

# Equality and Diversity Strategy

## 2020-2022

The Bar Standards Board regulates barristers and specialised legal services businesses in England and Wales in the public interest

If you would like a version of this publication in hard copy, or in an alternative format, please contact the Equality and Access to Justice (E&AJ) Team by telephone on 020 7611 1305 or:  
[equality@barstandardsboard.org.uk](mailto:equality@barstandardsboard.org.uk)

# Our values

## **Fairness and Respect**

We strive to achieve equal access and equal treatment, valuing and respecting our differences.

## **Independence and Integrity**

We are objective and evidence-based, open, honest and accountable, and we expect everyone to meet these same ethical standards.

## **Excellence and Efficiency**

We are committed to learning and improving, seeking to maximise our effectiveness by making the best possible use of our resources.

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Our Equality and Access to Justice Team consists of:

Head of Equality and Access to Justice: Amit Popat

Policy Manager (Equality and Access to Justice): Benjamin Burns

# Foreword by the Chair and Director General of the Bar Standards Board

We are pleased to introduce the Bar Standards Board's Equality and Diversity Strategy for 2020-22. It reports on our progress towards fulfilling our statutory objectives under the Equality Act 2010, both as an employer and as the regulator of barristers in England and Wales, and it sets out new objectives for the period to 2022.

While the diversity of barristers and pupils in England and Wales is heading in the right direction, our annual diversity reports for the profession show there is still some way to go before the Bar is as fully diverse as the society it serves. For example, in 2019, at 61.3 per cent, men still outnumbered women at 38.0 per cent of the practising Bar, and there is some notable underrepresentation in certain Black, Asian and Minority Ethnic (BAME) categories.

This Strategy sets out how we will continue to encourage diversity within the profession and within our own organisation, over the next two years. You can read our specific Equality Objectives in Section 3, but our overriding aim is to promote good practice in working cultures and equality in the profession, and to tackle bullying, discrimination and harassment where it occurs at the Bar.

We will continue to work closely with the profession over the next two years. This was a successful feature of our previous Equality and Diversity Strategy for 2017-19 and we welcome the Bar's own commitments and initiatives in this area.

Our Equality and Access to Justice Team has produced this Strategy in collaboration with over 30 internal and external stakeholders, including the profession's representative bodies, Bar students, other regulators and a range of experts on gender, disability, race, LGBT+ issues, social mobility, wellbeing and mental health, and bullying and harassment. We would like to thank them all for their helpful input.

We are always keen to hear from anyone who has insight into how we can achieve our Equality Objectives. If you have any insight or thoughts about this area of our work, please do not hesitate to contact us at [equality@barstandardsboard.org.uk](mailto:equality@barstandardsboard.org.uk).



*Baroness Blackstone*

**Baroness Blackstone**

Chair of the Bar Standards Board



*Mark Neale*

**Mark Neale**

Director General Bar Standards Board

# 1. Introduction

1. The Bar Standards Board (BSB) regulates barristers of England and Wales in the public interest. The BSB believes that all areas of the Bar should be inclusive and reflect the diversity of society, from the point of entry to the profession up to its most senior ranks. Our Regulatory Objectives are laid down in the Legal Services Act 2007. They are:
  - protecting and promoting the public interest;
  - supporting the constitutional principle of the rule of law;
  - improving access to justice;
  - protecting and promoting the interests of consumers;
  - promoting competition in the provision of services;
  - encouraging an independent, strong, diverse and effective legal profession;
  - increasing public understanding of citizens' legal rights and duties; and
  - promoting and maintaining adherence to the professional principles.
2. As with our previous equality and diversity strategies, this strategy has been produced by our Equality and Access to Justice Team in collaboration with:
  - internal stakeholders, including members of our Board, our Race Equality Taskforce, our Equality and Access to Justice (E&AJ) Officers and our E&AJ Programme Board, which includes all members of our senior management team; and
  - over 20 external stakeholders, including individual barristers, the profession's representative bodies, Bar students, other regulators, and experts on gender, disability, race, LGBT+ issues, social mobility, wellbeing and mental health, and bullying and harassment.
3. This strategy primarily sets out how we will encourage diversity in the profession. It includes commitments for us to deliver equality and diversity best practice internally within the BSB. Over the next two years, we will measure the impact of this work by monitoring the diversity data obtained from the Bar and from our staff, and evaluating the impact of our objectives. Through the implementation of this strategy, we aim to promote good practice in working cultures and equality in the profession, and to tackle bullying, discrimination and harassment where it occurs at the Bar.

4. This strategy sits under our [Strategic Plan for 2019-22](#), which was consulted on in late 2018. Our strategic aims for 2019-22 are:
  - **Aim 1:** Delivering risk-based, targeted and effective regulation.
  - **Aim 2:** Encouraging an independent, strong, diverse and effective legal profession.
  - **Aim 3:** Advancing access to justice in a changing market.
5. These strategic aims are based on the risk themes we identified in our 2019 Risk Outlook.
 

The Risk Outlook summarises our analysis of risk, looking at the evidence of trends across the legal sector and the Bar to present the broad risk themes we think could be the biggest threats to our Regulatory Objectives. In the 2019 [Risk Outlook](#) we identified the following three themes:

  - **Theme 1:** Working cultures and professional environment inhibit an independent, strong, diverse and effective profession.
  - **Theme 2:** Innovation and disruption in the legal services market offer threats and opportunities for the profession and for the public.
  - **Theme 3:** Affordability and lack of legal knowledge threaten access to justice.
6. The 2019 Risk Outlook was developed in parallel with our Strategic Plan, so that alongside providing an opportunity to share our insights with our stakeholders, the Risk Outlook guides the development and prioritisation of our regulatory activities.
7. Our Strategic Plan outlines the broad regulatory activities we propose to undertake to achieve our strategic aims. For example, our Strategic Plan proposes to improve our understanding of the wellbeing of the profession and the way in which it influences our approach to regulation, as part of our strategic aim to encourage a diverse profession (Aim 2) and linked to our risk theme around working cultures (Theme 1). This Equality and Diversity Strategy is reinforced by this proposal and builds on it, by including specific equality objectives and activities about the wellbeing of the profession.
8. Three key drivers underpin this strategy and its associated objectives:
  - **Public interest and the rule of law –** A profession which is representative of the people it serves is more likely to meet the diverse needs of its clients, thereby working more effectively and creating a positive public image. As an employer, we will work more efficiently if we maintain an inclusive workplace that is free from discrimination.
  - **Moral –** We believe that the promotion of equality and diversity is morally the right thing to do and helps to combat social injustice. It is unfair for a person to experience disadvantage or discrimination on the basis of difference.
  - **Legal –** As a public body, we have a general equality duty and a number of specific equality duties arising from the Equality Act 2010. We must also comply with the Regulatory Objectives as set out in the Legal Services Act 2007, notably the Objective about encouraging an independent, strong, diverse and effective legal profession and the Objective about improving access to justice.

## 2. Legal Duties

### General Equality Duty

9. The BSB (as the independent body through which the General Council of the Bar carries out its regulatory functions) is a public body for the purposes of the Equality Act 2010 and is bound by, and committed to, meeting the requirements of the general public equality duty.
10. The general duty requires public bodies, in the exercise of their functions, to pay due regard to the need to:<sup>1</sup>
  - eliminate unlawful discrimination, harassment and victimisation, and any other conduct that is prohibited by, or under, the Equality Act (Equality Act aim 1);
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (Equality Act aim 2); and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it (Equality Act aim 3).
11. The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. Marriage or civil partnership is a protected characteristic, but only has application in relation to employment (not services or public functions).
12. We meet our obligations under the Equality Act by undertaking an equality impact analysis for each of our projects, policies and initiatives. We deliver equality training to all of our staff, Board, committee members, Advisory Pool of Experts, and members of our Independent Decision-making Body. We collect and examine diversity data for the profession we regulate and for our staff.
13. We engage a range of stakeholders in our work on equality and access to justice to ensure that we are appropriately aligning our objectives with wider issues in the profession. These stakeholders include voluntary sector agencies, equality and diversity networks within the legal profession, and external specialists. They also provide essential feedback on our work. This helps us to meet our public sector duties in relation to the fostering of good relations between diverse groups.

### Specific Equality Duties

14. The Equality Act Specific Duties Regulations 2011, impose specific duties on a number of public bodies including the Bar Council (and therefore the BSB) namely to:
  - publish information at least annually to show compliance with the Equality Duty; and
  - set and publish equality objectives, at least every four years.

<sup>1</sup> Equality Act 2010 s149(1)

**15.** Meeting the above duties has helped direct our work. Equality and diversity are key considerations in our risk-based approach to regulation, and research and analysis are used to ensure that our equality and access to justice work has a robust evidence base.

**16.** The work undertaken since the previous equality and diversity strategy, which was published in 2017, is summarised at Annex 6. That work has improved our evidence base and our understanding of the issues at hand. To ensure impact and continuity, the following elements of our previous equality and diversity strategy will continue into the current strategic period:

- **Our work to address bullying, discrimination and harassment at the Bar.**

This is a key and fast evolving area of focus for the legal profession and legal regulators. In July 2019, we formed a project with broad scope which will continue under this strategy. The project includes our Pilot Harassment Support Scheme and a review of our mechanisms for reporting bullying, discrimination or harassment as serious misconduct. Following our Women at the Bar research in 2016, we have appointed YouGov to undertake qualitative research about people's experience of bullying, discrimination and harassment at the Bar. The research will generate valuable evidence for our work to address those behaviours at the Bar. It will look at all protected characteristics but will focus on race, disability, sex and sexual orientation. The research will build on, and be informed by, the outcomes of the Bar Council's "[Barristers' Working Lives](#)" research.

- **Training our staff on anti-discriminatory practice.**

This will continue to further embed our commitment to good practice. The E&AJ Team have delivered training on anti-discriminatory practice to our Legal and Enforcement Department, our Regulatory Operations Department and the Independent Decision-making Body. This training will continue to be rolled out to all staff under this strategy as part of our learning and development plan.

- **Qualitative research about the impact of equality policies of Authorised Training and Education Organisations (AETOs) for the vocational component of Bar, and a report to identify and influence best practice.**

A literature review identifying best practice has been completed and further research is currently being undertaken into AETOs' equality and diversity policies. We will also update our 2017 research, "Differential Attainment at BPTC and Pupillage" to reflect changes that have been made to vocational training assessments.

- **Work to encourage race equality at the Bar.**

In June 2019, we formed our Race Equality Taskforce as a key outcome of our event in March 2018 called "Heads Above the Parapet: how can we improve race equality at the Bar?" The Taskforce agreed its action plan in September 2019 and will continue to develop and implement that plan under this strategy.

## Regulatory Objectives – Legal Services Act 2007 (LSA) section 1

- 17.** Section 1(1)(c) of the LSA specifies the Regulatory Objective of “improving access to justice”. While the ability of the general public to access justice via the legal profession is not wholly under the control of the legal regulators, we are seeking to make improvements where we have an influence. In particular, this can include making sure that guidance on how to access barristers’ services is clear and widely available.
- 18.** Section 1(1)(f) of the LSA sets out the Regulatory Objective of “encouraging an independent, strong, diverse and effective legal profession”. The Bar prides itself on providing high quality, world-class legal services and on the intellectual rigour of its members. Entry into, and progression within, such an elite profession must be open to all those with the talent and drive to succeed. An individual’s socio-economic background or protected characteristics should play no part in excluding them from the profession.

## Legal Services Board Expectations

- 19.** The Legal Services Board (LSB) is the oversight regulator of legal services in England and Wales. Its role and responsibilities are outlined in the LSA. The LSB shares our Regulatory Objectives and, like us, is among the list of public authorities that must publish information to demonstrate compliance with the Equality Duty. As part of this commitment, the LSB produces a report on the legal services regulators’ progress against diversity outcomes. In February 2017, the LSB set four outcomes for encouraging a diverse profession, as part of revised guidance under section 162 of the LSA:
- **Outcome 1:** Understanding the diversity profile of the regulated community.
  - **Outcome 2:** Using data to inform activity and approach.
  - **Outcome 3:** Collaborating with others.
  - **Outcome 4:** Accounting to stakeholders.
- 20.** In January 2019, the LSB published its first report on the legal services regulators’ progress against those outcomes, which can be found [here](#). The report recognises the significant activity we have undertaken in line with the revised guidance from the LSB, reports positive progress against each of the outcomes, and identifies specific areas where the LSB wishes to be kept updated.

# 3. Equality Objectives

## Equality Objectives (s.3 Equality Act 2010 (Specific Duties) Regulations 2011)

21. We have five Equality Objectives for 2020 to 2022 which focus externally on the profession and internally on the BSB. Our Equality Objectives are based on evidence, quantitative and qualitative research, equality impact analyses and engagement with a wide range of internal and external stakeholders.

### Equality Objective 1.

**Address the causes of discrimination and harassment at the Bar because of a protected characteristic.**

Focus	Actions	Completion
<b>Disability</b>	Engage with disability experts and representatives of the BSB, to influence regulatory good practice.	February 2021
	Publish three good practice case studies about inclusion of different types of disability at the Bar.	April 2021
<b>Race</b>	Engage with race equality experts and representatives of the BSB, to influence regulatory good practice.	October 2020
	In conjunction with the Race Equality Taskforce, deliver the agreed action plan that includes publishing three good practice case studies, and piloting a reverse mentoring project with members of the Taskforce and Black and Minority Ethnic (BAME) people who are training for the Bar.	April 2021
<b>Bullying, discrimination and harassment</b>	Undertake qualitative research about bullying, discrimination and harassment at the Bar with a focus on sex, race, sexual orientation and disability.	December 2020
	Produce a report including recommendations to achieve good regulatory practice in addressing bullying and harassment, with a focus on our systems for reporting.	March 2021
<b>Protected characteristics</b>	Engage and consult stakeholders from across the profession and with a range of protected characteristics, to support the review of the Equality Rules of our Handbook. <sup>2</sup>	March 2022
	Develop and implement strategies to improve diversity data monitoring across all diversity characteristics.	October 2021

<sup>2</sup> This project and its timescales are aligned with the wider project to review our Handbook.

**Equality Objective 2.****Review the role of regulation in improving the wellbeing of members of the profession.**

Focus	Actions	Completion
<b>Wellbeing</b>	Engage wellbeing stakeholders to identify the specific role of regulation in addressing wellbeing challenges at the Bar, and develop policy recommendations.	July 2021

**Equality Objective 3.****Review the role of regulation in improving access to justice.**

<b>Access to justice</b>	Engage with access to justice organisations and produce recommendations about the role of regulation in improving access to justice.	January 2022
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**Equality Objective 4.****Improve the implementation of equality and diversity policies with vocational training AETOs.**

<b>Differential attainment in training for the Bar</b>	Update our “Differential Attainment at the Bar Professional Training Course and Pupillage” research to create a baseline on differential attainment, since changes were made to centralised assessments at the vocational stage of training for the Bar, under our Future Bar Training programme.	December 2020
<b>Good E&amp;D practice at the vocational stage of training for the Bar</b>	Work with vocational training Authorised Education and Training Organisations (AETOs) to embed good equality and diversity practice for Bar students.	February 2022

## Equality Objective 5.

**Embed equality and diversity good practice across all BSB departments.**

<b>BSB internal practices</b>	Publish a summary of our workforce and Board diversity, to lead by example.	May 2020
	Update the BSB website to effectively present the case for good equality and diversity practice, at the Bar.	June 2020
	Deliver training for all BSB staff on anti-discriminatory practice and inclusive disability practice.	March 2022

## The work of other stakeholders in informing this strategy.

- 22.** Approximately 30 stakeholders were engaged in the development of our Equality Objectives for 2020 to 2022. A list of those stakeholders is at Annex 5.
- 23.** From this engagement, we have built a good understanding of the current or planned work of key external stakeholders. This understanding will help us to promote collaboration on key equality and diversity issues and/or objectives at the Bar where appropriate, and avoid duplicating work that is already delivered by other stakeholders.
- 24.** This collaborative approach will continue as we implement this strategy, for example:
- Bullying, discrimination and harassment will continue to be a key area of focus under this strategy. We are aware of the important work being delivered by other stakeholders in this area, including the Bar Council, Law Care, the International Bar Association and a number of forums and networks. To achieve meaningful change in this area, a concerted approach needs to be developed, where appropriate. We promoted this approach under our previous equality and diversity strategy by creating and extending our [Pilot Harassment Support Scheme](#) in response to feedback from the profession. We will continue to do so under this strategy.
  - This strategy includes an objective to review the role of regulation in improving the wellbeing of members of the profession. We are aware that stakeholders including Law Care and the Bar Council have led the wellbeing agenda at the Bar. We will work with these and other stakeholders to ensure that our regulatory activity, where possible, has a positive impact on wellbeing and takes wellbeing issues into account.
  - Our focus on disability has been developed in collaboration with disabled people and/or experts on disability, including the founders of “Legally Disabled? Career experiences of disabled people in the legal profession”, the Association of Disabled Lawyers, “City Disabilities”, and those who participated in our “All Bar None” workshop at the Legally Disabled Conference in January 2020 which we ran in partnership with the Bar Council.
  - Our focus on race has been led by our Race Equality Taskforce with input from experts on race and/or people from a range of ethnic groups, including the Black Barristers’ Network, a workshop of Bar training students, One Pump Court and leading academics on race equality.

# Annex 1. The publication of equality information

25. We publish information on our website annually to demonstrate our compliance with the Specific Equality Duty. This includes information relating to those who are affected by our policies and practices. In compliance with this aspect of the specific duty, we undertake the following regular data collection and publication activities:
- **Statistics** – An annual release of statistics on our website on the practising Bar, pupils, and BPTC enrolments and completions. Data are drawn from our database, pupillage registration forms, and data received from BPTC providers. The statistics cover gender, age and ethnicity.
  - **Diversity at the Bar** – An annual report on the makeup of the profession, which provides greater detail than the statistics on our website. Alongside gender, age and ethnicity, this report includes religion or belief, disability, caring responsibilities, sexual orientation and socio-economic background. We publish the numbers of individuals in each group and as a percentage of the total Bar. The data are anonymised, aggregated, and broken down by seniority (ie. QC, practising Bar, and pupil).
  - **BPTC Key Statistics** – This annual report presents the profile of students on the BPTC, their course outcomes, and whether they have obtained pupillage. This includes the key equality and diversity data collected by the BPTC providers.
26. The system for collecting these data from barristers is contained within the ‘My Bar’ portal. Barristers provide their individual diversity data via a monitoring page. A report is produced by the BSB Research department and presented to the Board. The aggregated data are published and promoted to the profession so that they can be used in the evaluation of chambers’ diversity initiatives. We refresh these data every December and republish them in January.
27. The ‘My Bar’ portal is regularly updated to ensure that the information it gathers is as accurate as possible. This informs our understanding of the profession, enhances the Bar’s ability to report accurately, and helps it to refine the accuracy of the evidence base that guides its policy decision-making.
28. We use the diversity data collected through this monitoring exercise to inform our objectives and initiatives aimed at promoting equality and diversity.

# Annex 2. The BSB as a regulator

- 29.** We are committed to ensuring that all of our regulatory decisions are fair, transparent and consistent. Equality and diversity principles are embedded across all of our regulatory activities.
- 33.** We have a two-stage equality analysis process. An initial assessment of the policy is carried out on an EIA Screening Form to understand whether the policy is relevant to equality and if it will have any adverse impacts. If the initial screening reveals more than an insignificant impact on any of the protected characteristics, a full EIA is conducted.

## Decision Making

### Equality Impact Analyses (EIAs)

- 30.** We undertake EIAs on all of our new and current policies, projects and functions to reduce the risk of unlawful discrimination and to explore ways to promote equality and diversity. An EIA template, EIA screening form, and guidance document have been designed by our E&AJ Team to help staff members to undertake this work. We complete EIAs at an early stage of any policy decision-making process, so there is scope to make changes if any adverse impacts are identified.
- 31.** The EIA on each new policy is carried out by the person in charge of that policy's development, because they have the best knowledge of the policy area and are able to carry out the most rigorous analysis. The E&AJ Team give advice and guidance to staff completing EIAs.
- 32.** All relevant papers presented to the Board are required to include a summary of equality analysis in order to show that we have paid due regard to the Equality Act 2010 General Duty<sup>3</sup> in our decision making process. Major EIAs are published on our website for transparency purposes.
- 34.** Our E&AJ Network is led by our E&AJ Team, and contains representatives from every team within our organisation. The Network meets at least every six weeks to disseminate good practice, discuss any difficulties that staff have encountered when undertaking equality and diversity work, contribute to the development of E&AJ projects, and promote equality across the BSB. The Network examines draft EIAs to ensure that expertise and ideas from across the organisation can be incorporated into all the work of the organisation.

### Network of E&AJ Officers

### Equality Directory

- 35.** The Communications and Public Engagement Department and the E&AJ Team maintain an electronic directory of key equality and diversity stakeholder organisations. Regularly involving specific interest groups in the development of policy and decision making is an effective way of ensuring that our work meets stakeholders' needs.

<sup>3</sup> Public authorities must, in the exercise of their functions, have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons.

# Annex 3. The BSB as an employer

- 36.** We wholeheartedly support the principles of equality and diversity in employment and believe that this commitment will lead to improved services for the public we serve. Our aim is to create an organisation that values diversity and promotes equality of opportunity regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. We recognise that talent and potential are distributed across the population - by ensuring that the profile of our workforce broadly reflects the population, the quality of service provided to the public may be increased. We aim to create a working environment in which there is no bullying, harassment or discrimination, and in which all people have the opportunity to realise their full potential, and all decisions are based on merit.
- 37.** We have a range of policies in its Staff Handbook which are related to equality and diversity. These include:
- an Equality and Diversity policy;
  - a Dignity at Work policy;
  - a Fair Recruitment and Selection policy;
  - a Flexible Working policy;
  - a Parental Leave policy;
  - a Wellbeing Policy; and
  - grievance and disciplinary policies.
- 38.** These policies are the responsibility of our Human Resources department and can be accessed by staff via the organisation-wide intranet. Policies are reviewed and updated by the HR Team in response to changes in the law or feedback from staff or stakeholders. New or updated policies are sent to the Directors and the staff representative committee for their comments prior to publication.
- 39.** The BSB, as part of the General Council of the Bar, is a Disability Confident employer. We are positive about disabled people and have made the following five commitments to:
- interview all disabled applicants who meet the essential criteria for a job vacancy and to consider them on their abilities;
  - discuss with disabled employees, at any time but at least once a year, what both parties can do to make sure disabled employees can develop and use their abilities;
  - make every effort when employees become disabled to make sure they stay in employment;
  - take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work; and
  - review these commitments each year and assess what has been achieved, plan ways to improve and let employees and JobCentre Plus or the Department for Work and pensions know about progress and future plans.

## Staff Monitoring

- 40.** We collect diversity data from job applicants through the use of a diversity monitoring questionnaire. All applicants are asked to complete the voluntary questionnaire which asks for information relating to all protected characteristics. The information acquired is not used as part of the shortlisting or interviewing process, and is stored anonymously and in accordance with data protection legislation. This monitoring information is used to identify trends and areas for improvement, and analyse the application and success rates of different groups to identify any issues regarding accessibility. The data are published at the end of each year and are analysed by the E&AJ Team to identify any over or under-representation of different groups.
- 41.** We also use a monitoring questionnaire to collect diversity data from all our staff. Questionnaires covering all the protected characteristics are issued to staff every three years, but staff are encouraged to update their details whenever their circumstances change. All questions are voluntary. The monitoring data are anonymised and published on an annual basis alongside our board diversity report. The E&AJ and HR Teams meet annually to analyse the data, and the HR department produce a report containing data analysis and recommendations for members of senior management.

- 42.** We monitor the race, gender and disability characteristics of all staff who attend internally and externally provided training sessions. The data are anonymised and analysed to identify any over or underrepresentation of particular groups who are attending training sessions. We also undertake a full analysis of performance management data and address any equality issues it raises.

## Monitoring of our Board, committees and other bodies within our governance structure.

- 43.** The Governance Team gathers diversity data on all those involved in the governance structure of the BSB for monitoring purposes and to understand any significant under or overrepresentation. The E&AJ Team analyses the data to identify any over or under-representation of different groups.

## Staff Equality and Diversity training

- 44.** The E&AJ Team provide all new members of our staff with a two-hour training session covering the public equality duties within the Equality Act 2010, an introduction to diversity at the Bar and interactive workplace case studies. Individual or team briefing sessions are provided on request on how to carry out EIAs. The training needs of staff are regularly reviewed by the E&AJ Team to ensure best practice, and anti-discrimination and unconscious bias training is also delivered to staff members.

## LawCare

**45.** The General Council of the Bar is a part-funder of [LawCare](#). LawCare is a charity which provides a range of information and support to anyone in the legal community experiencing mental health and wellbeing problems including an independent and confidential telephone advice service which is available to all of our staff. The service is free and staff can call the helpline to discuss any issue – either personal or work related. LawCare will, where necessary, provide referrals to health professionals or experts. The LawCare service is promoted to staff when they join the organisation and is also advertised on posters throughout the Bar Council offices.

# Annex 4. Our governance structure

- 46.** Our work is carried out within a Board and committee structure with a group of specialist advisers (known as APEX) to provide additional expertise. The Board is made up of between 11 and 15 people (currently 13). It has a mixture of lay people and barristers and has a lay majority and a lay Chair. We have two standing committees, both of which report to the Board.
- 47.** The Board has also established an Independent Decision-making Body (IDB) which takes decisions (by sitting in panels) about cases passed to the Legal and Enforcement Department for investigation that may require disciplinary action. It also makes decisions about appeals that have been made against a decision not to license a body to provide legal services or appeals against decisions about whether barristers or authorised bodies need to meet specific BSB Handbook requirements.
- 48.** The diversity of the Board, committee members, the IDB, and APEX members is monitored to ensure we are accountable for our recruitment strategy.
- 49.** An advisory pool of experts (APEX) was introduced in 2017 as we then were reducing the number of our committees but wished to maintain access to relevant expertise. We retain APEX members to advise on their specific areas of expertise as and when it is needed. Our pool of experts comprises both barristers and lay people. Experts either give advice to staff working on development of policy, or to those taking decisions on individual regulatory cases. For example, an expert appointed to give advice to staff working on policy development would not usually be called upon to give advice to staff taking regulatory decisions on authorisations or enforcement cases. The areas of expertise in which members are appointed to give advice to inform our policy development include:
- Competition Law;
  - Equality and Diversity Law;
  - Higher Education;
  - Information Law and Data Protection;
  - Insurance;
  - Regulatory Law;
  - Regulatory Risk; and
  - Statistics.
- 50.** All members of the Board, committees, IDB, and APEX are required to attend equality and diversity training as part of their induction to the BSB. The training is an online course that covers an introduction to the Equality Act 2010, its application to the work of the BSB, and how to consider equality and diversity when making decisions. Additionally, the E&AJ Team also provide tailored classroom-based anti-discrimination and unconscious bias training for members involved with our governance work.

# Annex 5. Stakeholders who were engaged in the development of this strategy

## 51. Internal stakeholders:

- Our E&AJ Programme Board, which includes all members of our senior management team;
- Our Race Equality Taskforce;
- Our Human Resources Department and our Governance Team;
- Our E&AJ Network, which includes representatives from all BSB departments;
- Members of our Advisory Pool of Experts; and
- Wider leaders within the BSB (e.g. through meetings on issues which are reflected in, and which have, informed this strategy).

## 52. External stakeholders:

- The Association of Disabled Lawyers;
- BACFI (The Bar Association for Commerce, Finance and Industry);
- The Legal Regulators Forum, which includes representatives from CILEx (Chartered Institute of Legal Executives), the CLC (the specialist property law regulator), the ICAEW (the Institute of Chartered Accountants in England and Wales), IPREG (the Regulator of Patent Attorneys and Trademark Attorneys), the ACCA (the Association of Chartered Certified Accountants) and the SRA (the Solicitors Regulation Authority);

- The Bar Council;
- The Black Barristers' Network;
- City Disabilities;
- FreeBar;
- The Inner Temple;
- The Institute of Barristers' Clerks, via training delivered by the BSB;
- The International Bar Association;
- Law Care;
- The LPMA (Legal Practice Management Association), via its 2020 Conference;
- Lincoln's Inn;
- The founders of "Legally Disabled? Career experiences of disabled people in the legal profession";
- The Middle Temple;
- One Pump Court, via training on anti-oppressive practice;
- The Solicitors Regulation Authority;
- The Sutton Trust; and
- A workshop of students from the Inner Temple, who are at the vocational stage of training for the Bar.

**53.** Further engagement activity is planned to coincide with the launch of this Strategy and to contribute to its implementation.

# Annex 6. An update on our previous Equality Strategy

## Update on previous Equality Objectives 2017 – 2019

Focus	Action	Status	Update
<b>Women</b>	Conduct workshops with barristers to inform strategies to reduce discrimination and barriers to retention/ progression.	Complete	In 2017, we ran five workshops with over 50 attendees, as a follow up to our “Women at the Bar” research from 2016. We produced a report of our findings from those workshops and an accompanying action plan. We have completed an equality impact assessment (EIA) of the Equality Rules of our Handbook. Approximately 80 stakeholders contributed to that assessment, through a series of workshops. We have analysed stakeholders’ evidence and produced an evidence report, and will consider potential changes to the Equality Rules in line with timescales for the review of our Handbook.
	Produce a report of findings with associated action plan.	Complete	
	Implement the action plan.	Complete	

Focus	Action	Status	Update
<b>Protected Characteristics</b>	Conduct research with the profession to develop an evidence base that informs strategies to reduce discrimination and increase positive action in the profession.	Ongoing	We did not proceed with this activity under our previous E&D Strategy because the Bar Council completed similar research in “Barristers’ Working Lives 2017”. We decided to use that evidence and not duplicate it with similar research of our own.
	Report the findings with an associated action plan.	Ongoing	Our new Equality and Diversity Strategy includes a qualitative research project to address discrimination, bullying and harassment at the Bar and we are collaborating with the Bar Council on its current “Barristers’ Working Lives” survey.
	Implement the action plan.	Ongoing	

Focus	Action	Status	Update
<b>Race</b>	Host a roundtable with race equality organisations to identify specific approaches for regulation in improving race equality in the profession.	Complete	<p>In February 2018, over 50 delegates attended our event, “Heads Above the Parapet: How can we Improve Race Equality at the Bar?” In March 2018, we published a report and videos of the event, including proposed activities. The report and videos can be found <a href="#">here</a>.</p> <p>The BSB Race Equality Taskforce was established as an outcome of the event and its terms of reference were agreed in June 2019.</p> <p>Reflecting our determination to convert the recommendations from “Heads Above the Parapet: How can we improve Race Equality at the Bar?” into action, the Taskforce agreed its own action plan shortly after being formed. In implementing that plan, the Taskforce has played an important role in the development of our Equality and Diversity Strategy for 2020 to 2022 and the ongoing EIA of our Equality Rules.</p> <p>The Taskforce has also produced case studies about good practice at the Bar. By shining a light on some of the initiatives that have been set up to address barriers to race equality, we hope to drive innovation and meaningful change in the wider profession, and highlight the importance of inclusive cultures.</p>
	Report on outcomes and produce an action plan.	Complete	The Taskforce will continue to promote greater visibility of Black, Asian and Minority Ethnic (BAME) role models and greater collaboration on the race equality agenda.
	Implement the action plan.	Complete	

Focus	Action	Status	Update
<b>Bar Student Experience</b>	<p>Undertake targeted research in order to understand the experiences of students with the following protected characteristics: BAME, women, disabled, and in addition, those from lower socioeconomic backgrounds.</p> <p>Use research findings to inform decisions for Future Bar Training (FBT) regarding increasing access.</p>	Complete	<p>We focused our attention on qualification for the Bar in order to tie in with our Future Bar Training programme. In December 2017 we published two new pieces of research to provide a qualitative and quantitative evidence base to inform our decision-making about the future training of barristers. The underrepresentation of BAME people, women, disabled people and people from lower socioeconomic backgrounds at the Bar was a key driver of the research.</p> <p>“Differential Attainment at BPTC and Pupillage” is a quantitative analysis of data about the performance of students on the Bar Professional Training Course (BPTC) and the extent to which UK based BPTC graduates succeed in progressing to pupillage. The research was conducted by our in-house team and subjected to two independent peer review processes. The findings in the research indicated that ethnicity had a significant predictive value for BPTC average module scores, and that ethnicity and socio-economic status both had a significant predictive value for success at obtaining pupillage.<sup>4</sup> The full reports can be accessed <a href="#">here</a>.</p> <p>“Barriers to training for the Bar: a qualitative study” was commissioned to Nat Cen Social Research. 50 people, all of whom were training to become barristers, took part in interviews about the barriers to completing and doing well at the vocational stage of training, and the barriers to gaining entry to the profession.</p>

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<sup>4</sup> It is important to note in this latter respect that the study is based on the performance of those home (ie. UK) based students who have graduated from the BPTC and not on actual pupillage applicants.

Focus	Action	Status	Update
<b>Bar Student Experience continued</b>	Undertake qualitative research in order to assess how training providers' equality policies can have a positive impact on student experience.	Ongoing	We rescheduled this objective in order to align with changes we have made to our authorisation framework for vocational authorised education and training organisations (AETOs), as part of our Future Bar Training programme, so that we can assess the impact of the FBT changes.
	Produce and publish findings of the research.	Ongoing	In November 2019, we commissioned and finalised a literature review around equality and diversity policies and practice in Higher Education. This is now being used to inform an analysis of policies and practice at vocational training AETOs, to be completed by June 2020. In support of this objective, in July 2019, we delivered training about embedding good equality and diversity practice, at the annual BPTC conference for AETOs.
	Produce a report and work with providers to identify and influence best practice.	Ongoing	

Focus	Action	Status	Update
<b>Increasing Consumer Access</b>	Develop a framework for barristers to identify, and improve best practice with, vulnerable consumers.	Complete	In April 2018, we published an online guide to assist immigration barristers when they work closely with vulnerable clients. The guide was developed in response to our 2016 Immigration Thematic Review to help immigration barristers to identify, assess and manage vulnerability, as well as help them to meet their regulatory and other legal duties. The guide can be accessed <a href="#">here</a> .
	Produce guidance for immigration consumers on accessing barrister services, including guidance for intermediaries.	Complete	In June 2017, we published two guidance documents in collaboration with the Solicitors Regulation Authority and the Office of the Immigration Services Commissioner, and following consultation with consumer organisations and consumers themselves. One document is for consumers of immigration and asylum services and one is for professionals who support those consumers. The guidance explains the types of people and organisations that can assist with immigration and asylum issues; how to choose the best provider; what to expect from providers once they are hired; and what to do if something goes wrong.  The guidance for professionals can be found <a href="#">here</a> and the guidance for consumers can be found <a href="#">here</a> .

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Focus	Action	Status	Update
<b>Increasing Consumer Access continued</b>	Improve the quality of advocacy available to young people by clearly defining what constitutes competent youth court advocacy.	Complete	In February 2017, we published “Youth Proceedings Competences”, following <a href="#">research</a> that we commissioned with CILEx Regulation. The research found that standards of advocacy in the Youth Court were variable. The document outlines the key competences that barristers who work with young defendants must meet. The competences build upon the “Professional Statement”, which sets out the core competences required of barristers at the point of entry to the profession. The competencies can be accessed <a href="#">here</a> .
	Publish an accessible guide for young people about what to expect in youth court proceedings.	Complete	In January 2019, we launched a video to help young people to understand what to expect in Youth Court. The video can be accessed <a href="#">here</a> .
	Compulsory registration for advocates undertaking youth court work.	Complete	In March 2018, we introduced rS59 to our Handbook which requires barristers and pupils working in the Youth Court to register with us and declare that they meet the “Youth Proceedings Competences”. Information on the rule can be accessed <a href="#">here</a> .

Focus	Action	Status	Update
<b>BSB Internal Practices</b>	Each BSB department develops equality and diversity SMART action plans annually.	Complete	All departments have now fully embedded EIAs in line with their objectives. Department E&AJ officers have contributed to the review of the equality rules, training new starters, and supporting the implementation of the Equality and Diversity Strategy. Our Programmes Team has supported us to make EIAs a compulsory part of our systems for project and programme authorisation, and with a full audit of EIAs across the organisation in July 2019.
	Anti-Discriminatory training and vulnerability training for all staff.	Ongoing	We continue to deliver anti-discriminatory and unconscious bias training to staff. We have delivered training to our Independent Decision-Making Body, our Legal and Enforcement Department and our Regulatory Operations Department.
	Anti-Discriminatory training for managers and leaders.	Ongoing	Managers and leaders have attended Anti-discriminatory training as part of our wider training delivery.

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Focus	Action	Status	Update
<b>BSB Internal Practices continued</b>	EIA training for Equality Champions.	Complete	Our Network of Equality Officers are trained to undertake EIAs and to share their expertise within their departments.
	Host four equality and diversity knowledge sharing sessions.	Complete	<p>During 2017-2019, we have hosted the following six knowledge sharing sessions:</p> <ul style="list-style-type: none"> <li>• Youth Court Advocacy Justice knowledge sharing session;</li> <li>• Regulation and Wellbeing;</li> <li>• Social Mobility with The Inner Temple;</li> <li>• Being transgender at the Bar;</li> <li>• Sikhism and practicing the Sikh faith at the Bar; and</li> <li>• Legal Choices with the Solicitors Regulation Authority.</li> </ul>
	Analyse staff surveys for any potential equality and diversity issues and agree appropriate actions to address them.	Complete	In our last strategic period, we ran two staff surveys and took appropriate action to address any equality and diversity issues that were identified, including our commitment to actions to improve wellbeing and a review of recruitment training that will now include a module on unconscious bias.
	Review Board diversity data and produce an action plan to address any areas of underrepresentation.	Complete	We collect diversity data from our Board members at the recruitment stage and review it regularly. Since 2017, our efforts to address areas of underrepresentation have had a positive impact on the diversity profile of our Board.

## Contacting us

We are committed to providing a high standard of service and dealing with everyone in a way that is fair, transparent, and proportionate. We welcome your feedback on our services, particularly where the level of service has exceeded or fallen below your expectations.

Your comments and suggestions are important to us as they will help us to meet our obligations to you and to improve our performance.

## Write to us:

Bar Standards Board

289-293 High Holborn

London WC1V 7HZ DX: 240 LDE

Tel: 020 7611 1444

Fax: 020 7831 9217

[contactus@barstandardsboard.org.uk](mailto:contactus@barstandardsboard.org.uk)

[www.barstandardsboard.org.uk](http://www.barstandardsboard.org.uk)

Twitter: [@barstandards](https://twitter.com/barstandards)

[www.linkedin.com/company/the-bar-standards-board](http://www.linkedin.com/company/the-bar-standards-board)