



Law Society
of Scotland

Response to the report of the Racial Inclusion Group

Building a Scottish legal profession which reflects the society it serves

January 2022



Introduction

Our Racial Inclusion Group's aim was to help us better understand the lived and professional experience of our black, Asian and minority ethnic members and future members.

The group's report and recommendations should be read by all in the profession. We thank the group's membership for their deep commitment to inclusion in the profession, their hard work over many months and their thorough and thought-provoking report. We owe a particular thanks to the group's Convener, Tatora Mukushi, for his insightful and inspiring leadership.

We also thank the many members who responded to the group's survey or who spoke to us one-to-one during the research gathering stage: the sharing of their experiences is what brings the report to life.

There is good news within the report. The diversification of the profession appears to be quickening, although that has not reached senior levels yet. In recent years, the flourishing of groups aimed at promoting racial inclusion in the legal sector has added so much to our profession. There is a real will from employers and justice sector organisations to improve.

There are parts of the report that will shock and upset many members. That there are few visible role models for the next generation of ethnic minority lawyers is concerning. Issues relating to lower pay and slower progression of ethnic minority lawyers need to be addressed. The findings of Chapter 4 outline many of the indignities our ethnic minority members face at work. That shock must turn to action.

It should go without saying – and it is important that it continues to be said – that there is no room for racism, bias or discrimination in the profession. It is important to understand that racism is more than individual overt prejudice. It is the frequent microaggressions that many ethnic minority people face on a regular basis. It is embedded in societal structures and leads to systemic inequalities.

Every single practitioner has a part to play in demanding and making change. We must all take a stand against all forms of racism, bias and discrimination. And that stand should be the starting point not the end.

The question that all individuals, and organisations, should answer is 'what will we do to make change?'. The group's recommendations are excellent starting points for us all – individually and as organisations – to begin to answer that question.

The appropriate response to the report will differ from organisation to organisation. We are all at different stages of our journey towards a truly inclusive society where people from all backgrounds can thrive.

There does though need to be a response. This paper is our initial response and one we will add to, and report on, over time. This is not the end of our work, rather a statement of renewed intent with the acknowledgement that we will do more in the future.

Having considered the Racial Inclusion Group's report deeply we have identified a number of themes that we believe require our continued attention over the coming years. These themes necessarily overlap to an extent. However, we believe focusing on these themes will help us to improve and help the profession become a more inclusive place:

1. Inspiring the next generation of ethnic minority solicitors
2. Using our data, and the insight of our members, to promote change across the profession and sector
3. Continuing to listen to our ethnic minority members and future members
4. Leading the profession to adopt inclusive recruitment and employment practices
5. Collaborating with justice sector partners to improve equality in the profession
6. Ensuring that we are and continue to be an inclusive professional body

The report and our response should be of interest to all who care about the future of our profession. We suggest that all in the profession take the time to consider both documents carefully. We encourage them to think about the issues raised and consider what they – as individuals and within their businesses – can do to move us forward.



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Inspiring the next generation of ethnic minority solicitors

Overview

We need to continue our efforts to promote fair access to the profession for people from all of Scotland's communities. This will involve collaboration between all who provide careers advice in schools, including the Society, universities, and employers who recruit the next generation of lawyers.

What have we already done to effect change?

- Established the Lawscot Foundation. This is a charity that gives grants, and provides mentors, for students from disadvantaged backgrounds. Over 20% of those who have received funding are from an ethnic minority background.
- Organised a mentoring programme available to all members.
- Promoted a ['One Profession, Many Journeys'](#) campaign highlighting a diverse range of individuals who have excelled in the profession.
- Hosted an inclusion calendar celebrating, marking and observing important cultural events. This has included a virtual Eid al-Fitr event; viral video campaigns featuring members celebrating Bandi Chhor Divas and Diwali; and blogs from members marking Black History Month, Chinese New Year and Rosh Hashanah.
- Supported events by organisations such as the Scottish Ethnic Minorities Lawyers Association, Fair Justice System for Scotland Group and Black Professionals Scotland by either hosting, providing speakers, or promoting those events to students and new lawyers.
- Over the last two years, hosted the largest virtual lawfairs in Scotland with a specific focus on inclusion.

We will continue to do all of the above and going forward we will:

- Broaden our 'One Profession, Many Journeys' campaign into a programme for schools and universities.
- Host sessions on careers in legal academia aimed at people from ethnic minority backgrounds.
- The Racial Inclusion Group heard that pupils and students from ethnic minority backgrounds don't always have the information they need at the right time so we will work collaboratively with university law schools, careers advisers, and schools to make sure that those seeking to study or studying law from ethnic minority backgrounds have the necessary tailored information.
- Gather diversity data on those students who graduate from the Diploma in Professional Legal Practice without a traineeship to better understand traineeship recruitment patterns and develop policy accordingly.

Using our data, and the insight of our members, to promote change across the profession and sector

Overview

A huge strength of our Racial Inclusion Group's report was its analysis of our own data and survey data to understand the make up of the profession now and in the near future and also the lived experience of our members.

What have we already done to effect change?

- Since 2006, we have organised four *Profile of the Profession* reports to help give us insight into the lived experience of our membership. This has also given us comparative data and analysis over an extended time.
- Collected data via our accreditation processes of the LLB and DPLP to understand the make-up of the law student cohort. This allows us to better understand the recruitment processes within the profession and also whether the LLB and DPLP are attracting diverse populations.
- At 2021 practising certificate renewal, we collated diversity data of all members. This gave us superb insight on the make-up of our profession. We have shared this widely with the profession and the justice sector.
- As part of the Scottish Government legal aid traineeship fund arrangements, we have been collecting diversity information for the applicant pool of each funded traineeship. It is hoped that this fund will improve the diversity of the legal aid sector.

We will continue to do all of the above and going forward we will:

- Publish diversity information from universities to help the profession understand the student population they are recruiting from, therefore allowing them to compare their own recruitment efforts against that population and tailor recruitment policies accordingly.
- Collect diversity data of members at every second practising certificate renewal and publish the findings, including comparisons with previous years to allow us to see how the profession is developing.
- Publish diversity data about the route to qualification so that employers can better see how they are performing.
- Publish the diversity data of our Board and committee structure in the first quarter of 2022.
- Encourage legal employers to gather data and insights from those applying for summer placements and traineeships and to share this information publicly. Such sharing would allow the sector to learn best practice from each other.
- Share diversity data from the application process for the Scottish Government legal aid traineeship fund when this process is complete to promote better understanding of the cohort of those wishing to practise in legal aid work.

Continuing to listen to our ethnic minority members and future members

Overview

Our Racial Inclusion Group synthesised the data highlighted above with extensive feedback from members who spoke candidly about their experiences within the profession. Ensuring we continue to listen to our members from ethnic minority backgrounds is of the utmost importance.

What have we already done to effect change?

- Collected data via *Profile of the Profession* since 2006, which brings together quantitative data and allows members to explain their experiences in an anonymised way. This has helped shape policy and careers advice for many years.
- Hosted a roundtable to better understand the experiences of our ethnic minority members during their route to qualification. This event informed our engagement with legal recruiters.
- Established the Racial Inclusion Group, which has produced a major report including gathering important data and insight from our membership and beyond. This data and insight are already informing our policy development work. A current example is the Racial Inclusion Group's insight is informing our work on access to the Diploma with providers of that course and will continue to do so.

We will continue to do all of the above and going forward we will:

- Ensure that we continue to listen. The work of the Racial Inclusion Group cannot be the last opportunity for ethnic minority members to speak candidly to us about their experiences in the profession. We encourage ethnic minority members to continue to speak to us about their experiences so we can listen and support them accordingly. We will also continue to liaise with members of the Racial Inclusion Group as we embed this plan. In the first instance, email diversity@lawscot.org.uk.
- Include diverse perspectives in all that we do. We understand it is important that ethnic minority voices are heard in all areas of our work and not solely on equality, diversity and inclusion. We will continue to actively encourage ethnic minority solicitors to apply for roles at the Society, for Society committee positions and continue to promote committee opportunities to lay people from ethnic minority backgrounds.
- Understand that different communities have different experiences of access and progression within law and that this should be remembered when shaping policy.

Leading the profession to adopt inclusive recruitment and employment practices

Overview

The Racial Inclusion Group's work closely examines the professional experience of our ethnic minority members. Many of the chapters, and recommendations, focus on actions that organisations can take to attract and retain diverse employees.

What have we already done to effect change?

- Published best practice recruitment guidance, including guidance on the payment of interns.
- Introduced unconscious bias training at the practice management course in 2019 and this will continue.
- Entered into a commercial relationship with Rare Recruitment, which allows legal employers in Scotland a discounted rate to use its contextualised recruitment software. We estimate that at least 20% of traineeships in Scotland now use some form of contextualised recruitment software.
- Hosted an introductory event with Black Professionals Scotland and human resources directors at large legal employers to help better understand the particular challenges faced by newly qualified black lawyers.
- Recently hosted a series of events entitled 'Overcoming Barriers' primarily aimed at ethnic minority members.

We will continue to do all of the above and going forward we will:

- Promote the recommendations of the Racial Inclusion Group to legal employers. We encourage local faculties and bar associations, law firms, and in-house employers to invite us to discuss the findings of the group and how we can work together to improve inclusion.
- Use the findings of the Racial Inclusion Group to add to our best practice recruitment guidance and promote this to members consistently.
- Ask legal employers to share what they are doing to improve racial inclusion at a cross-profession event in 2022 and to share the positive impact that this is having across their business.
- Ask individual members to consider the report and see how they can become active allies to promote racial inclusion in the profession.

Collaborating with justice sector partners to improve equality in the profession

Overview

The report is clear that action needs to be taken across the justice sector. Our members reported experiencing racism and bias at university, in employment, and elsewhere, eg in courts. We would urge these organisations to consider the report carefully and look forward to working collaboratively with them in the future.

What have we already done to effect change?

- We produced recommendations to improve diversity in the judiciary in 2015 and consistently promoted these to the relevant authorities.
- We worked positively with the Scottish Government on its three roundtables in late 2019/early 2020; one of which was focused on ethnicity, race and religion.
- We were an active participant of the Scottish Government's Cross-Justice Group on Race and the Workforce in 2021.
- On a number of occasions, ethnic minority members have highlighted to us when they have faced bias from other justice sector stakeholders. In such instances, we have represented our members concerns fully and robustly to those stakeholders and will continue to do so.
- We have shared our diversity data with other justice sector stakeholders to help them inform their own strategic focus on racial inclusion.
- As part of the data gathering exercise undertaken by the Racial Inclusion Group, we spoke to the numerous universities and other organisations in the profession to learn their challenges.

We will continue to do all of the above and going forward we will:

- Share the report and response with our justice sector colleagues and encourage them to constructively engage with us, and the report's recommendations.
- Consistently speak to justice sector colleagues about the matters raised in the report on a continuing basis.
- Continue to offer support and guidance to ethnic minority members who suffer racism, discrimination or bias in the workplace.

Ensuring that we are and continue to be an inclusive professional body

Overview

We were deeply concerned to read that a member thought they had experienced bias in relation to our own processes.

As the survey was anonymous, we do not know when this took place, nor do we know who raised the concerns. Despite this, we do consider these concerns with the utmost seriousness. In doing so, we have chosen not to publicly identify the processes involved.

As the Racial Inclusion Group notes: we would not want to inadvertently publicly identify any individual who gave us candid, anonymous feedback in good faith or lead to speculation as to their identity. We thank them for their candour and apologise for the upset caused. The processes concerned have been highlighted to the Senior Leadership Team.

What have we already done to effect change?

- Introduced a diversity rule within our practice rules in 2008 within our Practice Rules.
- All staff undertook mandatory unconscious bias training in 2018.
- Undertake equality impact assessments when introducing new processes, procedures, or products.

We will continue to do all of the above and going forward we will:

- Require all staff and Committee members to undertake equality and diversity training with a focus on anti-racism on a recurring basis.
- Critically assess our processes and procedures to ensure that any potential bias is eliminated.
- Continue to learn from, and work with, organisations with which we already have strong relationships that promote equality in the legal profession, including the Scottish Ethnic Minorities Lawyers Association, Fair Justice System for Scotland Group, and Black Professionals Scotland.
- We are already considering how best to complement our existing diversity regulation. This might include mandatory equality and diversity Continuing Professional Development (CPD), subsidiary guidance to support the diversity rule, a continued focus on equality and diversity within the



Regulatory Committee's strategy, and continued promotion of high quality CPD focused on equality and diversity to members.