

THE EQUALITIES WORKSHOP 2021



REPORT

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The Fair Justice System for Scotland (FJSS) Group hosted the Equalities Workshop on 24th March 2021. The workshop was held to specifically highlight the existing lack of racial equality, diversity, and inclusion in the legal profession in Scotland. It provided a platform for the key stakeholders in the sector to analyse the existing gaps and to propose practical ways to address them.

Lack of equality, diversity and inclusion has been observed across most of the professions in Scotland over the years and this is clearly embedded not just in the legal profession but across the job market in general. Important questions are raised by this and there are some genuine concerns within members of the BAME community generally, and the BME community specifically, across the whole of Scotland.

The delegates to the workshop were drawn from all the key sections of the Scottish justice system including the Scottish Government, the key agencies that are connected to the legal profession in Scotland, the Law Society of Scotland, and law firms who through their work and contributions, help to shape the Scottish justice system.

The workshop had a set of objectives and perceived outcomes that included a possible Roadmap to Equality, Diversity, and Inclusion in the Scottish Legal profession. The workshop was held at a time when the Covid-19 pandemic was still taking hold and dictating most of the key decisions in government and key agencies. There was a moment of reflection as to whether the workshop should go ahead during the pandemic or it should be postponed again.

the rationale that while the pandemic was still taking hold, tackling inequality and lack of racial representation in sections of Scottish professions and sectors such as the justice system was as important as tackling the pandemic.

The George Floyd incident in America once again reminded us that while the numbers of racially

In the end it was not a difficult decision to proceed with organising the event on the rationale that while the pandemic was still taking hold, tackling inequality and lack of racial representation in sections of Scottish professions and sectors such as the justice system was as important as tackling the pandemic.

The George Floyd incident in America once again reminded us that while the numbers of racially aggravated murders can never be comparable to the death tolls in pandemics or any other disasters, the gruesome of such deaths can still capture the conscience of the whole world as was seen by the Black Lives Matter led world-wide protests.

RACIAL IN-EQUALITY CAN KILL.

“Nice to do does not change attitudes” – **Professor Sir Geoff Palmer OBE.**

The recently held Equalities Workshop 2021 created a platform for the incubation of progressive collaborative engagement between key legal industry stakeholders including the Scottish Government, the Law Society of Scotland, the Crown Prosecution and Fiscal Service, the Scottish Courts and Tribunals Service, the Scottish Legal Aid Board, the Scottish Legal Complaints Commission, Police Scotland, the Scottish Prison Service, and Third Sector-led organisations.

The call for change in perceptions from negative stereotyping of BAME candidates to positive projection was a key theme roundly underscored by key speakers and participants at the workshop. The objectives of the workshop underpinned the main goal of the work of the FJSS Group to create serious interface within the justice sector for long-term impact and positive outcomes of quality, diversity, and representation of BAME communities in the legal industry.

There is urgent need for all the words to be translated into actual deliverables which would see an increase in the BAME headcount within the profession through more intake of BAME law graduates into legal traineeships, progression within the law firms and promotion to senior partnership roles so as to influence justice delivery outcomes and provide rare, key role models for the young people from Black ethnic minority backgrounds.



Stephanie Onweni
FJSS Group Legal

- To address the lack of equality, diversity, and inclusion in the Scottish legal profession.
- To provide the Scottish Government, legal industry in Scotland, and key community stakeholders with an opportunity to recognize the need for increasing the level of racial equality, diversity and inclusion in the legal profession and wider justice system in Scotland.
- To provide an opportunity for the key stakeholders to agree that a measure of racial equality, diversity, and inclusion is needed within the legal profession and wider justice system in Scotland.
- To highlight how the lack of racial equality, diversity, and inclusion in the legal profession in Scotland is negatively impacting on justice delivery and the overall prospects of people from a BME background who are not represented in the structures of the justice system.
- To formulate a framework for a new cross-sector collaborative partnership.
- To create and implement a “Roadmap to More Racial Equality, Diversity, and Inclusion” in the legal profession in Scotland with clear markers and triggers that will lead to greater opportunities for people from a BME background in accessing traineeship and diploma places in a legal career.
- To explore the “Headcount Approach - Roadmap to More Racial Equality, Diversity and Inclusion in the Legal Profession in Scotland”. And propose the “Timetable to Racial Equality, Diversity and Inclusion in the Scottish Legal Profession.”
- To sign up to a post-Covid-19 Review Process with a view to establish a cross-sector post Covid-19 strategy for the inevitably transformed post Covid-19 Scottish Legal Industry.
- To potentially impact on overall justice delivery in Scotland.
- To exchange good practice between Law schools, Law Society, Law firms, Universities, Faculty of Advocates, Court services and Policing.
- To present the proposed roadmap to Scottish Government and all the key legal industry players at the Equalities Workshop and to promote this beyond the Equalities Workshop.



Silence Chihuri
CEO FJSS Group

The FJSS Group is wholly volunteer driven with more than twenty regular volunteers who are committed to the work that we do. We have steadily established ourselves as a credible voice for justice sector reforms in Scotland providing a voice to the marginalised BAME community. The Equalities Workshop is a program that focuses on the legal profession in Scotland, but our work is specific to the wider Scottish justice system.

Our organisation's work also looks at the key monitoring mechanisms in place to ensure that justice is delivered in a fair, just, and inclusive manner. These are law enforcement, namely the police (HM Inspectorate of Constabulary); the Scottish Prison Service (HMIC), the prosecution service (HMCOPFS, and the police (constabulary). The Scottish legal profession's composition is not adequately representative and decrease in numbers as we go higher up system. Therefore, more work to be done.

Addressing racial in-equality in Scotland is approached from a "pipeline" perspective that involves longer term milestones being set. These can take a long time to realise and sometimes the set targets are missed. Missed targets on milestones can mean missed opportunities can mean missed opportunities in the lifetime of those people who are marginalised. Since the justice conference held in 2019 the FJSS Group started to propose for an "Innovative Approach" to addressing racial inequality.

A proposal was made to the Scottish Government to try our idea of the innovative approach to addressing racial in-equality in key sectors and following several meetings it was agreed to start the work in September 2020 on a pilot basis. This involves providing the Scottish Government with specialist BME input from competent organisations on key policy development work. This can mitigate the impact of decision-making processes where there is no racial diversity.

As widely reported, the Covid-19 pandemic has negatively impacted BAME communities disproportionately e.g., immigration, and their experiences in the legal services industry adds an extra layer of challenges. On closer examination of the reasons of the disproportionate impact it has been shown that this is not down to genetics but certain social drivers. The BAME communities that have had a background of lack of opportunity in areas like mental health support to name but one, have been the largely affected.

Hopefully, the workshop provided a real opportunity away from the ongoing focus on Covid-19 to serious look at the state of the legal profession in Scotland.



Dr. Chioma Nwafor
Executive Director
DAWSUN Scotland

- The lack of diversity and inclusion is observed across professions in Scotland, and this is clearly embedded not just in the legal profession, but the job market in general.

Key statistics:

- Black talent underrepresented within the accounting and financial sectors; Only 11 black equity partners across the largest four accountancy firms in UK PwC according to the Scotland's labour market, (People Places and Regions, Scottish Government & NOMIS).

- Average employment rate for minority ethnic group is 59% and minority ethnic group women at 51%.

- In relation with position within the organisations, 1 in 8 of the working age population were from BME background yet, BME individuals make up only 10% of the workforce and hold only 6% of top management positions. (Race in workplace review)

- The employment rate for ethnic minorities was estimated at only 62.8% with 75.6 for white workers of Pakistani or Bangladeshi background whose employment rate is even lower as 54.9% (Race in workplace review)

- People despite higher qualifications, BME background have an underemployment rate of 15.3% compared with 11.5% for White workers. (Race in workplace review)

- In the Scottish Civil Service, while 421 staffs identified themselves as of BAME background in the core of Scottish in 1999 and 178 employees in 2020, there is just 4% representation of the Senior Civil Service within Scottish Government representation

- The lack of diversity and inclusion in the labour market raises an important issue and concerns within the members of BAME community.

Potential justifications

- The crucial questions which arise from these inequalities that we should address sincerely is, whether the under representation of black talents across key professional sectors, is a result of the lack of black talents or that structural imperfection?

From a personal and collective perceptive, considering various examples of black talent and skills, this is obviously not a result of lack of black talents rather, there are other potential reasons linked. For instance, institutionalised market imperfections, in most private and public organisations across the UK select people from a white group rather than those from BME group or the so-called ethnic penalties, sub-conscious Programming, Social conditioning or unconscious biases.

Recommendations:

- Start demolishing some of the behavioural norms, stereotypes that no longer hold true in the

Recommendations:

- Start demolishing some of the behavioural norms, stereotypes that no longer hold true in the 21st century.
- Giving opportunity to BME community to raise from within our chosen career paths.
- Excellence is colour and race blind; Excellence is gender neutral.
- The FJSS Group is trying to close the awareness gap and should be effectively supported.

Benefits of diversity in the labour market:

- Scottish economy will gain from having diverse talents and opinions.
- Diversity of audience

Personal background in relation to diversity and inclusion;

There has been a lot of improvement in the law society in relation to diversity and inclusion. The first female President was in 2005/06 and since then there have been four.

From the last generation, there has been a lot of improvement in terms of gender inequalities; Today, Women make up more than 50% of the members profession.

The law society of Scotland and the Scottish solicitor profession should and aims to represent and reflect the society that it serves; Much work is being done to improve diversity across and access into the profession.

The law society of Scotland has over 12,000 members in



Amanda Millar

President
Law Society Of Scotland

The current President understands of some of the challenges and needs arising from intersectionality.

No one size fit all, but there is need to ensure space for all.

Work of the Law Society in relation to diversity and inclusion:

The Law Society has an agenda in relation to promoting diversity and equality within the legal profession.

Law Society has regulatory objective to provide equal opportunity in the profession and are very much committed to questions relative to equality and diversity.

There is so much to consider in relation to equality and diversity, thus the Law Society is always willing to engage in the debates around it.

Law Society carries out a Profile of the Profession survey every few years.

Practice Certificate renewal now has pseudonymised questions to collect diversity and equality data.

While there is an improvement in term of gender representation on high profiles positions. There is progress still to be made here and with representation of people from minority backgrounds.

On routes to qualification.; Drop-in rates from people from ethnic minority background from LLB stages to diploma stage. Attributed to some extent to return to home countries. The diploma qualification translates relatively well to the under 30 population of solicitors in term of equality and diversity,

The profession is becoming more diverse, 3.3-8% from ethnic minority which has increased to 7% for the membership under the age of 30. This statistic should now be maintained and developed although most of this ethnic minority are from Asian background.



The Legal Profession In Scotland As It Is Today

There are 4 members from ethnic minority background in the council of the Law society in which 3 have been elected and 1 co-opted.

A racial inclusion group made up of people from diverse backgrounds has recently been set up to help inform the work of the Society in this area.

There is also a role model campaign which aims to demonstrate to people that they are welcome to the Scottish solicitor's profession regardless of their background.

Partnership with the company 'Rare recruitment' to support contextualized recruitment which aims to tackle unconscious biases such as considering names, race, schools of candidates while assessing the applications. Gives an opportunity to colour blind and gender-neutral recruitment.

The Law Society works with schools and universities to ensure that the future legal profession continues to develop in reflecting the society and serves to help maintain the level of sustainability.

#MuchStillToDo but the Society continues to work and develop in this area and remains keen to work with experts and stakeholders.



Denise Swanson

Interim Deputy Director,
Legal and Civil Law Division,
Justice Department
Scottish Government

- Introduction of the policy responsibilities for Civil Law and Legal System Division

Main Speech

- Can I begin by saying a huge thank you to you all for coming to this workshop. I know how busy people are. However, I am sure we would all agree that the issues we are discussing today are of great importance. It is a privilege to be invited here to speak to you at what is sure to be an interesting and informative event. And what better time to be gathered today than only a few days after the International Day of the Elimination of Racial Discrimination.

Our approach to race equality

· I would like to speak a little today about our approach to race equality in the Scottish Government, and some of the actions that we have taken to tackle racism in Scotland, the work we are doing to improve diversity and equality within the legal profession and our work with FJSS.

· We recognise it is not enough to simply be against racism – whether that’s at an individual or organisational level. In order to take meaningful action, we in the Scottish Government acknowledge that we need to take a leadership role in being anti-racist; in working to actively dismantle structures of racial oppression in our institutions and within the machinery of government.

· To help achieve this, we of course need a strong foundation of data, as well as the invaluable information provided by the lived experience of minority ethnic people in Scotland.

· But before we begin implementing processes and procedures, we need to start by understanding and talking about what racism looks like in an organisation, in our organisations. What are the barriers that we need to break down? Of course, processes, procedures, practices; these are all steps that can help us, but we can only solve this problem if we recognise it exists. And let’s be clear there is no organisation who can or should be sitting thinking there is nothing further to do on this.

Race Equality Framework for Scotland 2016-2030

· The Scottish Government’s Race Equality Framework for Scotland 2016-2030 sets out our long-term vision for race equality in Scotland. Our Race Equality Action Plan 2017-2021 set out specific actions the Scottish Government took in order to advance race equality, tackle racism, and address the barriers that can prevent minority ethnic people from realising their potential.

The report on our progress over the last three years has just been published. We identified in the first year of our action plan that Employability, Employment and Income was an area in which we saw that we could make measurable, significant gains for minority ethnic Scots, and that we could, both inside and outside the Scottish Government, tackle racism and race inequality in the workplace.

Throughout 2020 and 2021, the COVID-19 pandemic has had significant impacts on all aspects of our lives. The pandemic has also exacerbated, highlighted and exposed many of the existing inequalities in society. We know that the impacts of the pandemic have not been felt equally. Evidence shows that our fellow minority ethnic Scots have faced poor health, economic and social outcomes. Our economic and social recovery programme will place a sharp focus on those who experienced inequality even before the pandemic. But all of us must realise that we all have a role to play.

The Scottish Government has acknowledged that we need to tackle institutional racism, and we need now to take that further, by being explicitly and actively 'anti-racist'. Our next steps must reflect that – not only by using those words but understanding how we proactively embed this in our policies, services and cultures. We acknowledge that we need to build a deeper understanding of systemic racism and anti-racist actions, not only across the Scottish Government, but across the public sector, private sector and wider society.

Our next programme of Race Equality work over the period 2021-2026 has already begun. We welcome ongoing conversations with a wide range of people, communities and organisations as this immediate work continues to form the baseline for a programme of work which matches our ambitions and takes us measurably closer to the long-term vision and goals of the Race Equality Framework, improving outcomes for minority ethnic people employed in Scotland now and in the future.

One thing is clear though – the Scottish Government can't eradicate racism on its own. Every individual and organisation in Scotland needs to play their role in creating a fair and equal Scotland that promotes and protects all people regardless of race, religion, gender or any other differentiating characteristic. We believe that in partnership we can succeed and make progress.

The Scottish Government has a key role to provide leadership and that is why we have invested over £2.6 million in each of the last 3 years to help us to address inequalities faced by minority communities across all areas of our society. We are committed to ensuring that addressing racial inequality is at the heart of our recovery and renewal work as we emerge from the COVID-19 pandemic.

Through our equality fund, we're taking action to make our workplaces fairer and more diverse. But evidence shows that the employment rate of the minority ethnic population in Scotland is still consistently lower than the overall population, and there is also a significant pay gap, leaving minority ethnic Scots behind.

That is why one of our focuses will be on building on the progress we have made to eradicate inequalities in employment. We will target key public and private sector employers to introduce further measures to diversify their workforces.

- In education, we've helped schools improve how they record and respond to racial bullying. In health, we've funded projects to improve access to cancer screening programmes for minority ethnic groups.

- We have committed to doing more to ensure that social inequality, racism and black history are covered in the curriculum. Working with Education Scotland, we will continue to promote resources to help teachers to appropriately deliver black history to pupils.

And in justice, we are continuing to work with Police Scotland and others to tackle hate crime, including prejudice motivated by racial and religious hatred.

And we recognise that the legal profession needs to reflect the society in which it serves.

Laura Sexton, in my team, has been driving forward a number of key Ministerial initiatives to increase diversity and equality of opportunity within the legal profession. Whilst progress has been made, there is broad agreement that more needs to be done to ensure that the legal profession reflects the society that it serves and to tackle gender disparity, the gender pay gap and increase the number of people from minority ethnic communities in the legal profession.

Laura has been working with the legal profession to encourage further improvements, including for example,

The delivery of a highly successful Women in Law Summit to celebrate 100 years of Women in Law in 2019. The Conference focussed on initiatives to eradicate gender inequalities within the legal profession, particularly in senior roles. The Profile for the Profession report in 2018 provides evidence that the pay gap between men and women in the profession is around 23% - women earn an average of 77% in comparison to men. The Scottish Government set 3 challenges to the profession at that summit.

Organising and supporting Justice Ministers at a series of meetings and round table events aimed at widening access to the legal profession; and championing initiatives to increase diversity and equality of opportunity within the legal profession.

And finally, and very importantly, Laura and her team are the sponsorship lead for managing the pilot project between the Scottish Government and FJSS

We have listened very carefully to the ideas that will result in real improvement and real change. We listened and we have acted.

FJSS project with Civil Law and Legal System Division

Pilot project for 12 months until 31 August 2021.

Innovative project working with first generation African migrants in Justice system – important for SG to listen and hear from people with lived experience of the justice system in Scotland and ideas for improvement.

FJSS has provided valuable insight into embedding diversity and equality into our divisional policy making- e.g in mediation, we learned the necessity of ensuring that Mediators need training in diversity and equality and we need people from under- represented groups such as Minority Ethnic communities to be supported and trained as Mediators.

Work has recently been initiated under the Justice Board to make progress on the issue of diversity across the Justice sector. There are two new Cross Justice System Working Groups, one on race and workforce and another on data and evidence in the Justice Sector.

Pleased to report to confirm today that FJSS have been invited to join both of these groups because we want to hear your experience of the Justice system and hear your ideas and solutions.

The Cross Justice Group on Race and Workforce aims to provide a comprehensive picture across the Justice system of the current activity to address recruitment, retention, promotion and leadership, a strategic and cohesive approach to tackling barriers to employment, and to support cross system learning.



Access To Justice

The Scottish Government cross justice group on data and evidence's purpose is to improve both the collection and reporting of race data and evidence on people's interactions with the justice system.

The work of these two groups will run concurrently and there will be clear links established to ensure that evidence generated from both groups is shared and considered.

FJSS will provide a report at the end of the 12 months period outlining the work that they have been doing and what they have achieved. We look forward to receiving that report and we will of course share that report with the new Scottish Government Justice Ministers in due course.

Conclusion

Thanks all for listening and I hope the workshop is a big success.



Tatora Mukushi
Diversity Group

- The lack of representation, the lack of awareness, the circle of bias, prejudices are embedded in the system and are not going to change until there is a concerted effort.
- The starting point of the Equality Act 2010 is that it is inspirational not aspirational; the desire to reduce socio-economic inequalities. It intends to increase equality of opportunity, to protect against direct and indirect discrimination and to legitimate aim. We should highlight that most of the ethnic majority are excluded through indirect discrimination as
- In practice, there is still a lot to do to get to that lowest bar of the Equality Act 2010
- All the public sector such as the Law Society, Government Agencies & Ministries, Courts, Universities, Police, etc., should all be guided to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act, advance equality of opportunity as well as foster good relations between people who share a protected characteristic and those who do not.
- Positive discrimination which has brought a lot of controversial in the last decade, allows to achieve the purpose of the Equality Act by permitting employers to treat a person who has a protected characteristic more favourably according to the criteria and guidance set by the Act. Institution can resort to positive discrimination in recruitment and promotion to be used as a tie breaker.
- The SDG 16 and 10 respectively aim to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and to reduce inequality within and among countries.
- Convention on Elimination of Racial Discrimination (CERD) will be coming soon.
- Place injustices in wider context – further highlighted by BLM movement
- Consider equalities-based framework



Professor Denise Martin
SIPR

Denise Role in SIPR and SIPR' aims:

- Associate Director for Education and Leadership in SIPR
- Highlighted the importance of Research as they inform policies and debates.
- SIPR aims to facilitate excellence, independent research of relevance to policing.
- Engage a range of knowledge exchange to strengthen the evidence base on which policy and practice are improved & developed.
- Nurture a culture of learning & innovation.

Relevance of the SIPR's work to the Equalities Agenda

- SIPR aims to provide and develop evidence to better support decision making.
- Acts as a critical friend and developing evidence.
- Build collaborative agency to change things through knowledge exchange and research.
- SIPR plays an independent and critical role to policing in Scotland. It brings evidence to support better decision making.
- The research studies might involve working in collaboration with different stakeholders. The National Action Research Project 2017-2019 of Police learning transformation is an example of transforming police learning and development.

The Benefices to Equalities Agenda

- From Inquiries and data in Scotland and existing work of FJSS know the current landscape
- Knowing the destination in the sense of what we want not to achieve.
- Research can be embedded to support analysis of change and map experience and help to create knowledge of what works effectively and where more reflection is required.



Sheriff Frank Crowe
Secretary, FJSS Group

- 60 years ago, there was a lack of female role models in Scottish legal profession. There were a couple of women advocates and only one-woman partner in a solicitor's firm.

- Over the last 20 years, many organisations diversity agenda have meant appointing more women.

- From 2001, the Crown Office engaged to secure a much more diverse workforce and encouraged a more diverse group of young people into the law. However, most of these young were from Indian or Pakistani background with a very few from African, Caribbean, or Chinese heritage with just few role models from those communities to inspire the students of today and tomorrow.

- Most of the student in the past, did not know anyone in the legal profession to help them integrate. They had to make their own luck" in this competitive world.

- When looking back over the last 20 years, a question arose, why Black or Chinese lawyers made little impact on the legal system?

- The Scottish Government has a plan to improve 50 areas of Government by 2030 to ensure greater fairness and equality. Will we have many more diverse lawyers in prominent positions by then, to be positive examples to the young people contemplating a law career?

- Will we have a fair proportion of diverse lawyers to match the Scottish population and demography?

- The proportion of BAME students at present, at Diploma stage, is at least 5% but where does that relate to the make- up of the Scottish population or the racial make- up of Scotland's lawyers?

The future looks like continuing austerity, there may need to be more focus on the charitable sector or law centres and fewer clients able to afford solicitors private client fees. University Law Faculties and Diploma Schools will need to adjust to these external factors.

- The time is now. But the Black Lives Matter initiative must progress beyond the slogans, progress must be achieved.

- FJSS Group is committed to helping those on the outside, with few or no contacts in the law. To gain entry into the legal profession. (CV review, giving advice, pointing them in the right direction and giving tips for the interview process).

- Increasingly, diversity is seen by the public as signifying an organisation with a variety of views and backgrounds who can assist in all areas of work with all clients.



Diversifying Traineeships And Legal Practice Program

Top tips for those seeking to secure an entry to the legal profession:

- Try to work out what area of law they would like to be involved in.
- Find out the firms that undertake that type of work.
- Tailor the CV and application form individually to targeted firms by referring to their website, recent cases they have been involved in and other media initiatives. That will flatter them a bit.
- At the interview, the candidate should not be reticent about setting out your stall; All experience and transferable skills learned from your background, work experience and any voluntary work.
- Law is a vocation, like the doctor treating the sick or the minister giving pastoral advice and support. They should not expect to make a lot of money but should enjoy the satisfaction of helping people through their problems and doing an important job to the best of their abilities.
- Never try to compare yourself to anyone else but should be focused on seeking continuous self-improvement. BAME candidates can do better!

TRANSFORMATIVE AND ENGAGING

“.....A well-established Glasgow based criminal law firm asking for headshots for traineeship application and not for its other 2 vacancies, my perception of why? Is negative. Prospective employer wants to know what I look like and may not judge my abilities based on my academic abilities and competence...”

*“...Having attended and very much enjoyed the FJSS workshop my attention to diversity and inclusion has been highlighted and know **that doing or saying nothing is not an option**” ...*



Fiona Stewart
Thorntons Law

Challenges

- Lack of role models and connections
- Lower levels of workplace wellbeing reported.
- Poorer pay & progression (EMLD Report –Race for Inclusion 2020)

Legal Profession in Scotland (LSS 2020)

Solicitor Population%

- White –88.01%
- BAME-3.38%
- Prefer not to say –7.13%

Solicitor Population % under 30years

- White- 91.38%
- BAME- 6.9%
- Prefer not to say –2.01%

Legal Profession England & Wales (SRA 2020)

BAME – 21% (Asian 15%, Black 3%, Mixed 2% and Other 1%)

Recommendations

- Role models and diverse representation
- Positive Impact Initiatives– BAME creating own space.



Pinsent Masons

Deborah McCormack

The Challenges

Universities admit large law student populations and as a result there is a plentiful supply of law graduates (although not all law students will want to go on to fully qualify as a solicitor or advocate in Scotland, many do, and to achieve that students are required to study the Diploma in Legal Practice and secure and complete a 2year training contract).

In Scotland, and similarly across the UK, there is fierce competition for training contract places because the supply of law graduates is far greater than the ultimate demand for qualified lawyers. As a result, there are insufficient training contract opportunities for everyone who wants to fully qualify.

Firms recruit trainees based on the number of future newly qualified lawyers their business anticipates a requirement for to meet client needs. In the ideal world, firms want to recruit and train a trainee who will qualify with them and then be retained by the firm long term. There can be a lack of confidence in some candidates from ethnic minority and low-socio economic backgrounds which can hold some.

Students back from applying to firms which may be of interest to them. Building confidence in ability and employability skills are areas in which schools, universities and employers can all support candidates throughout the education and application process. In addition, candidates should be encouraged to tap into the available school, university, and employer career resources to support them when looking for roles, submitting applications and preparing for interviews and assessments.

For example, many firms have resources on their Early Talent websites which provide hints and tips on making good applications and preparing effectively for interviews and assessments. Some firms recruit many of their trainees through their summer internship schemes, although firms are now increasingly aware of the potential impact on diversity and so are revisiting this strategy to widen participation and access to the profession. Many firms also consider applications from internal paralegal and direct applicants, as well as the summer intern pool.

Summer internships are not always a viable option for candidates from ethnic minority and low socio-economic backgrounds who work full or part time during summer periods or have caring responsibilities. Virtual work experience can provide a more accessible alternative. Students should explore firms' early talent websites to identify open access virtual work experience programmes which can be completed on a modular basis when the student has time.

Recommendations

Organisations need to be mindful of the intersectionality of race and ethnicity with low socio-economic background. Diversity is a complex, multi-layered issue. People are more than one 'characteristic.'

Schools, universities, and employers are doing more to encourage and support ethnic minority candidates with opportunities to attend insight events and a variety of work experience. Virtual events can be more accessible and less intimidating for many students. One consequence of the COVID-19 pandemic has been that firms are looking at their virtual attraction strategy, as well as what they might do back on campus once safe to resume that face-to-face activity with students.

Candidates can be proactive by tapping into resources available online (for example firms dedicated early talent websites and by engaging with university careers services for support with applications and interview preparation). Obtaining legal work experience with a firm should not be focused on as the only 'golden ticket' to secure a future training contract.

Part-time jobs in shops, restaurants, call centres and volunteering opportunities all help to build people skills and confidence. Part-time employment and volunteering roles, also provide students with interesting, relevant experience to talk about in applications and at interview.

For example, managing your time effectively, leadership, managing difficult situations and problem-solving. These are the sorts of examples potential employers are looking for candidates to demonstrate when applying for trainee and paralegal roles.



**David Beagley,
Chartered MCIPD**

Strategic Partner: Recruitment & Resourcing – Scottish Courts and Tribunals Service
“Diversity Attracts Diversity.”

Challenges

Location of jobs can be an issue, particularly in outlying and remote areas.

Entry level roles (which represent the bulk of SCTS' recruitment) in remote areas typically attract local people. Relocation is an expensive proposition to prospective applicants.

Awareness of the opportunities SCTS has to offer people and accessing information about vacancies and our assessment processes.

Governance and compliance can be a challenge where appointments to roles must be on the basis on merit.

Solutions

Encouraging targeted recruitment approaches with our Recruiting Managers.

Three-year Recruitment and Resourcing strategy in place with with four key themes: Clarity, Efficiency, Diversity and Flexibility.

SCTS has a Civil Service Commission endorsed and supported Modern Apprenticeship Scheme called 'Life Chances'. This scheme was created in collaboration with Barnardo's and has been recognised as a genuine contributor to the UK Civil Service in its aim to become the most inclusive employer in the UK.

Review of the current role requirements for vacancies. Focussing on reducing barriers in respect of essential criteria to enable a wider range of people to apply and be considered through our assessment process, whilst remaining compliant with the legislative requirements of the Civil Service Recruitment Principles.

Positive action considerations to encourage diverse work force.

Increased use of Social Media outlets and provision of information about our opportunities from the people that work with us.

Active participation on Social Media groups focussing on helping and advising people around career progression.

Collaboration with Skills Development Scotland to raise awareness of opportunities across the public sector for young people in Scotland.



Dr Mo Egan
Univeristy of Stirling



Dr Michelle Weldon-Johns
Abertay University

Implications of the COVID-19 pandemic on trainees entering the profession and working from home.

ISSUES

- This may mean that they do not gain the same experiences and support that they would normally experience in an office environment.
- From a trainee perspective – working from home means that you miss out on being in the office and picking up skills/experiences/knowledge by osmosis from others and informal office networking.
- The implications and experiences of working from home might differ greatly depending on your career stage, e.g. for those more established it could be a benefit; it could also be beneficial with those with caring responsibilities. However, for those in a more junior position, it can be more challenging especially re networking and development.
- There are also implications for the academy with working from home, particularly around the mental health implications of working from home. This is also evident from the experiences of students and the impact that continued working from home has on their mental health.
- Other implications for practice of working from home include: increased isolation, particularly for those who live alone; reduced opportunities for informal conversations; managing distractions, including caring responsibilities but not limited to those; reduced social engagement; and the wider implications for mental health, both now and in the future.
- Positives- increased opportunities for networking with others in different offices because of the ease of use of online meetings/workshops/networking events etc. This can have positive implications for those with different protected characteristics and so increase inclusion.
- Digital poverty- the issue of digital poverty was also highlighted and how it can undermine trainee experience and thus create barriers for opportunity and inclusion.



Professor Richard Whitecross

..."Have heard experiences that at school, BAME student put off at this stage by expectations of teachers – “not cut out to be lawyers” more to be done at school level?

- About 6% of law student at Edinburgh Napier University are from BAME background.
- Monitoring of students pass graduation tend to be difficult for universities.
- Data of graduate progression only available where they join alumni groups or keep in touch with lecturers for references.
- Arguably too many law graduates return to other jurisdiction post-graduation.
- Assumption that lawyers are white, middle class, from particular cultural background feeds into same narrative.
- Lack of appreciation of cultural differences in legal profession and recruitment processes
- Lack of role models
- Some black students who are older, often mothers, balancing studying and caring responsibilities
- Some student change career post-graduation – issue with diploma fee of approx. £8,000 – not subsidised.
- Need for key stakeholders to review course delivery and recruitment processes.



Prof Sir Geoff Palmer OBE
FJSS Group

■ Many people in BME communities do not know where to go when they have a legal issue, due to lack of understanding of the legal system and they are not aware where to start and who to approach. Thus, the FJSS Group's Equalities Workshop 2021 program is an innovative event as it will meet the BME community needs and rights to legal services. For these reasons, the FJSS Group should be supported in this work because it is extremely important work.

Importance of diversity

- A diverse society needs a diverse management to be fair, inclusive, and efficient.
- Diversity gives the opportunity to learn from others.
- It brings different experiences and knowledge.
- A question is arisen in relation to the Equality Act 2010. "What are the procedures if an employer breaks the content of the Equality Act?"
- Who acknowledge, for instance, if a candidate has unfairly failed to an interview?
- If there are not consequences to people actions, the situation will remain the same, and the changes will not occur.
- Companies should monitor whether there is a politics of equality and diversity within their organisations especially during this period of post-Floyd's.
- They should also have a set outcome in terms of Diversity Equality and Inclusion otherwise the equality agenda will be aimless.
- "Nice to do" does not change attitudes. The discourse of representation does not only concern the workplace. It also requires that there be a fair representation within the managerial positions. Wherever you go, senior people are always white people.
- People are influenced by what they see. Thus, companies should not let their culture influence their decisions when the recruitment or promotions' criteria should be based on capability and skills.
- FJSS Group has the capacity to change attitude of the society. Thus, it should be supported.



Brian Tshuma
FJSS Group

The Roadmap to Greater Equality, Diversity, and Inclusion in the Scottish Legal Profession

Please Indicate: Yes/No to Roadmap

- Key stakeholders in Scottish Justice System adopting a more collaborative approach.
- Adoption of Roadmap to greater racial equality, diversity, and inclusion in the Scottish Legal Profession
- Achievable targets focussing on recruitment, retention, and promotion and progression.
- Focus on policy and decision-making approaches.
- Proactively encouraging rapport and affinity from staff of diverse backgrounds
- Development of positive action schemes at the works place.
- Shift in public policy from Government to other key sectors players.
- Different perspectives and collaborative approaches that are inclusive not exclusive.
- Exchange of information and experiences among staff of diverse backgrounds.
- Mutually agree on how to effectively, realistically and practically meet racial equality, diversity and inclusion issues.
- Set realistic and achievable targets.
- Develop monitoring and evaluation processes that effectively factor in impact assessment proactively.

Next Equalities Workshop

Thursday 23rd June 2022

Main Agenda

- Review Progress - Look back to the 12 months from last Equalities Workshop 2021

Terms

BAME- Black Asian Minority Ethnic

BME- Black Minority Ethnic

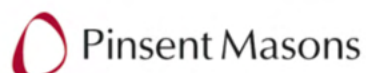
BEM- Black Ethnic Minority



Law . Tax



COPFS



The Scottish Government
Riaghaltas na h-Alba



The Scottish Institute
for Policing Research

