



The Law Society

Law Society Gender Equality Scheme

Central Services

April 2007

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The Law Society

Law Society Gender Equality Scheme

April 2007

Section 1: Introduction

The Law Society, the Solicitors Regulation Authority and the Legal Complaints Service (collectively known as the Law Society group in the rest of the Scheme) regulate and represent all solicitors in England and Wales. In addition, the Legal Complaints Services provides a service to the public. The Law Society group serves and provides leadership to a diverse profession. All three entities also employ staff who come from many different backgrounds.

The Law Society group values this diversity and is committed to ***“playing a leading role in the elimination of discrimination and the promotion of equality and diversity in all its activities as a regulator, representative body and an employer”***.

The Law Society group has been subject to the general anti-discrimination legislation for the past 30 years or so. From 4 April 2007, the Law Society group, largely the public functions (regulatory and consumer complaints handling responsibilities) became subject to the general gender duty which requires all public bodies, when carrying out their functions to have due regard to the following:

- To eliminate discrimination and harassment that is unlawful under the Sex Discrimination Act and discrimination that is unlawful under the Equal Pay Act.
- To promote equality of opportunity between men and women.

In addition, the Law Society group is also subject to the specific duty to produce a gender equality scheme. This must set out the steps the Law Society group will take to meet the general duty. This is the Law Society Group's initial gender equality scheme and will be integrated into a single equality scheme in due course.

The Law Society group approach

The Law Society group has been subject to the gender and other equality legislation for many years. In this time it has undertaken a number of activities to ensure compliance with the legislation as well as its own equality and diversity policies and good practice. This has routinely included issues of gender equality. In many ways, the objectives of the general duty are already integral to the Law Society group's equality and diversity policies.

Furthermore, the Law Society group takes the view that as a matter of good practice, it will apply the principles of the general and specific duties on race, gender and

disability to all its functions and policies. However, activities which are considered public functions may be prioritised when necessary.

With regard to gender equality, the Law Society group has the following aims:

- Ensure that men and women (including transsexual people) are not treated differently because of their gender in the discharge of various functions such as regulation of the profession, complaints handling and the provision of information.
- As an employer, treat men and women equally in terms of recruitment, promotion, learning opportunities, pay parity and access to all benefits.
- In its representative role, to encourage the profession to ensure that it embraces and advances gender equality in the provision of services to clients and in employment of staff.
- Ensure that women and men are encouraged to participate in the decision and policy making functions.

The purpose of the Law Society Gender Equality Scheme is to build on the work undertaken to date and to set out in one place its plans to ensure that progress is made to comply with the general duty.

The Gender Equality Scheme will sit as part of our overall Equality and Diversity Strategy and should be read and interpreted within this wider context.

Mainstreaming equality and diversity work is one of the guiding principles of our approach. This also applies to our work on gender equality. We believe that gender equality can best be achieved by ensuring that these issues are integral to our core activities and day to day operations.

We also recognise that some people can face multiple discrimination and disadvantage, for example, Black and Minority ethnic women or disabled women and that this may require specific action.

The Law Society group is currently undergoing significant changes in response to proposed changes to the regulation arrangements for legal services in England and Wales. The gender equality scheme is being developed against this background and will be subject to change to reflect any new developments.

The Law Society group is developing a Single Equality Scheme and the gender equality scheme will be integrated into the single scheme in due course.

Consultation

There has been ongoing consultation on gender equality over a number of years and some of the activities included in the action plan arise from matters brought to our attention by members of the profession and organisations such as the Association of Women Solicitors, for example, on issues of pay parity and the impact of the Practising Certificate (PC) fee on part time staff. In addition, the Law Society has undertaken wider consultation on issues important to the profession through, for example, the Have Your Say consultation.

Furthermore, there has been consultation through various projects such as the research project on why women solicitors leave the profession.

We are committed to ongoing consultation with the profession on equality matters and welcome any comments and observations on the initial gender equality scheme. Further consultation will be undertaken on the Single Equality Scheme.

Consultation on individual action plan activities will be undertaken as appropriate in the development and implementation of that activity.

Section 2: Current context

This section provides information about the current position of men and women in the solicitors' profession.

Until 1922, the solicitors profession was entirely male. It is 85 years since Carrie Morrison, the first woman solicitor, was admitted into the profession. She was enabled to enter as a result of the Sex Disqualification (Removal) Act 1919 which permitted women to become solicitors or barristers.

Since then, there has been much progress in promoting equality between men and women with regard to entry into the profession. There are an increasing number of women in the profession. Indeed, figures indicate that more women than men are entering the profession and this has been the trend over the past few years. However, women are still under-represented in the profession, especially at the senior levels.

Gender profile of the profession

The Law Society group monitors the gender profile of the profession and publishes data on an annual basis. Detailed information on the gender profile can be found on the Law Society website but some of the key facts are highlighted below.

Size of the profession

- As at 31 July 2006, there were 131,347 solicitors on the Roll with 104,543 holding practising certificates. Of these, 42.5% are women and 57.5% are men.
- Minority ethnic women practising certificate holders account for 11.9% of women solicitors compared with 7.9% for minority ethnic men.

Entry into the profession

- In 2005/6, 10,159 students enrolled with the Solicitors Regulation Authority of whom 63.0% were women.
- 61.8% of trainee registration and 59.4% of new admissions were women. This trend is also true for minority ethnic women.

- These figures show that more women than men are entering the profession although, for the time being, about 58% of the profession is male.

Patterns of work

- 78.9% of male Practising Certificate holders work in private practice compared with 73.3% of women Practising Certificate holders.
- Women account for a high proportion of solicitors in the employed and other sectors. In private practice, 40.4% are women compared to 49.4% in the employed and other sectors.
- In private practice, a higher proportion of partners are men. Of 48,024 male PC holders in private practice, 39.5% are partners compared to 17.6% of women PC holders in private practice.
- According to the 2007 Lawyer Career Report, only 14.6% of magic circle partners are female with only 11% of female equity partners.
- This indicates that whilst more women are entering the profession, there is still some way to go before there is equality of representation between women and men at the senior levels of the profession.
- 17% of women work part-time compared to 4% men. Women working in government are more likely to work part time than in other sectors (12% compares with 7% in commerce and industry and 7% in private practice) (2005 data)

Career breaks

- Women are more likely to take career breaks than men. One fifth of women in private practice take a career break compared with one quarter in government and commerce and industry.

Work types

- Women solicitors, on average, carry out a smaller number of work types than men and are more likely to work in family law and welfare law.

Pay parity between men and women

- Male solicitors, on average earn more than their female counterparts.
- On average, male trainees starting salaries were 7.4% above the average for women trainees (Private Practice solicitor salaries 2005)
- On average, in all sectors, the median salary for women solicitors is £40,000 compared with £50,000 for men.

- Male equity partners earn on average £70,000 compared with £44,250 for women equity partners and there is similar difference between male and female salaried partners.
- There are variations depending on different sectors and locations and a detailed analysis can be found in the Private practice solicitors' salaries fact sheet (available on Law Society website)

Career paths

Data and research shows that there are differences in career paths between men and women. There are a number of factors which influence career paths and include:

- Decisions related to work-life balance.
- Opportunities for flexible working.
- Attitudes towards the perceived roles and career paths of men and women in the profession.
- Perceived and actual discrimination in employment practices.

In 2005, the Law Society conducted research to understand why women leave the profession.

In July 2003, over half of women and two-fifths of men reported that they had considered leaving the profession. As a proportion of Practising Certificate holders in 2002, 1.6% female solicitors and 2.4% women solicitors did not renew their Practising Certificates.

Female non-renewers were younger than male non-renewers.

However, there appears to be no statistically significant relationship between gender and reason for considering leaving the profession.

With regard to women, the following were the main reasons cited for leaving the profession:

- To look after children (27.5%)
- To go on maternity leave (18.5%)
- Did not enjoy the job (12.8%)
- To try something else (10.9%)
- Health reasons (7.6%) or stress (7.6%)

Full details of the research are available on www.lawsociety.org (Equality and Diversity: Women Solicitors)

Gender profile of Law Society group staff

The Law Society group regularly monitors the gender profile of its work force.

The most recent data (December 2006) shows that 68% of the workforce is female.

	Women	Men	Total

Law Society group	919	430	1349
Representation	174	42	128
Central Services	136	128	264
Solicitors Regulation Authority	365	167	532
Legal Complaints Service	286	93	379

Gender profile of Council, Board and Committee members

Body	Female	Male	Total
Council	25	74	99
Legal Complaints Service Board	8	8	16
Solicitors Regulation Authority Board	4	14	18
Corporate Governance Board	7	10	17
Representation Board	3	10	13
Law Reform Board	6	6	12
	53	122	175

Complaints data

The Legal Complaints Service deals with complaints against solicitors and firms. It undertakes diversity monitoring of satisfaction ratings according to ethnicity, gender, disability and age.

The diversity monitoring information is collected on a voluntary basis and for gender, there is about a 20% return (as percentage of total closures).

From 1 January-31 December 2006, out of 3800 returns, 45.9% were men and 40% were women. 14.1% did not specify. Further analysis of this data suggests that more women were satisfied with the overall handling of their complaint, with the services provided and satisfied with the outcome than male complainants.

Current activities

As indicated earlier, the Law Society group is already committed to working toward ensuring equality of access, opportunities and outcomes with regard to all its functions.

The expectation is that the proportion of men and women in the profession should reflect the general population in England and Wales. Women comprise about half the general population which would indicate an under-representation in the profession. Bearing this in mind, many of the activities are focused on bringing about parity between men and women in the profile of the profession at all levels.

The Gender Equality Scheme brings together the work that is in hand to work towards this objective. Examples of such work include:

Diversity impact assessment of some regulation policies

The Solicitors Regulation Authority is in the process of conducting impact assessments of a number of policies. The purpose of the impact assessments is to ensure that policies do not have a disproportionate negative impact on groups protected by the anti-discrimination legislation. Gender impact assessment is an integral part of these assessments.

Promoting gender equality in the profession

The Law Society group has taken a number of measures to promote gender equality in the profession. This includes:

- A specific professional conduct rule (which has been in place since the Sex Discrimination Act 1975) which prohibits individual solicitors and firms from discriminating against men or women as employees and clients and other parties. The Rule also requires all firms to have an anti-discrimination policy which includes policies on issues such as flexible working and caring responsibilities – issues which disproportionately impact on women employees.
- Conducting research in areas where monitoring data suggests a disproportionate impact on either men or women, for example research on why women appear to be leaving the profession and the progression of women solicitors to senior positions.
- Research on the career barriers for gay and lesbian solicitors.
- Ensuring that any disproportionate impact of proposed legislation or law reform policy on men or women clients and solicitors is highlighted in any Law Society responses to consultation or lobbying that is undertaken on behalf of the profession.

Working with the profession

Figures indicate that there is an increase in the number of women entering the profession. However, women are still under-represented in the profession compared to the number in the population and the entrants.

In view of this, the Law Society supports the work of the Association of Women Solicitors (AWS) to promote equality for women in the profession. The AWS undertakes much work, for example, it runs a returnees course for women returning to work, campaigning for equal pay for women etc.

As an employer

The aim of the Law Society group is to be regarded as a fair employer by ensuring that employment practices and work environments provide equality of opportunity for men and women. This also means that we will take action to deal with areas where our data, impact assessment or research show that there is inequality.

A number of policies and practices are already in place to promote gender equality, for example:

- Gender monitoring of the staff profile is undertaken on a regular basis.
- An Equal Pay Audit was undertaken in December 2005. This indicated that there were no significant pay differences between men and women employees. An action plan was drawn up to deal with individual anomalies and this has been implemented in 2006. The pay and grading structures has been strengthened to minimise any further unjustified pay variations between men and women employees.
- Family friendly policies comply with the statutory requirements. These are available to both men and women

In addition, as part of the Equality and Diversity Action plan, a number of key policies (such as the Equal Opportunities policy and the Recruitment and Selection policy) are being reviewed.

Gender Equality Scheme objectives

The Law Society group equality and diversity objectives are set out in its Equality and Diversity Strategy. For gender equality, these translate into the following aims:

- Ensure that men and women (including transsexual people) are not treated differently because of their gender in the discharge of various functions such as regulation of the profession.
- As an employer, treat men and women equally in terms of recruitment, promotion, learning opportunities and access to all benefits.
- To specifically ensure that there is no unjustified pay differential which has a disproportionate negative impact on men or women.

- In its representative role, to encourage the profession to ensure that it embraces and advances gender equality in the provision of services to clients and in employment of staff.
- Ensure that women and men are encouraged to participate in the decision and policy making functions.

Action Plan

The Gender Equality Scheme action plan highlights the work (and priorities) we will undertake to work towards achieving these aims.

Law Society Gender Equality Scheme action plan

January 2007 – June 2008

OBJECTIVE	ACTIVITY	LEAD RESPONSIBILITY	TARGET DATE FOR COMPLETION
Solicitors Regulation Authority - Equality of treatment in the regulation of the profession			
<p>To ensure that regulatory activities are carried out fairly by assessing the impact of regulatory activities on men and women solicitors</p>	<p>A programme of impact assessment has been agreed by the Solicitors Regulation Authority Board. The following policies and procedures have been prioritised for diversity (including gender) impact assessment:</p> <ul style="list-style-type: none"> • Training contract criteria • Minimum salary requirement changes • Character and suitability criteria • Criteria for monitoring visits • Waivers • Rule making and policy development • Complaint handling policy • Risk criteria • Response time limit/procedure • Dealing with capability issues • Impact on Section 12 applications process • Code of referral to SDT • Requests for oral hearings • Impact of adjudication decisions 	<p>Chief Executive, SRA</p>	<p>Initial assessment to be completed by June 2007</p> <p>Activities ongoing until June 2008</p>
<p>Review general fees</p>	<ul style="list-style-type: none"> • Explore further the issue of a reduced PC fee for solicitors who work reduced hours and whether or not this has a disproportionate impact on women solicitors 	<p>Chief Executive, SRA</p>	<p>December 2007</p>

Legal Complaints Service

<p>To ensure that the consumer complaints service is accessible to women and men clients and that processes and procedures afford all complainants a full opportunity to present their complaint</p>	<ul style="list-style-type: none"> • Continue to include gender as part of the diversity monitoring of complainants • Continue to undertake a qualitative analysis of the comments received by complainants as part of the satisfaction feedback and identify areas where there might be significant differences based on gender and take any action to minimise the differences • Undertake a baseline audit of policies and procedures which require diversity impact assessment and prioritise which require early assessment • Review the difficult complainants policy to ensure that it does not have a disproportionately adverse impact on either male or female clients especially those with mental health and learning difficulties 	<p>Chief Executive, LCS</p>	<p>Ongoing</p> <p>July 2007</p>
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Law Society group - A fair employer

<p>As an employer, treat men and women equally in terms of recruitment, promotion, learning opportunities and access to all benefits</p>	<ul style="list-style-type: none"> • Continue to monitor and analyse the gender impact of employment policies, identify any areas where there is negative differential impact and take action where necessary • Ensure that all policies are compliant with statutory duties including caring responsibilities • As a priority, review <ul style="list-style-type: none"> ○ Equal Opportunities in Employment ○ Recruitment and Selection ○ Dignity at Work ○ Disciplinary procedures ○ Rewards and benefits • Ensure that the diversity training for managers included training on gender equality 	<p>Director of HRD</p>	<p>Ongoing</p> <p>July 2007</p> <p>September 2007</p>
<p>To specifically ensure that there is no unjustified pay differential which has a disproportionate negative impact on men or women</p>	<ul style="list-style-type: none"> • Continue to implement the Equal Pay Audit Action plan • To keep under review all salaries and pay structures to ensure that there are no unjustified pay differentials between men and women employees 		<p>Ongoing</p>

Law Society - Promote equality and diversity in the profession

<p>In its representative role, to encourage the profession to ensure that it embraces and advances gender equality in the provision of services to clients and in employment of staff</p>	<ul style="list-style-type: none"> • Provide guidance and information to firms on working towards gender equality with regard to entry and progression into the profession • To undertake work on understanding why women face barriers to progression within the profession • To provide information and guidance to firms on developing and implementing family friendly policies 	<p>Director of Equality and Diversity</p>	<p>Ongoing</p>
<p>To work with the profession in addressing the issue of gender based pay differentials</p>	<ul style="list-style-type: none"> • Undertake an analysis of the latest information available on salaries, analyse any gender based differences and encourage employers to review their pay structures to ensure that they do not discriminate against men or women 	<p>TBC</p>	<p>TBC</p>
<p>To continue to work with the Association of Women Solicitors (AWS)</p>	<ul style="list-style-type: none"> • Consider the joint work proposals made by the AWS at their meeting with the Chief Executive (Law Society) 	<p>TBC</p>	<p>TBC</p>

Involvement in decision making arrangements

Ensure that any new governance arrangements enable under-represented or excluded groups in the profession to participate in the Law Society's governance structures	Undertake a gender impact assessment of any new arrangements proposed for Council	Director of Equality and Diversity	Dependent on timetable for decisions on any new arrangements
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