

# BSB Equality and Diversity Strategy 2017-19

The BSB regulates barristers  
and specialised legal services  
businesses in England and  
Wales, in the public interest





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

We are delighted to introduce the Bar Standards Board's Equality and Diversity Strategy 2017-19. We report 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 we set out new objectives for the period to 2019.

We first published an Equality Strategy in 2013. It focused on the actions that we would take over a four-year period to fulfil our statutory requirements within the Equality Act and to promote equality and diversity at the Bar. A lot has happened since then, and this document summarises some of the progress that has been made by us, and by the Bar as a whole.

For example, we have been pleased with the focus in our work to ensure that people from all backgrounds have equal opportunities to become barristers in the first place. Our Future Bar Training programme to review the system by which prospective barristers train and qualify for practice has, rightly, placed the issue of equality and diversity at its heart.

Last year, we undertook one of the most extensive surveys of the experiences of women at the Bar. The survey found a



number of examples of good practice and clear evidence of progress in some areas. But it also highlighted that more work is required to address some of the unfair treatment of women barristers identified by the survey participants.

Awareness has been raised about the issue of cross-cultural communication at the Bar. Our symposium on this topic in 2016 shone a light on this important area.

As an employer we have made the following progress in relation to our statutory equality objectives.

We have:

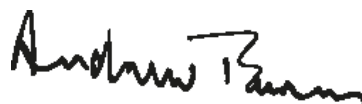
- Embedded equality and diversity within our internal change programme (known as ASPIRE);
- Delivered anti-discrimination training for all of our staff and the Professional Conduct Committee;
- Developed an equality champions' network, with all champions delivering department led diversity projects; and
- Arranged knowledge sharing sessions with external specialist organisations to develop our collective understanding of a wide range of diversity topics.

A full report of our progress on our previous Equality Objectives, and new Equality Objectives for 2017-19, are included within this strategy document.

In 2016, we introduced a new three-year Strategic Plan for the BSB. This committed us to placing a very strong emphasis on equality and diversity issues within all of our regulatory work. For example, we made improving diversity and enhancing equality in practice and culture at the Bar, one of our three key strategic aims.

Those who provide legal services are instrumental in maintaining a fair and democratic society, and using the legal system to hold people to account under the rule of law. The legal system needs to reflect the changing make-up of society, and practice at the Bar needs to be sensitive and responsive to that aim.

We would particularly like to thank all of those external stakeholders and organisations who have worked with us in helping to shape our understanding for this strategy and forward plan. We are committed to continuing our engagement with all those who can help us to monitor, review and build on our equality and diversity commitments.



Sir Andrew Burns KCMG  
Chair, BSB



Dr Vanessa Davies  
Director General, BSB

# Section 1: Introduction

1. The Bar Standards Board (BSB) regulates the barristers of England and Wales in the public interest. The BSB believes that the Bar should reflect the diversity of society both in its composition and in the way it affords access to new entrants. Our 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. This strategy has been developed with input from staff across the BSB, as well as senior management and Board members, and through engagement with voluntary and community sector organisations. Since the last Equality Strategy published in 2013, the BSB has also developed its first Risk Outlook. This provided an evidence base underpinning three priority themes for regulation, with equality, diversity and access to justice at their core.
3. This strategy sets out how the BSB will deliver its commitment to advance diversity in the profession and amongst its internal workforce. Over the course of the next two years the BSB will measure success against this commitment by carefully monitoring the diversity data obtained from the Bar and from BSB staff. Through the implementation of this strategy, the BSB aims to set a best practice standard for others, to promote greater equality in the profession, and to tackle discrimination and prejudice where it occurs.
4. There are three key drivers underpinning the BSB's equality and diversity strategy and associated objectives:
  - Legal – As a public body, the BSB has a general equality duty and a number of specific equality duties arising from the Equality Act 2010. It must also comply with regulatory objectives as set out in the Legal Services Act 2007, notably regulatory objective 6 which requires the encouragement of a diverse legal profession and regulatory objective 3, improving access to justice.
  - Moral – The BSB believes 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 unlawful disadvantage on the basis of a protected characteristic.

- Business case – 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, the BSB will work more efficiently if it maintains an inclusive workplace that is free from discrimination.

## Section 2: Legal Duties

### General Equality Duty

5. 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.
6. 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)
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. (Equality Act aim 3)
7. The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Marriage or civil partnership is a protected characteristic, but only has application in relation to employment (not services or public functions).
8. The BSB meets its obligations under the Equality Act by undertaking an equality

impact analysis for each of the projects, policies and initiatives that it conducts. It delivers equality training to all of its staff, Board and committee members, and its new advisory pool of experts. The BSB collects and examines equality data for both the profession it regulates and for members of staff.

9. The BSB engages with a range of stakeholders with an interest in the equality work it undertakes with the Bar. These stakeholders include voluntary sector agencies, E&D networks within the legal profession, and external E&D specialists. They are a key resource of ideas and provide essential feedback on the BSB's work. This assists the BSB in meeting its duties in relation to the fostering of good relations between groups.

### Specific Equality Duties

10. 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 to show compliance with the Equality Duty, at least annually; and
  - to set and publish equality objectives, at least every four years.
11. Meeting the above duties has helped direct the BSB's work. Equality and

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



diversity are key considerations in our risk-based approach to regulation, and research and analysis are used to ensure that the BSB has a reliable evidence base to inform its E&D work.

12. A detailed update of the work undertaken since the previous Equality Strategy was published in 2013 can be seen in Annex 5. In summary, the work undertaken includes:
  - Researching women's experience at the Bar, the attainment levels of BPTC students, the demographics of those who apply for alternative pathways to the Bar, and the types of complaints made against BME barristers;
  - Promoting and improving the importance of the disclosure of diversity data by the profession;
  - Monitoring the diversity of Board and Committee members to enable Positive Action processes in recruitment;
  - Providing a series of E&D training and knowledge sharing programmes to all members of staff, including Board and Committee members;
  - Embedding equality impact assessments into all aspects of the BSB's work, including the Future Bar Training programme, the proposed shared parental leave rule change, the immigration thematic review, and the governance change programme; and
  - Increasing public and consumer engagement in the BSB's work across diverse groups.
13. The equality and diversity programme over the past three years has provided an improved evidence base and helped the BSB better understand the issues at hand. The work undertaken since the previous Equality Strategy has also informed a number of the Equality Objectives for the 2017-19 period. The elements of the 2013 strategy that continue into the current strategy address the following issues:
  - Retention of women at the self-employed Bar and under-representation of women at QC level;
  - Over-representation of women and BME practitioners in publicly funded, and therefore less well paid, areas of law;
  - Bullying and harassment, particularly against women and disabled people, at the employed Bar; and
  - Under-representation of disabled people at the Bar.

### Regulatory Objectives – Legal Services Act 2007 section 1

14. In addition to the legal equality framework, the BSB is bound by a number of regulatory objectives as set out in section 1 of the Legal Services Act 2007 (LSA).
15. 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, the BSB is seeking to make improvements where it has an influence. In particular this can include

making sure that guidance on how to access barristers' services is clear and widely available.

16. Section 1(1)(f) of the LSA sets out the regulatory objective of "encouraging an independent, strong, diverse and effective legal profession". In some ways the Bar may be seen as an exclusive elite. It prides itself on providing high quality, world-class legal services and on the intellectual rigour of its members. Entry into 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. The criteria for entrance to the Bar should be merit alone.
17. Improving diversity at the Bar is a core aim of the BSB's equality and diversity strategy. A number of initiatives have been designed to tackle the current inequalities identified by an extensive evidence base. Initiatives that have already been completed include the introduction of equality rules into the Code of Conduct (now the BSB Handbook), requiring the diversity monitoring of chambers' workforce, the analysis of diversity data and taking action to address the disparities revealed by that data. The BSB is also currently consulting the profession on amending the Handbook rules to introduce shared parental leave in order to address potential disadvantages faced by primary carers.

## Section 3: Equality Objectives

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

18. The BSB has six Equality Objectives set out below for the period 2017-19 which focus both externally on the profession and internally on those working for the BSB. They are based upon statistical evidence, research, and Equality Impact Analyses. The Objectives were developed by the BSB E&AJ Team in partnership with the BSB Equality Champions, external subject matter experts, Board members, the Senior Management Team, and external stakeholders.
19. A number of key equality themes have emerged: Diversity at the Bar; Access to the Profession; Increasing Access for Diverse Consumers; and BSB Internal Practices. It is in these areas that the BSB's new Equality Objectives have been developed. The Equality Objectives are to:
  - i. Address the causes of discrimination at the Bar because of a protected characteristic.
  - ii. Reduce the barriers to progression and retention, and improve social mobility.
  - iii. Improve our understanding of the diverse experiences of students training for the Bar.
  - iv. Increase equality of access to the profession.
  - v. Improve Access to Justice for vulnerable clients, with a focus on immigration and young people.
  - vi. Embed Equality and Diversity best practice across all BSB departments.
20. The table below presents how the Objectives will be delivered through a SMART (specific, measurable, achievable, realistic and timely) action plan.

## Equality Objectives January 2017- March 2019

### Diversity at the Bar

#### Equality Objectives:

1. Address the causes of discrimination at the Bar because of a protected characteristic.
2. Reduce the barriers to progression and retention, and improve social mobility.

Focus	Actions	Completion
Women	Conduct workshops with barristers to inform strategies to reduce discrimination and barriers to retention/progression.	September 2017
	Produce a report of findings with associated action plan.	November 2017
	Implement the action plan.	December 2017-19
Protected Characteristics	Conduct research with the profession to develop an evidence base that informs strategies to reduce discrimination and increase Positive Action in the profession.	June 2018
	Report the findings with an associated action plan.	August 2018
	Implement the action plan.	March 2019
Race	Host a roundtable with race equality organisations to identify specific approaches for regulation in improving race equality in the profession.	October 2017
	Report on outcomes and produce an action plan.	December 2017
	Implement the action plan.	March 2018 – March 2019

Access to the Profession		
Equality Objectives: 3. Improve our understanding of the diverse experiences of students training for the Bar. 4. Increase equality of access to the profession.		
Focus	Actions	Completion
Bar Student Experience	Undertake targeted research in order to understand the experiences of students with the following protected characteristics: BME, women, disabled and, and in addition, those from lower socioeconomic backgrounds.  Use research findings to inform decisions for Future Bar Training (FBT) regarding increasing access.  Produce and publish findings of the research.	July 2017
	Undertake qualitative research in order to assess how training providers' equality policies can have a positive impact on student experience.	January 2019
	Produce a report and work with providers to identify and influence best practice.	March 2019
Increasing Access for Diverse Consumers		
Equality Objective: 5. Improve Access to Justice for vulnerable clients, with focus on immigration and young people.		
Focus	Actions	Completion
Increasing Consumer Access	Develop a framework for barristers to identify, and improve best practice with, vulnerable consumers.	March 2018
	Produce guidance for immigration consumers on accessing barrister services, including guidance for intermediaries.	April 2018
	Improve the quality of advocacy available to young people by clearly defining what constitutes competent youth court advocacy.	April 2017
	Publish an accessible guide for young people about what to expect in youth court proceedings.	May 2017
	Compulsory registration for advocates undertaking youth court work.	March 2018

BSB Internal Practices		
Equality Objective: 6. Embed E&D best practice across all BSB departments.		
Focus	Actions	Completion
BSB Internal Practices	Each BSB department develops E&D SMART action plans annually.	May 2017
	Anti-Discriminatory training and Vulnerability training for all staff.	October 2018
	Anti-Discriminatory training for managers and leaders.	Sep 2017
	EIA training for Equality Champions.	January 2018
	Host four E&D Knowledge sharing sessions.	March 2019
	Analyse staff surveys for any potential E&D issues and agree appropriate actions to address them.	May 2018
	Review Board diversity data and produce an action plan to address any areas of underrepresentation.	Review February 2017 Action Plan February 2017 Action Plan implemented March 2017

# Annex 1: The publication of equality information

21. The BSB publishes information on its website annually to demonstrate its compliance with the Specific Equality Duty. This includes information relating to those who are affected by BSB policies and practices. In compliance with this aspect of the specific duty the BSB currently undertakes the following regular data collection and publication activities:
- Website Statistics – An annual release of statistics on the practising Bar, pupils, and BPTC enrolments and completions that are published on the BSB website. Data is drawn from the core database of barristers, 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 website statistics. Alongside gender, age and ethnicity this report includes religion or belief, disability, caring responsibilities, sexual orientation and socio-economic background.
  - Change of Status Survey – This survey is sent monthly to all barristers who change professional status or leave the profession, and gathers information on their reasons for changing status, and future professional plans for those leaving or taking a break from the profession.
  - 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.
  - User Satisfaction Survey reports – The BSB conducts an ongoing User Satisfaction Survey of all complainants and barristers involved in the BSB professional conduct complaints system. The Satisfaction Survey was introduced as an integral part of the complaints process in April 2009 and the results are reported on an annual basis.
  - Complaints Diversity Report – The BSB monitors diversity in complaints handling and the disciplinary system to ensure that regulatory activities are conducted fairly and in accordance with the duty to promote equality and eliminate discrimination. Biennial Diversity Reports were produced until 2011 when it was agreed that reports should be produced annually.
22. In addition to this, as required by the Equality Act Specific Duties Regulations, the BSB collects diversity data on individual practitioners and collates them to give an aggregate view of the make-up of the Bar. Data are published on the following strands: age, caring responsibilities, disability, ethnicity/race, religion or belief, sex, sexual orientation, socio-economic background. The BSB publishes 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 (i.e. QC, practising Bar, and pupil).

23. The system for collecting this data is contained within the 'Barrister Connect'<sup>2</sup> 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. The BSB refreshes these data every December and republishes them in January.
24. The system through which the BSB engages with the profession is continuously being invested in and updated to ensure that the information it gathers is as accurate as possible. This informs the BSB's understanding of the profession, enhancing its reporting capabilities, and continuously improving the accuracy of the evidence base that guides its policy decision-making.
25. The BSB will use the diversity data collected through this monitoring exercise to inform future objectives and initiatives aimed at promoting equality and diversity. As the evidence base builds over time, the BSB will be able to form more detailed objectives focussing specifically on some of the newer equality strands such as sexual orientation and religion or belief. These are areas which, up until 2012, were not covered in monitoring exercises of the Bar, so a substantial evidence base does not yet exist.

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<sup>2</sup> *Barrister Connect* is an online system launched jointly by the BSB and Bar Council in 2012 to enable barristers to renew their practising certificates online through the 'Authorisation to Practise' process.



# Annex 2: The BSB as a Regulator

26. The BSB is committed to ensuring that all of its regulatory decisions are fair, transparent and consistent. Equality and diversity principles are embedded across all of the BSB's regulatory activities.

## Decision Making

### Equality Analyses

27. The BSB undertakes equality impact assessments (EIA) on all of its new and current policies, projects and functions in order to reduce the risk of unlawful discrimination occurring and to explore ways to promote equality and diversity. An EIA template, EIA screening form and guidance document have been designed by the E&AJ Team to help BSB staff members to undertake this work. The BSB completes EIAs at an early stage of any policy decision-making process so there is scope to make changes if any negative impacts are identified.
28. The EIA on every new policy is carried out by the BSB staff member 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, and offer comments on drafts when requested.
29. All relevant papers presented to the Board are required to have a completed EIA, or some other form of equality analysis attached in order to show that the BSB has paid due regard to the Equality Act

2010 General Duty<sup>3</sup> in its decision making process. Major EIAs are published on the BSB website for transparency purposes.

30. The BSB has 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 negative impacts. If the initial screening reveals more than an insignificant impact on any of the protected characteristics, a full EIA should be conducted.

### Equality Champions Group

31. The BSB Equality Champions Group contains representatives from every BSB team and two representatives from the Resources Group and is chaired by the BSB E&AJ Senior Policy Officer. The group meets every two months, or more frequently when necessary, to disseminate good practice and promote equality across the BSB. The Champions Group regularly examines key BSB draft EIAs to ensure that expertise and ideas from across the organisation can be incorporated into all the work of the organisation. The Group also discusses any challenges or difficulties that staff have encountered when undertaking E&D work, and explores ways to better embed E&D across all teams.

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

## Equality Directory

32. The E&AJ Team maintains an electronic directory of key E&D stakeholder organisations. Regularly involving specific interest groups in the development of policy and decision making is an effective way of ensuring that BSB work meets stakeholders' needs, and does not succumb to group-think.

# Annex 3: The BSB as an Employer

33. The BSB operates as the independent regulatory arm of the General Council of the Bar. Key support services (such as Information Services, Human Resources and Finance) are shared with the representative Bar Council. At the time of writing, the BSB employs 78 people. The E&D monitoring forms provide the following information about BSB staff ("no information" includes data from both individuals who responded with "prefer not to say" and individuals who did not respond):<sup>4</sup>
- Age: 51% are aged 25-34; 22% are aged 35-44; 19% are aged 45-54; 8% are aged 55-64; and 0% are aged 16-24 or 65 and over.
  - Disability: 88% do not have a disability; 5% do have a disability; and there is no information for 6%.
  - Ethnic origin: 67% are white; 28% are BME; and there is no information for 5%.
  - Gender: 63% are female; and 37% are male.
  - Religion/belief: 42% have no religion/belief; 33% are Christian (all denominations); 6% are Hindu; 3% are Muslim; 1% are Jewish; 1% are Sikh; 3% have another religion/belief; and there is no information for 10%.
  - Sexual orientation: 87% are heterosexual/straight; 3% are gay men; 1% are gay women/lesbian; 0% are bisexual; and there is no information for 9%.
  - Type of school attended: 47% went to UK state schools; 18% went to UK independent/fee-paying schools; 12% attended school outside of the UK; and there is no information for 23%.
  - First generation to attend university: 36% were not the first generation of their family to attend university; 32% were the first generation of their family to attend university; 5% did not attend university; and there is no information for 27%.
  - Primary carer: 74% are not a primary carer; 15% are a primary carer; and there is no information for 10%.
  - Support family member, neighbours or others: 77% do not provide such care; 9% do provide such care for 1-19 hours per week; 1% do provide such care for 20-49 hours per week; 1% do provide such care for 50 or more hours per week; and there is no information for 12%.
34. The BSB wholeheartedly supports the principles of equality and diversity in employment and believes that this commitment will lead to improved services for the public it serves. The BSB's 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. The BSB recognises that talent and potential are distributed across the population; by ensuring that the profile of the workforce broadly reflects the population, the quality of service provided to the public may be increased. The BSB aims 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

<sup>4</sup> Rounding may result in percentages totalling over or under 100%.

merit.

35. The BSB has a range of policies in its Staff Handbook which are related to equality and diversity:

- Equality and Diversity policy
- Harassment and Bullying policy
- Fair Recruitment and Selection policy
- Flexible Working policy
- Parental Leave policy
- Grievance and Disciplinary policies

36. All of these policies are the responsibility of the 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.

37. The BSB, as part of the General Council of the Bar, is building on its previous commitment to the 'Two Ticks' disability scheme by working towards becoming a Disability Confident employer. The BSB is positive about disabled people and has made the following five commitments:

- to interview all disabled applicants who meet the minimum criteria for a job vacancy and to consider them on their abilities;
- to 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;

- to make every effort when employees become disabled to make sure they stay in employment;
- to take action to ensure that all employees develop the appropriate level of disability awareness needed to make these commitments work; and
- to review these commitments each year and assess what has been achieved, plan ways to improve on them and let employees and JobCentre Plus know about progress and future plans.

## Diversity Monitoring

### Staff Monitoring

38. The BSB collects 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.<sup>5</sup> 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

<sup>5</sup> The protected characteristics, as stipulated in the Equality Act 2010, are race, sex, disability, age, sexual orientation, religion or belief, marriage or civil partnership and gender reassignment.

and promotion of vacancies.

39. The BSB also uses a monitoring questionnaire to collect diversity data from all its employees. 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 is anonymised and published on an annual basis. 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 the Heads of Directorates.
40. The BSB monitors 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 BSB Board and Committees and Governance structures

41. 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 over-representation. Data is gathered annually via a voluntary questionnaire sent out

from each Committee secretary. 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.

#### Staff Equality and Diversity Training

42. The E&AJ Team provide all new members of staff at the BSB with a two hour classroom 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 equality impact assessments. 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 Helpline

43. The Bar Council is a part-funder of the LawCare service. LawCare is a charity which provides an independent and confidential telephone advice service which is available to all 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

44. The work of the BSB is carried out within a Board and Committee structure, with a group of specialist advisers (known as APEX) to provide additional expertise. The BSB currently has five regulatory committees, each of which reports to the Board. The Board is made up of 15 people, a mixture of lay people and barristers with a lay majority and a lay Chair. The diversity of the Board, Committees, and APEX members is monitored to ensure that the BSB is accountable for its recruitment strategy.
45. An advisory pool of experts (APEX) was introduced recently as a way to reduce the number of BSB committees while maintaining access to expertise. APEX members are retained by the BSB to advise on their specific areas of expertise as and when it is needed. Our pool of experts comprises both barristers and lay people, to ensure that the perspectives of both the profession and the public are considered. The areas of expertise include:
  - a. Competition and Economics
  - b. Equality and Diversity
  - c. Higher Education
  - d. Insurance
  - e. Regulatory Policy and Theory
  - f. Regulatory Risk

## E&D Training and Development for Board and Committee Members

46. All Board, BSB Committee, and APEX members 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 all members involved with our governance work.

# Annex 5: An update on our previous Equality Strategy

## Update on Previous Equality Objectives 2013 - 2016

No.	Activity	Description	Finish	Status	Update
1	Research the impact the Equality Rules have had on women at the Bar	<p>Women are currently underrepresented at the practising Bar, compared to those training to become a barrister. The number of women at the Bar decreases sharply after 12 years of being called to the Bar.</p> <p>The Equality Rules in the BSB Handbook were introduced, in part, to support the retention and progression of women.</p>	<p>22 December 2015</p> <p>(revised deadline May 2016)</p>	Complete	Report published, letter to all heads of chambers sent by BSB Director General, Internal project group progressing actions - as set out in 2017-19 objectives.
2	Review the results of the new approach taken to Supervision and highlight any actions needed.	<p>The Supervision Department implemented a new risk-based approach to monitoring chambers and authorising entities. As a result all chambers and entities are given a rating of high, medium or low risk.</p> <p>In addition, diversity monitoring forms are sent to all registered applicants for entity authorisation. It is important to review the results from the new approach to monitoring chambers and entities, and to authorising entities, in order to identify any equality and diversity issues that need to be addressed.</p>	25 September 2015	Complete	<p>Training provided by E&amp;A Team to the Supervision Team in new approach to supervising equality rules.</p>

No.	Activity	Description	Finish	Status	Update
3	Increase the completion of diversity monitoring forms across the barrister profession.	The BSB hold good levels of data for some protected characteristics (over 87% disclosure for age, gender and race) but has lower levels of data in relation to other characteristics (30-35%).	28 August 2015 (revised deadline end 2016)	Complete	Disclosure rates for the monitoring forms have increased by an average of 9.5% across all categories since 2014. As the Barrister Connect System is due to be replaced, investment in significant changes in 2015 was not cost productive. The E&AJ Team will feed into the design of a new system being developed and launched in 2017. For the 2016 Authorisation to Practise round, the E&AJ Team worked with the Project Management office to implement smaller, in-house changes to the current system and we have sought to improve disclosure through better communications.



No.	Activity	Description	Finish	Status	Update
4	Receive completed diversity monitoring forms from the Board and all Committee members.	<p>Monitoring of the Board and all Committee members diversity status has not been completed in the last year.</p> <p>The BSB currently has a high proportion of completed diversity monitoring forms from the Board members, but a low proportion of completed diversity monitoring forms from the Committee members.</p>	29 January 2016 (revised deadline mid 2016)	Incomplete	<p>Although 87% of Board members have completed their diversity monitoring forms, only 50% of the combined Board and Committee members have returned their monitoring forms. The BSB chair has further requested completion of forms to all board and committee members. As featured in the 2017-19 objectives, a review of this data will be undertaken and where there is underrepresentation positive action plans will be progressed</p>

No.	Activity	Description	Finish	Status	Update
5	Collecting diversity data across each stage of the barrister life-cycle.	<p>There is a disparity in the diversity data that is collected at each stage of the barrister life-cycle.</p> <p>The BSB needs full and correct diversity data of barristers in order to inform regulatory policy development.</p> <p>Widening access to the Bar and addressing inequalities for the barrister profession are key priorities for the BSB.</p>	28 August 2015	Complete	The diversity data audit was undertaken and a report presented to the Equality Diversity Committee (EDC) in April 2015. This has informed our new objectives in relation to increasing access to the profession.
6	Produce guidance on the reporting of discrimination and harassment for barristers.	<p>The Biennial Survey 2013 found that 25% of black minority ethnic (BME) barristers personally experienced bullying and harassment.</p> <p>Bullying and harassment also disproportionately affects female and disabled barristers.</p> <p>LawCare found that 15% of complaints were about bullying from legal professionals.</p> <p>There has been a low number of cases relating to bullying or harassment reported to the Professional Conduct Department.</p>	25 September 2015	Complete	Handbook updated and communicated across sector. Guidance published on BSB <a href="#">website</a> <sup>6</sup>

<sup>6</sup> [https://www.barstandardsboard.org.uk/media/1594778/bsb\\_guidance\\_on\\_reporting\\_serious\\_misconduct\\_of\\_others\\_-\\_external.pdf](https://www.barstandardsboard.org.uk/media/1594778/bsb_guidance_on_reporting_serious_misconduct_of_others_-_external.pdf)

No.	Activity	Description	Finish	Status	Update
7	Identify the current complaints against BME barristers and develop an action plan to counteract any potential disparity.	In 2013 a review into the professional conduct processes was completed and it was found that there was a disproportionate amount of complaints against BME barristers.	25 September 2015	Complete	A report with recommendations was presented to the Board in January 2016. The research showed that gender was a significant predictor of the outcomes of complaints but ethnicity was not. To address this the BSB introduced gender-blind reporting to PCC. Anti-Discrimination Training was delivered to Professional Conduct Department in October 2015 and Professional Conduct Committee in December 2016 receiving positive evaluations. A Race Equality partnership event was delivered with recommendations for the BSB to host a round table to identify a solution to improving race equality within the profession. The new objectives include a requirement to hold a round table event with BME barristers.

No.	Activity	Description	Finish	Status	Update
					The new objectives include a requirement to hold a round table event with BME barristers.
8	Ensuring Equality Analysis is integrated in Policy, Strategy and Business Planning.	<p>A programme of work has commenced to reform the BSB's education and training regulation to ensure flexibility and high standards in barristers' services for the future. It is important that we assess each stage of development to ensure it does not have an adverse impact on diverse groups.</p> <p>A programme of work has commenced to identify key areas of risk to the regulatory objectives. This will make changes to the way in which the BSB works and it will need to ensure that the work produced has also been equality impact assessed.</p>	See below	Complete	See below for updates on each action area
		Meet with Future Bar Training (FBT) leaders to agree timescales for each EIA - produce plan	07 May 2015	Complete	Complete – plan produced.
		Complete an equality analysis of the review and reforms of education and training for the Bar (Future Bar Training Programme).	22 May 2015	Complete	<p>Completed over all four areas:</p> <ul style="list-style-type: none"> <li>- Academic stage</li> <li>- Vocational stage</li> <li>- Professional stage</li> <li>- Legal subjects/ knowledge</li> </ul> <p>The FBT programme was adjusted to take into account the equality issues identified through the above EIAs.</p>

No.	Activity	Description	Finish	Status	Update
		Meet with Regulatory Risk Manager - produce plan	22 May 2015	Complete	Risk framework now includes E&D and Anti Discriminatory Practice
		Design an EIA training session	30 July 2015	Complete	Training session designed
		Design an EIA training session	30 July 2015	Complete	Training session designed
		Deliver pilot EIA training sessions	30 August 2015	Complete	Two pilot sessions delivered with positive evaluations
		Complete an equality analysis for the work that has been produced from the Regulatory Risk Programme.	30 October 2015	Complete	EIA screenings of the Risk Framework and Risk index have been completed.
		Contract Manual EIA- to agree actions	30 October 2015	Complete	EIA competed with recommendations – awaiting final contracts manual to formalise EIA
		Consumer Guidance EIA- to agree actions	22 December 2015	Complete	EIA of Consumer Guide first draft completed.
		ABS Implementation EIA	22 December 2015	Complete	EIA complete with project team and recommendations are now considered as part of the project plan.

No.	Activity	Description	Finish	Status	Update
9	Complete E&D e-learning training by the Board and Committee members.	The Board and all Committee members should ensure that their E&D knowledge is kept up-to-date and that they are well equipped to deal with issues that arise.	25 September 2015	Complete	All Board members and members of the EDC have completed the e-learning course. Approach to E&D training is being reviewed by the E&AJ Team.
10	Review diversity data of people who have applied for alternative pathways to the Bar and make recommendations to improve access for the underrepresented.	<p>The BSB collects diversity data of people who have applied to the Qualifications Committee for a waiver or exclusion from the current prescribed route to the Bar.</p> <p>The BSB should be aware of the diversity of those applying for alternative pathways in order to progress widening access to the Bar for underrepresented groups.</p>	28 August 2015	Complete	Report on diversity of applicants to the Qualifications Committee presented to the EDC in June 2015. Regulatory Assurance department to work with E&AJ Team and Research Team to continue monitoring to identify trends over time, and include outcomes data in the analysis.

No.	Activity	Description	Finish	Status	Update
11	Invite diverse groups to contribute and inform our future diversity programme.	<p>The BSB recognise the need to capture wider knowledge and skills from underrepresented communities and the wider public.</p> <p>These groups can provide vital intelligence to co-produce our equality and access to justice work.</p> <p>The BSB Business Plan 2015-2016 committed us to establishing collaborative relationships with the public and consumers.</p>	29 January 2016	Complete	The E&AJ Team have produced an E&D directory containing over 150 external diversity organisations to target for further involvement with the BSB's work. Over 30 delegates attended our cross-cultural communication event and registered their interest in working in partnership with the BSB in the future. Support has been given to the BSB Consumer Programme to ensure engagement and a consumer focus is embedded in the work.

## 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.

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