



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

EQUALITY AND DIVERSITY STRATEGY

Equality and Diversity Strategy 2014-2017

The Equality and Diversity Committee of the Law Society of Scotland

November 2014

CONTENTS	PAGE
SECTION 1: FOREWORD	3
SECTION 2: EXECUTIVE SUMMARY	4
SECTION 3: WHO WE ARE AND WHAT WE DO	6
A. Overview	6
B. The Council and committees	6
C. The executive	7
D. The strategic aims of the organisation	8
E. The values of the organisation	9
SECTION 4: WHAT ARE EQUALITY AND DIVERSITY?	10
A. Definitions of equality and diversity	10
B. Statement of Council on what diversity means for the Society	11
C. Mainstreaming equality to promote diversity	11
SECTION 5: EQUALITY, DIVERSITY AND THE LAW	13
A. Legislation	13
B. Codes of Practice	13
C. Protected Characteristics	14
D. What protection is offered?	16
E. The scope of protection	17
F. Advancement of equality	18
G. The Society's Standards of Conduct	18
H. Plans for more focussed guidance and standards	19
SECTION 6: MEETING THE EQUALITY DUTY	20
A. The Society's obligations	20
B. Meeting our obligations: General Equality Duty	22
C. Meeting our obligations: Specific Duties	23
D. The Protected Characteristics: a misleading categorisation?	23
SECTION 7: IDENTIFYING EQUALITY OUTCOMES	25
A. Introduction	25
B. Equality outcome targets identified	25
C. Action planning and reporting	27
SECTION 8: GATHERING EVIDENCE AND INFORMATION	28
A. Introduction	28
B. Women in the Legal Profession	28
C. Profile of the Profession 2006	28
D. Robust Foundations	29
E. Bullying and harassment in the profession	30
F. The Experiences of ethnic minority solicitors	31

CONTENTS (<i>cont.</i>)	PAGE
SECTION 8: GATHERING EVIDENCE AND INFORMATION (<i>cont.</i>)	
G. Profile of the Profession 2013 – quantitative research	33
H. Profile of the Profession 2013 – qualitative research	34
I. Other relevant data	37
SECTION 9: INVOLVEMENT AND CONSULTATION	38
A. Introduction	38
B. Involvement projects: equality specific	43
C. Involvement projects: mainstreaming the equality dimension	46
SECTION 10: REPORTING ON MAINSTREAMING	47
A. Introduction	47
B. Sample initiatives	47
C. Progress report Equality and Diversity Strategy 2011-2014	48
SECTION 11: IMPACT ASSESSMENT	51
A. Introduction	51
B. Initial Impact Assessment exercises	51
C. Equality Impact Audits for 2011-14	52
SECTION 12: REPORTING ON EMPLOYMENT AND EQUAL PAY	53
A. Introduction	53
B. Applicant composition	53
C. Employee composition	54
D. Employee perception on employment	55
E. Equal pay	56
SECTION 13: BUILDING AWARENESS AND UNDERSTANDING	57
SECTION 14: ACCESS TO INFORMATION AND SERVICES	58
SECTION 15: WHAT HAPPENS NEXT AND REPORTING	59
A. Introduction	59
B. Reporting on progress	59
APPENDICES	
A. ACTION PLAN (EQUALITY OUTCOME TARGETS)	62
B. PREVIOUS ACTION PLAN 2011 to 2014	67
C. EQUAL PAY STATEMENT	69

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 telephone 0131 476 8359).

SECTION 1 - FOREWORD

We are delighted to introduce our new Equality and Diversity Strategy for 2014 to 2017, and believe it represents a significant development on our previous action plans. As a result of all our work over the last decade, we are increasingly confident in talking about the benefits that equality and diversity bring to the Society, to legal firms and teams, and to the wider public. We are also more certain of those areas where we can do more to support and encourage improvement and have focused the strategy on the areas where least change has been seen in the last decade and where research indicates more work is required.

More members have engaged in our equality research and consultations than any other area of the Society's work. The overall message is clear and consistent – we must support our members in driving their work to improve equality and diversity at all career stages, including entry to the profession, pay and progression, workplace behaviours, and the provision of services to clients. These themes accord well with our statutory responsibilities in relation to equality arising from the Equality Act 2010 and specifically from the Legal Services (Scotland) Act 2010.

We have also listened to the public and to groups specialising in work related to the different protected characteristics covered by the Equality Act. We commissioned an independent consultation to inform the 2014-2017 strategy, and are grateful to all who so kindly gave their time to assist with this.

A key part of our work in the coming three years will be to deploy, promote and monitor the impact of new guidance principles on equality and diversity, and the voluntary framework designed to assist firms in ensuring they are compliant. We would encourage all firms to adopt the new framework and in three years time we will review whether the voluntary approach is delivering the desired results, or whether rule changes should be put to the profession for debate. Other areas of focus include equal pay, patterns of work in the profession, and contributing to work to improvement diversity in the judiciary.

Our work evolves constantly, and if you wish to become involved in individual projects, the programme of work more generally, or provide feedback or comments we would be delighted to hear from you. You will find contact details on our website at: www.lawscot.org.uk/diversity.

Alistair Morris
President

Janet Hood
Convener – Equality and Diversity Committee

SECTION 2 - EXECUTIVE SUMMARY

This Equality and Diversity Strategy covers the period from November 2014 to October 2017.

The Strategy is a revised and updated version of the arrangements in place between 2008 and 2011, and between 2011 and 2014. It takes account of all of the Society's activities and outputs in relation to equality and diversity during that time, and of legal developments during the period.

It seeks to meet our obligations under the Equality Act 2010 and our responsibilities in relation to the General Equality Duty arising from the Public Sector Equality Duty.

This 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 equality and 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 adjustments'
 - Institutional discrimination
 - Positive action
 - Historical power imbalance
 - Cultural competence in relation to the issues affecting people belonging to one or more of the protected groups
- That we promote 'best practice' in relation to equality and diversity to the profession, our partners, and our stakeholders
- That we promote understanding between different groups.

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 and 6**.

The information and data we have collected and what we plan to collect in the future: **Section 8**

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 9**

How we are mainstreaming equality in all the work that we do: **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 report on progress: **Section 15**

Our equality outcomes targets action plan: **Appendix A**

Our Equal Pay Statement: **Appendix C**

The Society remains committed to mainstreaming equality and diversity across all of our work. We believe this strategy demonstrates both our level of commitment and the tangible progress we are making in this field.

SECTION 3 - WHO WE ARE AND WHAT WE DO

A. OVERVIEW

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 and in the Legal Services (Scotland) Act 2010. In essence, the Society promotes the interests of the solicitors' profession in Scotland and the interests of the public in relation to the profession.

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 government, nor associated with the civil service or any other executive agencies. Nevertheless, many of our functions are regulatory and are deemed 'public functions'. A high standard of fairness and equity is therefore expected by public and government alike, of which a commitment to equality and diversity is part.

The Society also strongly believes in the business benefits of equality and diversity, and has seen this work assist us in building a relationship with our own members, and in seeing those members and their firms support new groups and clients.

B. THE COUNCIL AND COMMITTEES

A Council governs the Society. Constituents elect 39 members based on the geographic spread of Sheriffdoms in Scotland. Up to 9 are co-opted from industry, commerce, local government and private practice, and 9 are lay members who are appointed from a diverse area of expertise and interests. The Council meets during most months to discuss current legal issues, policy, and to oversee the decisions of the committees of the Society.

The Council also elects a President and Vice President for the Society who each serve a one-year term of office.

The Council is supported in its work by the Board which has responsibility for day-to-day decisions, which are then presented to the Council. This allows the Council to focus on strategy and priority policy issues. The Council remains the ultimate decision-ratification body. The Board comprises the four office bearers (President, Vice President, Treasurer and immediate past President), the Chief Executive, and a number of Council members (elected by Council).

The Council delegates some of its responsibilities to its committees and others directly to the Executive (staff) of the Society.

A 'Regulatory Committee', specified in statute, oversees all of the regulatory functions of the Society. This committee has a lay (non-solicitor) chair and a 50% lay membership.

Various other regulatory sub-committees and committees of the Council support the work of the Society. More details of these can be found on our website. 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. 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.

More details can be found on the 'About Us' section of our website.

C. THE EXECUTIVE

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, and a Senior Management Team, 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. The Society also has a post based in London working with our large number of members practising in England and Wales.

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

REGULATION

Complaints Investigation Team

Dealing with complaints from the public and other sources in relation to solicitors.

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.

Interventions Team

Assisting in the winding up of legal business where proper arrangements have not be possible (perhaps through the death of a sole-practitioner) or where there has been impropriety, and in both cases making sure money owed to clients is distributed.

Regulation Liaison Team

Managing communication with the Scottish Legal Complaints Commission and working on the quality assurance of civil legal aid work.

REPRESENTATION AND PROFESSIONAL SUPPORT

Professional Practice

Provides confidential 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.

Professional Support Team

Provides tailored resources and support for individual solicitors and for law firms and businesses; provides dedicated support and information in relation to issues concerning legal aid and access to justice.

Access to Justice

Campaigns for fair and appropriate systems of legal aid payment and provides a variety of other support and engagement work.

REGISTRARS

Responsible for dealing with issues in relation to practising certificates; collection of the Scottish Legal Complaints Commission levy, professional indemnity insurance arrangements for solicitors in private practice; entrance and admission to the profession; monitoring traineeships and supporting trainees; and for various regulatory functions in relation to investment business.

EDUCATION AND TRAINING

Responsible for the accreditation of providers of pre-qualification legal education, careers advice; the development of policy in relation to legal education and continuing professional development for practitioners. The team also work to engage with and inform those considering a career in law and those progressing through the training.

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.

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.

CHIEF EXECUTIVE'S OFFICE, DEPUTY CHIEF EXECUTIVE'S OFFICE, AND CENTRAL SERVICES

Human Resources

Provision of all internal human resources functions.

Business Development

Developing commercial services for the Society.

Communications, Marketing and Public Affairs

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. This team also operates an enquiry phone line for the public.

Central Support Services

Comprises several teams providing reception services, records management, property management, post office and printing services, and catering

Finance and IT

Our internal finance function managing our corporate planning cycle and invoicing, payments, expenses etc., and our internal IT function supporting software, hardware and major IT projects across the organisation.

Update Department

Provides post-qualification training and education events for solicitors on a commercial basis; supports in-house solicitors within government, commerce, the public and private sectors, and the not-for-profit sector.

D. STRATEGIC AIMS OF THE ORGANISATION

Working together, staff and Council members developed a strategy for the organisation which was approved by Council in August 2011.

The Society's over-arching aim is:

'To lead and support a successful, respected Scottish legal profession'

To achieve this, we also set out five supporting objectives:

- **Excellent solicitor professionalism and reputation**
- **Our members are trusted advisers of choice**
- **Our members are economically active and sustainable**
- **The Society is the professional body and regulator of choice**
- **The Society is a high performing organisation**

An 'annual plan' is developed and published each year in September. Both the strategy and the annual plans can be found on the 'About Us' section of the website (under 'Who we are').

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 work on equality and diversity must feed into the organisation's overall plan and influence the direction and content of it where necessary.

In framing the strategic objectives those developing the strategy reviewed data from our various research studies and profiling exercises. The Head of Diversity was also involved in the development process. It was considered that a key part of being 'the professional body and regulator of choice' was ensuring that we support all members and we are seen to be a diverse and progressive organisation. Likewise, if our members are to maintain and develop their role as 'trusted advisers of choice' then this will mean ensuring accessibility to, and understanding of, all client groups.

E. THE VALUES OF THE ORGANISATION

During the lifecycle of the last strategy the Society's staff and Council members also discussed in detail the values of our organisation. They created five core values that are now embedded in all of our work in a variety of ways:

Respect: We value treating everyone with consideration and dignity.

Openness: We value being helpful, accessible, responsive and transparent in the way we work and operate.

Progress: We value continuously improving existing and new services.

Integrity: We value being accountable, responsible and professional in the decisions that we make.

Inclusion: We value having excellent working relationships with our colleagues and the public, supporting the diverse interests of our membership.

SECTION 4 - WHAT ARE EQUALITY AND DIVERSITY?

A. DEFINITIONS OF EQUALITY AND DIVERSITY

In this Strategy we use the use the terms equality and diversity. But what do they mean?

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. The legislation is now contained in the Equality Act 2010 which covers the following protected characteristics:

1. age
2. disability
3. gender reassignment
4. marriage and civil partnership
5. pregnancy and maternity
6. race
7. religion or belief
8. sex
9. sexual orientation

Core concepts relating to equality:

- Equality of outcome
- Compliance with legislation
- Promotion of equality
- 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

INCLUSIVITY

The Society has followed with interest the emerging use of 'inclusivity' as a leading term in the field. The dialogue on why it might better capture the progress which is needed is helpful in informing our

work, but we continue to find that the terms equality and diversity have most resonance with our audiences.

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

The Council of The Law Society of Scotland has pledged a commitment to diversity ratified in a formal statement, set out below.

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 out with 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.***

The emphasis is on creating a culture of ‘inclusivity’ and continuous development, above and beyond the limitations of each protected characteristic. Whilst understanding and continually consulting on issues specific to the protected characteristics is vital, a deliberate decision has been made to stress our responsibilities in a way that makes equality core to our functioning rather than as a ‘diversity bolt-on’ emphasising particular groups.

C. MAINSTREAMING EQUALITY TO PROMOTE DIVERSITY

The Society is committed to ‘mainstreaming’ equality to promote diversity and our commitment places equality and diversity at the heart of carrying out our functions effectively and fairly.

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

We have made significant progress in building equality and diversity into the criteria on which project and personal success are measured within the organisation. This has been achieved through our work on organisational value, competencies (which reflect equality) and how these are build into our performance systems.

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 about ‘risk and opportunity management’ – that all staff have enough knowledge to spot problems or opportunities to improve our performance in this area.

We ‘talk up’ diversity, emphasising its importance and benefits to the Society and profession, in specific projects and our general operations. Equality and diversity is never viewed as solely the domain of human resources or a diversity officer.

‘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. For example, managers may take 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.

In Section 10, we report on our progress towards mainstreaming equality.

SECTION 5 – EQUALITY, DIVERSITY AND THE LAW

A. LEGISLATION

The Law Society of Scotland recognises its legal responsibilities under the following legislation, as subsequently amended:

- The Equality Act 2010 and related regulations
- The Legal Services (Scotland) Act 2010
- Employment Rights Act 1996 (relevant provisions and related regulations)
- Protection from Harassment Act 1997
- The Human Rights Act 1998

B. CODES OF PRACTICE

In addition, the Law Society of Scotland seeks to adhere to the relevant Codes of Practice, Technical Guides and other guidance issued by the Equality and Human Rights Commission. These have been reviewed in the formation of this strategy, including specifically:

- Statutory Code of Practice on Employment (2011) and Supplement to the Statutory Code of Practice on Employment (2014)
- Statutory Code of Practice on Services, Public Functions and Associations (2011) and Supplement to the Statutory Code of Practice on Services, Public Functions and Association (2014)
- Statutory Code of Practice on Equal Pay (2011) and Supplement to the Statutory Code of Practice on Equal Pay (2014)
- Technical Guidance on the Public Sector Equality Duty (2013)
- Technical Guidance on Further and Higher education (2013)
- Essential guide to the Public Sector Equality Duty: A guide for public authorities (Scotland) (2012)
- Equality outcomes and the Public Sector Equality Duty: A guide for public authorities (Scotland) (2012)
- Evidence and the Public Sector Equality Duty: A guide for public authorities (Scotland) (2014)
- Involvement and the Public Sector Equality Duty: A guide for public authorities (Scotland) (2014)
- Assessing impact and the Public Sector Equality Duty: A guide for public authorities (Scotland) (2012)
- Mainstreaming the Equality Duty: A guide for public authorities (Scotland) (2014)
- Employee information and the Public Sector Equality Duty: A guide for public authorities (Scotland) (2014)

These are available from the Equality and Human Rights Commission website (www.equalityhumanrights.com)

C. THE PROTECTED CHARACTERISTICS

Throughout this document we refer to the protected characteristics covered by the Equality Act 2010 (the Act). When we refer to 'protected groups' we are referring to people who share these protected characteristics. In simple summary form these are:

AGE

People of all ages are protected from discrimination because of their age group. In practice protection for children is limited because the under-18s are not protected from discrimination in relation to services or public functions. Age group can be defined by reference to a specific age or a range of ages.

DISABILITY

Disability is defined as a physical or mental impairment having a substantial and long-term adverse effect on the ability of a person to carry out day-to-day activities.

GENDER REASSIGNMENT

A person who is undergoing, has undergone or intends to undergo gender reassignment, is described in the Act as a transsexual person and is protected from discrimination. We recognise different terms, including trans, transgender, intersex, or androgynous, may be preferred by individuals and try to use more inclusive language in our work.

MARRIAGE AND CIVIL PARTNERSHIP

A person who is married or who is in a civil partnership is protected, although the protection does not extend to marital status. As a result single people are not protected from discrimination by the Equality Act 2010.

PREGNANCY AND MATERNITY

A woman who is treated unfavourably because of her pregnancy or because she has recently given birth or is on maternity leave is protected from discrimination.

RACE

Discrimination because of a person's race, colour, ethnic or national origins or nationality is against the law. A person can belong to two or more racial groups.

RELIGION AND BELIEF

Discrimination because of a person's religion or lack of religion, or because of a belief or lack of belief is prohibited. To qualify for protection, the religion or belief must be a weighty and substantial aspect of human behaviour, be genuinely held, worthy of respect and compatible with human dignity and not in conflict with the rights of others.

SEX

Men and women (of all ages) are protected from discrimination because of their sex.

SEXUAL ORIENTATION

Discrimination because of a person's sexual orientation is prohibited. Sexual orientation covers orientation towards persons of the same sex (gay and lesbian people), persons of the opposite sex (heterosexual people), or persons of the same and of the opposite sex (bisexual people).

SOCIAL ORIGIN, LANGUAGE, PERSONAL ATTRIBUTES AND BROADER DEFINITIONS IN THE SCOTLAND ACT 1998

Section L2 of Part II of Schedule 5 to the Scotland Act 1998) defines 'Equal Opportunities' as: *'the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.'*

We need to consider both the slightly different wordings in some areas (for example, 'opinions' being included alongside religion and belief) and also some of the additional areas, such as social origin (for example, the Scottish Gypsy Traveller community has been deemed to fit within this), language and personal attributes.

Two further important provisions to consider relating to disability and gender reassignment:

Although no new protected characteristics were introduced by the Equality Act 2010, some minor changes were made to the scope of protection for disabled people and for transgender people, so it is worth providing a little more information on these two areas:

DISABILITY

The Equality Act 2010 sets out the circumstances in which a person is considered 'disabled'. A person is disabled if they have: a mental or physical impairment which has an adverse effect on their ability to carry out normal day-to-day activities. The adverse effect must be substantial (that is not minor or trivial) and it must be long-term (meaning it has lasted, or is likely to last, more than 12 months).

There is no longer any need for a disabled person to show that their impairment affects a particular capacity such as mobility or ability to concentrate, which should make it more likely that some people with mental impairments are protected.

TRANSGENDER

The Equality Act 2010 refers to "transsexuals", that is people undergoing gender reassignment. There is no requirement for a person to show that they are receiving medical treatment because this is a personal rather than a medical process.

ASSOCIATION AND PERCEPTION

Perhaps one of the most important changes introduced by the Equality Act 2010 relates to protection for people who associate with another person from one of the protected groups. A person therefore no longer requires to be disabled to benefit from the protection of the Act. If a person associates with someone who is disabled, for example a carer of a disabled child, and are discriminated against as a result then they will be protected. If someone discriminates against a person because they believe them to be disabled even if they are not, then they can also pursue a claim under the Equality Act.

The same is true for gender reassignment: people, such as transvestites, although not directly protected, may be able to challenge discriminatory treatment if someone believes them to be undergoing gender reassignment.

These protections, for people who do not themselves have a relevant protected characteristic but associate with someone who has, or who are thought to have a protected characteristic even if they don't, extend across all of the protected characteristics.

D. WHAT PROTECTION IS OFFERED?

The definitions of prohibited conduct were streamlined across the protected characteristics by the Equality Act 2010. The four key areas in which protection is offered are:

1. DIRECT DISCRIMINATION

This is where a person is treated less favourably than another in a similar situation because of a protected characteristic. This includes any less favourable treatment because they associate with someone from a protected group, or because they are thought to be from a protected group but are not.

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 there are good sound objective reasons for the rule and it is applied in a fair and reasonable way.

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. This is because they are more likely to have taken time off at some point during their working life for maternity reasons and may therefore find it harder to reach this standard. The issue is that a simple time requirement does not equate to a level of experience/competence, and so it could be seen as an unfair barrier.

3. VICTIMISATION

This is where an individual who has sought to enforce their rights under the Equality Act, or has helped another to do so, has as a result suffered a detriment because of their actions. There is no requirement to make a comparison with others, the focus is on the reason for the detriment.

4. HARASSMENT

This where an individual is subjected to unwanted conduct related to a protected characteristic which has the purpose or effect of violating his or her dignity or of creating an intimidating, hostile, humiliating, or offensive environment. Conduct which is not directly targeted at an individual would be covered.

Two further important provisions to consider relating to disability are:

5. DISCRIMINATION ARISING FROM DISABILITY

A person who is treated unfavourably because of something arising from their disability will be discriminated against unless there is a good reason for the treatment and it is fair and reasonable in the circumstances. This form of discrimination will only arise if the person alleged to be discriminating knew the person was disabled or it was reasonable to assume they knew. This is different from direct discrimination in that the reason for the treatment arises from the disability, but is not the disability itself.

6. DUTY TO MAKE REASONABLE ADJUSTMENTS

This is where a practice, procedure or policy, or a physical feature or the absence of an auxiliary aid, places a disabled person at a substantial disadvantage compared to a non-disabled person. Reasonable steps must be taken to avoid the disadvantage. Adjustments must be made where it is reasonable to do so to overcome the physical feature or by providing the auxiliary aid or services.

E. THE SCOPE OF PROTECTION

The legislation, and where appropriate the related statutory codes, affect our role as:

- An employer
- A provider of services to the public
- A provider of services to the profession
- A trade organisation (professional association)
- A qualifications body
- A 'public authority' in respect of our 'public functions'

The Society has obligations under the Equality Act in relation to all of its activities in all of these roles not to discriminate, harass or victimise people with whom we have dealings. As an employer we have obligations to employees, to prospective employees and to former employees and to any contractors with whom we engage. We must not discriminate against any members of the public who use or seek to use our services. As a professional association, members or prospective members are protected in relation to the admission arrangements and terms of membership, and as a qualifications body our obligations relate to admissions to the roll, maintenance of the roll of solicitors and the issuing of Practising Certificates. The obligations extend to any public or statutory functions which we perform, and include a duty to make reasonable adjustments in relation to both members of the public and members of the profession.

It should also be noted that protection extends 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 professional association 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.

There are certain limited exceptions to the protections offered by the legislation (for example, occupational requirements). However, in all cases these are limited and specific advice should always be sought before relying on one of these.

Finally, it should again be noted that the aim here is to simplify a complex body of law into an understandable format and simple principles - not to provide definitive legal guidance.

F. THE ADVANCEMENT OF EQUALITY

In certain circumstances positive action is permitted to address any disadvantage suffered by a protected group, to meet the different needs of those in a protected group or to increase participation by a protected group where participation is disproportionately low. The Society is thus entitled in respect of all of its roles and in relation to both members of the public and the profession to take special measures to address any particular disadvantages identified, and in particular to treat disabled people more favourably.

One example, which has received both significant favourable feedback, but also some criticism, is the provision of specific training by the Update Department for women preparing for partnership (alongside similar training available to all members). This can be justified because of the low number of female partners, and is provided due to feedback from our members that this support would be valued.

The Society is also covered by the Public Sector Equality Duty. This places an obligation on the Society not only to eliminate discrimination, harassment and victimisation but also to advance equality of opportunity in relation to the protected groups and to foster good relations between protected groups and others in respect of our public functions. The primary aim of this Equality and Diversity Strategy is to mainstream equality in all that we do, and thereby to meet the requirements of the Public Sector Equality Duty. We consider that duty in detail in section 6.

G. THE SOCIETY'S STANDARDS OF CONDUCT

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 Standards of Conduct of The Law Society of Scotland. This rule is kept under regular review and was revised in August 2006, in October 2008, and again in May 2011 (coming into force on 1st November 2011).

The standard requires solicitors to eliminate discrimination in accordance with the provisions of the Equality Act 2010 in respect of all of their dealings. There is a particular requirement on those who act in a managerial or supervisory capacity to ensure that there is no unlawful discrimination as

employers or in the provision of legal services. Extracts from the Standards of Conduct are reproduced below.

EXTRACT FROM STANDARDS OF CONDUCT DIVERSITY

- 1.15.1 *You must not discriminate on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation in your professional dealings with other lawyers, clients, employees or others.*
- 1.15.2 *Where you act in a managerial capacity or supervise others you must ensure that:*
- a) *there is no unlawful discrimination in employment including recruitment, training, employment terms, promotion, advancement and termination of employment;*
 - b) *those you manage or supervise do not discriminate unlawfully;*
 - c) *you and those you 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.*

H. PLANS FOR MORE FOCUSSED GUIDANCE AND STANDARDS

As part of work under the previous strategy the Society has created and consulted on some new more focussed guidance on equality, which has more prescriptive elements than previous versions. The consultation closes just as this new strategy comes into effect, but depending on the response it is likely new guidance will be issued, even if not in the exact form on which we consulted.

That model was based a set of ten 'Guidance Objectives'. 'Guidance' provided by the Law Society is non-mandatory, so it still allows wide discretion to firms, legal teams and organisations employing solicitors to provide solutions proportionate to their setting. However, it does have official standing and can be used in determining complaints against firms, which should be able to show they have considered the guidance even if they have not chosen to apply an element of it due to particular circumstances.

The Guidance 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.

There will also be a voluntary scheme of best practice 'Standards' which has been developed by the Equality and Diversity Committee. These are intended to assist firms and legal teams meet the Guidance Objectives.

The Regulatory Committee of the Society has indicated that they wish to monitor whether this more prescriptive guidance, allied with best practice, addresses the equality and diversity issues, or whether further formal regulatory rules need to be considered.

SECTION 6 - MEETING THE EQUALITY DUTY

A. THE SOCIETY'S OBLIGATIONS

The Society is committed to meeting its obligations under equalities legislation. In addition, as was demonstrated in previous equality and diversity strategies, the Society sought to comply fully with the former requirements of the race, disability and gender Public Sector Equality Duties as they were introduced. This meant from 2005 onwards we were focussing on all of the protected groups now in the 2010 Act. We also have to consider equalities requirements in the Legal Services (Scotland) Act 2010.

EQUALITY ACT 2010

The Equality Act 2010 s149(1) now places a Public Sector Equality Duty spanning across all these protected characteristics on public authorities, specifically requiring public authorities to have due regard, when carrying out their functions, to the need to:

- **eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
- **advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it**
- **foster good relations between persons who share a relevant protected characteristic and persons who do not share it.**

The Act goes on to provide some clarity on what due regards means at s149(3):

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- **remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
- **take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
- **encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.**

Those organisations which are not public authorities but which carry out public functions must comply with the requirements of the Public Sector Equality Duty in respect of those public functions. The Society clearly carries out a number of functions which fall into the category of public functions and therefore in respect of those functions at least, the Society is obliged to comply with the legal requirements to meet the Public Sector Equality Duty.

However, the Society believes that it is important to seek to meet the requirements of the Public Sector Equality Duty in respect of all of its functions, both internal and external, public and private, and in all that it does. In this Equality and Diversity Strategy therefore, we do not distinguish between the different types of functions which the Society carries out.

The Equality Act 2010 gives Scottish Ministers the power to impose specific duties on certain public authorities to enable the better performance of the General Duty. Scottish Ministers also have the power to list those public authorities which will be subject to the Specific Duties. The Society has, in the past, been required to comply with the requirements of Specific Duties to meet the race, gender and disability duties which have now been replaced by this Public Sector Equality Duty. However, the Society has not currently been listed as an organisation which is obliged to implement the detailed requirements of the Specific Duties.

As a result, the Society is not specifically required to comply with the Specific Duties imposed on Scottish public authorities by Scottish Ministers. The Society must, however, be able to demonstrate compliance with the General Duty, which is a proactive duty.

At a meeting of Council which took place on 28 April 2011, the Board and Council determined that the Society should seek to use any Specific Duties set down by Scottish Ministers as a framework which will demonstrate that the Society is meeting its General Equality Duty obligations.

Accordingly, this Equality and Diversity Strategy has been developed to meet best practice requirements by setting down standards based on any Specific Duties introduced by Scottish Ministers, recognising that the Society is not currently bound by the requirements of the Specific Duties.

While the Society will make every effort to meet the requirements of the General Equality Duty in respect of all of its functions, and to implement as appropriate the requirements of any Specific Duties from time to time introduced so far as possible, the Society does not bind itself to meet the exact requirements of the Specific Duties unless and until it is legally obliged to do so.

In the event that the Society is at some future date listed as a body which does, after all, require to meet a set of Specific Duties, the Society will, given our current approach, be very well placed to meet those requirements.

LEGAL SERVICES (SCOTLAND) ACT 2010

The Society recognises too that it has obligations under the Legal Services (Scotland) Act 2010 which it requires to meet. The Legal Services (Scotland) Act 2010 sets out Regulatory Objectives that the Society is now required to comply with in relation to its regulatory functions and in order to become an “Approved Regulator” of entities wishing to change their status to that of “Licensed Legal Service Providers” under this Act. The Objectives include:

- ***promoting an independent, strong, varied and effective legal profession,***
- ***encouraging equal opportunities (as defined in Section L2 of Part II of Schedule 5 to the Scotland Act 1998) within the legal profession.***

‘Equal opportunities’ under the 1998 Act is defined as *‘the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.’*

The approach taken in this Equality and Diversity Strategy will clearly go a very long way to meeting those particular obligations under the Legal Services (Scotland) Act 2010.

The Scotland Act definition of 'equal opportunities' goes beyond the protected characteristics set out in the Equality Act. However, the Society aims, in any event, to focus its efforts not only on those in protected groups, as discussed in more detail in paragraph D of this section.

The general public and governments alike have expectations regarding the standards the Society should achieve. By taking this approach, seeking wherever possible to achieve best practice standards, the Society hopes to demonstrate that it is a leader in this field.

B. MEETING OUR OBLIGATIONS: GENERAL EQUALITY DUTY

The Equality Act 2010 gives guidance on how organisations can fulfil their obligation to advance equality of opportunity, and thus requires the Society to have due regard to the need to:

- remove or minimise disadvantages suffered by protected groups
- take steps to meet the different needs of protected groups
- encourage protected groups to participate in public life or in any other activity in which their participation is disproportionately low
- foster good relations between persons who share a relevant protected characteristic and persons who do not share: this requires the Society to have due regard to the need to:
 - tackle prejudice, and
 - promote understanding

This Equality and Diversity Strategy is designed to ensure that the Society meets the General Equality Duty in the following ways:

- 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 equality and 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.

C. MEETING OUR OBLIGATIONS: SPECIFIC DUTIES

Although the Society is not obliged to meet the requirements of any Specific Duties introduced by Scottish Ministers for the better performance of the General Equality Duty, as discussed above, the Society will seek to follow the requirements of any Specific Duties laid down so far as it is possible to do so. The Society will aim to demonstrate that it is meeting the requirements of the General Equality Duty through the following means:

- **By publishing equality outcomes targets, based on evidence and involvement of protected groups, and reporting on progress towards these outcomes;**
- **By reporting on progress towards mainstreaming equality in relation to all protected characteristics;**
- **By assessing the impact on equality of all new policies and practices, including changes to, or redesign of, existing policies and practices, based on evidence;**
- **By publishing employment data (for the Society and legal profession) in relation to sex, disability and ethnicity, including data about any pay gap, and the other protected characteristics if possible;**
- **By setting out where equality outcomes will be published and where progress on all aspects of the duties will be reported, including the timeframe for reporting**
- **By ensuring we include equality within our criteria our procurement processes**

The following sections of this Equality and Diversity Strategy are devoted to considering each of these activities in turn, and to setting out the actions which the Society has taken or intends to take with a view to meeting the General Equality Duty. While it is intended that these activities will aim to meet the requirements of any Specific Duties in general terms the activities and actions of the Society set out in this Equality and Diversity Strategy are not limited to these activities. The Society aims to meet the General Equality Duty through this strategy and throughout our work in general.

D. THE PROTECTED CHARACTERISTICS – A MISLEADING CATEGORISATION?

Before going on to consider the specific activities in detail, it is important to appreciate that the Society, in approaching our obligations in relation to the advancement of equality and diversity, does not necessarily view those obligations from the simple perspective of each protected characteristic in isolation. People will not necessarily identify themselves in that way (identity categorisation) nor that their identity is delineated so clearly (multiple-identity).

One of the biggest issues around the equality legislation is that in order to be protected, the legislation must categorise people as belonging to a particular protected group. 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.

In implementing legislation within an organisation this raises two issues. First, 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 person similarly affected may not. Another individual may consider themselves 'disabled' and suffer discrimination on that basis, but be unable to bring themselves under the statutory definition of disability. Siblings may identify differently in defining their ethnic origin. Categorisations of sexual orientation may not correlate with an individual's experience. The legislation adopts one particular model of categorisation but this may not equate to individual experience.

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. This can lead to an individual suffering discrimination on dual or multiple combined grounds.

Overemphasising individual protected characteristics can create an artificially compartmentalised approach and the Society believes overarching concepts of identity and discrimination need explored alongside the individual characteristics. This has been the policy of the Society for some considerable time.

This approach has manifested itself in the work the Society does by developing strategies and support which apply across the population rather than concentrating on certain characteristics. A good example of this is the Strategy for Supporting New Lawyers which focuses on those at an early stage in their career rather than on a certain age group or demographic. A further example is the research conducted on the instances of bullying and harassment in the legal profession. This research was conducted without pre-conceptions about who would consider themselves to have suffered bullying and harassment, and what form that would take.

SECTION 7 - IDENTIFYING EQUALITY OUTCOMES

A. INTRODUCTION

The Society has always believed that real progress towards equality can be achieved only by focussing on equality outcomes. The Society's ultimate focus is therefore not on equality outputs but on equality outcomes and on measuring progress towards equality and in setting further targets to meet the ultimate goal. This means our approach is well in line with the Equality Act 2010

The Society's policies in relation to gathering evidence and information and involving and consulting across the protected groups, described in the following Sections 8 and 9, mean that we already have in place robust procedures to involve equality groups and communities in the equality outcome target setting process and in the evidence and information gathering process. These procedures are described in detail below. We have also already gathered significant evidence and information which we can consider when identifying the needs of equality groups and communities and setting equality outcome targets, considered in some detail in the following sections.

At its meetings in February, April, and June 2014 the Equality and Diversity Committee examined all research and member/public engagement work from the current strategy and identified and prioritised key issues which they believe need addressing. During the summer of 2014 we also consulted, through one-to-one interviews, a range of user-led and charitable bodies working in the public sector on what they thought were equality priorities for the Society.

The Committee also took into account the strategic aims of the Society which seeks to ensure a profession which is appropriate and relevant for the 21st Century. A Society which aims to achieve best practice in implementing principles of equality and diversity is more likely to ensure excellent professionalism and reputation for members; to be a high performing organisation; to be economically active and sustainable; to be the regulator of choice and for members to be the trusted advisers of choice.

B. EQUALITY OUTCOME TARGETS IDENTIFIED

The four key equality outcome targets identified are as follows:

1. LAW SOCIETY AND MEMBERS MEET BEST PRACTICE STANDARDS

The key overall equality outcome target is to ensure that the Society is exemplar in this field.

A profession which takes account of, and promotes, equality and diversity is a profession which will reap the business benefits of ensuring fairness for all of those employed in the profession and of putting customers first. Taking account of particular needs of protected groups benefits not only those protected groups but benefits all. A firm which takes account of equality and diversity issues in relation to both employment and the provisions of its services is one which is more likely to be able to meet the differing needs of all staff and to provide high quality services to all. Through this Equality and Diversity Strategy, the Society seeks to ensure that members, by recognising the value of ensuring equality and diversity, are more likely to be trusted advisers of choice. The Society thus strives to ensure not only that it meets the standards of best practice in the field, but that its members recognise the business benefits of that approach too.

We believe that all four key areas within the action plan at Appendix A (equality standards, equal pay, work patterns and progression, and fair access) will help us progress further to this outcome of the 2014 – 2017 strategy.

2. REDUCING AND MINIMISING BULLYING AND HARASSMENT

In relation to bullying and harassment, research undertaken by the Society and discussed in section 8 has identified this as a problem for younger women in particular, and it particularly affects people from a non-white background, who are lesbian gay and bi-sexual, disabled or working part time. Incidences of bullying and harassment at work result in stress and the inevitable loss in productivity. A key equality outcome target for the Society is therefore to reduce and minimise the incidence of bullying and harassment across the profession, with a focus on the protected groups but also recognising that minimising incidences of bullying and harassment will benefit everyone, and the business too.

We believe that two key areas within the action plan at Appendix A (equality standards and work patterns and progression) will help us progress further to this outcome of the 2014 – 2017 strategy. Many smaller areas of work, such as ongoing coverage of these issues in our publications and our general provision of management training will also assist.

3. ENSURING WORK/LIFE BALANCE

Research discussed in section 8 has also identified the need for expansion and normalisation of flexible working patterns in order to retain qualified staff, especially women. Again however, appropriate flexible working arrangements will benefit all those with caring responsibilities, they will benefit disabled people, and they will potentially benefit those whose religion requires flexible working at certain times. Again, it is increasingly recognised that balancing work and home life benefits everyone, and thus the Society has identified as its third high level equality outcome target increased work/life balance throughout the profession.

We believe that two key areas within the action plan at Appendix A (equality standards and work patterns and progression) will help us progress further to this outcome of the 2014 – 2017 strategy.

4. ENSURING LEGAL SERVICES ARE ACCESSIBLE

The preceding equality outcome targets benefit those working in the sector in particular, however the fourth high level equality outcome target identified seeks to improve services for customers and clients, as well as improving working conditions. Research undertaken by the Society and discussed in the next section has identified accessibility issues as a particular concern for clients and prospective clients. Research has indicated for example that individuals find it difficult to locate solicitors who meet their accessibility requirements, in terms both of access to premises and access to appropriate information. Research tells us too that individuals find it difficult to find solicitors who are able to provide services relating to mental health issues. Thus the fourth high level equality outcome target identified is to ensure that legal firms and legal services are more readily accessible for clients requiring adjustments to access services. A fully accessible service will be attractive to many client groups, and thus will bring business benefits to those firms which can provide fully accessible services.

We believe that two key areas within the action plan at Appendix A (equality standards and work patterns and fair access) will help us progress further to this outcome of the 2014 – 2017 strategy. Our 'Access to Justice' committee also has a separate plan for work, especially around financial exclusion.

C. ACTION PLANNING AND REPORTING

The Society has set out plans to achieve each of these high level equality outcome targets. These objectives, and the time frame for their achievement, are set out in summary in the action plan attached at Appendix A.

We will review and report on progress toward meeting these equality outcomes targets, and publish revised equality outcome targets as appropriate (as well as reporting on progress towards mainstreaming and on employment and equal pay data) each year in the Society's annual report.

SECTION 8 - GATHERING EVIDENCE AND INFORMATION

A. INTRODUCTION

The Society believes that it is important to gather evidence, information, data and research to inform all of the work which we do. We believe that it is important to consult and involve protected groups and equality communities in gathering that evidence to assist us to develop this strategy, to determine targets for equality outcomes and to allow us to assess the impact of our policies and practices.

In previous Equality and diversity strategies, the Society has put in train research projects in order to produce base-line data from which to determine progress towards equality.

One of the key themes of the initial integrated Equality and Diversity Strategy was to collect better data in a variety of areas. This would enable us to identify the views of various key groups, analyse statistics on the demographic make-up of our profession and assess the experience of discrimination (and related issues) which may be affecting the people to whom the Society has a responsibility.

In this section we consider the key research projects which have already been undertaken and the information which has been gathered relating to the profession. We also consider what further research and evidence we require to collect in order to fully inform our thinking and ensure that we can undertake robust impact assessment and target equality outcomes.

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. WOMEN IN THE LEGAL PROFESSION

Conducted in 2005, this was a partnership project with the Equal Opportunities Commission to examine issues around career development, remuneration, networking, areas of work, and gender. It was designed to test perceptions that women were obtaining proportionately fewer senior positions in both the private and public sectors. For the first time, a questionnaire was sent out to the entire membership. A project of this scale was unprecedented at that time in Scotland in so far as the legal profession is concerned.

The questionnaire was drafted using the key themes which had been identified from previous research carried out within Scotland and other jurisdictions, including the gender pay gap, work life balance issues and the issue of a masculine ethos. Both quantitative and qualitative data were collected.

Issues were identified around a pay-gap, flexible working, and career progression. The full findings, and an executive summary, can be found on the Society's website. These findings have heavily influenced the development of this and previous equality and diversity strategies. The findings continue to inform our equality outcomes targets and Action Plan (Appendix A), not least because the lack of change in this issue in the decade since this work.

C. PROFILE OF THE PROFESSION 2006

One of the major initiatives of 2006 was the 'Profiling the Profession' project. This was aimed at collecting base-line data on the solicitors' profession in Scotland, solicitors' perceptions of the

profession and their experiences of discrimination in terms of nature, source, and the stage of career at which it happened. Building on our experience of the 'Women in the Legal Profession' work, this increased our interest to all protected characteristics.

The project involved the distribution of an anonymous 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, giving a robust set of data.

The study collected baseline data across all the strands of equality and the full findings, and an executive summary, can be found on the Society's website.

The results have significantly influenced the development of this strategy, and our decisions about current and future research projects. It is important therefore to summarise the results here.

Of all those that responded, 22% said they had suffered discrimination of some form at some stage in their career. The nature of discrimination took various forms, with discrimination because of gender, part-time working and age being the most frequently identified, and the most common forms of discrimination being failure to consider for promotion, in the allocation of work and other benefits, bullying and harassment and in relation to networking and other social activities.

The study also collected data on the source of discrimination. Again discrimination because of gender, part-time working and age had the highest incidences, with the most common sources being partners, followed by line managers and clients (equal). The single most significant source of discrimination identified against any group is clients in relation to females.

Understanding these patterns has meant, for example, that we have focussed our efforts on engagement with partners and the issues around discrimination (as they can also influence line managers). We have also specifically identified discrimination from clients as an issue to tackle. Likewise, 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.

The study also collected important information on what the Society should be doing to tackle equality. Priorities for action were promoting best practice, issuing guidelines to all solicitors and providing training.

Following on from these results, guidance to solicitors, collating best practice, was issued in 2009. Information received in relation to bullying and harassment, and the experiences of ethnic minority solicitors, was investigated in depth during 2010 – 11, resulting in two detailed reports into this area which are discussed further in this section.

D. ROBUST FOUNDATIONS

This report was based on a survey carried out in 2009 by the Judicial Appointments Board for Scotland, the Law Society and the Faculty of Advocates. It aimed to establish base-line data on the profession and identify any barriers to judicial applications. The Robust Foundations Report used that data to compare the position in 2006 with the data from 2009.

MVA consultancy, who carried out the analysis of the data collected in 2009, summarised their conclusions as follows:

In 2009 it continued to appear that:

- The profession was composed of a relatively even split between men and women, and consisted largely of individuals aged 26 to 55.
- Most individuals were from a white ethnic background, and indicated that they were heterosexual.
- Just over half indicated that they belonged to/followed some form of Christian religion/faith/belief, while nearly two fifths stated they had belonged to/followed no religion/faith/belief.
- Only a minority of individuals indicated that they considered themselves to have a disability.
- Over a third indicated their father had a 'professional' occupation at the point they started their legal training, while just over a quarter indicated their mother had a 'professional' occupation and just under a quarter stated their mother was a full-time parent/carer.
- Just over half of the respondents indicated that they had qualified whilst under the age of 25, generally worked in private practice or a commercial organisation, and worked upwards of 41 hours.

Although slight variations are present between the results of the 2009 survey and the earlier survey in 2006, the profile of respondents in 2009 generally tallies with the 2006 profile.

The full findings, and an executive summary, can be found on the Society's website.

E. BULLYING AND HARASSMENT IN THE PROFESSION

This independently conducted research was published in June 2011, following on from the Profile of the Profession (2006) which highlighted bullying and harassment as an issue within the profession. This was a limited research project with the specific aims of increasing the Society's understanding of bullying and harassment in the profession, and developing strategies, guidance and resources to the legal profession to help prevent and manage workplace bullying and harassment. It took the form of a number of in-depth interviews.

The report provided background information about bullying and harassment; a synthesis and analysis of current quantitative data from the Society on bullying and harassment; anonymised case studies obtained from individual experiences of those in the Scottish legal profession; analyses of the themes from the research; and, conclusions and recommendations based on the research information.

Data from the 2006 survey was re-examined to reveal a particular impact on some groups:

- More than a third of those experiencing discrimination were under the age of 35;
- Women represented 50% of respondents, but 78% of those harassed and 82% of those bullied;
- Solicitors being bullied were also more likely to be: from non-white backgrounds, lesbian, gay or bisexual, disabled, working part-time and aged between 36 and 45.

This was consistent with data from LawCare which shows 64% of calls about bullying and harassment were from women. The vast majority had less than 5 years post-qualifying experience and of these 87% were trainees.

Interviewees describe how bullying in the profession can be:

- very difficult to recognise in the early stages and not properly recognised by solicitors or line managers;
- 'training by humiliation' e.g. allocation of work outwith experience with insufficient support/ advice;
- turned into an (unfounded) matter of performance, where the victim is blamed for the bullying behaviour;
- repeated at some firms, with predecessors and successors having identical experiences;
- not addressed because of a reluctance or inability to deal with senior / high fee-earning perpetrators (both women and men);
- very high cost in terms of stress and health - reduced performance, long-term sickness absence and eventual exit were common

Fear of losing a traineeship is so great, it leads many new entrants to the profession to endure bullying behaviour for as long as they can, rather than report it. For the profession, the impact on turnover and productivity is clear.

Thus the key themes which emerged from the research included:

- Bullying as a form of performance management and training by humiliation;
- Repeat, patterned and/or unaddressed bullying, especially by senior people;
- Under-reporting of incidents due to fear of losing job or traineeship; and
- High stress and health issues as a result of bullying and harassment.

Based on the results, the researchers made the following recommendations:

- Raise awareness and knowledge of bullying and harassment across the profession;
- Develop model policies, guidance and best practices for individuals and firms;
- Increase trainee support;
- Support firms on building management skills; and
- Develop ongoing monitoring and intervention.

Tackling bullying and harassment has been identified as a key outcome target in this Equality and Diversity Strategy. The Society will seek to implement these recommendations, following up best

practice guidance which was issued in June 2011 in parallel with the publication of this research report. Specific objectives are identified in the Action Plan set out in Appendix A.

The full research report and the best practice guidance can be accessed on our website. We continue to raise awareness of these issues. .

F. THE EXPERIENCE OF ETHNIC MINORITY SOLICITORS

This project also followed up the 'Profile of the Profession' research in 2006 which suggested that, despite increasing numbers of solicitors coming from an ethnic minority background, they were significantly less likely to be equity partners than their white colleagues.

The research was carried out independently and published in May 2011. It aimed to gather and examine qualitative data about the experiences of minority ethnic solicitors, while taking into account that their experiences within the profession will also be influenced by other factors, such as location, age, gender and length of post-qualifying experience. Researchers conducted a series of in depth interviews with 27 ethnic minority solicitors, rather than other groups at risk of discrimination

The report indicates that up to a third of ethnic minority solicitors believe their ethnicity has had a detrimental impact on their careers. However, while not directly comparable in terms of research methodology and number of respondents, the report gives some grounds for optimism. This is due to a shift from the 2007 findings, in which as many as 48% of those of an ethnic minority background felt they had been discriminated against at work. Further, there were minimal instances of overt racism reported.

The research highlighted that the profession has developed a better understanding of the importance of diversity and what it means over the last decade, but it also identified that there is work to do to fully mainstream diversity within the profession. The respondents believed that the society has an important role in ensuring equality and diversity is promoted to the profession and continuing to monitor this area.

Based on the interviews and desk research, the following recommendations were made in relation to the Society's work in improving awareness of equality and diversity within the profession:

- Continue to develop guidelines and awareness raising events for legal practices around understanding cultural diversity;
- Seek feedback on the extent to which existing equality and diversity guidance is useful and implemented in practice;
- Promote guidance already available to employers around application and recruitment processes to include the removal of names, photographs and personal details;
- Develop guidelines for professional development within the legal profession to ensure equity of opportunity;
- Continue to develop the monitoring of the profile of the profession;
- Consider how to monitor whether redundancy over the next five years disproportionately affects ethnic minority background solicitors; and

- Seek to explore the potential for regulating and auditing employment practice throughout the profession.

In order to demonstrate the Society's commitment to diversity, the report recommended that the Society should:

- Provide a confidential and impartial advisory/advocacy service to support and advise members experiencing discrimination, bullying and harassment;
- Consider the value of supporting the development of a committee/group for ethnic minority solicitors;
- Consider a programme of social and networking events that cater for the Society's diverse membership;
- Continue to raise awareness of the Society's activity around equality and diversity;
- Encourage the submission of more The Journal articles by high profile ethnic minority solicitors and more articles about issues affecting ethnic minority solicitors;
- Share the findings of this research through a workshop where a range of legal stakeholders are invited to discuss the way forward; and
- Continue to encourage candidates from an ethnic minority background to stand for Council and to apply for positions within Law Society committees.

The full research report is available on the Society's website and the issues continue to the focus of work such as the revised equality guidance.

G. PROFILE OF THE PROFESSION 2013 – QUANTITATIVE RESEARCH

This project involved the distribution of an anonymous paper questionnaire to all our members, accompanied by information highlighting our marketing campaign, which emphasised the importance of the project. Of around 10,500 members 3,400 responded, giving a robust set of data.

Overall, it appears that the profile of the profession has remained relatively stable in recent years. Although increased numbers of women have been entering the profession, it appears that the overall gender profile has remained relatively static, especially at partnership level. The profile in relation to ethnicity, sexual orientation, and marital status have all remained relatively static.

Encouragingly, when compared to the results of the 2005 Women in the Legal Profession report, there appears to have been a move towards seeing childcare responsibilities as being more a joint responsibility rather than solely a mother's responsibility. However, women are still largely expected to take time off when a child is sick, although the gap here has also narrowed slightly

No relationship was found between whether respondents work amended hours and the length of time taken to achieve partnership status. However, those that take career breaks of more than six months appear to have been negatively affected, with the length of additional time required at lower grades being significantly longer than the time taken out of their career. This situation is not improving since previous studies.

Salary, quality of work, and work/life balance were most often chosen as important day-to-day work motivations. Slight variations did exist between male and female respondents, with males more likely to value a management role, while female respondents were more likely to value a supportive manager

The majority of respondents were happy with their current pattern of contracted hours but a lower proportion indicated that they are happy with their actual working hours, and over a third would prefer to reduce their actual working hours. Despite these issues, most respondents felt that they were achieving a reasonable work-life balance.

Only 16% of respondents have experienced discrimination within a work environment in the last five years. However, those from minority groups, women, younger respondents, those that work amended hours, those with children, and those that work in-house are all more likely to have experienced this.

The most common types of discrimination reported were sex/gender discrimination (n=271), age (n=161), then pregnancy and maternity (n=103), socio-economic background (n=97), and working amended or flexible working patterns (n=93).

The research indicated that the average pay gap between the earnings of male and female solicitors in Scotland is 42%¹. Comparisons with hourly earnings in Scotland reveal that this is much higher than for the overall average (a 13.3% pay gap in full time employees in 2013) and in all professions (18.9% full time employees pay gap in hourly in 2013)². Of those respondents who believed that they had suffered discrimination, the most common reason was in respect of promotion or salary related to gender or working patterns.

The lack of change to the pay gap, and the ongoing issues in other areas over such a period since the first research, has influenced the move towards more formal and specific guidance for firms. We will be monitoring the impact of this approach before considering the possibility of moving to further regulatory requirements in some areas.

H. PROFILE OF THE PROFESSION 2013/4 – QUALITATIVE RESEARCH / FOCUS GROUPS

At the end of this strategy period, and following ten years of Law Society work, we wished to ensure that we had robust and detailed evidence across all protected characteristics. The main surveys and research we had commissioned contained little detail of any issues our transgender members may have or of any issues there may be later in professional careers, or around age. It was also thought we could better understand issues, but more importantly the benefits and best practice arising from, changing patterns of work in the sector. For this reason three small, supplemental, pieces of research were commissioned in 2014.

TRANSGENDER MEMBERS

The research was independently carried out. Due to the very small numbers of transgender individuals within the profession, as suggested by the previous surveys, it was considered

¹ This figure is based on salary bands submitted by respondents to the Society's Profile of the Profession Survey 2013. This figure is the same as that reported following the first Women in the Legal Profession Survey in 2005

² <http://www.closesthegap.org.uk/content/gap-statistics/> accessed 11/09/14

appropriate to target transgender professionals using qualitative methods. It was also considered that this would provide a more sensitive approach and allow us to consider individuals' experiences in greater detail and context. As such, it was agreed that a series of in depth interviews would be the most appropriate methodology to employ.

Our researchers consulted the list of respondents to the latest Profile of the Profession Survey to identify any transgender respondents who had also provided contact details for further research. Notices and adverts were also placed on various Society forums, including twitter feeds, the Society's website, and our e-bulletin.

Two transgender respondents to the 2013 survey had provided contact details; however, when contacted to be invited to participate in this research, they indicated that they were not suitable.

Only one respondent came forward to participate in the research as a result of advertising from within the Society. The Equality Network also advertised the research on our behalf, and requests were also made to Stonewall Scotland for assistance in advertising and recruiting suitable respondents. Despite this, no further responses were received. As such, the report provides a summary of the results from only one interview.

Due to the poor response rate, and the limited number of respondents included in the research, this summary cannot be treated in any way as representative of transgender legal professionals more widely. However, it represents one individual's views and experiences and provides a powerful case study to help build understanding. We believe the efforts we took to recruit show our serious intent to engage with all groups if possible.

Some key themes in this 'case study' included:

- Positive feedback on the Society engaging in training around trans issues and positive interactions with the Society;
- Positive feedback on our contribution to law reform work in the area;
- The Society could perform better on trans inclusive language and literature (articles in The Journal etc.) and a more gender neutral tone;
- The Society could take more responsibility for equality and diversity with the profession generally – including making sure diversity was highly visible;
- The Society could more specifically target protected groups with careers advice and encouragement, and seek to highlight positive role models; and
- The Society could provide advice to firms on including trans questions in monitoring and ensuring these are appropriate (for example, not confusing this with issues of sexuality).

This report will be published shortly.

EXPERIENCED PROFESSIONALS

Again, this research was carried out independently for the Society. A mix of small focus groups and individual telephone interviews was used, covering several locations in Scotland and a mix of gender, position/job titles, and sector were invited. Those aged 46 and above were considered eligible to comment in relation to having more experience and being more established in their field.

A 'control' group of younger members was used to allow disaggregation of what may be general member views and those specific to being in the later stages of careers.

Some relevant key themes in the findings included:

- More robust promotion of, and defence of, the profession – including positive media promotion around legal aid, and of public protections (the independent Scottish Legal Complaints Commission, the Guarantee Fund and the Master Policy);
- Journal – ensuring it is not Edinburgh centric and focussing on new areas of law which all members of the profession need to be aware of;
- CPD / guidance – the possibility of more on retirement planning and planning to exit a firm, the idea more could be done to support local faculty provision of CPD, more CPD for those already highly experienced in their field, some issues around the regulatory requirements for CPD, and concern at the cost of CPD for those who were retained as consultants or retired;
- Good feedback on the Society's Professional Practice helpline;
- Suggestions of the provision of additional template policies, guidelines and forms, for example for money laundering, health and safety forms/policies, client information forms, etc.;
- The Society could provide a database of consultants with differing areas of experience and expertise (e.g. management skills, equality and diversity experience, etc.) who firms could use on an ad hoc basis to develop good and efficient practices. This would facilitate the sharing of good practice with a less resource intensive input directly from the Society;
- The Society should be trying to tackle the culture of long hours;
- Greater visibility should be given to the Equality and Diversity Committee and the work we carry out in this field;
- The Society should ensure that its own Council and Committees are representative; and
- Most respondents considered that the Society had a responsibility to recruit as wide and diverse a pool of people into the profession as possible, monitor and research equality and diversity within the profession, educate and highlight issues to the profession, and to provide robust and suitable support to anyone suffering discrimination as a result of any protected characteristic.

This report will be published shortly.

FLEXIBLE WORKING IN THE SCOTTISH LEGAL PROFESSION

Once again, this research was carried out independently for the Society.

Initially, it was intended that the research would consist of six mini-group interviews based within Edinburgh and Glasgow plus twelve in-depth telephone interviews with solicitors from across the rest of Scotland, including more rural areas. The mini-groups were planned as follows:

- Full-time employed solicitors, one group for males and one for females;
- Part-time employed solicitors, one group for males and one for females;
- Partners or equivalent in-house managerial roles, again split by gender.

Two mini-groups were conducted, however, the remainder were cancelled due to a lack of interest. In order to boost responses, a number of telephone interviews were also arranged with respondents in Edinburgh and Glasgow. This change in approach worked well, and engaged with an increased number of solicitors. Despite this more flexible approach designed to meet the needs of individuals,

it should be noted that there was still little interest in the research from male practitioners. As a result the number of respondents within the 'male part-time' and 'male partner' categories remain lower than other groups.

All developments were discussed as the project evolved with the project lead at the Society. Changing the methodology and re-scaling the project meant that a valuable set of data was still produced.

The aim is to use the findings to:

- Challenge perceptions about what a typical pattern of work looks like;
- Support better practice around flexible working, and managing teams which include colleagues working flexibly;
- Support better working practices around the use of technology; and
- Encourage open discussions about work patterns

This report will be published shortly.

I. OTHER RELEVANT DATA

We regularly review internal data to ensure we identify any issues around equality. For example, we believe 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 equality and 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.

As of October 2014 we had 64% male and 36% female members of Council with a male President and female Vice President. In spring 2015 we will again monitor all our committees in respect of all of the protected characteristics.

SECTION 9 - INVOLVEMENT AND CONSULTATION

A. INTRODUCTION

The Society aims to take reasonable steps to involve equality groups and communities in the process of setting our Equality and Diversity Strategy, in assessing the impact of our policies and practices and in determining equality outcomes targets.

The Society's policy over recent years has been to seek to involve as well as consult all equality groups.

In designing each element of our involvement work the Society committed to the following five principles:

- **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**

It was also felt important to have a range of short and long-term involvement strategies. A blended approach allows the benefits of a variety of involvement methods to contribute to policy.

There have been a variety of different involvement methods used in the preparation of this strategy and in other work, including the following:

WORKING WITH INDIVIDUALS

The Society aims to share experiences of issues raised by individuals and addressed by individual departments. For example, the Complaints Investigation Team works with people with a variety of access issues and mental health issues which have had an effect on their interaction with the Society. The experiences of the team have helped to shape various organisation-wide policies. The Society has also developed a protocol for 'special issue' reporting from departments and individuals, and how this information is shared across the organisation.

Another example would be that we have also met with several individual disabled students who are looking for traineeships, and this has helped inform our work across a number of areas.

OUR ELECTED COUNCIL AND OUR MEMBERSHIP

The Society is governed by an elected Council and all major policy decisions progress through the Society's AGM. Every solicitor on the roll has voting rights and can participate in elections. Debates are often active with a significant number of contributions and several recent AGMs have discussed issues around the equality impact assessment of policies. This process allows for the involvement of the profession as a whole, including those with specific interests and issues within the profession.

To improve access, we now screen AGMs live over the internet, and are making changes to our constitution to allow online voting.

EQUALITY AND DIVERSITY COMMITTEE

In May 2007, the Equality and Diversity Committee became a convened committee of our statutory elected Council. This ensures the input of an expert 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. It has been heavily involved in developing this Strategy.

New recruitment in Sept/Oct 2014 has introduced even greater diversity to this committee after a large number of applications from both solicitors and lay members.

WORKING WITH OTHER ORGANISATIONS

The Society aims to work with other organisations to share and learn from their experiences of implementing equality strategies. Society staff have taken positions on equality related committees of other organisation to ensure the effective flow of information between the Society and other relevant organisations.

In this section we also summarise some of the Society's major equality specific involvement projects and major involvement projects which seek to mainstream the equality dimension.

CONSULTATION WITH THE EQUALITY SECTOR

During the summer of 2014, in preparing to launch this strategy, the Society consulted with a number of bodies in the equalities sector to gain views on our plans around equality and diversity standards and our focus of work over the next three years. These bodies were:

- Age Scotland
- Citizens Advice Scotland
- Children in Scotland
- Coalition for Racial Equality and Rights
- Interfaith Glasgow
- The Poverty Alliance
- Scotland's Commissioner for Children and Young People
- Scottish Disability Equality Forum
- Scottish Transgender Alliance
- Scottish Women's Aid
- Stonewall Scotland
- West of Scotland Regional Equality Council

Key themes identified are in bold below, along with how we have reflected on the feedback in terms of this strategy or other current work:

- **Address the accessibility and quality of legal services by working closer with public sector and voluntary sector advice providers who, due to the poor availability of Legal Aid, are often at the ‘sharp end’ of addressing need.**

The role of the Society is not to provide legal advice directly to the public. We do, however, have a number of areas of work that aim to encourage solicitors to consider their responsibilities and the positive opportunities of ensuring advice is available to the public. These include the work of our Access to Justice Committee, our support of pro bono (free) legal advice (such as our support for pro bono legal charity LawWorks Scotland), and our work with university law clinics. We continue to lobby for fair legal aid remuneration, as making these areas of law economically viable is key if private sector, and not solely public sector, provision is to be encouraged.

- **Develop awards focussing on social welfare law, similar to those for conveyancing firms etc.**

The Society does not generally support awards for firms, as part of our responsibility is to promote the profession as a whole. However, from time to time we will support something specific which has impact for the wider community. In the past this has included supporting a CSR (Corporate Social Responsibility) Award to encourage engagement with advice charities (noted in another bullet point of this feedback as something we should do. Similarly, we have supported ‘Rising Star’ awards to encourage younger members to play a role in the sector as a whole (again, as raised as another bullet point here).

When considering future opportunities we will investigate whether something in relation to social welfare law would play an encouraging role. We will also continue to promote individual specialist accreditations for solicitors. Some of these accreditations are already relevant to our equality work, for example Child Law, Discrimination Law, Employment Law, Family Law, Immigration Law, Incapacity and Mental Health Law, Medical Negligence, Mental Health, and Personal Injury. There is also an advertised process for creating new specialist awards, which is available on our website, and could in the future be used to look at an area such as welfare law.

- **Look at the representation of those with protected characteristics within the staff of the Law Society.**

We perform such analysis periodically for staff and committee members. The staff profile is reasonably representative of the geographic area we recruit from, and of Scotland as a whole across all characteristics. Some data on gender and grade is published within this strategy, with other figures too low to publish due to the relatively small size of our organisation.

The next review of committee composition is scheduled for early 2015, although the gender composition of our Council is also covered in this strategy. At the last measurement point solicitor membership of committees was reasonably representative of the solicitor profile in Scotland with the exception of age, where committee members tend to be somewhat older. This relates to some extent to achieving the necessary experience and having the authority to take on an outside commitment. We are, however, also actively looking at more ways to encourage and support younger members to take on committee and other voluntary roles.

- **Engage further with children and young people’s organisations, and with children and young people themselves, in relation to law reform activity.**

We have worked with Young Scot, the Scottish Youth Parliament and directly with schools on a number of outreach projects. These include the annual Donald Dewar Memorial Debating Tournament; a year-long schools debating tournament established to encourage young people to develop their research and advocacy skills, and Street Law, which is the teaching of law in an interactive way to school pupils. In both the Debating Tournament, and Street Law, pupils

develop their critical thinking skills, and particularly in Street Law consider not only what the law is, but what the law should be. At our annual conference in 2014 we invited a member of the Scottish Youth Parliament to speak at a main session. We will be continuing to develop all these elements of our work.

- **Work directly with disabled people to ensure information is fully accessible and that law firms adopt a standardised disability equality training programme.**

When changing or developing a service we have used the direct involvement of disabled people to improve the quality of our work. A good example of this is the development of our guidance 'Ensuring fairness, creating more accessible services' where we partnered with Capability Scotland and they assisted in managing the process of direct engagement with disabled people. We will continue to adopt this approach in the future. We can provide training on disability access, and do so (including a free online module), but it is outwith our role to insist on a single standardised product addressing disability equality for law firms.

- **Conduct research into access to justice for people in lower socio-economic groups and respond as required.**

Along with others in the justice sector we have statutory duties to consider access to justice. We examine this on a thematic basis; as an example, we have recently undertaken research on employment tribunal fees and the impact on the public, and on possible implications of a move to contracting for criminal legal aid. In 2015 we will be engaging a range of audiences about the future shape of legal aid provision. We will also continue to pursue a targeted research programme focussed on influencing policy through our Access to Justice Committee and wider work.

- **Address the issues highlighted in the Law Society's submission to the Scottish Parliament Equal Opportunities Committee 'Women and Work' enquiry 2013.**

This Equality and Diversity Strategy continues our focus on the issues raised in this submission. We are publishing new guidance on equal pay and challenging members to consider this, as well as using our research findings on different patterns of progression and promotion to encourage employers to reflect on equalities issues. With fewer actions contained in this strategy than previous ones we hope to be able to focus more resources on this key issue.

- **Develop an equality and diversity 'charter mark'.**

In 2014 we consulted members and equalities bodies on this and, subject to consultation feedback, intend to make this a main focus of work under this strategy.

- **Develop the functionality around searching for a solicitor with a specific skill to enable a search for a solicitor specialising in a protected characteristic.**

This is something we can consider in the future, and we would first need to collect this data from firms and then amend the functionality of our 'find a solicitor' search on our website. The work in this strategy on the equality and diversity standards should help make more information publicly available, and in time it may be possible to include this information within our systems.

- **Sign up as a Stonewall Diversity Champion**

The focus of the Society is on ensuring an emphasis on all protected characteristics and the inter-play between them. This, and our relatively small size as an employing organisation, means that, at this time, we are not considering any single-strand accreditation. We will continue to review this approach, and look for a meaningful standard more inclusive of all protected characteristics. We also continue to promote awareness of the Stonewall Diversity Champion

scheme with our membership, along with other Stonewall work (for example, promoting their annual workplace conference through The Journal website events section).

The actions suggested within the consultation with equalities groups for law firms were as follows. Although the Society cannot directly ensure of deliver these we can play a part:

- **Law firms should take the opportunity to promote their role in supporting children's rights more explicitly.**

We can work with firms to try to raise the profile of this important work.

- **Law firms should make an explicit statement that they welcome trans applicants for roles.**

The Society can promote this by encouraging explicit equality statements to be used in recruitment. We do this in our guidance 'Ensuring Fairness, creating opportunity', and will use the standards work, covered in this strategy, to promote this further.

- **Law firms should work closely with Stonewall Scotland to develop good practice and to demonstrate that they are lesbian, gay, bisexual, and transgender (LGBT) friendly.**

The Society values the positive work Stonewall, and others, have done to promote the benefits of LGBT equality to the profession. We worked on two law firms events with Stonewall and one with SWAN LGBT networking in the autumn of 2014, as well as publishing an article on the Stonewall #nobystanders campaign to all members in The Journal providing extra details on the issues in a professional context. We hope to have similar joint working during the period of this strategy.

CONSULTATION WITH THE MEMBER FIRMS

We also commissioned interviews with law firms and in-house legal teams, making sure we achieved a cross section of size, geographic location, and nature of work. Thirteen organisations were interviewed and asked about the Society's role and priorities for the new strategy. Themes that emerged included:

- **The Law Society should lead by example and make clear statements about the profession's need to address equality and diversity if it wants to be held in high regard.**

By setting out this new three-year strategy we aim to make clear statements about our work and priorities, and the need for the profession to continue its work to improve performance in this area. We will reinforce this throughout the three year cycle with ongoing communication, our annual report section on equality, and through the specific projects set out in this strategy.

- **The need to address the barriers faced by those from a range of backgrounds entering the profession, particularly in relation to lower socio economic groups – including access to law schools and legal training.**

A major programme of work on 'fair access to the legal profession' is underway, led by the education and training committee and team, which seeks to robustly address these issues. The Equality and Diversity Committee will maintain a watching brief and offer its support to this work, which have committed to in this strategy.

- **Finding new ways to engage with those who have an interest in this area, outside of the committee structure, with one suggesting HR professionals and solicitors share knowledge together.**

The recent round of recruitment for our Equality and Diversity Committee saw unprecedented levels of interest from non-solicitor members with expertise across a range of fields, including HR, ensuring sure these skills and experience are within our committee structure. We also continue to ensure we learn from a breadth of experience in a variety of ways, including working with expert individuals and groups on different aspects of equality, and those from different protected groups. There are actions proposed within this three year strategy which specifically anticipate us working with HR professionals within the sector.

- **Support for high street firms who didn't have access to large firm's resources to address equality and diversity.**

We will continue to keep up to date our short and accessible guidance on how to make equality real within small businesses, which we recognise to be the backbone of the Scottish legal profession. Core topics, such as access for disabled clients, have free online CPD for solicitors supporting them. Our new equality and diversity standards work is also specifically focussed on giving smaller business a clearer framework to operate against.

- **Ensuring that equality and diversity is not a one-off activity for law firms and is instead placed on a rolling agenda to ensure people remain focussed on the issue.**

We will ensure our good practice guidance and ongoing communication around equality highlight this issue

- **Finding ways to improve access to justice in relation to equalities.**

These ideas will be passed to the Access to Justice team, who focus on these issues, and have also fed into our thinking around the priority for more structured guidance and standards around equality and access - the focus of this three year plan.

The strategy will benefit from this direct input from our members on what the focus should be for the 2014-17 strategy.

B. INVOLVEMENT PROJECTS – EQUALITY SPECIFIC

CONSULTING ON THE 'FRAMEWORK FOR SUCCESS'

One of our Corporate Plan Objectives (2.1) for 2013/14 was to "explore the opportunity for an 'equality standard' for firms, drawing on best practice from other jurisdictions and examining how it could support firms tendering for work."

The decision to include this work within our plan 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 '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 engagement and consultation - 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 Equality and Diversity Committee, which comprises members of the profession and lay members, considered various research papers and existing schemes and discussed the approaches of other regulatory bodies. It also took advice from other organisations which have delivered similar standards or framework models. We then used online surveys, communications to all members, and specific interviews with equality bodies and law firms to engage in discussion around:

- The outcomes the scheme aims to achieve;
- Objectives for employing organisations, to be set out in formal guidance;
- A voluntary framework of standards (at three levels); and
- Discussion on the options around promotion and monitoring of the scheme.

The consultation closed at the end of October 2014 and the results will be publicly available in early 2015.

However, internally the results of this work have influenced the development of this Strategy and the Action Plan.

PROFILING THE PROFESSION

A further example of an equality-specific major involvement project is the 'Profiling of the Profession' project discussed above. This 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 3,400 people responded, giving us an invaluable data set including views from all of 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.

Free text allowed members to discuss what they felt the priorities for the Society should be, and this information was reviewed in the development process.

SERVICE ACCESS REVIEW

Although some time ago now, a full Service Access Review was commissioned by the Law Society in partnership with Inclusion Development Partnership. This collaborative initiative involved people with a range of physical, sensory and intellectual impairments, people with mental health issues and service providers working in the field of disability education and independent advocacy.

Other participants included 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 publication The Journal.

The findings continue to influence our improvement work.

JUSTICE DISABILITY STEERING GROUP

In 2007, the Law Society came together with a number of other organisations representing the justice sector in Scotland to form the Justice Disability Steering Group (JDSG). The Group comprised the Scottish Government, the Association of Chief Police Officers in Scotland, the Crown Office and Procurator Fiscal Service, the Scottish Court Service, the Scottish Legal Aid Board and the Scottish Prison Service as well as the Law Society.

In 2009, the JDSG contracted Capability Scotland to manage a major involvement programme with disabled people. This project aimed to establish a multi-agency approach to the long-term involvement of disabled people that would ultimately improve access to the justice system for disabled people.

This involvement project included a four stage process to engage and involve disabled people. The process of involvement at each stage was designed to ensure that the widest range of disabled people were given the opportunity to share their own experiences of the justice system and offer their views as to how barriers to accessing justice might best be removed. The four stage process included the following activities:

- A paper and web-based survey exploring access to justice
- Public involvement events with disabled people
- Involvement events with disabled prisoners
- A national conference attended by disabled people and justice practitioners.

A cross sector disability sub-group of the Justice Board now has an ambitious programme of work to tackle the findings of this, and other, research and meets monthly to oversee progress.

JUDICIAL APPOINTMENTS IN SCOTLAND

We have previously worked with the Judicial Appointments Board for Scotland to support work to encourage judicial diversity. In 2009 we helped deliver the report '*Continuous Improvement - An Analysis of Scotland's Judicial Appointments Process*' based on a survey of all solicitors, advocates, and judges. The findings are publicly available. In the Profile of the Profession study in 2013 we asked four top-up or update questions relating to views on judicial appointments, and saw many continuing themes from the previous research four years ago.

We also have evidence of Scotland's performance in this issue compared to other countries. A 2014 report from the Council of Europe (page 326) indicated Scotland is now in the bottom 5 countries of all 47 members of the Council of Europe for the percentage of women judges. We recognise this does, however, need to be read in the context of very different legal systems.

We currently await the report on the outcomes of a conference on judicial appointments in March 2014, and have planned capacity to allow us to engage in this important debate.

C. INVOLVEMENT PROJECTS – MAINSTREAMING THE EQUALITY DIMENSION

The Society believes in mainstreaming equality through involvement and consultation. Key examples of areas of work where we have specifically included questions on equality and diversity include:

- Consultation in relation to possible changes to how solicitors work on conveyancing (property) transactions
- A review of our Practice Management Course which all new partners need to sit
- A consultation on a possible move to principles and outcomes focussed regulation
- A consultation on a possible move to entity based regulation

Care is also 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, such as minority ethnic women or disabled women. The design stage of any such project takes account of these issues.

We have also recently launched a 'Policy Workbook' for staff, which helps guide them through the whole policy making process and encourages consideration of equality at each stage of the process.

More information is available from our website or on request (diversity@lawscot.org.uk).

SECTION 10 - REPORTING MAINSTREAMING

A. INTRODUCTION

In previous equality and diversity strategies, the Society has set a range of targets intended to mainstream equality in our work. In this Equality and Diversity Strategy, we provide a summary of action taken and progress made towards mainstreaming equality up to November 2014 in respect of each protected characteristic. Inevitably, many of the projects we have undertaken seek to address all of the protected groups.

We will further report on our activities undertaken to mainstream our annual reports.

B. SAMPLE INITIATIVES

Below, we summarise internal initiatives which have been undertaken to seek to mainstream equality within the Society:

- Ongoing Equality Impact Assessment work
- Refresh of training for all staff on equality
- Launch of a 'Policy Workbook' building equality into each stage of the policy making process
- Work with Guide Dogs – our staff charity partner of the year
- Improving our recruitment process for committee members to attract more diverse talent
- Maintaining our 'Investors in People' status
- Improving remote access to our IT systems to support flexible working
- A new, more accessible, website launched
- Monitoring of staff composition
- New monitoring (online) for job applicants
- Equality messaging at staff meetings and in 'weekly notes'
- Increased annual leave for all staff
- New 'pay and performance' system which includes equality related competencies
- Internal advertising of networking opportunities related to protected characteristics
- Equality and Humans Rights Commission stand at our annual conference
- Review of speaker and author diversity commissioned across our training programme and publications
- All our equality guidance to members updated and re-launched.
- New marketing campaign on equality – 'Complaint or complacent'
- Work performed with the Judicial Appointments Board to help to widen the pool for recruitment to judicial appointments
- Accessible on-line learning available for solicitors and trainees on equality issues
- Increased online training offering to assist members – which saves travel time, increases accessibility, etc.
- We are hosting the Commonwealth Law Conference in 2015 – bringing solicitors from around the world to discuss everything from LGBTI rights, to forced marriage, to the composition of judiciaries

C. PROGRESS REPORT ON OBJECTIVES SET IN OUR EQUALITY AND DIVERSITY STRATEGY 2011 – 2014

The Equality and Diversity Strategy for the period 2011 to 2014 included an ambitious action plan with 6 specific objectives. A copy of the original plan can be found in Appendix B.

Significant progress has been made in achieving each of these objectives during the lifetime of that strategy. Here we consider each of the 6 objectives in turn and report on progress towards their implementation and completion.

OBJECTIVE 1: ACCESSIBILITY OF LEGAL SERVICES

To improve information available to the public regarding the accessibility of legal services and law firms

1. *Recommendation to Council for practice rule requiring accessibility data to be submitted*
2. *Make case for publicly funded solicitors requirement to meet General Equality Duty*
3. *Raise awareness among solicitors of accessibility requirements of Equality Act and the business case for accessibility*
4. *Promote case for use of accessible information and plain English*
5. *Review and update Equality Guidance to include outcomes from JDSG and to include relevant case studies*

Results: We presented the option of a new rule to the Regulatory Committee, who now lead on rule-making work, but they wished formal guidance to be issued instead and the impact monitored, first – this work is underway (1). Our ‘Compliant or complacent’ campaign assisted in raising awareness with the profession of their commitments around equality and diversity, especially in relation to publicly funded or procured work, and we were pleased at the engagement with the Scottish Legal Aid Board on our new equality guidance to further encourage firms in this area (2). Presentations and articles have been used to promote the use of plain English (4). We have fully updated our existing equality guidance in light of the outcomes from the JDSG research, and are part of cross-sector working party trying to take further action in this area. We consider this objective to be complete.

OBJECTIVE 2: BULLYING AND HARASSMENT

To reduce incidence of bullying and harassment in the profession

1. *Raise awareness through guidance*
2. *Support network for trainees*
3. *Support firms to build management skills*
4. *Develop ongoing monitoring and intervention*

Results: We developed materials and CPD for firms (1), promoted our own internal and our external (LawCare) helpline services (2), and provided online CPD to develop managerial skills (3). Our monitoring through the Profile of the Profession in 2013 showed a small decrease in the incidence of bullying, and we will monitor this trend in future surveys. We consider this objective to be complete.

OBJECTIVE 3: FLEXIBLE WORKING

To increase flexible working options

1. *To seek a change to the current policy which requires a single practising certificate fee charged irrespective of pattern of work*
2. *To create a forum to generate a debate regarding benefits of work/life balance within the profession*
3. *To publish specific guidance relating to best practice*
4. *To consider the introduction of an exit questionnaire for those who don't renew practising certificate*

Results: We created specific focus groups to discuss work/life balance, and will publish the findings and best practice examples in spring 2015, this meets elements (2) and (3). When element (1) was set we were actively lobbying the Scottish Government, and the Scottish Parliament, to be allowed to issue variable fees. This power was not, however, granted and therefore we could not make progress on element (1). We are still considering options around an exit questionnaire (4). We consider this objective partially met.

OBJECTIVE 4: AWARENESS RAISING – THE PROFESSION

To increase the awareness of equality and diversity issues among the profession

1. *Review effectiveness of Legal Services (Scotland) Act and licensed provider regime to identify if there is a case to apply equality responsibilities across profession*
2. *Review standards of training firms to consider equality objective*
3. *To seek to introduce equality and diversity training as a mandatory element of CPD requirements*

Results: The new business models envisaged after legal changes are not yet possible as the regulatory scheme is yet to be agreed, so this objective was not required or possible (1). The Equality and Diversity Committee considered papers on the introduction of mandatory CPD on equality but considered this was not the correct approach and would lead to a 'tick box' mentality. They instead felt this could be addressed by the new, more formal, guidance which would require individual firms to consider their training needs (3). This was also considered the correct approach for training firms (2). We consider this objective to be complete.

OBJECTIVE 5: AWARENESS RAISING – THE SOCIETY

To increase awareness of equality and diversity issues within the Society and to monitor the composition of the profession

1. *Update training in roll out of new EDS and implementation of General Equality Duty*
2. *To undertake a further comprehensive survey of the profession*
3. *To undertake comprehensive pay audit of the whole profession*
4. *To ascertain issue of particular concern to members aged between 45-60 through appropriate questions in survey and a focus group*

Results: we updated our training to all staff (1), and delivered the new Profile of the Profession survey in 2013 (2). This had a focus on equal pay and has led to the development of new guidance on this issue which will be launched shortly (3). We undertook specific research on issues around experienced career professionals and age, and will publish this in the spring (4). We consider this objective to be complete.

OBJECTIVE 6: FINALISING PREVIOUS WORK

To ensure objectives not met in full from the previous Strategy are carried forward to this strategy

1. *Call for members of the profession to establish BME network*
2. *Facilitate creation of networks for other protected groups*
3. *Develop action plan to implement recommendations of research*
4. *Identify barriers to access for the project's key groups*
5. *Distinguish trends in poor service as a result of discrimination, stereotypes and prejudice*
6. *Identify good practice in adapting services as required by specific individuals.*
7. *To promote and encourage solicitors to meet specific criteria in relation to equality and diversity*

Results: we wrote to all members who responded to our BME and our LGBTI research offering to support the set-up of a network, but could not get sufficient interest. Our current Strategy action plan confirms we are still open to the idea (1 & 2). We targeted work at all outstanding research recommendations, and again in this new strategy we draw on an evidence base to form our work (3). In terms of (4), (5) and (6) we have worked with Capability Scotland to deliver new guidance on accessibility, have delivered free online training, and our new planned guidance envisages asking firms to make a public statement about access options. Our 'Compliant or complacent' campaign assisted in raising awareness within the profession of their commitments around equality and diversity. We consider this objective to be complete.

SECTION 11 - IMPACT ASSESSMENT

A. INTRODUCTION

The Society considers it particularly important to assess the impact of its proposed policies and practices, including changes and revisions of its existing policies and practices on protected groups with a view to meeting the General Equality Duty to eliminate discriminate, advance equality and foster good relations.

The Society worked on a programme to equality impact assess all functions, policies and procedures and now reviews these to keep them up to date

B. INITIAL IMPACT ASSESSMENT EXERCISES

A complete impact assessment project was originally undertaken to inform the first Equality and Diversity Strategy of the Society. This took account not only of the race duty (the only duty which the Society was subject to at that time) but also the issues of sex and disability, age, sexual orientation and religion or belief. 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.

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.

Impact assessment 'leads' were identified in each team, who would take full responsibility for impact assessment within that area of work.

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.

All functions, policies and process went through initial screening. During this phase of development 'leads' had access to both the internal Head of Diversity and a formal mentoring session with an external consultant. This aimed to ensure the process was rigorously carried out, and had external involvement, but also that it had the internal expertise of those who understood in detail what was being assessed.

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 which was being introduced.

The Society is a relatively small organisation and although it provides various functions and services, many of these did not score highly enough to warrant full assessment. Full impact assessment did, however, take place in relation to key areas such as our communication policy, our complaints policy and the criteria used for inspecting firms accounts processes. These have been regularly refreshed.

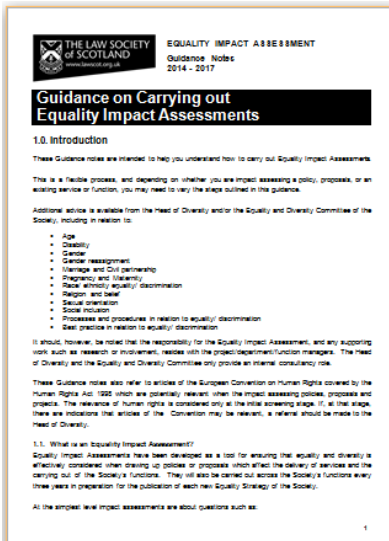
C. EQUALITY IMPACT AUDIT FOR 2014-17

The Equality Impact Assessment templates were fully revised to take account of the requirements of the Equality Act 2010. They were further updated in 2013 to take more account of general issues surrounding human rights.

In 2014 our Equality and Diversity Committee reviewed and audited our equality impact assessments to date, and confirmed it was content with the approach being taken by staff and teams.

New policies, processes and procedures will be assessed by staff using our bespoke guidance and by following the steps in a screening template and the full impact assessment pictured below:

Guidance



**EQUALITY IMPACT ASSESSMENT
Guidance Notes
2014 - 2017**

**Guidance on Carrying out
Equality Impact Assessments**

1.0. Introduction

These Guidance notes are intended to help you understand how to carry out Equality Impact Assessments. This is a flexible process, and depending on whether you are impact assessing a policy, proposal, or an existing service or function, you may need to vary the steps outlined in this guidance.

Additional advice is available from the Head of Diversity and/or the Equality and Diversity Committee of the Society, including in relation to:

- Age
- Disability
- Gender
- Gender reassignment
- Marriage and Civil Partnership
- Religion and Belief
- Race (including ethnicity)
- Sexual Orientation
- Social Housing
- Processes and procedures in relation to equality/ discrimination
- Best practice in relation to equality/ discrimination

It should, however, be noted that the responsibility for the Equality Impact Assessment, and any supporting work such as research or involvement, resides with the project/department/function managers. The Head of Diversity and the Equality and Diversity Committee only provide an internal consultancy role.

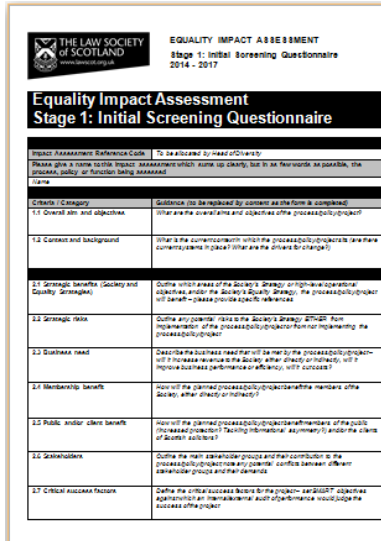
These Guidance notes also refer to articles of the European Convention on Human Rights covered by the Human Rights Act 1998 which are potentially relevant when the impact assessing policies, proposals and projects. The relevance of human rights is considered only at the initial screening stage (1), at this stage there are indications that articles of the Convention may be relevant, a reference should be made to the Head of Diversity.

1.1. What is an Equality Impact Assessment?

Equality Impact Assessments have been developed as a tool for ensuring that equality and diversity is effectively considered when creating or updating policies or processes which affect the delivery of services and the carrying out of the Society's functions. They will also be carried out across the Society's functions every three years in preparation for the publication of each new Equality Strategy of the Society.

All the simplest level impact assessments are about questions such as:

Screening Template



**EQUALITY IMPACT ASSESSMENT
Stage 1: Initial Screening Questionnaire
2014 - 2017**

**Equality Impact Assessment
Stage 1: Initial Screening Questionnaire**

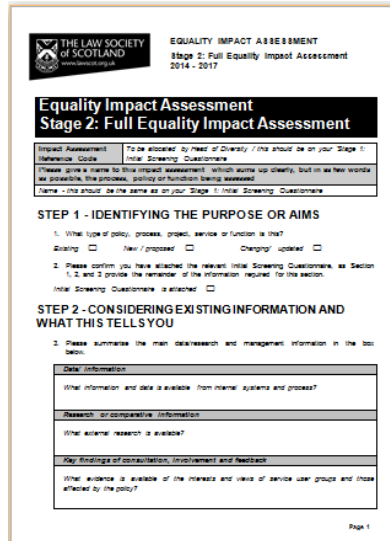
Impact Assessment Reference Code: To be allocated by Head of Diversity

Please give a three letter code (e.g. HRM001) to identify your policy, but it is not necessary to provide the project, policy or function being assessed.

Name: _____

Category / Question	Subtext (to be replaced by content as the form is completed)
1.1 Overall aim and objectives	What are the overall aims and objectives of the process/policy/project?
1.2 Context and background	What is the context/background into which the process/policy/project is being implemented (are there any other changes taking place that may affect the project/aim/objective)?
2.1 Strategic benefits (social and equality/ diversity)	Outline which areas of the Society's strategy or high-level operational objectives and/or the Society's Equality Strategy, the process/policy/project will benefit - please provide specific references.
2.2 Strategic risks	Outline any potential risks to the Society's strategy/aims from implementation of the process/policy/project for not implementing the process/policy/project.
2.3 Business need	Describe the business need that will be met by the process/policy/project - if it is not a business need, what other strategy/objective will it improve business performance/efficiency, with context?
2.4 Membership benefits	How will the current process/policy/project benefit the members of the Society, either directly or indirectly?
2.5 Public and/or client benefits	How will the current process/policy/project benefit members of the public (process/policy/project)? Taking into account, if appropriate, the needs of the Society's clients.
2.6 Stakeholders	Outline the main stakeholder groups and their contribution to the process/policy/project and/or potential conflicts between different stakeholder groups and their interests.
2.7 Critical success factors	Outline the critical success factors for the project - are they: objectives agreed with an independent audit/evaluation organisation; success of the project?

Full Impact Assessment



**EQUALITY IMPACT ASSESSMENT
Stage 2: Full Equality Impact Assessment
2014 - 2017**

**Equality Impact Assessment
Stage 2: Full Equality Impact Assessment**

Impact Assessment Reference Code: To be allocated by Head of Diversity (if this should be on your Stage 1: Initial Screening Questionnaire)

Please give a three letter code (e.g. HRM001) to identify your policy, but it is not necessary to provide the project, policy or function being assessed.

Name: This should be the same as on your Stage 1: Initial Screening Questionnaire

STEP 1 - IDENTIFYING THE PURPOSE OR AIMS

1. What type of policy, process, project, service or function is this?

Existing New / proposed Changed / updated

2. Please confirm you have attached the relevant Initial Screening Questionnaire, as Section 1.1, 1.2 and 1.3 provide the reference of the information required for this section. Initial Screening Questionnaire is attached

STEP 2 - CONSIDERING EXISTING INFORMATION AND WHAT THIS TELLS YOU

3. Please summarise the main data/research and management information in the box below:

Data information
(What information and data is available from internal systems and process?)

Research or comparative information
(What external research is available?)

Key findings of consultation, involvement and feedback
(What evidence is available of the interests and views of service user groups and those affected by the policy?)

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

SECTION 12 - REPORTING ON EMPLOYMENT AND EQUAL PAY

A. INTRODUCTION

The Society believes that it is important to report on employment rates, and equal pay, in so far as it is possible to do so, notwithstanding the size of the organisation.

It is the Society's intention to publish information not only about the percentage of its workforce comprised of ethnic minority groups, disabled people and women and men, but in respect of all the protected groups, in so far as it is possible to do so, without identifying individuals.

Having said that, there is clearly a significant challenge in reporting on data within a small employing organisation. Whilst it can be used to guide policy work and internal discussions, publication would often reveal individual's identities. For example, in an employer of one 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. To ensure we do not identify individuals, but still demonstrate we are collecting and monitoring this data, general trends and themes are discussed below in relation to each protected group.

Although the Society also collects equality data from job applicants to ensure that a wide range of applicants are applying to work at the Society, data on the actual appointments made cannot be shared due to the possibility of it identifying individual applicants. 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 roles at the Society require a solicitor qualification, and so general population data is a more useful measure. Secondly, the general population figure tends to be higher for most protected groups and therefore represents a higher target for the Society to compare itself to.

The Society will continue to monitor the situation, 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 an 'old boys' image, which allows diverse recruitment and selection outcomes.

B. APPLICANT COMPOSITION

During 2013/14 we upgraded our website and added an online application system for job vacancies. This has allowed us to automate the collection of data on equality characteristics of applicants. Since its launch data has been collected for six vacancies at the Society. With such a small sample, statistical reporting is not possible for all categories, but the following themes were noted:

- The vast majority of applicants were white Scottish (72%) and white British (10%). We also had applicants defining themselves as 'other white' (4%), Irish (4%), Mixed (3%) and African (5%). Apart from an absence of applicants with Asian ethnicities this is broadly in line with the Scottish population.
- Applicants were 55% female and 45% male – this is broadly in line with the Scottish population.

- We had no transgender applicants – in a small sample it is hard to draw a conclusion at this stage.
- 2% of applicants were gay males, and 2% of applicants were bisexual males; no lesbian or bisexual women applied – this may be slightly lower than population norms, especially in relation to women.
- We had a good spread of applicants across all age ranges from 16-24 through to 55-64, no one 65+ applied during this period.
- The majority of applicants (52%) had no faith. We had a good spread of applicants across five Christian denominations, but no one from a faith other than Christianity.
- 2% of applicants had a disability (one of these candidates was appointed) – this is lower than population norms.

Due to the low numbers involved (six vacancies) we cannot generally track this data through into who is appointed. However, using this information the Society can continue to consider how we attract a diverse range of applicants.

C. EMPLOYEE COMPOSITION

The Society currently employs 130 individual staff (this includes maternity cover and temporary posts). In late October and early November 2014 a short questionnaire was sent to all staff to monitor the protected characteristics for 2014. 95 people responded, meaning a response rate of 73%. The Society is a relatively small employer and these results are indicative and aid our reflection on these issues, rather than being statistically significant.

Key findings were:

- The gender split was 74% female and 26% male, compared to our 66% female and 34% male split in our staff population as a whole. This shows our male colleagues were less likely to engage with the survey.
- We had a 'normal distribution' of ages, including staff under 25 and over 66.
- The majority of our team do not currently identify with any faith (60%), although around 64% of respondents acknowledge that a Christian denomination was part of their cultural upbringing. 32% currently identify with the Christian faith and 3% identify with one of the main religions other than Christianity.
- 72% of respondents identified themselves as 'white Scottish', with a further 18% being 'white British' or 'white Irish'. 3% were 'white – other EU'. 3% were from 'non-white' groups'.
- 2% of respondents identify as gay males, with no-one responding to the survey indicating they were lesbian or bisexual. All other colleagues who answered were heterosexual.
- No colleagues indicated that they considered themselves transgender or intersex.
- 6% of respondents considered themselves disabled – this covered a full range of physical, mental and learning disabilities, but with hearing impairments being the most common.
- 55% of respondents were married, with 11% in long-term relationships and 20% single.
- Over 50% of staff did not know their 'pay grade', which meant distributions by grade were not possible.

- 72% of respondents were full-time (35 hours or more, over five days per week/ten per fortnight), 7% condensed (35 hour or more, over less than five days per week/ten per fortnight) and 14% were part-time.

Looking at responses and comparing the above data to the composition of the public in Scotland and, where appropriate, the profession in Scotland, some areas for consideration include:

- Free text comments indicated that work patterns were more complex than the above, a strong feeling that the Society was 'equality friendly', perhaps a need for more disability training for line managers, and a feeling we might look at ageism as an issue.
- We may wish to consider ways to remain or improve our attractiveness to male employees
- We may wish to consider whether our environment attracts, retains, and makes comfortable lesbian, gay, bisexual, transgender and intersex individuals and those from other ethnic groups.

D. EMPLOYEE PERCEPTION ON EMPLOYMENT

The Society now uses the Great Places to Work scheme to carry out an annual survey of staff. This asks staff to provide their views on a variety of issues, including whether they consider they have been treated fairly in relation to their age, race or ethnicity, gender, sexual orientation and disability status.

We have high levels of positive response in these areas, and were placed in the top ten employers in Scotland in our size group for employee satisfaction. Although not complacent we are not currently planning any more detailed research with staff as we did earlier in our development of equality work.

Examples results on specific equality issues include:

Question	Response
People here are treated fairly regardless of their age.	81%
People here are treated fairly regardless of their race or ethnicity.	92%
People here are treated fairly regardless of their sex.	83%
People here are treated fairly regardless of their sexual orientation.	96%
People here are treated fairly regardless of their disability status.	93%

NB. The current survey does not contain a question on religion and belief, transgender, marriage or civil partnership, or pregnancy. However, we believe the value of the independent national benchmark outweighs this drawback and that we can engage on those issues internally in other ways.

A variety of general questions, which link to fair treatment and equality, also are covered and receive a positive response:

Question	Response
This is a physically safe place to work.	89%
This is a psychologically and emotionally healthy place to work.	66%
I am able to take time off from work when I think it's necessary.	83%

Question (cont.)	Response
People are encouraged to balance their work life and their personal life.	70%
I am treated as a full member here regardless of my position.	73%
This organisation manages its impact upon society responsibly.	83%
I would recommend working here to others.	72%
I can be myself around here.	66%
This is a friendly place to work.	81%
When you join the organisation, you are made to feel welcome.	87%

E. EQUAL PAY

We recognise the legal and moral requirement to ensure equal pay and the benefits to the business of a workforce which sees pay as fair and transparent. The Society's revised equal pay statement is included in Appendix C, and this also details the latest development where pay is linked more overtly to performance – a change we will have to monitor to ensure fairness.

As always in a small organisation, statistical analysis is difficult, however, a high level breakdown shows a balanced picture. There could be seen to be an issue at Grade F, where men outnumber women in contrast to the overall trend, although by F+ the figure is equal. This may in part link to a relatively static leadership team, but requires monitoring.

Grade	Total	A (low)	B	C	D	E	F	F+ (high)
Male	33	1	1	6	11	6	8	1
Female	90	1	26	25	27	9	2	1

SECTION 13 - BUILDING AWARENESS AND UNDERSTANDING

The Law Society of Scotland sees building awareness and understanding through ongoing training as underpinning all the work planned in relation to equality and diversity. It is recognised that every member of staff has to have an awareness of what equality and diversity is, our legal commitments, the positive benefits, and what is planned in the future in this area. It is further understood that without every member of staff being aware of these issues there would always be the potential for good policies and procedures not to be translated into high quality, and equality and diversity aware, services. Training is seen as key to ensuring the equality and diversity agenda is delivered within the Society.

The Society's performance management framework now includes values and competencies 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 (including pay progression) within the Society. This year we move to linking pay to performance against these competencies.

We periodically refresh our equality training for all staff, focussing on core themes (see below) and new emerging issues.

The specific learning outcomes on the core themes are that, 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 (including a focus on indirect discrimination)
5. Understand a little of what it might feel like to be discriminated against
6. Understand the 'customer service model' of diversity
7. Know how to risk manage equality ('don't say no, check with a colleague')
8. Outline what the Society plans for the future in relation to diversity
9. Understand the Society's obligations in relation to the public sector duty

There is also a commitment to the provision of training for new members of staff.

'All staff' meetings, held on a quarterly basis, are used to raise awareness of particular equality work, issues, and progress within the overall strategy.

A mandatory two-day course takes place for all those involved in the recruitment and selection of staff. This covers equality issues around this area in more detail.

This strategy cycle we recognise the need to think further about training for our Council and committee members in order to support them to perform their specific roles.

A briefing will take place for all staff on this new strategy.

SECTION 14 - ACCESS TO INFORMATION AND SERVICES

The Society provides services to the public, profession and, on occasion, to other organisations such as universities and schools.

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.

In many areas the Society is the only provider of the service in question, for example in accrediting universities and providers to offer the qualifications which allow individuals to become a solicitor or in administering conduct complaints from the public against the profession which are sent from the Scottish Legal Complaints Commission to the Society for consideration.

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 legislation.

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 – www.lawscot.org.uk
- The website of 'The Journal', the official magazine of the Society: www.journalonline.co.uk
- Information packs and leaflets in a variety of formats
- Social Media:



@Lawscot



/TheLawSocietyofScotland



The Law Society of Scotland



/lawscot

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.

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 a 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.

The Society is happy to accept feedback from solicitors and the public on their experiences of using our services.

SECTION 15 - WHAT HAPPENS NEXT AND REPORTING

A. INTRODUCTION

The Society recognises that developing a strategy such as this is a first step rather than an outcome in itself.

Section 7 sets out the equality outcome targets identified as a result of the extensive research and data gathering, consultation and involvement which has taken place over almost a decade. The Action Plan in Appendix A summarises the high level objectives identified to meet those targets through this strategy, and implementing these and reporting on progress is obviously a key next step.

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; and
- Responding to feedback and complaints to ensure issues raised are documented, and where appropriate, addressed.

The Society will continue to see equality and diversity as central to its role and development through-out the three year period.

B. REPORTING ON PROGRESS

The Society commits to publishing annual updates, with the intention of meeting any reporting requirements laid down in the Specific Duties.

It is suggested that four factors influence the successful development and implementation of the equality and diversity strategy:

- accountability and leadership
- mainstreaming the duty into core functions
- ensuring implementation through clear staff roles
- staff expertise and training

We hope that we have provided evidence throughout this strategy that equality and diversity responsibilities truly are mainstreamed into departmental responsibilities, that staff roles are clear as to their responsibilities in relation to this strategy, and that accountability and leadership exists from

the Chief Executive, the Office Bearers, and the formally convened sub-committees of the Council of the Society.

Three main projects in year one of this equality and diversity strategy are covered in the Society's 'annual plan'. These are:

1.4 Judicial appointments

We will build on our research and engagement by campaigning for a fairer judicial appointments process, which provides more opportunities for our members whilst maintaining confidence amongst the public.

1.7 Fair access project

We will seek to increase the diversity of solicitors and ensure the profession better reflects the public they serve by continuing to review aspects of fair access and implementing actions from our policy findings.

2.3 Access to justice

We will campaign for changes to improve access to justice across the justice sector, helping members and the public to access courts through new technology, removing obstacles to dispute resolution, such as tribunal fees, and looking at other areas of improvement for the rule of law in Scotland

3.2 Equality standards

We will work to improve the employment conditions for solicitors as well as access to services for clients and the public by implementing the new equality standards framework.

3.3 Sectoral pay gap

We will strive to improve the conditions for female solicitors by using our recent research and guidance to challenge the sectoral pay gap which persists in both the public and private sectors.

Updates on these projects will be reported monthly to our management team, Board and Council to ensure progress and delivery. Further actions from the strategy will go into the annual plans for 2015/16 and 2016/17.

Until 2007, the Society issued specific annual reports on its work in implementing the strategy. Since then, this work has been incorporated into the Society's annual reports. This document then provides an overall roundup of progress against the objectives set in our previous strategy (See Section 10 D).

As part of this annual reporting we will also revisit the overall content of this Strategy document. For example, we will update the strategy where new legislation has come out or to note changes in the services and responsibilities of the Society. This will ensure this document 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.

Information on various projects (including data collection and specific initiatives) will also be fed back as appropriate through the Society's publication 'The Journal' (available to the public free of charge online), through press-releases, through the website, and through any other appropriate means.

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.

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, including Equality and Diversity:	available on our website

APPENDIX A - ACTION PLAN

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

The Strategic Equality and Diversity Objectives are based on issues:

- identified through impact assessment
- identified through research and information gathering
- arising as an outcome of involvement and consultation
- linked to the fulfilment of the General Equality Duty
- requiring to be addressed in order that the organisation fulfils our Specific Duties
- which were identified by the Equality and Diversity Committee/Head of Diversity as important and requiring action

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

CYCLE 1

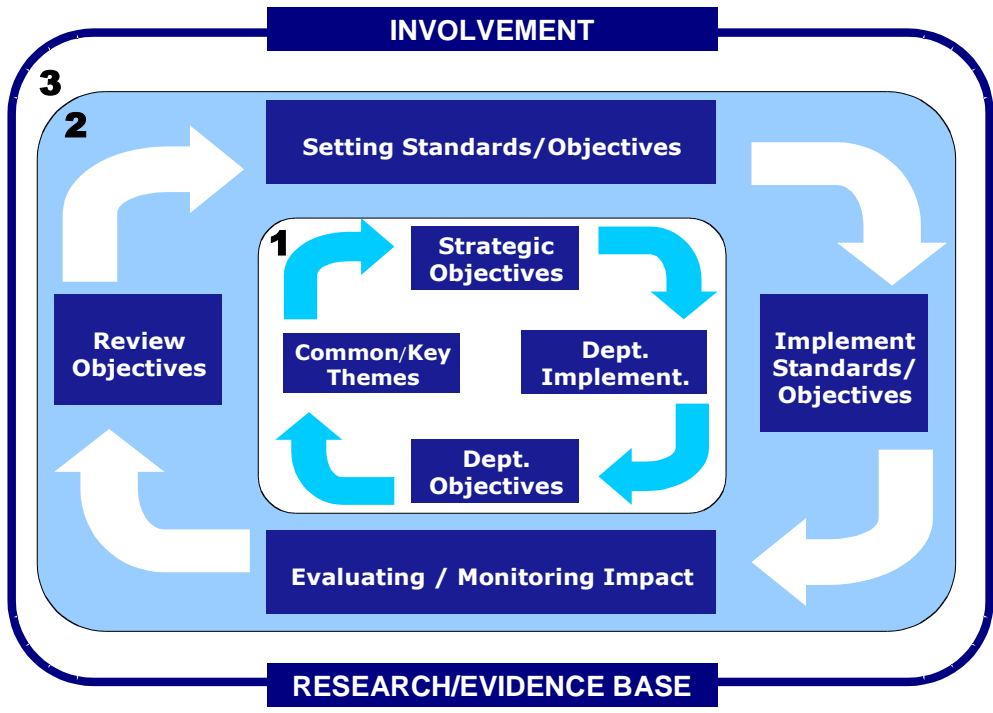
Starting at the bottom of the inner cycle (1) departments undertook impact assessment and started the process of setting departmental objectives. Moving clockwise, common themes were identified and supplemented by key issues arising out of other work. Organisational objectives were then set, which will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

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.

CYCLE 3

Setting objectives and measuring their impact is also 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.



Each Strategic Equality and Diversity Objective is defined and related to both the General Equality Duty (see Section 6) and to our own Strategy and Annual 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.

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

Overleaf is our detailed action plan...

	Objective	Rationale	Suggested outputs/actions	Time scale (indicative)	Meets outcome target(s)
A.	To improve employment standards for members, and client services for the public, through the implementation of the new Framework of Equality and Diversity Standards	<p>- ten years of equality work supporting/encouraging/informing have delivered slow progress</p> <p>- member research supports the Society taking a strong lead in this area</p> <p>- this strategy needs to set clearer expectations, based on the Framework of Equality and Diversity Standards (which has been the subject of member and public consultation)</p> <p>- Regulatory Committee wished an opt-in scheme looked at first, but for this to be evaluated for impact leaving open the issue of whether a rule change is needed in the future</p> <p>- training, management leadership and other criteria address ongoing issues with the reported incidence of bullying in the profession</p>	<ol style="list-style-type: none"> Promote the Framework – through publications, articles, adverts, branding and use of logos by firms to show they have met the standards, an as well as an equality award, events, and other means Mainstream the standards within Society processes – explore options of building compliance with the Framework into the requirements for training firms and building it into our own legal services procurement, etc. Achieve a credible level of sign-up - from private-practice/in-house and from those procuring legal service Publish a strategic review of the standards – publish a report three years from implementation detailing sign-up, lessons learnt and making recommendations for the future – including consideration of whether the standards should be made mandatory Affinity networks – to remain open to member led proposals for affinity networks based on the protected characteristics and to contribute to other networks in the sector where possible. 	<p>2014-15</p> <p>2016</p> <p>2017</p> <p>2017 Q4</p> <p>-</p>	<p>1,2,3,4</p> <p>1,2,3,4</p> <p>1,2,3,4</p> <p>1,2,3,4</p> <p>1,2</p>
B.	To raise awareness of the sectoral equal pay gap, encourage individual employers to review their own performance and to assess impact	<p>- Ten years of monitoring shows little progress in relation to equal pay</p> <p>- This issue affects a large percentage of our members, across gender and other protected characteristics</p> <p>- Professional reputation is undermined when apparent inequality in pay is visible and remains unexplained and/or unaddressed and it may affect the economic sustainability of traditional practices if talent is not retained</p>	<ol style="list-style-type: none"> Promote the equal pay guidance – to employers, emphasising its role in attracting and retaining talent and motivating employees as well as the legal compliance aspects through articles, comment and publicity Run a campaign – ‘Challenge on Pay’ to encourage and empower individuals to raise pay as an issue 	<p>2015 Q2</p> <p>2016</p>	<p>1,3</p> <p>1,3</p>

	Objective	Rationale	Suggested outputs/actions	Time scale (indicative)	Meets outcome target(s)
C.	To positively promote the business and staff productivity/ retention benefits of new thinking on patterns of work and address issues concerning career progression	<p>- there remain issues around some protected characteristics and career progression</p> <p>- this is especially the case in relation to parents and carers (the latter being an increasing part of the membership)</p> <p>- we also see a strong trend to 'portfolio careers' and people wishing to have substantive life commitments outside work (TA, sport, non-exec directorships)</p> <p>- technology may be increasing rather than reducing issues</p>	<ol style="list-style-type: none"> 1. Issue Guidance – on working patterns, technology and careers progression: 'Ensuring fairness, supporting diverse patterns of work' including guidance on best practice to be adopted in promotion exercises and highlighting the potential for discrimination 2. Focus on people management skills – the above guidance to include people management skills, and more training to be provided on this key issue 3. Run a campaign – 'career choice' to highlight the paths of different senior individuals and the choices and investment they have made to achieve these varied roles 4. Hold an event – to promote the guidance and change in the sector – ensuring a diverse range of speakers from a range of protected characteristics, and also a 'roundtable' with influential employers in the sectors 5. Campaign for a fairer judicial appointments process for our members - building on research and dialogue in 2014/15 	<p>2016 Q2</p> <p>2016 – Q3</p> <p>2016 – Q4</p> <p>2016</p> <p>2014 Q4</p>	<p>1,2,3</p> <p>1,2,3</p> <p>1,2,3</p> <p>1,2,3</p> <p>1,3</p>

	Objective	Rationale	Suggested outputs/actions	Time scale (indicative)	Meets outcome target(s)
D.	To champion the Society's work on Fair Access to the Legal Profession & engagement with new lawyers	<p>- following research and engagement, the Society has published a report and 21 actions on fair access to the legal profession</p> <p>- traineeship diversity (the earliest stage picked up in 'Profile of the Profession') does not seem to be changing particularly quickly but comparative data is needed to identify at what stage issues may lie</p> <p>- to reflect its diverse membership and plan for the future, a stronger voice from new lawyers should be encourage in decision making</p>	<ol style="list-style-type: none"> Fair Access – the committee should ensure this work (led by the Education and Training Committee) is cross-referenced with equalities work, ensuring all protected characteristics are being considered in individual projects and monitor progress Equality monitoring – the committee to promote the need for an annual report on protected characteristics across the route to entry (allowing trends to be followed-through into 'Profile of the Profession') Thematic review of training – a review of the effectiveness of teaching and an assessment of equality and diversity and human rights within the pre-qualification training regime for solicitors Committee membership – to review committee membership composition and to promote committee opportunities, looking at ways of supporting newer members to become involved in the work of the Society 	<p>-</p> <p>2016 Q4</p> <p>2017 Q1</p> <p>2015</p>	<p>1,2,3,4</p> <p>1,3</p> <p>1</p> <p>1,3</p>

To be executed in the 2017 to 2020 strategy (autumn 2018):

-	To assess progress in the sector in relation to equality across all the protected characteristics	<p>- the Council has previously committed to refreshing the Profile of the Profession study every three years</p> <p>- this has been valuable in informing work and prioritisation, tracking progress and ensuring mandate</p>	<ol style="list-style-type: none"> To deliver another Profile of the Profession – to repeat census, paper-based, research on protected characteristics, pay, progression, the impact of the Framework of Equality and Diversity Standards and another chosen research focus identified during the development process Equal pay – will be a particular focus of questions, and a major part of the final report produced. To compare this to our committee composition – by running a parallel audit of the composition of committees – both lay and solicitor members 	<p>2018</p>	<p>1,2,3</p> <p>1,3</p> <p>1,3</p>
---	--	--	--	--------------------	---

APPENDIX B – Previous Action Plan 2011 to 2014

For reporting on the delivery of these actions, please see Section 10 above.

	Objective	Rationale	Suggested outputs/actions	Meets outcome target(s) in 2011-14 action plan
1.	To improve information available to the public regarding the accessibility of legal services and law firms	<ul style="list-style-type: none"> -To meet recommendations of Service Accessibility Review -To ensure that public have information to make informed choice about most accessible solicitors -To take account of the recommendations from the Justice Disability Steering Group 	<ul style="list-style-type: none"> -Recommendation to Council for practice rule requiring accessibility data to be submitted -Make case for publicly funded solicitors requirement to meet General Equality Duty -Raise awareness among solicitors of accessibility requirements of Equality Act and the business case for accessibility -Promote case for use of accessible information and plain English -Review and update Equality Guidance to include outcomes from JDSG and to include relevant case studies 	Legal firms and legal services are more readily accessible to all protected groups
2.	To reduce incidence of bullying and harassment in the profession	To fulfil the recommendations identified in Research into bullying and harassment in the profession	<ul style="list-style-type: none"> -Raise awareness through guidance -Support network for trainees -Support firms to build management skills -Develop ongoing monitoring and intervention 	Bullying and harassment within the profession is reduced/minimised
3.	To increase flexible working options	<ul style="list-style-type: none"> -To meet recommendations of Women in the Profession research and increase retention in the profession (especially private practice) -To ensure best practice in flexible working practices in the profession 	<ul style="list-style-type: none"> -To seek a change to the current policy which requires a single practising certificate fee charged irrespective of pattern of work -To create a forum to generate a debate regarding benefits of work/life balance within the profession -To publish specific guidance relating to best practice -To consider the introduction of an exit questionnaire for those who don't renew practising certificate 	Ensure work/life balance throughout the legal profession
4.	To increase the awareness of equality and diversity issues among the profession	Society can use its influence to ensure legal firms promote equality in employment and services	<ul style="list-style-type: none"> -Review effectiveness of Legal Services (Scotland) Act and licensed provider regime to identify if there is a case to apply equality responsibilities across profession -Review standards of training firms to consider equality objective -To seek to introduce equality and diversity training as a mandatory element of CPD requirements 	<p>Legal firms and legal services are more readily accessible to all protected group</p> <p>Law Society and members meet best practice standards in relation to equality and diversity.</p>

	Objective	Rationale	Suggested outputs/actions	Meets outcome target(s)
5.	To increase awareness of equality and diversity issues within the Society and to monitor the composition of the profession	<ul style="list-style-type: none"> -Ensure all staff and Council committees etc understand their obligations -Requirement to carry out follow up survey to compare against benchmark profile survey (2006) to identify where positive action is still required 	<ul style="list-style-type: none"> -Update training in roll out of new EDS and implementation of General Equality Duty -To undertake a further comprehensive survey of the profession -To undertake comprehensive pay audit of the whole profession -To ascertain issue of particular concern to members aged between 45-60 through appropriate questions in survey and a focus group 	Law Society and members meet best practice standards in relation to equality and diversity
6.	To ensure objective not met in full from the previous Strategy are carried forward to this strategy	<ul style="list-style-type: none"> -Take forward recommendations in Research into the experiences of BME solicitors -Secret Shopper research project: to evaluate the experiences of service users falling into various protected in accessing legal services -Developing an Equality standard for the Legal Profession 	<ul style="list-style-type: none"> -Call for members of the profession to establish BME network -Facilitate creation of networks for other protected groups -Develop action plan to implement recommendations of research -Identify barriers to access for the project's key groups; -Distinguish trends in poor service as a result of discrimination, stereotypes and prejudice; -Identify good practice in adapting services as required by specific individuals. -To promote and encourage solicitors to meet specific criteria in relation to equality and diversity 	<p>Law Society and members meet best practice standards in relation to equality and diversity.</p> <p>Law Society and members meet best practice standards in relation to equality and diversity.</p> <p>Law Society and members meet best practice standards in relation to equality and diversity.</p>

APPENDIX C - EQUAL PAY STATEMENT

INTRODUCTION

The Society recognises that the Equality Act 2010 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).

The Society recognises too that the Equality Act 2010 requires that individuals should not be discriminated against in pay because of a protected characteristics such as race or disability.

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.

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.

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. We regularly review Hay 'scores' for individual staff as roles evolve and change.

Although there is no formal requirement for the Society to publish an equal pay statement 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. 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.

Although the Society is committed to ensuring that no-one employed by the Society is paid less than others doing the same job because of their disability or ethnicity (or any other protected characteristic), the small numbers employed by the Society mean that it is not possible to undertake audits relating to these protected characteristics without identifying the individuals involved. The Society is, however, committed to ensuring transparency in pay throughout the organisation.

OUR STATEMENT

We are committed to the principle of equal pay for all our employees. We aim to eliminate any sex bias in our pay systems.

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. We acknowledge that there should be no discrimination in pay because of any other protected characteristic, including race or disability.

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 and other forms of prejudice. As good business practice, we are committed to working with employee representatives to take action to ensure that we provide equal pay.

We believe that in eliminating sex bias and other forms of prejudice 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.

Our objectives are to:

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

We have already:

- **Implemented an equal pay review in line with good practice 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.**

We further commit to:

- **Monitoring statistics annually to ensure the system continues to operate effectively (except where there are small numbers of staff involved where individuals could be identified)**
- **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.**

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.**