

**Legal Ombudsman consultation:
*'Legal Ombudsman equality and human rights'***

Response from the Solicitors Regulation Authority

February 2011



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Introduction

The Solicitors Regulation Authority (SRA) is the independent regulatory body of the Law Society for England and Wales. We regulate individual solicitors, other lawyers and non lawyers with whom they practise, solicitors’ firms and their staff. During 2011 we intend to apply to the Legal Services Board (LSB) for approval to become a Licensing Authority for alternative business structures.

Equality and diversity is central to our work both as a regulator and as an employer. Our first [equality and diversity strategy](#) and [strategic action plan](#) has helped us to ensure that equality and diversity is embedded into our culture; during 2011 we will consult our stakeholders regarding an Equality Framework to underpin our organisation in approaching and progressing equality and diversity considerations through our work.

We welcome the opportunity to take part in this consultation, and have set out our comments below.

SRA comments

G1 Do you agree with our overall approach to equality and human rights? Do you think we have missed anything?

We agree and support the Legal Ombudsman (LeO)’s overall approach in seeking to prioritise equality and human rights through its work and decisions.

G2 Is it clear what we are trying to achieve? Which areas, if any, do you believe need further clarification?

The consultation paper makes it clear that LeO is seeking to set in place mechanisms to support the achievement of equality duties and legislative requirements; however it would be useful to explain further if possible LeO’s overarching aims and outcomes around equality and diversity, once these mechanisms are in place

G3 Do you have any other thoughts on ways of ensuring our accountability, accessibility and responsiveness to equality groups?

We believe there are many different ways of ensuring accessibility and responsiveness to equality groups, not least of which are the communication channels between an organisation and its stakeholders. We note in the consultation paper there is limited information on LeO’s thinking on proposals in this area, and it would have been helpful for the consultation paper to have set out greater detail on its thoughts and proposals on which stakeholders

could provide comments and feedback.

With regards to accountability, the new specific equality duties will be the Government's preferred way to demonstrate accountability - as such measures such as publication of equality outcomes and equality data will be particularly important to support stakeholders in understanding the extent to which LeO's is meeting these duties.

G4 In principle, would you or your organisation be willing to be contacted after the consultation is complete to discuss your responses?

Yes we would welcome such a discussion.

G5 Do you have any other comments you wish to make?

We have no further comments on this section.

3.1 We would welcome your views on the proposed integration of human rights within our equality priorities and objectives.

We agree with the approach described in the consultation paper; we have adopted a similar approach ourselves (as described in our [Equality and Diversity Strategy 2009/11](#)) which we are now in the process of updating and will shortly be consulting on our Equality Framework to set out our approach and vision to the promotion of equality and diversity. It will also confirm our proposals towards meeting the requirements of the Equality Act 2010.

5.1 Do you agree with our approach to equality impact assessment? If not, can you suggest what we might do differently.

We agree with the principles described in the consultation paper, although we would welcome the opportunity to comment on more detailed proposals once available.

5.2 What specific suggestions do you have to help us improve the ways in which we consult with, and learn from, stakeholder groups?

Best practice in consultation is a broad area with many different approaches and techniques available to organisations. We would welcome the opportunity to work alongside LeO in discussing the approaches further.

One of the biggest challenges we experience at the SRA is identifying and maximising ways to engage inclusively and in the most meaningful way with our stakeholders, who themselves will have limited time and inclination to engage with us. We have over the past two years adopted a more proactive approach to the way we consult and engage with our stakeholders. For example we now deliver Roadshows across England and Wales where we provide information to our stakeholders and invite their views on a number of different SRA policy areas. We have also now started to use new media to support effective two-way communications, in particular through using online webinars as a cost-effective but extremely accessible means of engagement.

We also hold joint events with a range of practitioner groups representing various diversity strands within the profession, and have established regular meetings and dialogue with other key stakeholders and consumers. We have developed an inclusive engagement strategy which we will be consulting on shortly.

We also refer to the Equality and Human Rights Commission (EHRC)'s [guidance in relation to engagement](#) in the context of the public sector equality duty across a range of areas.

5.3 Do you have any comments on our approach to impact monitoring?

The approach described seems a good starting point and effective engagement with LeO's stakeholders will support the impact monitoring process.

5.4 We welcome examples of good practice from elsewhere in relation to collecting equality data – can you help? For example, have we identified the most important sources of evidence relating to equality? Can you suggest better methods or sources?

The EHRC's [guidance in relation to equality analysis](#) in the context of the public sector equality duty across a range of areas may be a useful point of reference. Desk-based research to identify best practice or benchmark against other sectors might be other useful areas to explore.

5.5 Do you have any general comments on our proposals to publish the results of our assessment and monitoring activities?

We would welcome further information regarding these proposals and the information LeO may want to publish, including where it will be available and at what frequency.

5.6 What level of detail would you like to see published?

As a stakeholder we would like to see data provided that can help demonstrate the extent to which LeO has been able to meet equality objectives. It would also be helpful to publish data on the profile of complainants that use LeO and on the outcome of these.

5.7 Do you have any specific ideas on how we could improve awareness of, and access to, our services?

We note that LeO has already been working alongside the legal services professions and not-for-profit advice agencies to improve awareness of its role and services. We agree this is an important focus to LeO's engagement work.

Further work could be carried out with the Approved Regulators to consider more fully the ways in which LeO and the Regulators interact and signpost information between each other.

5.8 Do you have any general comments on our approach to employment data monitoring?

For full compliance with the new equality duty LeO will need to take account of all protected characteristics.

5.9 Can you suggest any models of good practice in employment monitoring and profiling taken from other bodies?

We have no specific suggestions.

5.10 What benchmarks might we use to gauge our effectiveness as an employer who is committed to equal career and development opportunities?

We recognise that this is a particularly complex area, and we are considering how to devise our own model for measuring effectiveness, which we would be happy to discuss with LeO. We are referring to existing benchmark tools such as the [toolkit](#) the Law Society makes available to the solicitors' profession.

5.11 Can you suggest any models of good and more innovative practice in the delivery of equality and human rights training?

The SRA is introducing an e-learning package which will be compulsory for all our staff to attend, which will be followed by a workshop for those staff members wanting to discuss their learning further. In addition, we use a range of specific training tools delivered in-house by our Equality & Diversity team, which deliver bespoke mentoring sessions or workshops across our organisation as needs are identified.

We are also going to be delivering a programme of training for all decision makers, called the mirror programme, and we would be happy to share our experience in using such programmes to equip our staff with the relevant knowledge, skills and competencies to embed equality and diversity into the work they do.

5.12 What do you think our role should be in encouraging the legal profession to adopt and achieve higher standards of equality of opportunity in their practice?

It would be interesting to explore how best to promote awareness of equality complaints LeO may receive and consider, and how to work with the Approved Regulators and professional representative bodies to understand how their resources and engagement networks might be used to address common areas of concern.

Consumer empowerment must be key to LeO's work going forwards – we note the work that has already been undertaken with agencies such as Citizens Advice and would welcome the opportunity to work closely with LeO on any work it carried out to support and inform consumers. Better-empowered consumers are more likely to understand their rights and what they should be able to expect in terms of equality from their lawyer.

At present we are developing our Consumer Affairs strategy and action plan for consultation and which we would welcome a discussion on with LeO, to explore how we can best improve equality outcomes for consumers of legal services. It would also be welcome for us to explore how best we might work in partnership in ensuring consumers know and understand their rights.

You will be aware that we have recently concluded our consultation work on our outcomes-focused regulatory approach, and on our regulatory Handbook which includes a principal requiring firms to encourage equality of opportunity and respect diversity. We are developing a set of outcomes to underpin this requirement, and will ensure that consumers are aware and informed of what to expect when accessing legal services under our outcomes-focused regulatory approach.

We are currently developing our consumer affairs strategy which will include consumer empowerment as a key activity we will undertake and we would welcome the opportunity to discuss this further with LeO and look at opportunities to work in partnership in ensuring consumers know their rights.

5.13 What is the best way of communicating with the legal profession about what we are learning?

We believe LeO will need to use a range of methods as our experience has shown that different approaches work for different lawyers and sectors of the legal services profession. We have described already our work in providing Roadshows and webinars as two of the methods we now use to engage with members of our regulated community.

It would also be helpful for regular liaison to be established between LeO and the SRA and other Approved Regulators to provide information and feedback about some of the key areas of concern and risks emerging from complaints being received. This would certainly help to inform LeO's approach, and be beneficial to the Approved Regulators. From the SRA's perspective this would support our risk process and inform whether we need to provide guidance in particular areas, or consider embarking on thematic visits to our regulated community.

5.14 In your experience, what would improve the chances of small, ethnic and other minority businesses winning competitive contracts to supply LeO?

A transparent, inclusive and well-promoted contracting and tendering process will support LeO in this area. We have previously referred to guidance on the Government's [IDeA website](#), and the [EHRC guidance on procurement](#) is also very useful.

The SRA has previously done some work on improving our procurement processes to increase supplier diversity, and we would be happy to discuss these with LeO further.

8.1 Are there any other ways you might want to contribute to future updates to these priorities and objectives?

The SRA's Equality & Diversity team is based within our Inclusion Directorate,

and would be happy to talk further to LeO about all the matters being consulted on. We will shortly be consulting on a new approach to equality and human rights, to take account of the new equality duties, and expect to publish this later in the year. We would be happy to work collaboratively and share with ideas as we take our proposals forward.

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**The independent regulatory body of the Law Society of
England and Wales**

www.sra.org.uk

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