an involvement package and that the sharing of resources and information is likely to lead to better results for all concerned, whilst also reducing the potential for ‘consultation fatigue’.
236. Society staff have therefore taken positions on equality related committees in a number of other organisations, and are seeking to ensure the effective flow of information between these organisations.

F. MAJOR INVOLVEMENT PROJECTS – EQUALITY SPECIFIC

237. Two key contact groups were involved in prioritising what areas the Society should tackle in finalising what targets should be set in our initial Strategy, and Gender and Disability Schemes (published as supplements to our original Strategy to ensure we fully complied with statutory duties). **The Equality Forum** was a small group of solicitors who have personal and/or professional experience of the specific strands of equality (including issues around gender, and sexual orientation, although not it should be noted, at this time, transgender issues). The second group was comprised of those solicitors and interested members of the public who chose to register an interest in the launch of the Women in the Legal Profession research findings (two hundred who attended the event, and a further fifty who requested copies of the findings). This group became known as the **Women in the Profession Discussion Group**. Both groups were e-mailed a similar short questionnaire asking them to consider what type of work the Society should undertake in order to challenge issues around gender and to prioritise areas that the Society should tackle. This data is still current, as we set short initial plans so that all three duties could be brought into coordination in this, a single Strategy. The results have influenced the development of this Strategy and the Action Plan contained in it.
238. A further example of a major involvement project would be the ‘**Profiling of the Profession**’ project (results discussed at Section 5) which gathered demographic data, details on discrimination solicitors felt they had incurred in

their working lives, and data on what the profession thought the Society should be doing in relation to equality and diversity. Over 3016 people responded, giving us an invaluable data set including views from all the equality strands. Allowing people the opportunity to share their views about how the issues raised should be tackled, publishing these, and letting respondents see how they have gone on to influence policy is an effective form of involvement.

239. ***An e-mail was sent to all members of the profession***, asking for input and ideas to the development of this strategy. Many solicitors responded, with ideas around flexible working being a particularly notable feature.

240. ***All staff within the organisation were asked for input***, and again their views influence the direction of our policy.

241. ***Equality Works were appointed to meet with key stakeholder groups and individual solicitors with experience of each of the strands of equality***. A structured interview technique was used to gather information on what people thought of the Society and its work and what targets we should be setting for the future. A summary of the feedback from this exercise will shortly be available on our website, and this was an important element of the involvement that underpins our approach. The exercise involved groups such as:

Capability Scotland
Ethnic Minority Law Centre
LawCare
SAMH (Scottish Association for Mental Health)
Scottish Refugee Council
Scottish Women's Aid
Scottish Young Lawyers Association
Stonewall Scotland
Range of law firms and HR in law firms

242. ***A major Service Access Review has been carried out***. The best way to introduce this is perhaps to take an extract from the report prepared after the event by the **Inclusion Development Partnership**, our project partners in this work:

243. *This service accessibility review workshop was commissioned by the Law Society of Scotland as part of the development of their Equality and Diversity Strategy. It was a collaborative initiative between the Society staff and members; Inclusion Development Partnership; people with a range of physical, sensory and intellectual impairment; people with mental health issues and service providers working in the field of disability education and independent advocacy.*

The aim of this one-day workshop programme was to explore a range of current services provided by the Law Society of Scotland in terms of accessibility for disabled people. Four teams were tasked with identifying accessibility issues for disabled people and, through discussion in 50:50 teams, seek ways in which some of the issues could be best addressed, as well as highlighting good practice currently in operation. The 50:50 model used is not only effective in bringing people together to work in partnership, but its importance also lies in the actual process of the workshops where positive behavioral and attitudinal change can occur through all participants learning together by working together.

Issues raised and views and experiences expressed in this document are recorded directly from the participants in the project team discussions occurring during the work shop programme.

The programme included:

- *Identification of participants*
- *Initial preparatory sessions for disabled people*
- *A full day workshop event using the 50:50 facilitated team approach.*

Discussions included exploration of current service provision; identification of good practice; determination of accessibility issues, identified through direct experience and the provision of recommendations to improve the accessibility of services offered.

Fifty people participated in the workshop programme. Four specific teams were formed with participants including:

- *Disabled people with a wide range of physical, sensory and intellectual impairment and people with mental health problems.*
- *Professional representatives from*
 - *Independent advocacy*
 - *Education (Skill Scotland)*
 - *Scottish Association for Mental Health*
- *Staff of the Law Society of Scotland*
- *Members of the Law Society of Scotland*
- *Editorial staff of the Law Society of Scotland Journal*

244. The full report, including the recommendations, is available to download from our website at:

<http://www.lawscot.org.uk/diversity>

245. ***Further involvement work was carried out as part of our Impact Assessment process***, for example, working with Capability Scotland to examine proposals for a new complaints process. Again, the report on this involvement work is available to all on our website.

G. MAJOR INVOLVEMENT PROJECTS – MAINSTREAMING THE EQUALITY DIMENSION

246. This process is very different in nature to the one described above. Again, an extract from materials supporting the project (in this case, the home page of the consultation website) probably best explains the process:

Welcome to the consultation home page of the largest ever research and evidence gathering exercise undertaken by the Law Society of Scotland. This is an exciting opportunity for everyone with an interest (from students to partners, clients to legal academics) to be able to contribute to and shape the future plans of the Society in relation to how solicitors are trained.

This is an ambitious and complex task, covering a range of routes to qualification (from full-time and part-time LL.Bs to the Society's exams) that can take from five to seven years as well as examining the full practising life of a solicitor. Despite this, we have designed a system that should allow everyone the chance to easily register their views on some key 'overview' topics in as little as twenty minutes, and then choose whether or not to get involved in more detail in relation to stages which might be of particular interest to them.

We need as many people as possible to register their views to make the exercise meaningful. If you want, you can simply select options on 'tick box' type questions, or there is also the opportunity to offer detailed responses in 'free text' questions. The overall feedback will be published on this website (without identifying individual respondents) so you will be able to come back and find out what your colleagues thought.

...

We'd also be grateful for your more detailed feedback on three of the key stages of training. Detailed questionnaires can be accessed from the option on the navigation menu - why not set a reminder in your diary to come back and fill out a stage each week.

Finally, other sections of this site, again accessible from the menu at the right of your screen, allow you to look at the current training arrangements, the background work underpinning this project, and the detail of some of the projects which have currently been completed.

247. Every member of our profession received a mailed invitation to participate in the consultation. We have also sent an additional 5000 invitations to groups ranging from the Scottish Consumer Association to small independent charities representing a range of people with disabilities or other particular circumstances: for example, Women's Aid, the three Equality Commissions, the Scottish Discrimination Lawyers Association, and so on. A marketing strategy including posters, press coverage, TV and radio coverage (BBC), e-mail reminders, coverage in our 'Journal', flyers, etc. ensured the profile of the project was maintained.

248. This project represents real involvement. The whole process, including the two years of development work underpinning it, were completely transparent, with all information available through the consultation website. The consultation was taking place prior to any of the issues being discussed by the relevant committee (the Education and Training Committee) or by our Council, meaning that members of the profession and public were getting a chance to register their views and make their suggestions before any policy discussion even took place. Focus and discussion groups added qualitative richness. We specifically asked certain groups to look at the work from the position of identifying potential barriers, where systems may currently (or might in the future) cause unequal treatment and how the system could be improved to concentrate on standards ('competencies') and how they were assessed rather than the processes (such as the requirement to have an LL.B. law degree).

249. The consultation itself also includes aspects originating from the Society's commitment to Equality and Diversity, and the General and Specific Duties for Race, Disability and Gender. For example:

- There is a recommendation that every individual training to be a solicitor should in the future cover discrimination law (including gender) and human rights law as core topics
- That issues around equality and accessibility form a mandatory part of the Diploma in Legal Practice
- The consultation examines introducing a wider range of assessment methods, giving those in training different ways to demonstrate competence – this is based on current theory in relation to 'gender bias' in the assessment of certain skills such as 'negotiation'
- A more flexible overall framework should allow those seeking to enter later in life, especially where they have caring responsibilities, a

greater range of options as to how to study which will better fit with other commitments.

250. As policy is developed after the close of the consultation it is likely that further, more specific and focussed, involvement projects will be undertaken in key areas. For example, an extremely helpful response from Scottish Womens' Aid will be followed up to see how we might better integrate teaching around issues such as domestic violence.
251. Demographic data is collected on all consultations (recent ones include new 'Standards' for the profession and on the introduction of a 'Registered Paralegal' scheme) to allow us to ensure we have gained a range of responses. In the case of these two examples specific questions also looked at any possible impact the proposals may have in relation to equality, and asked for ideas about how they could be used to promote diversity. Summaries of the findings are available on our website.
252. Care is taken to make contact with harder-to-reach groups. For example, while such techniques should be easily accessible to women, and we can check we get a proportionate response from women, additional effort may be appropriate to involve certain groups, for example, minority ethnic women or disabled people. The design stage of any such project takes account of these issues.
253. The Society believes these are good examples of 'mainstreaming involvement', with the involvement of all equality groups being an integral part of much wider projects to consult with the profession and the public.

H. THE FUTURE OF INVOLVEMENT

254. It is hoped that this section has given a flavour of the Society's work in 'involvement' and consultation, and that it can be seen that the Society views these as integral to carrying out its functions of representing the profession's interests, and the interests of the public in relation to the profession. As well as carrying out specific equality related projects, the organisation has also mainstreamed equality issues throughout major projects such as the Education review. The Society plans to continue to operate in this way.
255. Some targets in the Action Plan are either to improve involvement, or have

involvement work mapped in as part of a larger target. An example of the former would be the specific objective around the involvement of solicitors from minority ethnic groups (Objective 4) or the involvement of disabled people in assessing access to law firms (Objective 6), and of the latter, would be involvement sessions with various groups to develop the planned project to encourage law firms to publish data on their equality profile and practice (Objective 1).

256. If you want to contribute to the development of this work in any way, from becoming involved in a specific project to simply e-mailing a short comment on an issue you think is important or that should be taken into consideration, then please contact the Head of Diversity:

Telephone: **0131 226 7411**

Text-phone: **0131 476 8359**

E-mail: **diversity@lawscot.org.uk**

Address: The Law Society of Scotland, 26 Drumsheugh Gardens,
Edinburgh, EH3 7YR

257. Rather than set out in more detail a plan for future involvement projects, the Society hopes that its demonstrable commitment to high quality involvement projects will show its willing adoption of these standards, and that further projects will emerge where involvement is required through business planning and impact assessment. Ongoing performance in this area can be monitored through the Society's annual report on Equality and Diversity.

IMPACT ASSESSMENT

A. Introduction

258. Many scheme and strategies will start with a section on identifying relevant function, policies, and procedures, which was the first stage of impact assessment under the Race Equality Duty:
259. **'Functions'** is used to mean our duties and powers – for example, accreditation of the providers of legal education. It covers internal and external functions, including those related to the public and to the profession.
260. **'Policies and procedures'** means the full range of formal and informal decisions and processes the Society makes and uses in carrying out its functions, and all the ways in which we utilise our powers – or decide not to. We have taken notice of the fact that any assessment of a policy must include an examination of long-standing 'custom and practice' and management decisions, as well as any formal written policy.
261. **'Relevant'** means 'having implications for' (or affecting) the general duty. A function or a policy will be relevant if it has, or could have, implications of any kind for promoting equality in terms of race and the other Equality and Diversity strands.
262. However, the Society's policy has always been to see ALL function, policies and procedures as relevant. It is safer and more appropriate to assume that all areas could have some impact, and should go through at least an initial screening process, than to possibly miss subtle or implicit implications.
263. A complete impact assessment project was undertaken in mid 2005, to inform the first Equality and Diversity Strategy of the Society. Although prior to the

Gender and Disability duties it took account of those areas, as well as the three other strands that still have no public sector duties. The guidance on Race Equality Impact Assessment was used to guide the process. Detailed action plans were identified for teams and for the organisation overall.

264. In that first strategy a commitment was given to undertake a complete review again in the lead up to this, the second strategy document.
265. A benchmarking exercise was undertaken to identify best practice in impact assessment. Various models were examined in detail, alongside guidance from the three former equality commissions. An Initial Screening Template, Full Impact Assessment Tool, and Guidance were developed, with additional input from Equality Works (an Equality and Diversity consultancy), and approved by the Equality and Diversity Committee.
266. Impact assessment 'leads' were identified in each team, who would take full responsibility for impact assessment within that area of work.
267. Equality Works were appointed as independent consultants, and carried out a training event for all impact assessment 'leads'. Further learning materials and case studies were also distributed, to support the internal guidance on impact assessment.
268. All functions, policies and processes went through initial screening. During this phase of development 'leads' had access both to the internal Head of Diversity, and a formal mentoring session with an external consultant. This was to ensure the process was rigorously carried out, and had external involvement, but also had the internal expertise of those who understood in detail what was being assessed.
269. Those functions, policies and processes meeting a certain threshold score progressed to full assessment. Again, 'leads' had access to internal and external advice. Where issues were identified individual actions plans were set. Involvement work was used to ensure key areas were explored, for example working with a group of disabled people to consider access implications for the new complaints procedure being introduced.

270. The Society is a relatively small organisation and although it provides various functions and services, many of these did not score highly. Examples of areas where impact assessment took place include:
- **our communication policy** - this scored highly and proceeded to full assessment because of the many opportunities to promote equality and because of the need to ensure communication reaches all groups
 - **our complaints service** (for those with complaints against Scottish solicitors) – this scored highly because we need to ensure it is known of and accessible to all, and because we need to ensure all those accessing it (and any solicitor subject to a complaint) are treated fairly
 - **criteria used for inspecting firms accounts processes** – this is an important process and has significant implication for firms. However, the standards relate to accounting processes and protocols, and apply in exactly the same way to all firms. There is little, if anything, that could be identified where there may be an impact in relation to equality

271. A summary of functions assessed is below. Those marked ‘*’ have had an initial screening carried out at an early stage of the project, and whilst full assessments have been started the project is not at a stage where they can be completed yet. For example, we can screen the likely implication of Alternative Business Structures, but at the moment it is such an early stage of planning that there is not enough detail on what may happen in the future to allow a full assessment to be completed. This will happen as it starts to become apparent what form the planned legislation will take, during late 2008 and early 2009.

Continued overleaf....

272.

| Function Area | Screening | Full Assessment? |
|--------------------------|---|--|
| Client Relations Office | CRO 1 - Customer Service Project CRO 2 - Conduct Complaints | No Yes - Complete |
| Financial Compliance | FC 1 - Claims Management FC 2 - Debt Collection FC 3 - Attendance at Inspections FC 4 - Meetings and Interviews FC 5 - Reports and Correspondence | No No No No No |
| Registrar | RG 1 - Procurement RG 2 - Practising Certificate UNDER DEVELOPMENT | Yes - Complete |
| Professional Practice | PP 1 - Guidance to Solicitors PP 2 - Practice Rules and Standard Settings PP 3 - Accredited Specialists UNDER DEVELOPMENT | No No Yes |
| Business Development | BD 1 - Service Provider Scheme BD 2 - Promotional Opportunities BD 3 - The Journal BD 4 - Connect Communications | No No No Yes |
| Corporate Communications | CC 1 - Publications CC 2 - Branding CC 3 - Media work CC 4 - Stakeholder | No No Yes - Complete Yes - Complete |
| Central Services | CS 1 - Provision of Central Services | No |
| Strategic Change | SC 1 - Registered Paralegal SC 2 - Governance Review SC 3 - ABS | Yes* Yes* Yes* |
| Update | UP 1 - CPD Training Provision | No |
| Law Reform | LR 1 - Law Reform | Yes |
| Education and Training | E&T 1 - Review of Training E&T 2 - Fit and Proper Test E&T 3 - New Lawyers' Engagement Strategy | Yes - Complete No No |
| Human Resources | Still developing, awaiting October 08 employment law changes being implemented | |

273. Further details of our approach, and copies of our Equality and Diversity paperwork, can be found on our website, and we are happy to provide further information to interested parties.

B. THE FUTURE OF IMPACT ASSESSMENT

274. Having been through this main tranche of impact assessments some small changes have been made to the paperwork in light of feedback from the Equality 'leads'.

275. Amended paperwork will be improved in due course by the Equality and Diversity Committee of the Society. New projects or the alteration of existing processes will be assessed prior to any decision making stage.

276. ***In the future this will involve:***

- Setting clear policy aims and objectives
- Collecting initial data on any possible impact on Equality and Diversity
- Using this data to score the likely impact of the policy in relation to a differential effect on any particular group

277. ***Where that scoring indicates it is necessary:***

- Consider alterations to the policy which could negate this effect whilst still delivering the aims of the policy
- Where appropriate, consult with and involve interested organisations, user groups, staff, members of the public, etc.
- Take account of assessment and involvement before making recommendation decisions
- Monitor and review the policy as it is implemented to assess for unforeseen impact
- Publish the results of assessment, involvement, and monitoring

278. ***In all cases:***

- Reviewing in the course of every three-year cycle, as a minimum, all policies, procedures, and data collected to ensure continuing compliance
- Always being willing to consider guidance and feedback in relation to policies and procedures and be willing to review, appropriate to the feedback received, the status on an ongoing basis.

MONITORING OUTCOMES

A. Introduction

279. In the past the Society has formally collected little outcome-based data in relation to any of its functions and across any elements (such as outcomes, satisfaction, groups affected, etc.). It is recognised by the Society that this is a necessary part of effective management as well as effective Equality and Diversity and there is a commitment to work towards monitoring various aspects of our work.
280. One challenge was the lack of 'baseline' data. Many of our services and responsibilities related to the **solicitors profession** in Scotland, but we had little data on what the composition of the profession was, making it impossible to know whether Society services were leading to differential outcomes.
281. A key focus of the first three years was addressing that lack of baseline data, through the Women in the Profession study and the Profile of the Profession study. A second profile, again covering all strands, is being collected in early 2009 (the tender was only awarded in November 2008). This will give us the first indication of 'trend' data, with two samples almost three years apart providing comparative data.
282. This will give us a reliable data set to start comparing ***solicitor facing functions*** against. The section below indicates areas where monitoring will be considered.
283. We also have ***public facing functions***. However, the most significant of these; the management of complaints against a solicitor, has now partially moved to a new 'gatekeeper' (the Scottish Legal Complaints Commission). The Commission, and not the Society, manage initial contact with the complainer, and will collect all information at the start of the process, and

decide whether it is a level of complaint they will deal with ('service' complaints) or whether they will pass it to the Society ('Conduct' complaints).

284. The Society will be reliant on what data is collected by the Commission, and will establish monitoring on the basis of this information.
285. During the course of the first Strategy the Society commissioned Equality Works to draw together baseline data and information on the general population of Scotland and its demographic profile across all equality strands. A report on this work can be found on the Society's website, and the information will be used to inform any monitoring of public facing functions.

B. FUTURE PLANS

286. The Society intends to put in place arrangements to monitor:
- The make-up of the profession, across all equality strands
 - The experiences of the profession in relation to areas such as recruitment, promotion, access to development, and experiences of discrimination
 - Access to education in relation particularly to the professional stages, the Diploma in Legal Practice and the traineeship, and working with our colleagues in the universities in relation to the earlier stage of the LL.B. in Scots Law
 - Record keeping, by equality strand, in relation to those accessing the key services of the Society
 - Projects to monitor 'satisfaction' in relation to key services of the Society
 - Budget profiling
 - Continually examining and assessing evidence generated and published by other organisations to consider how this may have a bearing on our own functions (literature review)
 - Networking with representatives of academia, policy, commerce, public sector, user groups, etc. to ensure that information is shared and best-practice identified
 - Commissioning independent research where appropriate.
287. Various specific targets are set within the Action Plan (Appendix 1), where Objective 9 ensures all areas of the Society's work is covered.

TRAINING

A. INTRODUCTION

288. The Law Society of Scotland see ongoing training as underpinning all the work planned in relation to Equality and Diversity. It was recognised that every member of staff had to have an awareness of what Equality and Diversity is, our legal commitments, the positive benefits, and what is planned in the future. It was further understood that without every member of staff aware of these issues there would always be the potential that good policies and procedures may not be translated into high quality and Equality and Diversity aware provision of services. Training is seen as key to ensuring the Equality and Diversity agenda is delivered within the Society.
289. A one-day session was run in a block for all staff, with specific learning outcomes set:
- By the end of the session participants should be able to:**
1. Understand prejudice, discrimination, culture, and stigma
 2. List the areas of discrimination covered by the law
 3. Discuss the positive aspects of diversity
 4. Discuss how and when discrimination occurs
 5. Understand a little of what it might feel like to be discriminated against
 6. Outline what the Society plans for the future in relation to diversity
290. There is a commitment to the provision of training for new members of staff and to refresher training for existing staff, the latter of which was frequently requested on the feedback forms from the initial programme, showing a real commitment among all staff, not just management, to ensuring understanding of these issues. Several follow-up sessions have since been run.
291. 'All staff' meetings, held on a quarterly basis, are used to raise awareness of particular equality work, issues, and progress with the overall strategy.
292. A mandatory two-day course for all those involved in the recruitment and selection of staff covers equality issues around this area in more detail.

293. Although not strictly 'training', staff have noted that key 'learning' has come from our various involvement events. For example, many staff noted a key personal outcome of our Service Access Review (see Section 10) as being the opportunity to learn more about the experiences of disabled people and to experience working with them.
294. A separate half-day training programme for Council and Committee members has been developed taking into account the pre-existing knowledge members have of Equalities Legislation. Again, feedback from the courses so far has been highly positive (for example, 62.5% rated the overall course as 'excellent' and 25% as 'good').
295. Bespoke training has also been run for a number of groups within the Society. For example, the 'reporters' (who currently write reports on the evidence submitted in cases of complaints against solicitors made to the Society) were all provided a session on the equality issues that can arise in their work, from how evidence might be assessed and issues of bias that can arise, through to how reports should be constructed and appropriate language to use. Another example would come from work with the 'Financial Compliance' team, where a specific skills session was developed to look at the issues around equality that can arise in inspecting law firms and compiling reports on the firm's compliance record. A half-day module was also provided on impact assessment for the person from each team leading this work, and this was followed up with individual mentoring sessions.

B. WHAT IMPACT HAS TRAINING HAD?

296. An impact assessment of the original one-day training for all staff has now been carried out using a web platform testing knowledge, attitude, perceptions, and also gathering data on departmental implementation of ideas in the training. The results showed good understanding and retention of knowledge, along with indicating that the principles were being used in practice within projects and teams.
297. The questionnaire was developed using SNAP online survey software, a web-based platform, and all staff currently working in the Society were encouraged to log on and respond. 76% of those responding had attended the training, and 24% had not (this latter group was comprised of new staff and those returning after maternity leave). Of the 75% who had attended **96% would recommend the course to colleagues and 100% believed it should be mandatory for**

those joining the Society. 93% of those attending rated the course 'good' or 'excellent'. Directors and Deputy Directors were more likely to rate the course as 'excellent' than less senior staff, suggesting a significant management 'buy-in'.

298. Knowledge and understanding of equality issues was also tested, both in the impact assessment and again, later, in the staff survey of September 2008. These two opportunities were also used to collect data on whether Equality and Diversity, and the training on them, were being taken into account during day to day activities within the Society. The details of this most recent assessment are reported alongside the general findings of the survey in Section 9.

C. WHAT IS PLANNED NEXT?

299. The Society now wishes to run our specific training on the various strands of equality, and has collected data from staff on their confidence in each area to assess the order in which they should be addressed and where emphasis should be placed.
300. The Society has examined a variety of online and traditional training providers, but has had difficulty identifying high quality training which further develops the knowledge and skills staff already have, and that can be rolled out in an effective manner across the organisation.
301. A system of 'diversity champions', individuals from each team who received extra training was considered, and may still be the way forward. This was put on hold last year for two reasons; significant internal restructuring meant it was not an appropriate time to select staff likely to be within one unit for a significant period of time, and secondly there was a similar approach being taken to building management skills/capacity at the same time which would have diminished the impact of the using the same approach in relation to equality.
302. The Society's new performance management framework now includes criteria around diversity for all staff. The scheme and the competencies were developed in liaison with all staff, and piloted with a representative group. This will ensure that equality is seen as central to performance assessment, development and progression within the Society.
303. New targets have been set as part of the Action Plan (Appendix A) to ensure that high quality and high impact training continues to play a significant role in the development of the equality work of the Society.

ACCESS TO INFORMATION AND SERVICES

A. Introduction

304. The Society provides services to the public, profession and, on occasion, to other organisations such as universities and schools.
305. Details of our Service Access Review (and supplemental work on complaints) can be found in Section 10, and this has been a significant driver for our work on improving access.
306. In many areas the Society is the only provider of the service in question, for example in accrediting universities to provide an Exempting LL.B. degree in Scots Law or in administering complaints from the public against the profession.
307. In this latter instance the requirement to use this service is often also linked to a stressful episode in a person's life (for example, where they feel they have been let down by their solicitor). The Society must be able to provide fair and equitable access to services and information if it is to be an effective regulator in addition to the requirements of the various legislation.
308. **The Society is committed to providing flexible access to information through a variety of mediums:**
- Phone enquiries and our helpline
 - Fax
 - Text phone/Minicom enquiries
 - Information and promotional events
 - Press releases to a variety of print and other media
 - Our website – <http://www.lawscot.org.uk>
 - The website of 'The Journal', the official magazine of the Society – <http://www.journalonline.co.uk>
 - Information packs and leaflets in a variety of formats
 - Training DVDs including subtitles, text of audio tracks, etc.

309. The Society has a policy on translation of materials, which allows translations to be quickly and effectively obtained. We do this on a regular basis for those using the complaints system, for example. Much of our communication is particular to individual, often unique, situations, so this policy is more effective for all than holding stocks of standardised materials.
310. Other policies are in place to ensure accessibility. For example, an accessibility audit tool was developed by our Update team, who frequently use external venues. During their quieter summer period they used this tool to assess the venues that will be used in the coming season's programme to ensure that all are appropriate for the needs of all service users.
311. The Society is happy to accept feedback from solicitors and the public on their experiences of using our services. In all cases please contact the Head of Diversity (diversity@lawscot.org.uk, 0131 226 7411 or text-phone 0131 476 8359).

WHAT HAPPENS NEXT?

A. Introduction

312. The Society recognises that developing a strategy such as this is a first step rather than an outcome in itself.
313. The Action Plan (Appendix 1) addresses specific objectives coming out of this strategy, and implementing these and reporting on progress (see Section 16) is obviously a key next step.
314. However, the Action Plan is only a part, albeit a significant one, of the work on Equality and Diversity that the Society must undertake. Other examples of the ongoing commitment required to ensure we effectively dispense our responsibilities include:
- Impact assessment of new projects and/or policies
 - Involvement work around new projects and/or policies
 - Ongoing identification of issues and opportunities, perhaps not captured at the time the strategy was developed or relating to new market conditions
 - Exploring opportunities for partnerships working to tackle equality issues
 - Ongoing training and awareness raising with staff, to ensure that equality remains a high profile issue for the organisation
 - Responding to feedback and complaints to ensure issues raised are documented, and where appropriate, addressed.
315. **The Society will continue to see Equality and Diversity as central to its role and development through-out the three year period.**

REPORTING ON PROGRESS & UPDATING OUR STRATEGY

316. The Society commits to publishing annual updates, which will meet the reporting requirements laid out in the statutory codes on Race, Disability and Gender.
317. It is suggested that four factors influence the successful development and implementation of the scheme:
- accountability and leadership
 - mainstreaming the duty into core functions
 - ensuring implementation through clear staff roles
 - staff expertise and training.

It is hoped that there is evidence of these throughout the strategy and this scheme, but the reporting protocol (below) illustrates both how we monitor progress, that responsibilities truly are mainstreamed into departmental responsibilities, that clear staff roles exists as to responsibility, and the accountability and leadership coming from the Chief Executive, the Office Bearers, and the formally convened sub-committee of the Council the Society.

318. **The protocol stipulates that:**
- Each responsible person (departmental director) would report quarterly on progress (in February, May, August, November)
 - The report would be based on the action plan, with the following codes being inserted as appropriate:

| | |
|-----------|--|
| C | Completed in full |
| W1 | Work underway, due to be complete on schedule |
| W2 | Work underway, likely that the timescale will need extending |
| D | Delayed (<i>with a requirement to provide details as to why</i>) |

- Narrative would be added to explain any delays, if objectives needed amending or if they were no longer relevant (Section 3.8 of the Strategy sets out the limited circumstances in which an objective would be changed or deemed no longer relevant)
- The Head of Diversity would collate all the responses
- Reports will be submitted to the Chief Executive, Office Bearers, and The Equality and Diversity Convenor/Committee.

319. Annual reports will be made available for the period November 2008 to October 2009 and November 2009 to October 2010. In the lead up to November 2011 a major review of progress will be undertaken, leading to a final report on the implementation of this three year plan. A new Strategy will also be launched at that time.
320. As part of this annual reporting we will also revisit the overall content of this Strategy document. For example, updating where new legislation has come out or to note changes in the services and responsibilities of the Society. This is to ensure that it remains a current and single point of reference on our equality work. In subsequent editions a table of amendments will indicate changes made, so that progress can be easily tracked by any interested party.
321. Previous Equality and Diversity annual reports can be downloaded from our website.
322. A summary of progress will also be included in our overall organisational annual report, and press releases will be passed to various media to promote the availability of the documents. Various relevant organisations working in associated fields will be identified, contacted and encouraged to provide any feedback they feel is appropriate. We also welcome enquiries into our work from members of the general public, and will try to provide additional information where possible.
323. Previous Annual Reports and Accounts of the Society can also be downloaded from our website.
324. Information on various projects (including data collection and specific initiatives) will also be fed back as appropriate through the Society's 'Journal' (available to the public free of charge online), through press-releases, through the website, and through any other appropriate means.

325. The Society also actively attends and presents at equality conferences in the UK, believing that an important part of equality work is engaging in debate, discussion and the sharing of best practice.

326. **MAIN FORMS OF REPORTING:**

Our website <http://www.lawscot.org.uk>

The Journal <http://www.journalonline.co.uk>

Press releases (as appropriate) available on our website

Annual Report on Diversity available on our website

327. The Society recognises that different people will prefer to access our service and information in different ways, as set out in Section 14.

ACTION PLAN

328. This section lays out the Strategic Equality and Diversity Objectives of the organisation.

329. **The Strategic Equality and Diversity Objectives are based on issues:**

- identified through *impact assessment*
- which, whilst lower scoring, were *occurring in several departments*.
- identified through *research and information gathering*
- arising as an outcome of *involvement and consultation*
- linked to the fulfilment of the *'general duties'*
- requiring to be addressed in order that the organisation *fulfils our 'specific duties'*
- issues which were identified by the Equality and Diversity Committee/Head of Diversity as *important and requiring action*.

330. The diagram below indicates the concept behind the objectives and displays three interdependent cycles of activity that must be ongoing in development and support of the objectives:

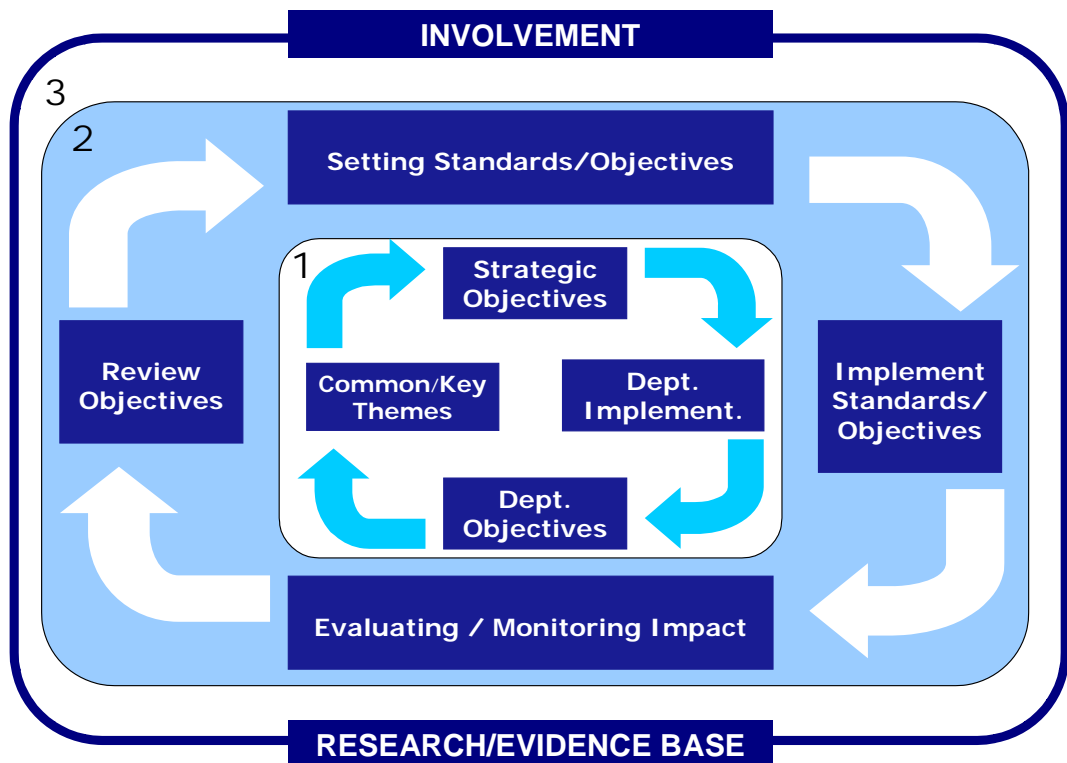
331. **Cycle 1** Starting at the bottom of the inner cycle (1) departments undertook impact assessment and started the process of setting departmental objectives. Moving clockwise, common themes were identified and supplemented by key issues arising out of other work. Organisational objectives were then set, which will feed back into the departments as they implement the overall plan. Annual review at departmental level will re-start the cycle.

332. **Cycle 2** Setting Standards and Objectives is meaningless unless done within the context of audit and evaluation. The middle cycle (2) therefore summarises how objectives will be set (top, moving clockwise), implemented, monitored and evaluated, reviewed, and then either amended/increased or new objectives set.

333.

Cycle 3 Setting Objectives and measuring their impact is meaningless if the wrong objectives are set. Consequently, the final cycle (3) encompasses both others and involves ensuring the appropriateness of objectives and instigating new objectives based on involvement projects and research.

334.



335.

Each Strategic Equality and Diversity Objectives is defined and related to both our 'general duties' (see Section 6) and to our own Corporate Plan (see Section 3). Timescales are then set, and space is left to allow reporting on outputs and outcomes. The Chief Executive, aided by the Head of Diversity, will take overall responsibility for the delivery of the objectives and will actively monitor progress, encourage achievement, and support implementation throughout each year. All targets will be reported on annually.

336.

The template details exactly which of the 'general duties' the actions are designed to address, in order to ensure the focus is on that standard. For Race, Disability and Gender reference is made back to Section 6 and notes the exact element of the duty (using a letter reference). Society policy is that we should operate as if there are similar duties for Religion and Belief, Age, and Sexual Orientation, here, a tick signifies that a similar set of considerations has been taken into account for the statutory areas.

337.

It is important to make all these links, to ensure that we are truly meeting the general duties and that this is mainstreamed into our corporate planning.

APPENDIX 1: ACTION PLAN

| Objective 1 | | Encouraging transparency and best practice on Equality and Equal Pay | | | | | | | |
|--|------------------------|--|--------|------------------|----------------------------------|-----|-------------------------|-----------|---------------------|
| Aim | | | | | | | | | |
| To encourage best practice in law firms and legal employers by encouraging them to publish certain information on the composition of their organizations and the processes in place to ensure equality in employment and service provision. | | | | | | | | | |
| Lead responsibility | | | | | Monitored by | | | | |
| Neil Alan Stevenson / Head of Diversity | | | | | Senior Management Team / Council | | | | |
| Note | | | | | | | | | |
| This objective is based on feedback in the Women in the Legal Profession and Profile of the Profession studies, and aims to tackle a range of issues through a single tool. The aim would be to support firms by giving them information on how to meet the standard (for example, http://www.equalities.gov.uk/women_work/two_step_guide.htm) | | | | | | | | | |
| Action | Meets equality duties: | | | Aims to address: | | | LSS Strategic Ambitions | Timescale | Outcomes and Output |
| | Race | Disability | Gender | R. & B. | Sex. Or. | Age | | | |
| To benchmark what other jurisdictions/professions may have done | all | all | all | ✓ | ✓ | ✓ | b, h, l, j | May 09 | |
| To liaise with procurement organisation within Scotland on potential linkages | all | all | all | ✓ | ✓ | ✓ | b, h, l, j | Aug 09 | |
| To develop indicators on: | - | - | - | - | - | - | | Oct 09 | |
| Policies <i>(flexible working, bullying + 3rd party bullying, equality policy, training, etc.)</i> | a, b, c | a, b, c, e | a, b | ✓ | ✓ | ✓ | b, h, l, j | - | |
| No of people in certain roles | a, b, c | a, b, c, e | a, b, | | | ✓ | b, h, l, j | - | |
| Equal pay | | | a, b, | | | | b, h, l, j | - | |
| To implement final policy | a, b, c | a, b, c, e | a, b | ✓ | ✓ | ✓ | b, h, l, j | Dec 09 | |
| Roll out + launch of support web portal | a, b, c | a, b, c, e | a, b, | ✓ | ✓ | ✓ | b, h, l, j | Jan 10 | |
| First monitoring exercise | a, b, c | a, b, c, e | a, b, | ✓ | ✓ | ✓ | b, h, l, j | Jan 11 | |

Objective 2**Practising Certificate Structure****Aim**

To review the current policy which sees a single Practising Certificate fee charged to the majority of the profession irrespective of their pattern of work

Lead responsibility

Neil Alan Stevenson / Head of Diversity

Monitored by

Senior Management Team / Council

Note

This objective is based on feedback in the Women in the Legal Profession and Profile of the Profession studies, and feedback from individual members of the profession. It also takes account of a possible challenge professional fee structures in Northern Ireland.

| Action | Meets equality duties: | | | Aims to address: | | | LSS Strategic Ambitions | Timescale | Outcomes and Output |
|---|------------------------|------------|--------|------------------|----------|-----|-------------------------|-----------|---------------------|
| | Race | Disability | Gender | R. & B. | Sex. Or. | Age | | | |
| To benchmark the approach of other jurisdictions/ professions | | a, b, d, | a, b | | | ✓ | a, g, h | Feb 09 | |
| To take formal legal advice | | a, b, d, | a, b | | | ✓ | a, g, h | April 09 | |
| To make recommendations to Council based on the above | | a, b, d, | a, b | | | ✓ | a, g, h | July 09 | |
| Fee structure approved at SGM | | a, b, d, | a, b | | | ✓ | a, g, h | Sept 09 | |
| Implement | | a, b, d, | a, b | | | ✓ | a, g, h | Oct 09 | |

Objective 3**Monitoring the composition of the profession****Aim**

To collect a full demographic profile of the profession, across all the strand of equality

Lead responsibility

Neil Alan Stevenson / Head of Diversity

Monitored by

Senior Management Team / Council

Note

The same categorisations will be used as in the Profile of the Profession study to create a second demographic profile. This will be done as part of a joint project lead by the Judicial Appointments Board and also supported by the Faculty of Advocates.

| Action | Meets equality duties: | | | Aims to address: | | | LSS Strategic Ambitions | Timescale | Outcomes and Output |
|--|------------------------|------------|--------|------------------|----------|-----|-------------------------|-----------|---------------------|
| | Race | Disability | Gender | R. & B. | Sex. Or. | Age | | | |
| To create a questionnaire tool | all | all | all | ✓ | ✓ | ✓ | all | Nov 08 | |
| To appoint contractors | all | all | all | ✓ | ✓ | ✓ | all | Dec 08 | |
| To promote study | all | all | all | ✓ | ✓ | ✓ | all | Jan 08 | |
| To carry out data collection | all | all | all | ✓ | ✓ | ✓ | all | Jan 08 | |
| To compare with previous data sets | all | all | all | ✓ | ✓ | ✓ | all | Dec 09 | |
| To publish report on Law Society of Scotland specific data | all | all | all | ✓ | ✓ | ✓ | all | Dec 09 | |

Objective 4**Research into the experiences of solicitors from minority ethnic backgrounds****Aim**

To identify if there are specific issues that are facing these groups, and to identify ways of tackling any issues raised. This relates BOTH to the functions of the Society and practice within the profession.

Lead responsibility

Neil Alan Stevenson / Head of Diversity

Monitored by

Senior Management Team / Council

Note

This outcome is based on the fact we currently hold little data on the experiences of solicitors from minority ethnic groups, with few issues reported in the Profile of the Profession study. This could be because significant issues are not present, but could also be that they were not reported. It is noted that this issue is frequently raised within England and Wales (Lord Ouseley's Report). It was therefore deemed appropriate to try to collect additional data to ensure we are meeting the standards of the Race Equality Duty. The timescale reflects a linkage with the objective to collect demographic data on the profession.

| Action | Meets equality duties: | | | Aims to address: | | | LSS Strategic Ambitions | Timescale | Outcomes and Output |
|--|------------------------|------------|--------|------------------|----------|-----|-------------------------|-----------|---------------------|
| | Race | Disability | Gender | R. & B. | Sex. Or. | Age | | | |
| To identify and appropriate methodology (likely to be qualitative) | all | | | ✓ | | | a, c, d, f, g, j | Jan 10 | |
| To create brief and develop project plan | all | | | ✓ | | | a, c, d, f, g, j | Mar 10 | |
| Identify researchers | all | | | ✓ | | | a, c, d, f, g, j | Jun 10 | |
| Carry out research | all | | | ✓ | | | a, c, d, f, g, j | Dec 10 | |
| Report and suggested action plan | all | | | ✓ | | | a, c, d, f, g, j | Mar 11 | |

Objective 5**To strengthen the Society's regulatory powers in relation to equality****Aim**

To request the inclusion of specific powers in relation to equality and diversity and the profession in new primary legislation which will amend the powers of the Society

Lead responsibility

Michael Clancy / Law Reform

Monitored by

Senior Management Team / Council

Note

The Society is seen by many as the lead organisation in the solicitor's profession, and as partly responsible for how the profession operates. However, in relation to equality we have little authority in relation to members and firms practising within the profession. The Society wishes to ensure that it can effectively implement work in relation to equality, and aims to discuss with the government whether a section to allow this could be included within new primary legislation, which will determine the Society's powers.

| Action | Meets equality duties: | | | Aims to address: | | | LSS Strategic Ambitions | Timescale | Outcomes and Output |
|---|------------------------|------------|--------|------------------|----------|-----|-------------------------|-----------|---------------------|
| | Race | Disability | Gender | R. & B. | Sex. Or. | Age | | | |
| To notify the government of our request to include such powers within the new act | all | all | all | ✓ | ✓ | ✓ | All | Jan 09 | |
| To identify work to draft/comment on drafting of appropriate section | all | all | all | ✓ | ✓ | ✓ | all | Mar 09 | |

Objective 6**Assessing the accessibility of legal services and law firms****Aim**

To identify issues people may have in accessing legal service, in particular in relation to disability and mental health, and promote findings and best practice

Lead responsibility

Neil Alan Stevenson / Head of Diversity

Monitored by

Senior Management Team / Council

Note

This objective is based on feedback from a variety of stakeholders and the results of various involvement work carried out with disabled people including our Service Accessibility Review, and involvement work in relation to the new complaints processes. This work will need to be carefully designed, to ensure that any approach (such as secret shopper) does not unfairly affect firms surveyed or cause issues (such as in relation to money laundering).

| Action | Meets equality duties: | | | Aims to address: | | | LSS Strategic Ambitions | Timescale | Outcomes and Output |
|--|------------------------|---------------|--------|------------------|----------|-----|-------------------------|-----------|---------------------|
| | Race | Disability | Gender | R. & B. | Sex. Or. | Age | | | |
| To create outline research objectives and brief | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | b, c, h, i, | Jun 09 | |
| To create project plan | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | b, c, h, i, | Sept 09 | |
| To identify and appoint researchers | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | b, c, h, i, | Jan 10 | |
| To carry out research | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | b, c, h, i, | Apr 10 | |
| Report published | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | b, c, h, i, | Nov 10 | |
| Campaign to address any issues identified – planning | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | b, c, h, i, | Jan 11 | |
| Campaign to address any issues identified – implementation | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | b, c, h, i, | Mar 11 | |

Objective 7**Bullying and Harassment****Aim**

To tackle and reduce the bullying and harassment identified within the Profile of the Profession study

Lead responsibility

Neil Alan Stevenson / Head of Diversity

Monitored by

Senior Management Team / Council

Note

This outcome is based on feedback in the Women in the Legal Profession and Profile of the Profession studies, and aims to tackle a range of issues through a single tool. There is a need to ensure that information and research also examines 3rd party (for example, client or supplier) bullying and harassment.

| Action | Meets equality duties: | | | Aims to address: | | | LSS Strategic Ambitions | Timescale | Outcomes and Output |
|---|------------------------|---------------|--------|------------------|----------|-----|-------------------------|------------------------------|---------------------|
| | Race | Disability | Gender | R. & B. | Sex. Or. | Age | | | |
| To establish anonymous feedback form to collect case studies on bullying | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, h | Mar 09 | |
| To target management boards and managing partners with specific information on how the issue affects performance and risk management | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, h | Jul 09 | |
| To work with Lawcare to produce a feature in the Journal about bullying and harassment to raise awareness of issues, cause and how to identify it | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, h | Jul 09 | |
| To raise awareness of Lawcare helpline | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, h | Ongoing – report on progress | |
| To identify other means of tackling this issue within the profession | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, h | Feb 10 | |

Objective 8
Equality Training and Awareness Raising
Aim

To ensure that staff, decision makers, and the profession have access to high equality awareness raising and training on equality and diversity

Lead responsibility

Neil Alan Stevenson / Head of Diversity

Monitored by

Senior Management Team / Council

Note

This outcome is based on feedback in the Women in the Legal Profession and Profile of the Profession studies. The specific involvement work leading up to this strategy also saw several stakeholders suggest that the Society needed to do more in the field of equality training. Lord Ouseley's report on the Solicitors Regulation Authority influenced the mandatory training target for Council members and Convenors.

| Action | Meets equality duties: | | | Aims to address: | | | LSS Strategic Ambitions | Timescale | Outcomes and Output |
|--|------------------------|---------------|--------|------------------|----------|-----|-------------------------|--|---------------------|
| | Race | Disability | Gender | R. & B. | Sex. Or. | Age | | | |
| To ensure ALL staff continue to have attended a one-day Equality and Diversity course. | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, g, h, j | Review + plan dates Jan 09, Jan 10, Jan 11 | |
| To develop and implement 'refresher' or 'additional' training plan for all staff with basic course | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, g, h, j | Apr 10 | |
| To provide mandatory training to ALL Council members of Convenors of main Committees | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, g, h, j | Review + plan dates Dec 09, Dec 10 | |
| To develop an approach to roll out a meaningful level of awareness raising and training to the profession | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, g, h, j | May 09 | |
| To roll out training | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, g, h, j | Jan to Dec 10 | |
| To evaluate impact | all | a, b, c, d, e | all | ✓ | ✓ | ✓ | c, g, h, j | Feb 11 | |
| To promote understanding of equality through a supplement in the Journal or similar, focussed on benefits to firms | | | | | | | c, g, h, j | by Feb 11 | |

Objective 9**Measurement and Monitoring****Aim**

To ensure effective monitoring of Society services provided to the public and the profession, and ensure that there is equality of access to them

Lead responsibility

Neil Alan Stevenson / Head of Diversity / Departmental Heads

Monitored by

Senior Management Team / Council

Note

Some plans in the last strategy were delayed due to aspects of our most public facing functions being moved by the government to a new, independent Commission. As the 'gateway' for all legal complaints this new Commission will be responsible for monitoring activities, and any work by the Society will be dependent on this data. The new Commission came into operation on 1st October 2008, and is still establishing its processes. In the first three-year strategy much of the focus was on 'baseline' data our services could then be compared to, the focus must now move to the actual outcomes of service usage. This target compliments specifically required monitoring, such as around employment, as discussed in Section 9.

| Action | Meets equality duties: | | | Aims to address: | | | LSS Strategic Ambitions | Timescale | Outcomes and Output |
|---|------------------------|---------------|--------|------------------|----------|-----|-------------------------|-----------------|---------------------|
| | Race | Disability | Gender | R. & B. | Sex. Or. | Age | | | |
| To establish for each department what must be monitored (ongoing or 'sample'), and across what strands it is appropriate to monitor | all | a, b, c, d, e | All | ✓ | ✓ | ✓ | b, c, d, g, h | Nov 09 | |
| To undertake monitoring | all | a, b, c, d, e | All | ✓ | ✓ | ✓ | b, c, d, g, h | Jan 10 – Dec 10 | |
| To report on monitoring, making recommendation where appropriate | all | a, b, c, d, e | All | ✓ | ✓ | ✓ | b, c, d, g, h | Mar 11 | |

Objective 10

Actioning outstanding objectives from previous schemes

Aim

To ensure that any objectives not met in full from the previous Equality and Diversity Strategy (including Race Scheme) or supplemental Disability and Gender Schemes, are carried forward into the new Strategy.

Lead responsibility

Neil Alan Stevenson / Head of Diversity

Monitored by

Senior Management Team / Council

Note

This section picks up any outstanding objectives from previous schemes to ensure that we are still committed to achieving them and reporting on progress. Each row represents a discreet objective from a previous scheme. There are a variety of reasons why these targets have not been met, from the requirement to move at a pace set by a project partner to resource issues. However, we remain committed and have set targets to ensure these are met early on in the new strategy cycle.

| Action | Meets equality duties: | | | Aims to address: | | | LSS Strategic Ambitions | Timescale | Outcomes and Output |
|--|------------------------|------------|--------|------------------|----------|-----|-------------------------|-----------|---------------------|
| | Race | Disability | Gender | R. & B. | Sex. Or. | Age | | | |
| <p>Gender: It was suggested the Society could do more to promote firms offering government childcare vouchers</p> <p>The Society will share its own experience of implementing childcare vouchers for staff with the profession, and promote the scheme to employing firms and organisations</p> | | | b | | ✓ | | c | Feb 09 | |
| <p>Gender: To identify, through the new IT system, whether a male/female differential in the uptake of CPD is present. If an issue is identified, to explore what the issues underlying it are, make firm recommendations, and implement</p> | | | a, b | | | | b, c, g, h, l, j | Jan 10 | |
| Review Committee appointments and convenorships and address issues identified | all | all | all | ✓ | ✓ | ✓ | b, d, j | Apr 09 | |
| Promote greater understanding of the role of advocacy in supporting legal clients | b | a, d, e, | | | | ✓ | b, c, d, g, l, | Apr 09 | |
| Profile created of a range of successful solicitors coming from different backgrounds, to promote the profession as open to all | b | a, d, e, | | | | ✓ | b, c, d, g, l, | Apr 09 | |

HOW OUR STRATEGY LINKS TO THE THREE SETS OF 'SPECIFIC' STATUTORY DUTIES

338. The Society wished to ensure that it was clear to all that we were aware of the different statutory regimes for different areas of equality and had taken them into account within this scheme.
339. The table overleaf summarises the key areas from the three sets of 'specific duties' (see Section 6) and shows how they link together and where they are addressed within this strategy.

| Arrangements for: | Race Equality Duty | Where in strategy? | Disability Equality Duty | Where in strategy? | Gender Equality Duty | Where in strategy? |
|--|---|-----------------------------------|---|-----------------------------------|--|-----------------------------------|
| Meeting the General Duty | Listed public authorities must publish a Race Equality Scheme setting out functions and policies that are relevant to the general duty on race... | Section 8 & Appendix A | Steps which the authority will take towards fulfilling its general duty (the Action Plan) | Section 8 & Appendix A | The Scheme must set out the overall objectives the public body has set to allow it to meet its general duty | Section 8 & Appendix A |
| Gathering Information – Employment and Services | Employers are required to monitor by reference to racial group staff in post and applicants for employment, training and promotion. Where the employer employs 150 or more full-time staff it must also monitor the numbers who receive training, benefit or suffer detriment from performance assessment reviews, are involved in grievance procedures, are the subject of disciplinary procedures or cease employment | Section 9 & Section 12 | The arrangements for gathering information in relation to employment and, where appropriate, its delivery of education and its functions The arrangements for putting the information gathered to use, in particular in reviewing the effectiveness of its action plan and in preparing subsequent DES | Section 8 & Appendix A | Gather information on the effect of its policies and practices on men and women, in particular the extent to which they promote equality between male and female staff, and the extent to which the services it provides and the functions it performs take account of the needs of men and women Make use of the information it has gathered to meet the duty and review the effectiveness of its scheme and the actions taken | Section 8 & Appendix A |
| Making use of information | | | | | | |
| Involvement and Consultation | assessing and consulting on the likely impact of proposed policies on the promotion of race equality | Section 10 | The way in which disabled people have been involved | Section 10 | Consult employees, service users, trade unions and others | Section 8 & Section 10 |

| Arrangements for: | Race Equality Duty | Where in strategy? | Disability Equality Duty | Where in strategy? | Gender Equality Duty | Where in strategy? |
|---|--|--------------------|---|--------------------|--|--------------------|
| Impact Assessment | <p>setting out functions and policies that are relevant to the general duty on race and arrangements</p> <p>assessing and consulting on the likely impact of proposed policies on the promotion of race equality</p> <p>monitoring policies for any adverse impact on the promotion of race equality</p> | Section 11 | Statement of the methods for impact assessment | Section 11 | Assess the impact of its policies and practices on men and women, and use the results to inform its work | Section 11 |
| Training | training staff in connection with the duties imposed by the Race Equality Duty | Section 13 | | | | |
| Access to information and services | ensuring public access to information and services which it provides | Section 14 | | | | |
| Publishing an Annual Report | | | Publish an annual report containing a summary of the steps taken under the action, the results of its information gathering and the use to which it has put the information | Section 16 | The public authority must put the scheme, and the actions identified, into effect within three years. It must report annually on the actions it has taken. | Section 16 |
| Equal Pay | | | | | The public body must consider the need to have an objective to address the causes of any unequal pay for men and women staff related to their sex | Appendix C |

EQUAL PAY STATEMENT

A. INTRODUCTION

340. The Society is cognisant that The Equal Pay Act 1970 (read in the light of article 141 of the Treaty establishing the European Community) gives an individual a right to the same contractual pay and benefits as a person of the opposite sex in the same employment, or where the source of the pay is the same, where the man and the woman are doing:
- the same or broadly similar work
 - work which has been rated as equivalent under an analytical job evaluation study
 - work that is of equal value (work of equal value is where the work done is different but considered to be of equal value or worth in terms of demands such as effort, skill and decision-making).
341. In 2005/06 the Society undertook a fundamental review of remuneration within the Society, contracting Hay to carry out the necessary work and instructing them to pay particular attention to equal pay and equal value.
342. This resulted in briefing sessions conducted by a Hay consultant to all managers and staff covering how to write job descriptions using the Hay methodology. Additionally, staff were invited from across the Society to volunteer to be trained in the job evaluation process and to become panel members. Once all job descriptions were written, checked, and agreed they were then forwarded to two panels, comprising a range (across functions and grades) of staff trained in the process. All evaluations were then checked and a rank order produced by the HAY consultant. At the same time a decision was made to benchmark salaries against the UK public sector market which is continually monitored by HAY.
343. As part of the commitment in the equal pay statement (see below) we appointed an independent consultant to review the process and current position one-year-on from the original project to ensure we continue to be meet best practice in relation to equal pay.

344. We produced articles on our experience of this process to promote the positive value of such reviews to the profession and our member firms.
345. Sections 3.61 to 3.67 and 3.7 of the Statutory Codes offer guidance in the field of equal pay.
346. Although the Society is not formally covered by the requirement to publish an equal pay statement (having less than 150 employees), the general policy of Council is to exceed statutory minimums wherever possible, and the Society is happy to commit to the equal pay statement below, which itself is based on best practice issued by the Equal Opportunities Commission (*EOC's Code of Practice on Equal Pay, December 2003*). It should be noted this relates only to those employed by the Society, and that remuneration within the profession is the responsibility of employing organisations.

B. OUR STATEMENT

347. We are committed to the principle of equal pay for all our employees. We aim to eliminate any sex bias in our pay systems.
348. We understand that equal pay between men and women is a legal right under both domestic and European law. We further acknowledge that compliance with all equality legislation, with particular reference to terms of employment, is part of the Society's Codes of Conduct which set out standards for all solicitors in Scotland.
349. It is in the interest of the organisation to ensure that we have a fair and just pay system. It is important that employees have confidence in the process of eliminating sex bias. As good business practice, we are committed to working with employee representatives to take action to ensure that we provide equal pay.
350. We believe that in eliminating sex bias in our pay system we are sending a positive message to our staff, to the profession we regulate and lead, to the clients of solicitors, to civic Scotland, and to the general public. We firmly believe it makes good business sense to have a fair, transparent reward system and that it helps us to control costs. We recognise that avoiding unfair discrimination will improve morale and enhance efficiency.

351. ***Our objectives are to:***

- Eliminate any unfair, unjust or unlawful practices that impact on pay
- Take appropriate remedial action.

352. ***We have already:***

- Implemented an equal pay review in line with EOC guidance for all current staff and starting pay for new staff (including those on maternity leave, career breaks, or non-standard contracts)
- Planned and implemented actions in partnership with employee representatives
- Provided training and guidance for those involved in determining pay
- Informed employees of how these practices work and how their own pay is determined
- Responded to grievances on equal pay as a priority.

353. ***We further commit to:***

- Monitoring statistics annually to ensure the system continues to operate effectively
- Periodically gather staff feedback on their perception and experiences of the system
- At an appropriate point carry out a further fundamental review, to ensure that ongoing change has not caused issues to arise post-implementation.

354. ***And to***

- Lead the debate on pay and remuneration within the profession, whilst recognising we do not have authority or powers to directly act in this area.