

TACKLING COUNTER-INCLUSIVE MISCONDUCT THROUGH DISCIPLINARY PROCESSES



A STATEMENT FROM ALL LEGAL SERVICES REGULATORS

As legal regulators, we are committed to doing everything we can to support an independent, strong, diverse and effective legal services sector; one in which anyone can succeed, and the profession is enriched by practitioners who reflect the diversity of the society and consumers that they serve.

While there have been some improvements in diversity and inclusion in the sector, there remains a great deal of work to be done. It is still more difficult to progress as a lawyer – sometimes much more difficult – if you are, for example, a woman, or if you are from an ethnic minority, or if you are a disabled person, LGBTQ+, or are from a lower socio-economic background. This needs to change much further and faster than it has in the past.

We know the reasons for this are complex and differ from group to group and within groups but do not accept that complexity should be used as a reason not to act.

We know that regulation is not the whole answer, or even most of the answer. But we also know that it can be an important part of the answer.

For example, as legal service regulators, we have considerable influence over how legal professionals behave and in helping shape shared professional values. We oversee the way lawyers are trained and educated. We set standards of conduct and expectations of professional behaviour. And we have powers to act where conduct falls below those expectations and through our disciplinary processes. The signatories to this statement commit to using these levers to bring meaningful change to the experiences of all those in and served by the legal services sector.

Many of the barriers to a successful legal career arise from the conduct – or indeed misconduct – of legal professionals. A workplace in which misconduct or harassment of any kind occurs, that tolerates racial discrimination, or where people are bullied or excluded because of disability, sex, sexual orientation or gender identity in most cases will be unlawful. It will not provide a fair chance of success for individuals from diverse backgrounds which is essential to create the strong and diverse legal profession we all want to see.

THE LEGAL SERVICES REGULATORS THEREFORE EMBRACE THE FOLLOWING PRINCIPLES IN REGARD TO TACKLING COUNTER-INCLUSIVITY:



Counter-inclusive misconduct, which is conduct which intentionally or unintentionally has the effect of narrowing or denying opportunities to people because of their background or characteristics, is serious and will be challenged and dealt with appropriately



We will take every opportunity to ensure that its seriousness is reflected in a consistent way within our standards and codes and in our approaches to disciplinary action



We will support each other in ensuring a consistent message to promote understanding across the whole sector that counter-inclusive misconduct and behaviour must and will be tackled effectively wherever it is found.

“We know that the vast majority of legal professionals will agree with and welcome these principles and will want to make their own contribution to ensuring a strong and diverse legal profession.”

SIGNED BY:

Matthew Hill
Chief Executive
Legal Services Board



Mark Neale
Director General
Bar Standards Board



Professor Janine Griffiths-Baker
Interim Chief Executive Officer
CILEx Regulation Limited



Kate Wellington
Chief Executive
Costs Lawyer
Standards Board



Sheila Kumar
Chief Executive
Council for Licensed
Conveyancers



Howard Dellar
Registrar
The Faculty Office



Duncan Wiggetts
Chief Officer
Institute of Chartered
Accountants in England
& Wales



Fran Gillon
Chief Executive
Intellectual Property
Regulation Board



Paul Philip
CEO
Solicitors Regulation Authority



A STATEMENT FROM LEGAL SERVICES DISCIPLINARY TRIBUNAL PROVIDERS

Recognising our individual independence, and that of disciplinary panels and tribunals, we will ensure that management, training, procedures and policies are in place to enable tribunals to impose sanctions that mark the seriousness of sexual misconduct, racial or other discrimination or bullying, act as a deterrent and encourage the reporting of misconduct. Such behaviour undermines public trust and confidence in lawyers and the law and has a negative impact on diversity, recruitment, and retention.

The undersigned endorse the principles set out in their statements and commit to pursuing the elimination of counter-inclusive practices through embedding these principles into regulatory and disciplinary policies, activities and decisions.

SIGNED BY:

James Wakefield
The Bar Tribunals and
Adjudication Service
Registrar



Geraldine Newbold
Clerk and Chief Executive
Solicitors Disciplinary
Tribunal

