



**THE LAW SOCIETY
of SCOTLAND**
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Framework for success: ensuring fairness, creating opportunity

A consultation on a new Framework of Equality and Diversity Standards

The Equality and Diversity Committee of the Law Society of Scotland

July 2014

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A consultation on a new Framework of Equality and Diversity Standards

1. Overview

The Law Society of Scotland aims to lead and support a successful and respected profession within both the business sector and as an important part of the justice system. It is also important that solicitors are highly regarded as employers and service providers. We must reflect the public we serve and lead the way in meeting contemporary expectations around equality and diversity. For our profession to be successful we must ensure we are best placed to benefit from the widest possible talent pool and that we are able to keep this talent within the profession. We must also make sure we offer our services to the widest possible pool of commercial and private clients. The Framework of Equality and Diversity Standards, which is the focus of this consultation, is fundamental to these aspirations.

We want your views on how we might assist firms (both large and small), legal teams and organisations employing lawyers to demonstrate the excellent practice already present in the profession and to tackle some of the issues identified in research into Scotland's legal sector thereby promoting further improvement.

We would like responses by **Thursday 25 September at 23:59.**

Details are provided in Section 9 on how to respond.

2. Introduction

In November 2011 the Council of the Society approved an Equality and Diversity Strategy for the period from 2011 to 2014¹. One objective within the Strategy is to explore the possibility of an Equality Standard or Framework for law firms, legal teams and organisations employing lawyers.

This was based on:

- **detailed member research** – for example, in one project which received responses from over 3,000 solicitors, 94% of those who responded agreed the Society should

¹ The strategy is part of the way the Society meets legal duties placed on it in relation to equality by both the Equality Act 2010 and the Legal Services (Scotland) Act 2010.

'promote best practice', 80% agreed this should be in the form of 'guidelines' and 62% agreed these should contain minimum standards.

- **the lack of change on some issues** recognised as important to the profession between the two significant "Profile of the Profession" surveys in 2006 and 2013. In 2006 evidence of various equality issues (e.g. entry to the profession, career progression, equal pay, discrimination and bullying) were identified through research. The further study in 2013 showed that these issues remain despite the Society providing extensive voluntary guidance and free training. There is a clear need for the Society and the profession to be more proactive in driving change
- **public research** including work done through the Justice Sector Disability Group shows a number of significant issues in the ability of certain populations to access legal services.

The Society is now seeking public and member input on how to take this work forward.

3. Initial Considerations

The Equality and Diversity Committee, which comprises members of the profession and lay members, has considered various research papers and existing schemes and has also discussed the approaches of other regulatory bodies. It has also taken advice from other organisations which have delivered similar standards or framework models. For more information concerning the Committee's considerations see Appendix 3 but, in summary, the Committee gave particular attention to:

- the links between human rights and the creation by employers of an inclusive work place for staff as well as the need to ensure that the profession promotes equality of opportunity.
- the legal profession in Scotland being reflective of the communities it serves and that its practices are recognised as a model of best practice
- the need for legal practices and employing organisations to be alert to and able to meet the needs of a wide range of existing clients and to capitalise on potential new business opportunities.

- the regulatory objectives set out in the Legal Services Scotland Act 2010 for any body acting as an Approved Regulator of Licensed Legal Services which include the need to promote access to justice and encourage equal opportunities within the legal profession.
- The Law Society of Scotland Practice Rules 2011 which regulate solicitors' conduct and which include Rule B1.15 (Diversity) against discrimination. This Rule also places an obligation on those who supervise staff to promote understanding of unlawful discrimination and equality and diversity among those they manage.
- the arrangements of the Solicitors Regulation Authority in England and Wales who have introduced mandatory monitoring of the composition of law firms against the 'Protected Characteristics' provided for in the Equality Act 2010.
- the "Diversity and Inclusion Charter" introduced by the Law Society of England and Wales in 2009 which firms sign up to voluntarily

However, it was felt that neither these developments nor the extensive voluntary 'Advice and Information' provided by the Society has assisted sufficiently in tackling the issues raised consistently in the research.

4. Current Legal Responsibilities

There is of course, always a risk that legal firms and organisations employing solicitors may find themselves the subject of a discrimination claim and the Society hopes that this proposal will play a significant part in assisting the profession reduce this risk.

The Equality Act 2010 applies to all employers and service providers. Broadly speaking, under this legislation which consolidates previous anti-discrimination Acts, employers must not discriminate against employees (or prospective employees) whether directly or indirectly, across all the protected characteristics and in respect of promotion or training, termination of employment or in the application of any other detriment. The Act also outlaws harassment and victimisation. Employers must also make reasonable adjustments if a practice or policy or a feature of any premises of the employer puts an employee at a substantial disadvantage. They are also obliged to provide an auxiliary aid if it would alleviate the potential for such

disadvantage. Employers must also ensure that staff receive equal pay for doing work which is the same or broadly similar or of equal value.

It is also unlawful to discriminate against those seeking to access services and service providers must also take due cognisance of the anticipatory duty to make reasonable adjustments for clients. It is also unlawful for a service user to be harassed or victimised

In addition, public bodies are subject to the Public Sector Equality Duty and some, also, to the Scottish Specific Duties². A significant number of solicitors in Scotland are employed as in-house lawyers in public bodies such as the Scottish Government and local Councils. These employers are already required to mainstream equality, to set “Equality Outcomes” and to monitor the make up of their staff as well as providing information concerning any gender pay gap. They are also required to report on the progress they are making towards achieving the “Outcomes” they have set. The Framework proposed in this consultation document draws on some of these good practices.

Again driven by the public sector duty for public bodies to consider award criteria in their procurement exercises, firms involved in tendering exercises are increasingly being asked by public bodies (and other large corporations) about their Equality & Diversity practices. It is hoped that any Framework that may be developed will provide significant assistance to firms being asked to evidence their equality practices and procedures.

The Society wants to support the legal profession in Scotland in responding to these challenges and to ensure that Scottish solicitors are best placed to lead the way in promoting and protecting these rights whilst also recognising any shortcomings in their own practices. As a result, in August 2013, an initial proposal was considered and approved by the Equality & Diversity Committee. This was then tested with various internal Committees of the Law Society, including the Board and the Regulatory Committee. It was also used as a discussion model with some external agencies, such as the Scottish Legal Complaints Commission, with a view to gaining input on how to further develop our thinking.

5. Principles and Outcomes

In developing a Framework of Equality Standards, the Committee started by focussing on key principles and outcomes. Views are being sought specifically on whether these are the right principles and outcomes for the Scottish legal profession.

² The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

PRINCIPLES

Various principles were considered to guide the development of an initial Framework and to bring consistency to any future work in the area. The proposed principles are that the Framework should be:

Reflective of all protected characteristics as well as wider social inclusion - this means that Standards will be applicable to all groups in the Equality Act 2010 but should also reflect socio-economic concerns.

Robust and meaningful - the Framework must be meaningful and be viewed by solicitors and stakeholders as more than a 'tick box' exercise

Accessible and proportionate - as a balance to the above the Society needs to ensure that any Standards that might be included in the Framework are achievable and that sufficient firms feel able to participate to allow the Framework to develop. The Framework also needs to be accessible to large and small private practice firms, in-house counsel and legal teams employed by organisations or businesses.

Designed with evolution in mind for firms and practitioners and the Framework itself - by allowing different levels of attainment (e.g. *Foundation, Intermediate, Advanced*) an accessible entry point can be established from which firms can progress.

Sustainable - the Framework must be affordable to those attempting to meet the Standards and to the Society and must not create an unreasonable amount of administration for organisations or the Society such that it becomes burdensome to run.

Focused – the aim should be to focus on a relatively small number of Standards which are most likely to lead to demonstrable improvements.

Self-assessed – firms or organisations should be able to assess themselves against meeting any Standards the Framework might contain with a small amount of data being returned to the Society based on the outcome of the assessment. However, some random sampling by the Society could be included to increase confidence and views are specifically sought on how any such random sampling might operate.

Compatible with other frameworks members may use – where possible, the approach should be complimentary to the Standards of existing Equality Frameworks (such as the English and Welsh Diversity & Inclusion Charter), thereby reducing duplication for firms and organisations already involved in an alternative Framework

OUTCOMES

The Outcomes were developed to focus on what the Framework needs to deliver and to give consistency as practices evolve. The proposed Outcomes are:

- a. **To ensure that the profession is reflective of the public it serves and that all sectors of the community can access legal advice by identifying and removing barriers to access to justice**
- b. **To ensure that evidence-based good practice in equality and diversity is implemented and that steps are taken to meet the Guidance Objectives through implementation of an Equality Strategy**
- c. **To ensure that the legal profession in Scotland is transparent about equality, publishes information on embedding equality into its practices and reports on progress made**
- d. **To ensure firms meet clients' expectations generally and to enable firms to demonstrate more easily their equality and diversity practices as required by those organisations applying the public sector equality duties in tendering exercises**
- e. **To tackle areas of concern identified from time to time in the Society's research**

6. A proposal for an Equality Framework

Having considered various options the Committee proposes the following for an Equality Framework. The Society is keen to have your views on this proposal:

- a) **Guidance** – The Committee has developed a set of ten “Guidance Objectives”. These are set out in Appendix 1. Because “Guidance” provided by the Law Society is non-

mandatory, it allows wide discretion to firms, legal teams and organisations employing lawyers to provide solutions proportionate and appropriate to their size and the nature of their business. However, you may be required to justify any departure from Guidance in the event of any complaint being made.

The Objectives are based on the biggest issues of concern in the Law Society's research over the last ten years and draw on evidence from other Schemes as to the most effective ways of tackling these issues. They are designed to assist solicitors in meeting the requirements of Practice Rule B1.15 – Diversity.

- b) **Voluntary Standards** - a voluntary scheme of best practice “Standards” has been developed by the Committee which are intended to assist firms and legal teams meet the Guidance Objectives. A draft of these “Standards Requirements” is provided in Appendix 2.
- c) **Advice and Information** – in its role of supporting members and promoting best practice, the Society already has a wide variety of information freely available but, if the Guidance Objectives and Standards are agreed, further advice and toolkits would be developed to help support the profession implement them. These might include, for example, how to conduct an audit or develop a policy alongside case studies and examples of best practice already used by organisations and firms
- d) **Active promotion of the Framework** – legal practices and organisations could use the Framework in part or whole without more needed from the Law Society. However, the evidence suggests that action may be required by the Society to further encourage and support firms as they strive to meet the Guidance Objectives and that the Society should also consider active promotion of the Standards. Views are sought on the possible promotion of the Framework by the Law Society.
- e) **A new Rule** – although it has also been suggested that a Practice Rule should be passed to further emphasise some responsibilities, a further Practice Rule in this area is not currently being considered by the Society. The Board and Regulatory Committee wish to review the impact of any new voluntary arrangements over future years and will continue to reflect on how best to meet our legal requirements as a professional body in relation to equality. However, in this consultation we are interested in whether members have a strong view on whether or not the Guidance element should instead

be delivered as a Practice Rule to create a more robust regulatory approach. We know that there will be a range of ideas about what the appropriate role of the Society is and we are canvassing views on this specifically.

What will this mean in practice?

The 10 Objectives to be provided by way of “Guidance” are set out in Appendix 1. The Standards Requirements designed to help legal teams, firms and organisations meet the Objectives are set out in Appendix 2. The 3 levels of the Standards (*Foundation, Intermediate and Advanced*) are intended to help legal practices and organisations assess their level of progress and check their compliance. For example, at Level 1 (*Foundation Level*) the requirement is to have an Equality Strategy and a training plan for equality and diversity training for all staff. But the hope is that legal teams and organisations will want to build on their commitment to equality and diversity and to continue to develop their approach.

As a result, the next two levels of the Standards are intended to help them drive best practice. For example, to meet the Level 2 (*Intermediate*) Standard they are required to meet the Level 1 (“*Foundation*”) Standard but also to have enabled staff and clients to input into their Equality Strategy. To achieve Level 3 (“*Advanced*”) Standard they are required to have consulted widely prior to the Strategy being formulated and to have a robust annual review process.

The hope is that this process will be an evolving one as practices develop and that in time, all firms and organisations should be able to achieve “*Advanced*” level.

7. Is this relevant for all types of lawyer?

The Scottish Solicitors profession is more diverse than ever, encompassing sole practitioners and large multi-national firms and includes in-house lawyers working alone in small businesses and together in large teams in corporations and local and central government as well as in functions relating to the administration of justice. It is often a challenge to develop Guidance which works equally well for all these parties but in relation to core issues which affect the perception of the whole profession it is important that, where possible, a single approach is articulated.

A particular challenge can be developing a proportionate model for sole-practitioners working alone. The Standards Requirements are intended to be met in a way that is appropriate and proportionate to each practice. The current suggestion is that the meeting of the Standards will be self-assessed. As with any other type of practice, there may elements that sole practioners

will be able to meet already whereas others will require greater consideration. For example, the requirement to name a lead partner will clearly be the sole partner. And a business without any employees would not need an Equality Policy which covers employment issues (nor to monitor their workforce) but would need a Policy relevant to service delivery issues or one that might include reference to the practices of suppliers.

We believe this Framework will work well for a range of types of practice but are particularly keen to get feedback on how solicitors think the proposal may work for different sizes of firms and other employing organisations.

8. Pilots

The Society is planning to run pilots of the proposed approach with, if possible, a broad cross section of the profession in order to assess how this will work in practice. The results of the pilots, alongside the results of this consultation, will inform the final decisions made.

There may still be time to volunteer to be involved in the pilot. If interested, please contact diversity@lawscot.org.uk for a confidential conversation.

9. Responding to the consultation

In order to make responding to the consultation as simple and efficient as possible we would be grateful if feedback could be submitted through the online template wherever possible.

<https://www.surveymonkey.com/s/FrameworkForSuccess>

This is divided into two sections:

1. **General response (5 minutes)** – this allows people who want to give some very quick ‘tick box’ feedback or provide simple comment the opportunity to do so in a form that should only take five minutes
2. **Detailed input (20 minutes)** – at the end of the section above you’ll be given the chance to give more detailed comments on the individual elements of the Framework, ideas for implementation and on compatibility with our ‘regulatory objectives’. This is optional but the Society would be very grateful for feedback on these issues.

To discuss how to make a submission in any other format please contact

diversity@lawscot.org.uk

EQUALITY AND DIVERSITY

Any change to rules, guidance or practice may have a differential impact on certain groups within society and the Society is required to give 'due regard' to equality issues and how any such rule change may impact in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation and social class.

Usually an equality question is a key part of any consultation undertaken by the Law Society. However, in this case, as equality is the focus of the whole paper, individuals may prefer to comment on the detail of the proposals rather than in relation to a general equality question. However, to ensure every opportunity is afforded to those responding we have included our standard question on this.

CONTACT INFORMATION

You will be asked to confirm whether you are responding in your capacity as an individual or on behalf of an organisation, and whether you agree for your name/ firm's name and response to be published. We will not publish any addresses.

Consultation closes on Thursday 25 September at 23:59.

Appendix 1 - the Ten Objectives to be set out in Guidance (“the Guidance Objectives”)

Every law firm, Licensed Provider or legal team within an employing organisation (“an organisation”) must, in a manner appropriate to its services and proportionate to its size, ensure that:

Leadership

1. there is a named ‘equality lead’, who is responsible for ensuring these Guidance Objectives are met and, as appropriate, for reviewing the results of any equality monitoring

Strategy

2. there is an Equality Strategy for staff and delivery of client services which is reviewed annually
3. measurable objectives are set in the Equality Strategy for both staff and delivery of clients services and these are reviewed annually
4. the Equality Strategy is informed by monitoring of the workforce with reference to the Protected Characteristics in a way that is appropriate and relevant to the size of the practice or organisation

Staff development

5. there is a training plan for all staff on equality and diversity

Reporting and Publication

6. the Equality Strategy and annual updates on the measurable objectives are available to staff, clients, prospective clients and the Society
7. a separate statement is made annually about the composition of organisational roles with reference to the Protected Characteristics with reporting of sex as a minimum

Equal Pay

8. there is a statement on equal pay which is available to staff, clients, prospective clients and the Society
9. if it is an organisation with more than 150 employees, its gender pay gap figures are published for full time and part time staff at each level of seniority

Accessible services

10. it is responsive to the legal needs of a wide range of diverse communities and in particular, has a single document available to the public which contains information on accessibility options for disabled and other service users

Appendix 2 – the Standards Requirements

LEADERSHIP		
Objective 1	there is a named ‘equality lead’ who is responsible for ensuring these Guidance Objectives are met and, as appropriate, for reviewing the results of any equality monitoring	
Foundation	Intermediate	Advanced
The equality lead has sufficient authority to deliver their responsibilities (partner, senior manager or equivalent)	The equality lead attends Partnership, Board or Senior Management Team meetings half yearly to brief the Board or Management Team on progress	The equality lead is a member of the Management Board or Senior Management Team and provides quarterly briefings on progress
The equality lead has been intimated to the Law Society of Scotland	The equality lead is named on the organisation’s website	In organisations with over 150 employees there are also section/departmental equality leads and/or equality leads responsible for specific protected groups.
The equality lead has a basic statement of their responsibilities	The equality lead has a clearly defined description of their duties and responsibilities	The equality lead has time allocated in their annual hours specifically to their duties as equality lead
The equality lead has had equality and diversity training in the last 3 years	The equality lead annually plans his/her training in relation to equality and diversity	The equality lead annually plans his/her training in relation to equality and diversity based on relevant data obtained from the annual reviews of the Equality Strategy and objectives
The equality lead can demonstrate an active role in encouraging equality and diversity	The equality lead is assessed on their work as equality lead as part of their professional development review	All partners or equivalent are measured on their performance in this area in their professional development review
The equality lead encourages the collection of basic workforce equality monitoring data to capture information across all the protected characteristics including from those applying for jobs	The equality lead reviews the equality monitoring data and ensures that it is used to inform the business’s Equality Strategy	The equality lead works collaboratively with other law firms (especially smaller firms) or employing organisations to share best practice initiatives and resources and/or encourages involvement in external diversity support networks
		The equality lead encourages suppliers of goods and services to the firm or organisation to consider their own Equality and Diversity practices

STRATEGY		
Objective 2	there is an Equality Strategy for staff and delivery of client services which is reviewed annually	
Objective 3	measurable objectives are set in the Equality Strategy for both staff and delivery of clients services and these are reviewed annually	
Objective 4	the Equality Strategy is informed by monitoring of the workforce with reference to the Protected Characteristics in a way that is appropriate and relevant to the size of the organisation	
Foundation	Intermediate	Advanced
Staff		
There is an Equality Strategy covering all Protected Characteristics and linking to key employment policies	Staff representatives had the opportunity to input into the Equality Strategy and supporting policies	Staff consultation has taken place on the Equality Strategy and supporting policies
There is evidence that a basic equality audit has been conducted which has been used to inform the Equality Strategy	There is evidence of the use of research and best practice examples in the development of the Equality Strategy	There is evidence of wide use of relevant data from the practice in the development of the Equality Strategy
The Strategy covers: <ul style="list-style-type: none"> ▪ Selection and Recruitment ▪ Access to training and development ▪ Career Progression ▪ Bullying and Harassment 	The Strategy also covers: <ul style="list-style-type: none"> • a review of the criteria relevant to promotion to partnership/senior management and other roles • procurement of goods and services by the firm or employing organisation 	The Strategy also covers: <ul style="list-style-type: none"> • wider issues of social inclusion to ensure that recruitment is done from a wide range of diverse backgrounds and services are available to groups identified as having difficulty in accessing legal services
The Equality Strategy includes at least three measurable annual objectives one of which is intended to tackle bullying and harassment.	The Equality Strategy includes at least five measurable annual objectives	As well as objectives being set in the Equality Strategy, there is a clear method of measuring outcomes
Basic equality monitoring of the composition of the workforce is carried out as appropriate, with reference to sex as a minimum and this is used to inform the development of the Strategy.	Workforce Equality Monitoring data of all roles (including information concerning the equality profile of unsuccessful candidates for jobs) is collected with reference to all Protected Characteristics	Workforce Equality Monitoring is used widely by the organisation and in particular to assess the promotion of staff in relation to all the Protected Characteristics.

The Equality Strategy and supporting policies are reviewed periodically and a report is submitted to the Board or Senior Management Team	The Equality Strategy and supporting policies are reviewed annually and there is evidence of how they have been updated and improved.	The organisation's policies and practices are subjected to a systematic and rigorous assessment and the results used to inform developments in the Equality Strategy
There is a process for making complaints about breaches of the Equality Strategy and policies	An annual staff survey gathers anonymous feedback on performance in this area. The outcome of the staff survey is shared with all staff	
Clients		
There is a Equality Strategy relating to the provision of services to clients which covers all protected characteristics	Selected clients have been invited to comment on the Equality Strategy	Clients and/or the public have been consulted widely on the Strategy
An accessibility audit has been undertaken against a recognised accessibility standard and this has been used to inform the Equality Strategy	An accessibility audit has been undertaken and this involved an external or independent assessor	An accessibility audit has been undertaken and this involved people with a range of impairments or particular needs
The Strategy includes clear, measurable annual objectives		As well as objectives being set in the Equality Strategy, there is a clear method of measuring outcomes
The Equality Strategy is reviewed periodically and examples of reasonable adjustments made or available can be demonstrated	The Equality Strategy is reviewed annually and a time specific plan is in place for further improvements.	The improvement plan has been developed with input from people with a range of impairments or particular needs
There is a process for making a complaint about breaches of the Equality Strategy and policies	An annual survey gathers feedback on performance in this area from clients. The outcomes are published internally.	

STAFF DEVELOPMENT

Objective 5

there is a training plan for all staff on equality and diversity

Foundation	Intermediate	Advanced
There is a training plan for all staff to receive basic equality and diversity training	The training plan sets annual targets for uptake of training and a report is made on the training and the uptake during the year	All personal development plans contain specific consideration of training or development needs around equality and diversity
All staff have received some awareness raising training on equality and diversity	All staff have received basic equality and diversity training and this is provided to all new starts as part of the induction process	All staff have received practical equality and diversity training including attendance at workshops tailored to their role and seniority and this is updated regularly
		Specific training is available annually on a range of issues related to supporting diversity including tackling unconscious bias, harassment, dealing with flexible working requests, recruitment and promotion
All staff understand the concept of making 'reasonable adjustments' for clients or customers		Specific training is available on a range of issues related to providing services to a diverse range of clients
The training is evaluated by staff as part of the Law Society's CPD requirements	The training is evaluated through feedback forms and the results analysed	The impact of training is evaluated through follow-up assessments

REPORTING AND TRANSPARENCY		
Objective 6	the Equality Strategy and annual updates on the measurable objectives are available to staff, clients, prospective clients and the Society	
Objective 7	a separate statement is made annually about the composition of organisational roles with reference to the Protected Characteristics with reporting of sex as a minimum	
Foundation	Intermediate	Advanced
The Equality Strategy is available on request in a variety of formats within a reasonable timeframe	A summary of the Equality Strategy is published on the practice's website or similarly made publicly available	The full Equality Strategy is published on the practice's website or similarly made publicly available
A statement is made on the practice's website that a report on performance against the annual measurable objectives is available upon request in a variety of formats within a reasonable timeframe	A summary of performance against the annual measurable objectives is available on the website	The full annual report of performance against the annual measurable targets is published on the organisation website or similarly publicly available
		In addition to publishing the report on the website, the updates are referred to in other communications to staff and clients
A separate statement is made internally about the composition of staff with reference to sex by role and seniority as a minimum, on an annual basis	A separate statement is made about the composition of staff by reference to all the Protected Characteristics which includes reference to role and seniority and which is published internally on an annual basis	A separate statement is made about the composition of staff across all the Protected Characteristics and with reference to role and seniority and which is published externally on an annual basis

EQUAL PAY		
Objective 8	there is a statement on equal pay which is available to staff, clients, prospective clients and the Society	
Objective 9	organisations with more than 150 employees publish their gender pay gap figures for full time and part time solicitors at each level of seniority	
Foundation	Intermediate	Advanced
The organisation has <ul style="list-style-type: none"> • a Reward and Recognition Policy • an Equal Pay Statement and Policy 	The organisation has undertaken a basic equal pay audit	An external or independent person has been involved in the equal pay audit process
	The results have been presented internally to staff	A summary statement on the outcome of the equal pay audit is publicly available
	If the organisation has more than 150 employees it has published its average gender pay gap and an action plan has been prepared to address any disparity	If the organisation has more than 150 employees, the gender pay gap is published and broken down or disaggregated according to role and seniority and evidence available of action taken to address any disparities in rates of pay

ACCESSIBLE SERVICES		
Objective 10	organisations are responsive to the legal needs of a wide range of diverse communities and, in particular, have a single document available to the public which contains information on accessibility options for disabled and other service users	
Foundation	Intermediate	Advanced
A document is readily available on the organisation's website (or equivalent) on accessibility options for disabled clients and other service users	The access options are actively promoted in communications and marketing	
The document is reviewed annually and updated in line the firm's Equality Strategy		
The organisation's website is WCAG2.0 compliant and meets legal obligations regarding minimum accessibility standards.	The organisation has undertaken a web/digital product accessibility audit and has plans to achieve AA or AAA web accessibility rating in the next 12 months.	The organisation's website/digital products have achieved AA or AAA accessibility rating.
Clients' surveys collect feedback on the accessibility of the service and performance in this area which is used to develop the client services Equality Strategy		Equality Monitoring of clients is undertaken in relation to all the protected characteristics and used to inform the development of the client services Equality Strategy
		The organisation has engaged with the wider community to identify barriers to access to justice and is taking positive steps to promote its services to groups with unmet legal needs

Appendix 3 – Further information on the Committee’s initial considerations

In the preparation of this proposal, particular attention was given by the Equality and Diversity Committee to the arrangements of the Solicitors Regulation Authority in England and Wales, who have introduced mandatory monitoring of the composition of law firms against the ‘Protected Characteristics’ provided for in the Equality Act 2010. In addition, in 2009, the Law Society of England and Wales introduced a “Diversity and Inclusion Charter” which firms sign up to voluntarily. It has the stated aim of helping firms turn their “*commitment to equality and diversity into positive practical action for their businesses for the benefit of their employees and clients and their businesses overall.*”

The links between human rights legislation and the need to ensure that the profession promotes equality of opportunity were also prominent in its discussions. The Access to Justice Committee of the Law Society of Scotland has previously identified access to civil and criminal justice in Scotland as a constitutional and human right. (The Journal, 2010). Concern for access to justice in particular for disabled people is clear in the *UN Convention of Rights of Persons with Disabilities* which provides, among other things, that there must be effective access to justice for persons with disabilities on an equal basis with others³. The Justice Disability Steering Group has previously carried out valuable work in this important area and identified some key areas of concern. The Scottish Human Rights Commission has also undertaken extensive work in this area and one main theme in their review in 2012 of the research on the realisation of human rights in Scotland was access to justice⁴

The Committee was also conscious of the links between human rights and the creation by employers of an inclusive work place (described by the Equality and Human Rights Commission as being one where “*the human rights principles of fairness, respect, equality, dignity and autonomy are promoted and part of the organisation’s everyday goals and behaviour.*”⁵) It is widely recognised that an inclusive workplace can help increase commitment and levels of motivation among staff and ensure that firms are alert to and able to meet the needs of a wide range of existing clients and to capitalise on potential new business opportunities. However, it was felt that it was not only important that the profession is reflective of the communities it serves but that its practices are seen as a model of best practice for other employers and service providers.

³ Article 13

⁴ Scottish Human Rights Commission: “Getting it Right? Human Rights in Scotland” (Theme 8)

⁵ ECHR Guidance “An employer’s guide to creating an inclusive workplace.”



The regulatory objectives set out in the Legal Services Scotland Act 2010 for any body acting as an Approved Regulator of Licensed Legal Services also featured as a part of the Committee's deliberations. These objectives include promoting access to justice and encouraging equal opportunities⁶ within the legal profession.

The need for practitioners to meet the Law Society of Scotland Practice Rules 2011 also helped inform the Committee's discussions. These Rules already include Rule B1.15 (Diversity) which has been binding on solicitors for some years. This Rule prohibits discrimination by solicitors and places an obligation on those who supervise or manage staff to promote awareness and understanding of unlawful discrimination and equality and diversity among those they supervise or manage.

Informed by these considerations taken together the Committee proceeded to prepare the Equality Framework which is the subject of this consultation.

⁶ As defined in sL2 of Part 11 of Schedule 5 to the Scotland Act 1998

Appendix 4 – Membership of the Equality and Diversity Committee

Name	Firm
Janet Hood (Convenor)	Solicitor - Janet Hood Consulting
Martin Allan	Council Member (lay)
Mathew Auchincloss	Solicitor – Public Defence Solicitors' Office
Jill Bell	Non practising solicitor
Suzanne Dawson	Council Member (lay)
Val Dougan	Professional Support Lawyer – CMS Cameron McKenna
Professor Kay Hampton	Commissioner, Scottish Human Rights Commission
Irene Henery	Solicitor - Equality and Human Rights Commission
Gordon Lennox	Solicitor – Scullion Law
Paul Matthews	Solicitor – AB & A Matthew LLP
Morag McLintock	Solicitor – Crown Office and Procurator Fiscal Service
Stuart Robertson	Solicitor – Ledingham Chalmers
Muriel Robison	Solicitor
Deborah Russell	Solicitor – Stevenson & Marshall Solicitors
Jill Sutherland	Solicitor
Lynn Welsh	Solicitor - Equality and Human Rights Commission
Neil Stevenson (Secretary)	Director - The Law Society of Scotland

Membership as of July 2014 (with thanks to all previous members who have contributed to discussions in this area over the years, and to Kay Hampton in her former role as chair of the committee).