

## Enabling Strategy: Equality 2022-25

### Introduction

1. The Bar Standards Board (BSB) regulates barristers of England and Wales in the public interest. The BSB believes that the Bar should be inclusive and reflect the diversity of society across all levels of the profession.
2. This enabling strategy sits under our strategic plan for 2022 – 25 in which we have identified equality, and the promotion of diversity and inclusion at the Bar and the BSB as a priority area. The equality objectives set out in this document align with our obligations under the Legal Services Act 2007 and our Public Sector Equality Duty (PSED) as detailed in the Equality Act 2010. This enabling strategy sets out how we aim to meet those objectives which include: encouraging an independent, strong, diverse and effective legal profession; eliminating discrimination; advancing equality of opportunity; and fostering good relations between people who share a protected characteristic and those who do not.
3. Our strategic aims for 2022 – 25 are:
  - **Efficiency:** delivering our core regulatory operations quickly, economically and to a high standard.
  - **Standards:** ensuring that barristers provide high quality and responsive service throughout their careers.
  - **Equality:** promoting equality, diversity and inclusion at the Bar and at the BSB, and the profession's ability to serve diverse consumers.
  - **Access:** promoting consumer understanding of legal services and choice and good value in using those services (covering both the supply of, and demand for, barrister' services).
  - **Independence:** strengthening the BSB's independence, capability, self-confidence and credibility.
4. This enabling strategy details our plan to promote equality, diversity and inclusion at the Bar. As a risk-based regulator this strategy has been developed in the light of what we know about the current challenges within the profession. There is a continuing need to improve the culture at the Bar, tackling discriminatory practice in all its forms and ensuring a supportive environment for all barristers and pupils.
5. Bullying, discrimination and harassment have been experienced by many at the Bar. Barristers who are female, from a minority ethnic background, LGBT+ or who have a disability are particularly likely to encounter such behaviour. Female barristers and barristers from minority ethnic backgrounds face income disparities compared to male and white barristers. The continuing impact of the pandemic may further affect equality, diversity and inclusion in the profession.
6. Equality, diversity and inclusion issues differ across the Bar. The self-employed Bar has particular challenges associated with the decentralised nature of practice and the ability of chambers to address these issues. Meanwhile, the employed Bar is more diverse and operates in a different context. Indeed, the employed Bar may offer helpful lessons to chambers in how to be more inclusive.

7. We are committed to working with the profession to play our role in challenging those aspects of culture at the Bar that are discriminatory and exclusive. We share a commitment to do so with many stakeholders, in particular the Bar Council and the Inns of Court. Chambers and employers also have a significant role to play in helping us to deliver our vision of a Bar that is diverse, accessible, independent, knowledgeable, skilled and inclusive. Whilst working collaboratively, we will seek to avoid duplication of effort by focusing our attention on those areas where the BSB can make the greatest impact. We will also collaborate with the Legal Services Board and the other frontline legal regulators to promote the equality agenda across the sector.
8. We are committing ourselves to ensure that we continue to build a workforce and working environment that is inclusive and reflective of the diversity of society, exemplifying what we expect of the profession.
9. Through the implementation of this enabling strategy, we aim to reduce the inequalities experienced at the Bar. We will set mandatory requirements of the profession to promote equality, diversity and inclusion. We will communicate our expectations clearly and help the profession to meet them by sharing examples of good practice.

### **Our previous work**

10. To ensure impact and continuity, the following elements of our previous equality strategy will continue into the current strategic period.

- **The publication of three good practice case studies about the inclusion of different types of disability at the Bar.**

We formed our Disability Taskforce in July 2021 and have been engaging with members to develop practical examples of good practice on disability inclusion. This remains an important area of work and we are continuing to work with the taskforce to publish good practice case studies in a way that supports the profession and provides clarity on our expectations as a regulator.

11. We will continue to develop our work on bullying, discrimination and harassment with the recommendations from our upcoming Bullying, Discrimination and Harassment report feeding into our 2022-25 equality objectives. We will also continue our engagement with our Race Equality, Religion and Belief, and Disability Taskforces.

### **Equality Objectives**

12. We recognise, through research including our diversity and [trends in retention and demographics](#) at the bar reports, other evidence, and stakeholder engagement the challenges the Bar faces particularly in relation to specific protected characteristics (sex, race, disability and sexual orientation) and are determined to support the profession and where necessary use regulatory action to address these inequalities. We also acknowledge that the Bar faces particular challenges around social mobility which will need to be addressed to achieve the truly diverse and inclusive profession we want to see. This is considered under equality objective 3.
13. We will continue to develop an evidence base to further our knowledge and understanding of the precise inequalities that are faced by people at the Bar. We will focus on the ways in which we can address those through regulatory action. In doing so, we will also work to ensure that we exemplify the good practice that we wish the profession to adopt by continually reviewing our internal practices to reduce inequalities and promote equality, diversity and inclusion.

14. We have four equality objectives for 2022 to 2025 focusing both externally on the profession and internally on the BSB. The framework for these objectives focuses on providing the correct regulatory framework, supporting the profession to change by drawing attention to good practice and where necessary taking appropriate enforcement action. These objectives have been developed through ongoing stakeholder engagement, equality impact analysis and research evidence.

### Monitoring outcomes

15. Crucial to the delivery of this strategy is understanding where our equality objectives have the desired impact. We will monitor the success of this strategy through specific quantitative and qualitative research including our annual diversity at the bar reports, ongoing differential outcomes reports, research on vocational providers' approaches to diversity and inclusion, a comparative study of the outcome of recruitment processes looking at traditional vs progressive recruitment techniques, in addition to any other research relevant to evidencing outcomes including data on the diversity of our own workforce.
16. We also recognise the limitations of quantitative data failing to properly contextualise the culture of the profession. We will therefore engage a range of measures including the gathering of qualitative data through proactive supervision, feedback from stakeholders and our Taskforces and the reports we receive related to equality, diversity and inclusion matters. Through our collaborative work with the Bar Council, we will consider the profession's response to the Race at the Bar report and subsequent actions and review data on diversity at pupillage recruitment stage to understand where diversity at the entry level of the profession may or may not be increasing.

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| <b>Equality objective 1: Clarify expectations of the profession on equality, diversity and inclusion and highlight opportunities for change</b>  | <b>Desired outcomes:</b>  |
| <b>Actions</b>   | <ul style="list-style-type: none"> <li>The profession understands and complies with the mandatory equality rules</li> <li>The profession is aware of good practice that goes beyond the minimum and seeks to promote a culture of equality, diversity, and inclusion</li> </ul> |
| Review and update the equality rules   |   |
| Develop statements setting out expectations of chambers on specified protected characteristics   |   |
| Publish a thematic report on the findings of the regulatory return and the impact of the <a href="#">Anti-racist statement</a> , to highlight good practice and recommendations for the profession |   |
| Liaise with stakeholders to develop and publish good practice examples including the employed Bar  |   |
| <b>Equality objective 2: Hold the profession to account for reducing racial and other inequalities across the profession</b>   | <b>Desired outcomes:</b>  |
| <b>Actions</b>   | <ul style="list-style-type: none"> <li>A reduction in racial and other inequalities across the profession</li> <li>An increase in the diversity of the profession across different areas of practice and levels</li> </ul>  |
| Collaborate with the Bar Council and others in responding to the Race at the Bar report, by drafting a race action plan and implementing target setting and evaluation measures                    |   |
| Monitor compliance with the BSB's expectations of the profession through proactive supervision, including of pupillage recruitment practices   |   |

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| Complete our pilot reverse mentoring scheme and make the learning from it available to the profession  | including QC and Judicial appointments <ul style="list-style-type: none"> <li>• An increase in the retention of women and those from minority ethnic backgrounds at the Bar</li> </ul>  |
| Develop proposals to promote consistency and transparency in work allocation processes   |   |
| <b>Equality objective 3: Promote a culture of inclusion at the Bar and in legal services more generally</b>  | <b>Desired outcome:</b>   |
| <b>Actions</b>   | <ul style="list-style-type: none"> <li>• A more inclusive working environment for the profession</li> <li>• An increase in willingness to report incidents of bullying, discrimination, and harassment, with a reduction in such behaviour overall</li> <li>• An increase in the representation of those from lower socio-economic backgrounds across the profession</li> <li>• An increase in the disclosure and reporting of socio-economic status</li> </ul> |
| Strengthen governance responsibilities within chambers for the promotion of equality and inclusion, including the role of the Equality and Diversity Officer                     |   |
| Work with other legal regulators to identify good practice and agree shared goals and in reducing non-inclusive behaviour at the bar   |   |
| Consult with other legal regulators to gather a consensus on the language and definitions of bullying, discrimination, and harassment  |   |
| Engage with the Inns to make available bullying, discrimination and harassment qualifying sessions   |   |
| Consider whether additional specialist intermediary support should be provided to those who witness or experience bullying, discrimination, and harassment within the profession |   |
| Review how we monitor and promote socio-economic mobility in the profession  |   |

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| <b>Equality objective 4: Build a diverse and inclusive workforce ensuring that the BSB is an example of the approach we are promoting to the profession</b>   | <b>Desired outcome:</b>  |
| <b>Actions</b>  | <ul style="list-style-type: none"> <li>• An increase in diversity at management, senior leadership, and non-executive level at the BSB</li> <li>• An increase in workforce engagement particularly for those from ethnic and other minority backgrounds</li> <li>• A reduction, if identified, of any disproportionality in our authorisation and enforcement processes</li> </ul> |
| Review the BSB's recruitment processes and recruitment partners to increase the diversity of the BSB workforce including our Non-Executive Board, Independent Decision Makers and subject matter experts  |  |
| Develop the BSB's culture to ensure that inclusive behaviours are recognised and demonstrated by all of our people  |  |
| Enhance practices for developing and rewarding people to ensure a workforce where diversity can thrive  |  |
| Examine the ways our own authorisation and enforcement processes may impact on differential outcomes in Bar training and progression at the Bar, and whether certain groups are over-represented in our disciplinary processes: developing action plans to eliminate any disparities identified |  |