



Diversity & Inclusion Charter 2017 Review - Summary

How signatory firms are meeting their Charter commitments summary

What our supporters say



Ashurst is delighted to be able to support the Diversity and Inclusion Charter Review. We strive always to be conscious of the value that diversity adds to our business and to our ability to provide excellent service to our clients and of the importance of an inclusive working environment to provide an exceptional place to work for all of our partners and staff. We are also always aware that we have a great deal still to do.



At Burgess Salmon, diversity and inclusion are integral to our people strategy. As a responsible business, we are committed to promoting a collaborative and inclusive environment for all, enabling us to continue to recruit, retain and motivate the best people. We are proud to sponsor the Diversity and Inclusion Charter Review, which allows us to benchmark ourselves and measure the impact of our diversity and inclusion initiatives, ensuring continuous progress and improvement.

Robert Halton, Chief People Officer



HERBERT
SMITH
FREEHILLS

At Herbert Smith Freehills we aim to have a diverse and innovative culture where high performance, client focus and highly engaged people are our differentiator, and where we celebrate the uniqueness of our people. Upholding and promoting a culture of inclusion that fosters diversity is imperative for our business, our diverse clients, the communities in which we live and work and the legal sector. We are proud to sponsor the 2018 Diversity and Inclusion Charter Review.



Collectively, our approach to diversity should be one where the ultimate goal has to be about making inclusion a visible and accepted part of the way we do business. This means, challenging our perceptions of talent, being honest about the culture we create, valuing difference and advancing social mobility to change our profession. Contributing to the Diversity and Inclusion Charter Review is an important marker of progress towards achieving this goal.

大成 DENTONS

We are proud to show our commitment to diversity and inclusion by supporting the Diversity and Inclusion Charter Review. At Dentons, we believe that our workplace should reflect the communities in which we live and work and in all our offices around the world we promote the diverse culture of the firm. This helps us achieve our aims: by creating and maintaining a culture of inclusion, the unique talents and potential of all our workforce can be recognised, encouraged and supported.

Nick Mott, Diversity & Inclusion Partner

Please note the statistics quoted in this report are based on the signatory firms' submissions to the Charter rather than a snapshot of the whole profession.

Key Findings 2017 from signatory firms

The Law Society Diversity and Inclusion Charter, launched in 2009, has 467 signatories, who represent more than a third of the legal profession in England and Wales. Every two years, signatories report on how well they are meeting their charter commitments.

Going from strength to strength

More than 210 firms (representing 2% of the legal sector) completed the charter self-assessment.

Leading from the top

Diversity and inclusion is becoming a priority for partners and leaders

90%

of large firms have a partner-level diversity champion

A record-breaking number of firms achieved top marks:

55%

of top 100 firms achieved gold status (up from 31% in 2015)

Diversity and inclusion is business as usual

Many firms are getting top marks for promoting diversity and inclusion in employment, providing legal services to clients, and engaging with the community.

Large firms are demonstrating their commitment to inclusion in the procurement process

82%

are aspiring to work with a diverse range of suppliers and are actively exploring opportunities to do so

Firms are more transparent and open around diversity

70%

are members of inclusion networks

In 2017

40%

of firms published a diversity and inclusion report

Change is coming

Diversity and inclusion initiatives are having an impact on the makeup of signatory firms.

62%

of all working solicitors are women

27%

of solicitors are from non-white British backgrounds - broadly in line with the proportion of ethnic minority people in the labour market

4%

of people working in signatory firms identify as lesbian, gay, or bisexual

Gender identity

Participants were asked questions about gender identity for the first time.

3%

of staff working in the profession consider their gender identity to be different to the one they were assigned at birth

1 in 5

trans workers are solicitors

6%

trans workers are partners

Firms are starting to take action on promoting trans equality at work

30%

have a trans equality policy or statement

28%

provide some training or engagement to help staff understand trans issues

Other key trends

New requirements around gender pay reporting are a huge consideration for a lot of firms and most would welcome opportunities to share best practice and thinking about this.

Feedback suggests many firms are thinking about how to combine inclusion approaches with other considerations, such as physical wellbeing and mental health.

Firms are considering taking a more intersectional approach to inclusion, for example, by looking at the links between ethnicity and social inclusion.

Many firms are moving away from having set targets and outcomes and are exploring how they can create an inclusive workplace culture.

Where we could do better

Despite the progress there are still some challenges for the sector.

Although 62% of solicitors working in signatory firms are women, only;

35%

of female solicitors are partners

18%

of partners are from an ethnic minority

There are still issues around the communication and integration of diversity objectives, which large firms can improve on.

In 2015 **44%**

of large firms had integrated diversity and inclusion targets into the commercial targets of their various business areas/ teams

In 2017, this figure had decreased to **33%**

Findings for nine key business areas

Leadership and vision

Examined senior management involvement and commitment to diversity and inclusion by having a named diversity champion, a senior level-supported staff network and clearly communicated diversity objectives.

Communication of diversity and inclusion objectives across firms, suppliers and the wider community remains challenging. In 2017, only 33% of large firms (down from 45% in 2015) had integrated diversity and inclusion targets into the commercial targets of their various business areas/teams.

Key findings

99%

of large firms have an up-to-date diversity and inclusion policy in place

85%

of large firms have a diversity and inclusion plan in place

37%

of large firms have identified targets to tackle underrepresentation in the workforce

Employment and staff development

Examined recruitment, bullying, performance management and equal pay. Equal pay is topical and more than half of firms had completed an equal pay audit (up from 36% in 2015), while 74% expect to complete one in the next year. Challenges include Board members' accountability for, and performance management of, diversity. Only 10% of firms have board members whose performance targets are linked to diversity and inclusion objectives; only 6% have board members whose reward packages are linked to diversity objectives.

Key findings

100%

of large firms have a diversity and inclusion policy covering recruitment, selection, progression, retention and pay

100%

of large firms have an easily accessible flexible working application process

10%

of firms have board members whose performance targets are linked to diversity and inclusion objectives

Provision of legal services

Explores how firms deliver services to a wide range of clients without discrimination. A key success was website accessibility with 78% of large firms having a WCAG 2.0 compliant website and meeting legal obligations for minimum accessibility standards (up from 70% in 2015).

Respondents who have undertaken a web/digital product accessibility audit increased from 48% to 65%. Firms achieving AA or AAA ratings from these audits increased from 31% to 39%.

Key findings

95%

of large firms explicitly mention clients in their diversity and inclusion policy

84%

of large firms have a review to monitor the quality of service offered to all clients

46%

of large firms have a strategy to promote access to their services to a diverse range of communities

Findings for nine key business areas

Engagement with staff, clients and community

Firms who have a mechanism for staff to contribute to the development of diversity and inclusion policies and plans increased to 81% (up from 74% in 2015). 85% of large firms had established connections in the community with a view to become more involved in community-based diversity and inclusion work (up from 77% in 2015). We recommend firms focus on evidencing a link between staff/client engagement and changes to policies and plans. Organisations have to know whether their engagement and consultation is translating into real changes to policies and plans.

Key findings

93%

of large firms support staff involvement in diversity networks

90%

of large firms have identified ways they can participate in diversity and inclusion activities in local communities

55%

of large firms can show that their diversity and inclusion strategy was influenced by engagement with staff and clients from diverse backgrounds

Policy making and practice development

Explores whether firms consider the diversity and inclusion implications of their decisions and focused on firms' use of equality impact assessments (EIAs). This was disappointing, with 39% of firms not assessing the impact of their decisions on diversity groups.

EIAs are a useful way to identify potential discrimination before it occurs and can help ensure decisions about redundancies, recruitment and commissioning are made fairly and in line with obligations under the Equality Act 2010. EIAs can also act as a defence if a discrimination claim is made.

Key findings

66%

of large firms have processes in place to assess equality impact in all their HR policies

41%

of firms use information from equality impact assessments to inform future policy and action planning

25%

of firms had systems in place to assess the equality impact of all policies affecting clients and third parties

Monitoring and review

The legal sector captures a lot of data about its workforce but there are still areas of challenge. Only half of all large firms are collecting and analysing workforce data broken down by role and level of seniority, but without this level of specificity it's impossible to understand individuals' access to promotion and development opportunities.

Another challenge is the minority of firms (28%), who admit they aren't using their monitoring data to improve their diversity and inclusion performance or action planning. This compares with 75% of FTSE.

100 companies using monitoring data to set targets around gender representation and 21% using such data to set targets around ethnic representation.

Key findings

97%

of large firms collect workforce diversity data across a range of protected characteristics and socioeconomic statuses

42% > 68%

the proportion of large firms achieving gold status for this has risen from

50%

of large firms externally publish their workforce diversity data, broken down by level and grade

Findings for nine key business areas

Procurement and supplier diversity

Firms have made progress in how they work with third parties and suppliers to promote diversity and inclusion, but the sector can do more.

Procurement has been identified as a crucial mechanism for improving diversity within organisations, most recently by Baroness McGregor-Smith in her review of workplace racism. Arguing that private companies should ensure contracts are awarded to bidders who show a real commitment to inclusion, the review points to research that shows that more diverse organisations perform better, which in turn means commissioners will get better product for their money.

Key findings

94%

of firms demonstrate their commitment to diversity and inclusion to prospective clients

82%

of large firms are exploring opportunities to work with a diverse range of suppliers

81%

are winning contracts from purchasers who consider inclusion performance as part of the procurement process

the proportion of large firms achieving gold status has risen from

25% - 29%

51%

of firms collect and use information about diversity and inclusion when evaluating competitive tenders

Sharing good practice

Explores how diversity and inclusion best practice is promoted across the profession and the publication of equalities information. Larger firms are sharing ideas and best practice with their peers.

Disappointingly there's only limited progress other key areas. In 2017, only 43% of firms included diversity and inclusion data, objectives and achievements in their annual business reporting process (up from 40% in 2015).

Key findings

73%

of large firms share their diversity and inclusion work across the wider profession

70%

of larger firms share their ideas and activities within local networks

40%

of large firms publish an annual diversity and inclusion report

Gender identity

Examines the extent to which firms have policies that support staff to promote trans equality in the workplace and whether staff are provided with guidance on subjects like inclusive language, equalities monitoring and engagement.

A recent Women and Equalities Select Committee inquiry into trans equality identified a lack of knowledge among public and private organisations about creating inclusive environments for those who identify as transgender. Only 18% of large firms provide guidance on the use of inclusive language (such as asking trans people about their preferred pronoun); only 20% provide guidance on the use of facilities; and only 24% provide guidance on collecting monitoring information. However, 64% of large firms provide an option for people to recognise their gender identity on forms.

Key findings

58%

of large firms have mixed toilets that people of any gender can use

30%

of large firms have a trans equality policy in place, with some mention of why trans equality is important

21%

of firms have a policy in place that offers guidance on terminology

Spotlight on the equalities landscape

There seem to be significant improvements when it comes to equalities practice with the sector gradually becoming more representative of the communities it serves. But we must continue to change, innovate, and reform our working practices. We look at broad trends in 4 key areas on the following pages.

The gender pay gap

The most recent data shows that the gender pay gap is 14.1% for full time workers (Fawcett Society calculations based on ONS (2017), Annual Survey of Hours and Earnings: All data related to Annual Survey of Hours and Earnings: 2017 provisional results). The Fawcett Society calculates that at our current rate of progress it will be 100 years before we close the gender pay gap.

The causes of the pay gap are complex, reflecting wider societal issues; for instance, women tend to work in lower paid sectors. They also reflect internal organisational issues; such as, women being 'penalised' for taking time off to care for children or relatives.

Since April 2017, employers with more than 250 staff have been legally required to publish information about the extent of the gender pay gap in their organisation and report;

- their average gender pay gap, both as a mean and median
- their average bonus gender pay gap, both as a mean and median
- the proportion of men and women receiving a bonus payment
- the proportion of men and women when divided into four groups ordered from lowest to highest pay.

Organisations affected by the legislation had until April 2018 to publish this information on their websites and submit data to the government's public gender pay gap reporting portal. To date, 704 organisations have submitted data.

On average, women's mean hourly pay rate is 11% lower than men's. Similarly, women's bonus pay is on average 13% lower across all organisations. Finally, the average proportion of women in the top earning quartile in all organisations is 42%.

Tackling the gender pay gap may seem a complex undertaking, but there is reputational value in doing so; reducing the size of your pay gap will be critical to recruiting the best talent.

Low-risk pay systems

As an employer it's your responsibility to ensure your pay system is free of gender bias. The Equality and Human Rights Commission's guidance on low-risk pay systems states:

- **Transparent:** pay systems that are not transparent are at particular risk of being discriminatory. The Equality Act makes pay-secrecy clauses in employment contracts unenforceable and protects employees from victimisation if they want to know what other employees earn.
- **Systematic:** the more systematic and simple your pay and bonus system is, the lower the risk will be that gender imbalances will creep in. It helps if you have a clear pay structure and publish it.
- **Inclusive:** a single reward structure for all employees reduces the risk of challenge.
- **Well-managed:** keeping pay structures up-to-date and maintaining a systematic document trail will also reduce the risk of challenge.
- **Sensitive to job demands:** when deciding pay structures, it is important you don't just consider job roles, but take into consideration other factors, such the types of skills, knowledge, and effort the role requires.
- **Monitored:** it's important to monitor pay outcomes across all identity groups to manage risk.

Equality impact assessments

Firms should consider carrying out an equality impact assessment whenever changes are made to the organisation's pay structure. This should assess whether individuals with particular protected characteristics are adversely affected by the change and, if so, whether this impact is disproportionate.

Discussions about pay

Under the Equality Act 2010, discussions about pay are protected. Everyone should be able to talk about equal pay. Furthermore, employers must ensure that no employee is victimised for:

- seeing information that would be relevant to a pay disclosure
- making, or seeking to make, a pay disclosure
- receiving information disclosed in a pay disclosure

Voluntary and mandatory equal-pay audits

An equal-pay audit compares the work of men and women performing equal work, highlights any pay gaps and assess the reasons for these differences. An equal pay audit should include all staff.

Equal-pay audits are a commitment to address any differences in pay for which there is no material reason and must have the authority to deliver change. The causes of the gender pay gap are complex: only some of the gap will be accounted for by unequal pay. Most organisations will need a long-term strategy that explores how women are recruited and brought into the talent pipeline, how they are promoted and rewarded and how maternity leave and careers breaks are dealt with.

Useful Resources

Law Society (2015) Equal Pay: Guidance, toolkit, and templates www.lawsociety.org.uk/News/documents/equal-pay-toolkit-interactive-november-2015/

Acas (2017) Managing Gender Pay Reporting - www.acas.org.uk/media/pdf/m/4/Managing_gender_pay_reporting_04_12_17.pdf

Women's Business Council Toolkits - www.womensbusinesscouncil.co.uk/toolkits/

Spotlight on the equalities landscape

Gender identity

The Equality Act 2010 protects against discrimination on the basis of gender reassignment including protection for people who have proposed, started, or completed a process to change their sex.

The term 'trans' has been used more commonly as an inclusive term to cover people who identify not only as transgender or transsexual (but also 'agendered', 'non-gendered', 'non-binary', 'gender fluid' or 'gender queer'. The Gender Identity Research and Education Society defines 'trans' as an inclusive term describing all those whose gender expression falls outside the typical gender norms, including those who live continuously outside gender norms, sometimes with and sometimes without medical intervention.

Why is it important for law firms to respond to trans equality?

Law firms have a legal duty under the Equality Act 2010 to protect against discrimination on the basis of gender reassignment, in addition the Gender Recognition Act 2004 gives a number of protections for employees relating to confidentiality and disclosure of gender identity by employers.

The importance of law firms respecting and responding to trans equality has recently been emphasised by the Solicitors Regulation Authority. The SRA noted data regarding the number of trans people working in the legal profession is scant partly because firms have not been required to capture this and partly due to fears around requesting potentially sensitive information. To combat this, the SRA has issued guidance on trans diversity monitoring and also introduced a gender reassignment monitoring question in its firms diversity data monitoring questionnaire.

The SRA estimates that, based on estimates for the UK population as a whole, there could be around 1,000 transgender solicitors in the profession.

While there is anecdotal evidence regarding the inequality trans people in the legal profession face, there hasn't been a systematic, large-scale review. However, the challenges and barriers faced by trans people in gaining and retaining employment have been documented in other areas of the workforce by the government.

Research by the Equality and Human Rights Commission for instance, showed that trans people are more likely to work in lower paid, lower skilled, and insecure employment. Once in work, there are reports that over 50% of transgender people have been harassed or discriminated against in their workplace because of their gender identity. Similarly, research has identified inappropriate questioning and speculation about a trans person's gender identity, which has led to gossip, bullying and abuse.

There are important business benefits to be derived from treating trans equality seriously. There are reputational benefits such as attracting prospective clients and attracting and keeping high quality candidates as they recognise the firm is committed to addressing inequality for a diverse range of people.

How can you improve your organisation's response to trans equality?

There are a variety of steps that employers can take to promote equality for trans people in the workplace. Some of these are for different employment situations.

Recruitment

Update your website with statements about your firm's culture and values including how your firm will benefit from working with and employing trans people. This can make it clear to prospective trans applicants that discrimination is not tolerated and that the environment will be inclusive.

Advertise job openings on relevant social media platforms and state that applications from trans people are welcome.

Policy

You may wish to draft a policy to protect and promote trans equality to help let staff know that this is something that you take seriously. This may include information about who has responsibility for helping a transitioning employee manage their workplace transition, management support available to that employee, confidentiality, disclosure of information about employee's gender identity and the use of facilities.

Employees wishing to transition

Detailed guidance produced by organisations like the Law Society and Stonewall is available on this topic. In summary, if an employee seeks to transition in the workplace, it can be useful for the employer to develop a memorandum of understanding with the employee which covers who will take action and when.

Creating an inclusive workplace

Though specific policies and clear support structures for employees from management are important, research has also identified the importance of creating broader, inclusive workplace cultures. Firms should take opportunities to educate staff about trans equality and encourage employees who hold negative views, or feel uncomfortable, about trans equality to discuss their views and concerns in an open and supportive environment.

To create a more trans-inclusive environment, employers are also encouraged to permit and promote trans employees to use facilities which align best with their gender identity. Some employers achieve this by introducing gender-neutral toilets.

Useful Resources

- Solicitors Regulation Authority (2017) Transgender inclusion in the profession
<https://www.sra.org.uk/solicitors/code-of-conduct/guidance/guidance/20> <https://www.sra.org.uk/solicitors/code-of-conduct/guidance/guidance/Transgender-inclusion-in-the-profession.page>
- 21 <http://www.lawsociety.org.uk/support-services/advice/practice-notes/working-with-transgender-employees/>
- 22 https://www.stonewall.org.uk/sites/default/files/fcpdcreating_a_transitioning_at_work_policy_2016_0 Transgender inclusion in the profession.page
- Law Society (2015) Working with transgender employees
<http://www.lawsociety.org.uk/support-services/advice/practice-notes/working-with-transgender-employees/>
- Stonewall (2017). A Vision for Change: Acceptance without exception for trans people 2017-2022. <http://www.stonewall.org.uk/sites/default/files/stw-vision-for-change-2017.pdf>
- Law Society Scotland (2015) Transgender research in the legal profession in Scotland <https://www.lawscot.org.uk/media/10160/law-society-transgender-case-study.pdf>

Spotlight on the equalities landscape

Mental health

Recent research from Business in the Community has found that 60% of employees have experienced mental health issues in the past year because of work. The legal sector also faces a range of challenges related to mental health and wellbeing. For instance, Lawcare (a mental health and wellbeing charity for the legal sector) reports that stress is by the far the most common reason for calls to their call centre.

A 2014 survey by the Law Society on solicitors' health and wellbeing found that almost all participants (96% of participants) reported having negative stress in their working lives. 19% reported experiencing 'severe' or 'extreme' levels of stress at work. When people did take time off due to stress, few were offered support on their return to work, such as a return or a return to work interview.

Non-disclosure of mental ill-health by employees is another challenge that a number of organisations face. For example, Business in the Community research found that only 13% of those surveyed felt able to disclose a mental health issue to their line manager. Surveys have found that a vast majority of employees fear their career will be damaged, and many fear discrimination and harassment. This can raise a number of significant challenges for organisations and employees alike in terms of productivity and employee welfare.

Why is it important for law firms to respond to mental health?

Employers have a range of obligations under the Equality Act 2010 to protect against discrimination on the basis of disability (which includes mental health). However, there is also a strong business case to provide effective support for those with mental health issues.

A recent survey by the Chartered Institute of Personnel and Development found that some 85% of employees who go into work with a mental health issue experience difficulty concentrating; 64% take longer to perform tasks, 50% are less patient with clients and 54% experience difficulty making decisions.

In 2017 the Stevenson-Farmer Review, commissioned by the Government found the cost of poor mental health in the workplace to be around £33-£42 billion a year.

How can you improve your organisation's response to mental health?

There are a variety of measures that employers can implement to support employees experiencing poor mental health within the workplace. Some of these measures are discussed below and further guidance that elaborates on some of these measures are signposted at the end.

Recruitment

Make clear in adverts and interviews that your organisation values the mental wellbeing of its employees.

Clearly distinguish between essential and desirable characteristics when listing job adverts.

Inform applicants that reasonable adjustments can be made in both the interview and the job itself.

During induction, emphasise the importance of mental wellbeing within the organisation and signpost employees to both internal and external support services available.

Policy

Develop and regularly update a workplace mental health policy. This should include information about why mental wellbeing is important to your organisation, what the signs and symptoms of poor mental health are and what support services are available for employees.

Creating an inclusive environment

Provide mental health awareness training to staff through a series of educational sessions led by internal and external specialists in mental health.

Provide similar training to HR departments and managers which covers basic literacy and laws around mental health, as well as information on the most effective ways to manage and support employees experiencing poor mental health.

Make reasonable adjustments for staff experiencing poor mental health which could include, increased supervision or support, extra training, coaching or mentoring, flexible working hours, phased return to work, or adapting an employee's job.

Appoint somebody to champion mental health issues within the organisation who will encourage managers to act as role models, attend mental health training and develop awareness, confidence and capability in managing mental health.

Encourage staff who have previously experienced mental ill-health to develop action plans so that they can better monitor their mental health and its effect on their performance.

Develop and maintain mental health awareness newsletters, emails and regularly update noticeboards with this information.

Employees who wish to take absence

Support employees wishing to take a leave of absence by keeping in regular contact with them. To do this, set up a meeting before their leave of absence begins and schedule how and when regular contact will be made.

Offer a phased return to work plan when employees express interest in returning to work. In addition, hold a 'return to work meeting' to address any concerns or questions the employee may have.

Useful Resources

Acas (2017) Mental health in the workplace
<http://www.acas.org.uk/index.aspx?articleid=1900>
Business in the Community (2017) Mental Health at Work
https://wellbeing.bitc.org.uk/system/files/research/bitcmental_health_at_work_report-2017.pdf
Deloitte (2017) Mental Health and Wellbeing in Employment
<https://www2.deloitte.com/uk/en/pages/public-sector/articles/mental-health-employers-review.html>
Mind (2017) How to support staff who are experiencing a mental health problem
<https://www.mind.org.uk/media/550657/resource4.pdf>
Lawcare (undated) Wellbeing toolkit
<https://www.lawcare.org.uk/wellbeing/toolkit>

Spotlight on the equalities landscape

Social mobility

In 2011, the Legal Services Board (LSB) identified the lack of attention paid to tracking and improving social mobility within the legal profession. They argued whilst law firms collected data on issues about gender and race, less focus was placed on understanding differences related to socioeconomic and educational background. Since then there have been improvements in the collection and disclosure of data about social mobility within the legal profession (LSB 2015).

Yet a number of restrictions remain. In 2015, 48% of UK-educated partners or equivalent at the country's largest law firms (firms with 50 or more partners) attended independent schools. Similarly, those in the top jobs tend to come from a small group of universities (Russell Group and Oxbridge in particular) (Social Mobility and Child Poverty Commission, 2013).

Why is it important for law firms to improve social mobility?

The UK faces restrictions to social mobility across a number of areas of work and tends to fare poorly on a range of social mobility indicators when compared to other OECD countries.

The legal sector has taken a strong stance in responding to this challenge recognising the important role that the professions can play in promoting broader social mobility and the advantages of this for the administration of justice in the UK and for wider society.

The Solicitors Regulation Authority and the Legal Services Board have both stressed the importance of collecting and using socioeconomic data about staff and potential recruits to improve fair access and progression within law firms. This can help to support the fair operation of legal services and can help to ensure that the legal sector is broadly representative of the population it serves.

Besides contributing to a fairer and more socially mobile society, thinking about these issues in your own firm can also help you to gain a competitive edge and improve your business. It can help you to attract and keep the best candidates, increase diversity in your workforce and improve your firm's reputation amongst prospective clients and employees.

How can you improve your own organisation's response to social mobility?

There are a number of tools and guidance materials available covering a range of topics such as work experience opportunities and outreach with universities and schools. Summarised below are some key tips from Law Society guidance focusing specifically on the recruitment of trainee solicitors.

Unconscious bias

Our background, cultural environment and personal experiences all influence how we make sense of the world and, from this, we develop 'biases' which help us to make quick decisions about different situations or people we meet.

While such biases can be useful in helping us navigate everyday life, they can also result in us making unfair decisions about others, based on things like their accent, the school they went to, the way they dress and so on.

Broadly, there are three key approaches to overcoming bias:

- identifying your biases: internal reflection and inviting honest feedback from colleagues on your role in the recruitment process
- confronting your biases: being aware of your biases and using this knowledge to recognise when this influences your decisions
- getting support from senior staff to respond to bias in the recruitment process: create a culture where bias can be discussed more openly and invest in unconscious bias training)

Blind recruitment

Blind recruitment involves removing information from applications which may suggest personal characteristics of the applicant. Instead focus is placed on assessing skills, personal abilities and an applicant's future potential. Blind recruitment attempts to make the recruitment process more objective and reduce the impact of bias.

Blind recruitment is most effective when it is used at the recruitment stage; personal information is supplied on a separate page, which is then separated from the application before shortlisting. It is also possible to hold blind interviews; recruiters go into the interview without having seen the interviewee's application form beforehand.

Blind recruitment can also be aided by the use of tests. Rather than providing information about their education and work, background applicants are tested in some other way, such as presentations or role play.

Contextual recruitment

Contextual recruitment allows you to assess candidates' academic and other achievements in the context of their social background.

The aim is to identify candidates who are from less advantaged social backgrounds, in order to understand who might benefit from adjustments in the recruitment process (e.g. reduced A-level requirements for particular students). You will normally use contextual recruitment when shortlisting applicants.

There are specific steps that law firms can take to develop contextual recruitment processes. These are outlined in the Law Society guidance in more detail.

Useful Resources

- Banajai, M. and Greenwald, A. (2013) *Blindspot: Hidden Biases of Good People*
<http://blindspot.fas.harvard.edu/>
- The Bridge Group (2015) *Good Practice in Contextual Recruitment*
<http://www.thebridgegroup.org.uk/wp-content/uploads/2015/08/Contextual-Recruitment-Aug-2015-FINAL1.pdf>
- Law Society of Scotland *Guidance on Recruiting Trainees*
<http://www.lawscot.org.uk/education-and-careers/recruitment-guidance/>
- Professions for Good (2012) *Social Mobility Toolkit for the Professions*
<http://www.raeng.org.uk/publications/other/social-mobility-toolkit>
- Social Mobility and Child Poverty Commission (2014) *Elitist Britain*
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/347915/Elitist_Britain_-_Final.pdf

Case studies

We hope some of the pointers in the previous section will have given you some ideas about the action you can take in your own organisation. It's always useful, though, to hear about practical examples from other firms so here are some nuggets of advice based on what other organisations have done.

Helping people fit in and get on

Berwin Leighton Paisner (BLP) is an international law firm with about 500 lawyers (including more than 200 partners) based across 14 offices in Europe, Asia, and the Middle East. BLP has a Diversity and Inclusion strategy that covers a range of themes, from gender representation to LGBT+ inclusion to creating a family friendly workplace. In this case study, we look at how BLP has tried to create a diverse workforce, in terms of social inclusion and ethnicity.

What they do

The firm has two partner-level champions for social inclusion and ethnicity, who lead a task-group of over 70 volunteers from across the firm. Together they hold staff to account and implement steps to make the workplace more inclusive. The group – made up of staff from a variety of different roles and levels – provide feedback on how well they think initiatives are working and what they see as some of the barriers to creating an inclusive culture.

The group also acts as an informal support mechanism, giving staff the space to discuss their experiences with others from a similar background. This is particularly useful for trainees and other new joiners.

BLP recently introduced an anti-nepotism policy. This means anyone over the age of 18 who is interested in work experience must apply through BLP's graduate recruitment scheme. Under 18s can apply to a formal work experience programme aimed at those from non-advantaged backgrounds. Alternatively, they are allowed to visit the offices for a single day of informal work experience.

BLP was keen to tackle the lack of black representation in the legal profession head on. In April 2016, the firm ran an event titled 'Race for Change' specifically aimed at Black students and graduates. The event was a huge success and was awarded Best Diversity Initiative at the Lawyer Business Leadership Awards. The event has now run three times, and BLP have offered training contracts to two of the attendees.

Key lessons

Changing a workplace culture takes time. It is important to use every opportunity to talk to people about the purpose of the changes you're introducing. For example, when BLP introduced contextual recruitment, it organised a briefing session for partners to give them space to reflect on how they had previously approached recruitment and some of the benefits in looking at a candidates application in the context of their social/educational/personal experiences. For many, this was an eye-opening experience. Whilst passionate about inclusion, they simply had not had time to think about these issues before. Providing them the space to do so allowed them to engage with the new approach and understand how it aligned with their ultimate aim: to recruit the best talent to BLP.

It is also important to recognise, however, that different people will be motivated by different things. Whilst BLP stress the business case for inclusion when explaining new initiatives to staff, the firm is also clear that inclusion is supported by senior leadership as they care about the experience of all employees, wanting everyone to create a culture where people are included and able to be themselves.

In addition to providing all trainees with a mentor, BLP have found it effective to simply introduce them to members of the social inclusion and ethnicity task-group during induction. In this way, experienced staff can relay some of their experiences of fitting into the organisation and interacting with people from all different backgrounds. As a result, trainees are not only made aware that there are people in the organisation they can talk to, but that there are people from similar backgrounds to them who have progressed in the firm (even if they have made some faux pas along the way!). Combining efforts around social mobility and ethnicity has huge benefits, as the two issues often align. For example, confidence is something often raised and BLP have run events for students from different ethnic and non-advantaged backgrounds on this topic.

Case studies

Creating brighter futures

DWF is an international legal business with 25 offices globally, employing 2,700 people. Since 2012 DWF has delivered 5 STAR Futures, a development programme for pupils from areas of high unemployment and social need. 5 Star Futures has won several legal and social mobility awards, including from Business in the Community and the Law Society.

What they do

5 STAR Futures works with groups of 15-25 pupils aged around 15 years old.

DWF staff volunteers go into schools to deliver six or three workshops (determined by the school) of about two hours each. Workshop topics include understanding workplace behaviours, effective communication, resilience and thinking about aspirations and goals.

At the end of the programme, participants celebrate their success with an awards event where pupils each give a speech in front of guests from home, their classmates, and their teachers.

The programme has proved so successful it is now being adapted for younger pupils aged about 11. This shortened programme has only three modules which explore topics including the work of work (looking at things like workplace behaviours and team work) and good communication skills. The programme ends with a mock trial, which gets pupils working together to present a case.

Key lessons

- The 5 STAR Futures programme is delivered by volunteer coaches across the range of DWF's offices, so it is important to have something structured that busy volunteers can pick up and use easily.
- Having a structured product that is constantly refined based on user feedback also ensures that students get the best experience possible.
- In this respect, DWF carefully collects feedback from each workshop on a range of topics, including whether participants had an enjoyable experience, whether it raised their aspirations and whether it improved their communication skills.
- It is important to provide volunteer coaches with space to reflect on their experiences and discuss what could have been done differently. DWF has monthly dial-in calls with the firm's diversity manager where coaches can do precisely that.
- There's an appetite in schools for legal-based development programmes aimed at younger people (under 11s). Such programmes can be adaptations of existing modules – although you will have to give extra thought to the language you use and how you make the exercises interactive. Generally speaking, schools will help you with this.

Case studies

Changing cultures

Shoosmiths LLP is a national law firm with over 180 partners and 720 legal advisers working out of 12 different sites across the UK. A founding signatory of the Law Society's Diversity and Inclusion Charter, Shoosmiths has a range of initiatives aimed at promoting inclusion for minority groups. This case study looks at the actions it's taking to promote gender inclusion, and how it got into the position of having a near-40% female partnership and one of the few female CEOs among the top 40 firms.

What they do

The focus of Shoosmiths' work on diversity centres around creating an inclusive culture for all staff, rather than delivering a series of initiatives aimed at particular identity groups. As such, the organisation doesn't have a series of targets it works towards, although it does collect and review monitoring data. However, the focus is firmly on understanding issues facing individuals, and resolving these in as sustainable a way as possible.

The organisation has a range of mechanisms to understand staff concerns. A particularly important one is an annual staff satisfaction and wellbeing survey. The first part – around satisfaction – asks people whether they find their roles fulfilling, if they feel supported by their line managers, if they feel connected to Shoosmith's values. The second section – on wellbeing – asks people to reflect on their own personal health and wellbeing goals, and asks them what they would like to see from organisational wellbeing programmes. Framing questions this way, the firm has found it has moved away from 'traditional' approaches to wellbeing, which focus on physical health, to an approach that focuses on the individual, recognising that wellbeing means different things to different people. This had meant a greater focus on other areas that were highlighted as important to employees, such as mental health.

Inspired by the Lean In movement, the firm has also established a network of 'Lean In' groups across all its offices. The groups meet quarterly and provide a supportive network for staff to talk about issues that have affected them, discuss topics of mutual interest and share areas of good practice. There is also the opportunity to input into policy and strategy development.

The groups organise local-level initiatives and feed concerns and ideas up to an organisation-wide gender equality working group. Locally arranged initiatives are bespoke to the specific area. For example, groups recently organised sessions on the theme 'Managing your inner critic'. Some sites arranged for external speakers to address staff: others found it more useful to organise smaller roundtable discussions.

Key lessons

- Shoosmiths has tried to move away from solely using 'group' or 'identity' based approaches to diversity and instead focuses on the needs of individuals. This allows them to implement initiatives that are responsive to actual issues in the workplace, rather than assumptions about what particular people might need. Key to this is good communication, and having robust engagement mechanisms with staff.
- Furthermore, supporting local groups to develop their own responses to issues also means activities will be tailored to each site's individual circumstances. What's right for an office in London might not be right for an office in Leeds. Staff can tell you the difference.
- Empowering local groups to take action in their location is a great way of generating buy-in and keeping people engaged with equalities issues, giving them a sense of ownership.
- It is nevertheless important that learning and concerns from individual offices are fed back to a central body that can effect change at an organisational level (Shoosmiths, for example, has a gender equality working group).

Case studies

Mental health on the agenda

Travers Smith LLP is an international law firm, employing about 220 lawyers across offices in two different countries. In recent years the firm has developed a reputation for innovation in the field of diversity and inclusion. Here, we look at one such example: its work challenging attitudes towards mental illness.

What they did

In May 2017, the firm ran a mental health awareness week for staff. As part of a programme of activities, the organisation delivered a series of seminars on topics including managing stress, self-care, and mindfulness.

Seminars were delivered in a variety of ways – the talk on mindfulness, for example, was delivered by professional, external speakers.

The firm also ran seminars and discussions on rethinking mental illness. It organised a panel discussion with employees – two partners and two associates – who spoke about their own battles with mental health.

As part of the campaign, the firm made a range of resources available on the company intranet and also did a ‘desk-drop’ of information about the firm’s employee assistance programme.

Staff also contributed personal stories in the form of blogs and articles. For example, one of the firm’s receptionists wrote an extremely well-received and thought-provoking piece about suicide.

The week proved extremely popular – so much so that a series of interventions around the theme of ‘mental health at home’ are being planned as next steps.

Key lessons

- The mental health awareness week proved extremely popular – attendance at the various events surpassed the organisers’ expectations. If you’re worried about uptake if you run a similar programme in your organisation, just try it out – there’s an appetite among a large number of people to discuss these issues and learn more about mental wellbeing.
- Having staff share their experiences of mental illness with colleagues is an incredibly powerful way of helping people connect with these issues and reducing the stigma around mental health. In this respect, it is important to include as many staff as possible from as different a range of job roles and grades as possible.
- Some staff members will be more willing to get involved than others. People will have different reasons for being hesitant about sharing their stories, so you will need to provide different forms of encouragement. Some people will just be nervous about public speaking and will need moral support. Others will be worried about what their colleagues will think. In this respect, Travers Smith found it useful to stress that the firm’s partners were incredibly supportive of the initiative. Having said this, it is important to recognise that different people will be willing to disclose different amounts of information. This should be respected.
- Finding people to take part and share their experiences may not be as difficult as you may think. About 1 in 6 people in the UK are experiencing mental health issues at any given time, so it’s unlikely your firm doesn’t have someone who is experiencing or has experienced mental ill health. The key is to create the kind of environment where people feel able to tell you they have experienced mental health issues.
- Mental health is a complex area, encompassing a range of different topics. The Travers Smith programme covered as many aspects as it could. However, knowing the experiences of people inside the firm made it easier to decide on topics which were relevant and useful.

Case studies

Unlocking potential

Eversheds Sutherland LLP employs about 4,000 people, of whom approximately 1,800 are lawyers. The firm undertakes a range of diversity and inclusion initiatives, and has gained a strong reputation for its work on social mobility. One aspect of this work is its Unlocked programme, which gives young people from disadvantaged backgrounds the confidence to aspire for more.

What they do

The firm runs Eversheds Unlocked, a programme aimed at primarily at the 16-18 age group, who are studying at state schools, have a genuine enthusiasm for the legal profession, and would be the first members of their family to go to university.

Successful applicants spend three days in one of the firm's UK offices, reflecting on their aspirations and goals, learning more about what corporate law is like, and understanding the different routes available into law.

The firm also provides participants who go on to university with a partner mentor. Not only is the mentor a valuable source of support during the university experience, but they can also suggest avenues for work experience.

Eversheds also provides a bursary scheme which pays for some applicants' university fees and living expenses.

Key lessons

- It is important to monitor the success of your social mobility programme and amend the content and structure based on feedback. Eversheds, for example, uses online surveys to track the number of participants who go on to university to study law, whether they complete their course and, if they get a job in the legal profession.
- The way Eversheds has monitored success has changed over the years to reflect its growing ambitions for the programme. Now – in addition to monitoring access to university and the legal profession – the firm also asks more detailed questions to understand if participants have been able to meet their goals and expectations. This means, for example, asking not just whether participants have found employment in the legal sector, but whether participants found the role they were hoping for.
- It is important to think strategically about social mobility programmes to ensure your investment in young people is not lost. In part, this means developing relationships with participants on the programme so they are connected with the firm throughout their university experience. But it also means creating a workplace culture where people from a variety of backgrounds feel included, supported, and want to stay to build a career.
- Students at university can benefit from a range of different types of support. For example, sometimes an Unlocked graduate mentor might put a student in touch with a trainee or junior associate. Someone who was in the same environment just two or three years ago might have an additional level of insight that really helps.



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