

# Ensuring fairness, creating opportunities

A practical guide to equality and diversity for Scottish solicitors



## Introduction

Understanding the needs of different clients and customers is essential to running a successful business. So too, recruiting and retaining the best staff. This guide provides essential hints and tips for improving practice, developing new business and broadening the skill base of firms.

Of course, the solicitors' profession in Scotland is already known for its high standards of professional excellence and core values that include honesty, trust and integrity. In upholding that reputation and maintaining the key role solicitors play in the lives of individuals, businesses and the wider community, an understanding of the diversity of clients and staff is vital.

The Law Society of Scotland regards the promotion of equality and diversity as central to the development of a modern profession.

As a result, we have produced *Ensuring fairness, creating opportunities* as practical guidance to support solicitors in understanding why diversity is important, and a central element of building a sustainable and profitable business.

The guidance is for solicitors in firms of all sizes, engaged in all kinds of practice. It fits with the Society's adoption of best practice in equality and diversity work, taking our lead mostly from the public sector, where activities such as the development of equality schemes, consultation, monitoring and equality impact assessments are now normal practice.

It is designed to be a simple and accessible guide, rather than a statement of the law and solicitors' legal responsibilities. Throughout, case studies show how other firms have tackled common challenges.

We would encourage all solicitors to read the guidance and discuss it as a firm or in-house legal team, considering what may need to be done to ensure all solicitors can meet the requirements of equality and gain the benefits of diversity.

## DID YOU KNOW?

The guidance is flexible and easy to access. You may wish to read it right through, first learning about the different areas of equality and then moving to how to improve employment and service provision, or you can dip into any one area to look for more information or guidance. Summary tables provide an overview of key issues and how to tackle them, while case studies illustrate how other law firms have tackled common challenges.

**“So much is said about equality in the press and media, but it was really helpful to have a simple and concise guide that spoke directly about my type of business and work.”** RAHILA RAHMAN, BIGGART BAILLIE

“Case studies from a cross section of Scotland’s law firms ensure this is really useful to practitioners.”

FARAH ADAMS, ADAMS LAW AND CONVENOR OF THE EQUALITY AND DIVERSITY COMMITTEE

# Summary of Part 1: Issues, patterns and experiences



**“The experience of gay men, lesbians and bisexual people is that they often derive less benefit from seeking professional help because they have to mask their identity – unless you can be honest about all aspects of yourself, you won’t get the right advice that you need”**

**CARL WATT – DIRECTOR, STONEWALL SCOTLAND**

The first part of *Ensuring fairness, creating opportunities* gives information on the so-called strands of equality – race and ethnicity, gender, disability, sexual orientation, religion and belief, age, and social class or deprivation.

The guidance helps solicitors identify these groups and the issues people might face

accessing legal services. As well as presenting useful facts, figures and patterns, it also contains personal accounts of solicitors, clients and others with an interest in the legal system. The guidance highlights some of the potential legal needs of those from within the groups and considers the different outcomes they receive from the system.

Baseline population data may also be useful to Scottish firms providing comparative information for tenders.

The booklet is not about “box ticking”. It is intended to be interesting and informative, providing examples of unmet legal need and business opportunities as well as describing potential pitfalls.

## DID YOU KNOW?

In Scotland, women make up:

- 51.8% of the population
- 63% of law undergraduates
- 35% of solicitors in private practice
- 20% of partners
- 11.8% of senior judges

**“I am a wheelchair user and was unable to gain access to the meeting room at my solicitor’s office, so when I went to visit I was admitted to the broom cupboard where my solicitor spoke to me. The conversations were of a very personal nature [about my divorce] and were subsequently carried out in full view and hearing of anyone coming through the front door because the cupboard was too small to accommodate me, thus the door remained open.”**

**LAW SOCIETY WORKSHOP PARTICIPANT**

**“Summary tables and ‘top tips’ mean you can quickly browse the document and pick up easy ways to improve practice.”** STUART ROBERTSON, PARTNER, PAULL & WILLIAMSONS

# Summary of Part 2: Employment and training

**“Bullying is very much alive in the profession... This is particularly evident between partners and trainees. Younger members of staff are often the less senior party and cannot do anything as the firm in question will always back the partner”** MALE SOLICITOR 25-30



Equality and diversity apply equally to staff within a law firm and the clients they serve. This part of the guidance highlights issues that may arise throughout someone's employment, from seeing a vacancy advertised to leaving an organisation.

At each stage of this “life cycle” of an employee, we explain the business case for considering the issues and highlight risks that may arise. In all cases, we describe steps that can be taken to mitigate risks, provide examples of good practice and list practical tips.

For instance, we show that ensuring simple measures are in place will help to promote equality and diversity. These include developing clear policies that promote consistency and fairness; establishing formal arrangements for induction, pay, reward, supervision, training and development; creating clear expectations for people joining organisations; and providing opportunities to review and monitor working arrangements at key stages.



## GOOD PRACTICE IN LEGAL FIRMS

### Job sharing at TC Young

The Glasgow law firm TC Young began introducing job share posts about four years ago in response to a variety of factors, including: options to deal with maternity cover; staff requests for reduced hours; and varying workloads. Practice manager Angie D'Andrea believes job sharing has brought a number of significant benefits to the business. Staff turnover is very low, which reflects the way the firm has succeeding in accommodating its employees' changing circumstances. Those working on job shares have often been able to provide increased flexibility when the firm has needed additional capacity. The firm is also in a much stronger position to plan for retirement, maternity leave, career breaks and staff leaving. Building a good reputation for flexible working and good work-life balance has helped the firm to attract high calibre applicants. Angie D'Andrea says: “Whilst we may not be one of the biggest Scottish firms, our flexibility and the goodwill we have secured from our team have enabled us to punch well above our weight in the legal sector.”

## ENDING EMPLOYMENT

“Taking account of equality is just as important at the end of the employment relationship as at the beginning. Good endings ensure effective knowledge transfer, and provide information to prevent patterns of discrimination. Moreover, positive communications maintain reputation and relationships, and former employees can become effective referral partners. Information from employees who are leaving can help better planning of how to retain those who join, and prevent costs associated with re-recruitment. Firms must also take care that there is no indirect discrimination in the criteria used for redundancy.”

**“How we are perceived by the public is key in our continuing role, and I think it’s right that the Society tries to support members in ensuring they meet their duties.”** JILL BELL, DIRECTOR OF THE ANDERSON STRATHERN DISCRIMINATION LAW SERVICE

# Summary of Part 3: Delivering an equal and accessible service



**“[Diversity]...brings a breadth and depth you need to educate people in the office and it also helps in your business development, both in terms of different thinking, broader knowledge and a fresh approach to marketing.”** SENIOR PARTNER, SCOTTISH LAW FIRM

Delivering an equal and accessible service is crucial to the success of a legal practice. The third part of the guidance deals with: how clients access legal services; communication and the client experience; and procurement and partnerships, increasingly important aspects of successful service delivery.

From initial enquiry to a decision to appoint or recommend, law firms recognise that reputation and information are key to client decisions. Firms that communicate their

commitment to equality to a range of potential clients can secure business and generate recommendations from a wider pool of individual and corporate clients.

Communicating the accessibility of the services they offer will also help to attract business. In turn, satisfied clients will generate repeat business and further recommendations.

This section of the guidance gives tips on satisfying diverse client needs and communicating effectively.



CAESAR HOWIE

## Senior issues web site

Caesar Howie launched the Senior Issues website in order to improve the service they offer older people and to develop their reputation as older people’s specialists. They identified powers of attorney, wills, and equity release as three key legal issues for this age group and produced a range of resources about these and other issues, which can be downloaded from the site. Although the firm funds and manages the site themselves, they have worked in partnership with a number of other key players to win their support for the project. Managing partner David Borrowman says the site has generated a huge amount of business. He adds: “Information is so readily available now. If you are the person giving it, we believe that people are more likely to come back to you if and when they need assistance.”

For more information on all our equality work, see [www.lawscot.org.uk/diversity](http://www.lawscot.org.uk/diversity) or contact 0131 476 8359 (textphone) or 0131 476 8360 (phone)



**The Society is grateful to Equality Works for all their work on this project: [www.equalityworks.co.uk](http://www.equalityworks.co.uk)**