MALE CHAMPIONS FOR CHANGE: THE CASE FOR GENDER EQUALITY IN THE LEGAL PROFESSION

Findings from the men's roundtables

Foreword by Christina Blacklaws & Simon Davis

Building on the extensive work undertaken as part of the Women in Leadership in Law project, the men's roundtables have ensured that we are engaging with all the profession on this issue – which is only right considering gender equality, diversity and inclusion are issues which affect 100% of us.

I am thrilled at the high level of engagement we had, with roundtables often over-subscribed and hosted and championed by the Law Society's own male leaders. The main findings and recommendations in this report are a central part of our research and an essential contribution to our framework to achieve true gender balance in the legal profession.

Christina Blacklaws

President

May 2019

It is my privilege to introduce the Law Society's latest report on gender equality in the legal profession. This report follows our previous report *Influencing for Impact: The Need for Gender Equality in the Legal Profession,* which summarised the findings from the women's roundtables that formed part of the Women in Leadership in Law project.

This report sets out additional findings of men-only roundtables held across England and Wales from November 2018 to March 2019.

The participating male leaders included senior lawyers working in firms; in-house legal teams in a range of different sizes and types of businesses; and in the public sector. Participants acknowledged that women are under-represented in senior positions in the legal services sector and put forward practical solutions aimed at redressing this imbalance.

I am determined to continue implementing the programme on Women in Leadership in Law during my presidency once I take over from Christina in July 2019.

Simon Davis

Vice President

May 2019

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Summary of main findings and recommendations

1. Participants acknowledged that women are significantly under-represented in senior positions in the legal services sector.

2. This imbalance, in turn, has led to a larger gender pay gap, mainly, but not exclusively due to the small percentage of women in senior positions.

3. The main recommendations to tackle gender imbalance are:

    3.1 In order for unconscious bias training to be meaningful, it needs to be compulsory and ongoing and include those in senior leadership positions.

    3.2 Taking practical steps to ensure that the culture in the organisation is one where networking opportunities are not male-dominated and the atmosphere is not one where only 'male' attributes are valued.

    3.3 Ensuring proper processes are in place with a view to eliminating unconscious bias from recruitment and selection processes.

    3.4 A greater emphasis on promotion prospects, and the importance of looking closely at the pipeline of future candidates to ensure that women are gaining suitable experience and credibility in the years ahead of promotion decisions. In practical terms, for example in a partnership context, this means effective succession planning and looking ahead at who is coming up through the ranks with senior leaders playing a more proactive part.

    3.5 Ensuring that supervisors and managers do not make assumptions about whether women with caring responsibilities are less likely to be able and willing to take on work that could involve unpredictable hours, late hours and/or travel at short notice. These kinds of work experiences can play a really important part in helping both women and men to secure the track record and credibility needed for promotion, particularly in private practice, and any such assumptions can be harmful.

    3.6 Consistently giving women the chance to secure high-impact assignments over a long period of time, rather than focusing primarily on billable hours. Such work is taken into account when producing shortlists for promotions and sideways moves. Large law firms often require men and women doing demanding high-pressure work for quite a few years to make a positive career impact.

    3.7 Conducting an appropriate and well-rounded assessment of the total contribution of women to the business. This includes considering the non-chargeable but important work connected with pro bono, client and practice development, corporate social responsibility and knowledge management.

    3.8 Using technical/digital/objective methods for work allocation which, although not primarily designed to eliminate bias, could naturally lead to a much fairer allocation process.

    3.9 Developing 'returners programmes' targeted at all returners (male and female) who have been out of the profession for three years or more. These programmes could

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have a longer-term effect of increasing the willingness of women to return to frontline demanding work after career breaks.

3.10 Encouraging firms introducing or enhancing alternative sourcing offerings to clients which would allow lawyers with the right skills and experience to work for fixed periods on a contract basis, rather than returning to the full-time workforce. These kinds of 'on demand' client offerings could be particularly attractive for experienced women wanting to manage their working time over a longer period, perhaps at least whilst transitioning back to full-time permanent work.

3.11 Improving retention of senior women in firms and in-house. When women have reached senior positions, they tend to leave full-time frontline work earlier than men – in a law firm context it is not only a case of increasing the percentage of women 'making' partner, but also considering how they can best be retained in senior positions for the years to come.

3.12 Encouraging senior men to continue acting as sponsors, coaches and role models for women in their firms and organisations.

3.13 Encouraging external firms bidding for in-house work to be open about fee earners on the team who work part-time. It was said in several roundtables that it was perfectly fine for individuals to work part-time, as long as the client knew and was aware of how the overall assignment was being covered.

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1. Unconscious bias

1.1 Definition

Unconscious bias refers to both positive and negative attitudes or stereotypes that affect our understanding, decisions or actions concerning an individual or group in an unconscious manner. All human beings – men and women – are biased; we are hardwired to make implicit associations. We have been conditioned to make associations about others that may have been and continues to be influenced by our parents, upbringing, the people we surround ourselves with, media portrayal of certain groups, and much more. This enables quick thinking, but it is also the foundation for stereotypes, prejudice and discrimination.

Whilst it is possible to be unconsciously biased towards anyone, it is the biases that a dominant group has towards other groups that are most concerning and which may result in discriminatory behaviour. In the UK, the Equality Act 2010 protects certain groups against discrimination, harassment and victimisation in employment and the provision of goods and services. The Equality Act 2010 identifies gender reassignment, race, disability, age, sex, marriage and civil partnership, pregnancy and maternity, religion or belief, and sexual orientation as protected characteristics.

1.2 Key themes

a. Training

Participants in these discussions came from a number of different firms, in-house practice and other representative bodies, and as such the level of training about unconscious bias differed greatly, with some being very familiar and others being new to it. The way training takes place also varies greatly between practices: some make it a mandatory one-off, online training; for others it is optional. Some participants said that training was needed in order to help address the issue, and that training needed to be led by senior leadership.

Some participants questioned the usefulness of unconscious bias training, stressing that it is more important to focus on the culture in a firm. Others considered that one-off training is not particularly useful. In a business environment where members of staff are very busy and, perhaps, focused on fee-earning work, there is a real risk that staff would "forget about it as soon as they got back to their desks". Only providing one-off training means that staff would view the training as a 'tick-box' exercise, especially if they were required to complete multiple online training courses.

In order for there to be meaningful training, which aims to highlight behaviour and encourage real change, the training needs to be compulsory and ongoing. It was also suggested that training that is put together in-house is less effective than training that is sourced externally. Others, however, highlighted the need for training to consider the practices and culture of the individual practice.

Participants acknowledged that unconscious bias training can be a good first step towards helping people at leadership level recognise their own issues of bias. It is therefore important that any unconscious bias training includes senior business leaders, as some forms of leadership fail to acknowledge that unconscious bias is a problem at all.

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b. Culture

The culture within a practice is important to tackling unconscious bias. When participants talked to colleagues about attending roundtables, the reaction was very mixed. Some colleagues were very supportive; others questioned the need for the roundtable; and some questioned why they were 'men only' sessions at all. It was commented widely that there needs to be an environment where the issues can be discussed in an honest and open way. The issues around unconscious bias can create heated discussions, which can lead to assigning blame and does not give people the confidence to be honest. It was also stressed that men need to have the confidence to talk openly about these issues. Without men's participation, the problems cannot wholly be addressed.

Workplace culture was a concern at all the roundtable discussions on unconscious bias. Many participants spoke about the way colleagues interact with each other and how those practices and behaviours can lead to women being and feeling excluded. There were several examples where organisations had run 'away days' or team building activities and how these activities led to women being excluded. One participant talked of a long-planned event which then clashed with an international rugby game, and so prior to the event male members of staff suggested that the event was cut short so that the team could go to the bar to watch the game. In this case, every female colleague went home. In another example a team decided to go to play golf, resulting in no female colleagues attending.

Activities such as team events, where there were opportunities for networking, team building and collaboration, were often organised around sporting events. Whilst sport is open to both men and women, it was felt that male-dominated activities were the norm, which effectively excluded women. In the example above, it was recognised that cutting the event short for such reasons sent a poor message to female colleagues and that there was no real opportunity for anyone to feel comfortable enough to speak out against it. It was also highlighted that these types of events often revolved around alcohol.

This includes client engagement, which participants reported as tending to involve alcohol and take place in the evenings. Practices such as this can lead to women, particularly those with caring responsibilities, becoming isolated and excluded. Having such important events centred around alcohol might also lead to many colleagues feeling excluded, and if they do not drink for religious reasons, if they feel uncomfortable in that environment.

> "Networks for bringing in new work are mostly male-dominated – more female presence would help eliminate the pay gap." – Men's roundtable participant

One participant recounted an example of a female paralegal, who had completed her training contract and was seen as having great potential, who left the firm. At her exit interview she stated to a male partner that she "didn't want to have [his] lifestyle". It was suggested that a contributing factor to women not progressing to senior roles was that the business culture, and the expectations that come with them, conflict with other life goals, such as raising a family.

There is also a culture where men feel they need to be perceived as dominant, alpha males. This can create a workplace environment where behaviours, such as 'banter' or 'locker-room talk', can make female colleagues feel ostracised or uncomfortable and can contribute to valued

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members of staff abandoning their careers prematurely. This can have a detrimental impact on men's mental health as well as creating a hostile environment for women.

c. Recruitment process

There was widespread agreement that a number of actions could be implemented to remove unconscious bias from the recruitment process. The most common suggestion was implementation of blind recruitment. A blind recruitment process involves removing identifying information about a candidate from their application. This can include removing names, contact details, date of birth, dates when qualifications were gained, names of institutions where the applicant has studied and dates of employment. Blind recruitment is becoming more and more common as it is the easiest way to eliminate any potential bias in the process leading up to shortlisting and interview.

Some participants shared that their organisation had already implemented blind recruitment practices and that they were working well. In one case this process had resulted in female-only shortlists in the last two instances of recruitment. Blind recruitment has been seen as beneficial to other groups as well, not just women.

Whilst blind recruitment was generally viewed as a positive step towards eliminating unconscious bias, it is not a silver bullet. A number of attendees said that it would be appropriate for the more junior roles and unsuitable for senior roles, such as partnership promotions or senior head of legal in in-house teams.

It was also reported that blind recruitment was occasionally flawed, as it could not guarantee every piece of identifying information was removed; for example, instances where candidates refer to previous experiences or roles such as being 'Head Boy or Girl' or 'Captain of the Women's Rugby Team'. While it was generally agreed that using an alternative method of recruitment was a positive step in removing unconscious bias, it could not do so in isolation. Having gender-balanced interview panels, where candidates were assessed against skills rather than their interests or their potential to 'fit in' is essential. Other measures, such as asking recruiters for a balanced shortlist to help ensure more equality of candidates, were seen to be helpful as well.

Given the number of women entering the profession, it was felt that the issue was not necessarily solely in recruitment, but in retention and advancement too. It was said that there needs to be a focus on the career paths of future candidates for promotion, which would help to ensure that women gain exposure and will be prepared and equipped when the time for promotion comes. Senior leadership need to be proactive and provide the opportunities for women to gain the necessary skills, experience and credibility in order to be serious candidates.

It was also suggested that women's own bias may be hindering advancement. A lack of self-confidence or belief in the extent of their own skillset may impact their decision to apply for advancement and career choices. Men may see that they have most, but not all, of the skills outlined and still apply for the role; however, women may not apply unless they feel they have all of the skills outlined. It was felt that more needs to be done to create an environment where women can look at their development and have the confidence to apply for advancement.

> "Women that get to the top have to be particularly tough and somehow adapt to a culture that expects a very specific attitude." – Men's roundtable participant

d. Client views

The role of clients and their influence in perpetuating or helping to resolving bias in the profession was also discussed. Representatives from firms were particularly worried about maintaining positive client relationships, with some so concerned that they felt a period of extended leave by one solicitor could be grounds for clients to take their business elsewhere.

However, members of the in-house community, who often instruct clients from private practice, were keen to emphasise in both the women's and the men's roundtables that firms often put undue pressure on their staff to deliver work not actually urgently required by the clients and concluding clients also had a responsibility to communicate better with the firms as to timings and expectations. It was suggested that firms bidding for work should be open about fee earners on the team who work part-time. It was said in several roundtables that it was perfectly fine for team members to work part-time, as long as the client knew and was aware of how the overall assignment was being covered.

There were also a number of participants who had experiences where the diversity of an organisation and its leadership was a factor in clients deciding where to take their business. These participants noted that the clients and businesses were also becoming more aware, not just of the concerns, but also the benefits of having a diverse workforce. In order to remain connected to the needs and requirements of their clients, organisations must evolve and tackle these issues if they are to remain competitive.

e. Practical tools, role models and retention

Many participants were aware of the attitudes and behaviours that led to unconscious bias, the impact it had on their organisations and the need to address it in order to retain talented members of staff. However, there was a sense that many did not know how to practically deal with the issues that had been raised. Although there were a number of suggestions, such as blind recruitment, mentoring and more detailed training, it was felt that more guidance, with practical examples, is needed to tackle the issues.

Another recurrent point was that participants often learnt that younger women found the available role models of the most successful senior women lawyers they knew relatively unattractive. Some of the reasons given for this were that although there are a reasonable number of very successful women in senior positions in the law, there is sometimes the perception that in order to succeed they have had to 'become like men'.

1.3 Solutions and recommendations

Participants discussed and agreed with the recommendations made in the Law Society's previous report on "influencing for impact" and particularly:

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- Leading from the top and by example. For most organisations, outlook and standards of behaviour are led from the top. It is crucial for leaders to be aware of their bias to prevent it from influencing business decisions and colleagues alike.

- Humility and acknowledgement of bias. Ensuring that individuals, and most especially leaders and managers, are completely conscious of their bias and the unconscious bias that persists within the organisation. This can help underpin a culture of awareness that is the foundation for change. By acknowledging that we all have bias, and by working to eliminate it from impacting business decisions, it will be less likely that an individual's immutable characteristics will hinder their progress in the profession.

- Raising awareness as a starting point. Respondents to our 2018 survey reported that policies to address the issue are inconsistently enforced in their organisation, with only 11% reporting training on the issue. Organisations should implement unconscious bias training for everybody within the organisation; however, this needs to be supported by the right policies that address inappropriate workplace attitudes and behaviours and the right senior leadership commitment that creates inclusive workplace cultures.

- Recruitment and selection processes. Law firms and in-house legal teams should be committed to making decisions purely on competencies, quality and attributes of the individuals involved.

- Support during work. Supporting women in the workplace is important to prevent bias. This should include work allocation policies, regular analysis to identify whether specific groups of staff are adversely impacted by current work allocation policies or practices, programme of sponsorship, reverse mentoring, internal and external networking and regular conversations with the leadership team on the impact that unconscious bias can have on appraisal or performance reviews and when opportunities or promotions are being addressed within the organisation.

Some of the specific recommendations highlighted above in the men's roundtables:

- A greater emphasis on **promotion prospects**, and the importance of looking closely at the pipeline of future candidates in order to ensure that women are gaining suitable experience and exposure in the years ahead of promotion decisions in order to be 'in the frame'. In practical terms, such as in a partnership context, this means effective succession planning and looking ahead at who is coming up through the ranks and senior leaders playing a proactive part.

- External firms bidding for in-house work to be more **open about fee earners on the team who work part-time**. It was said in several roundtables that it is perfectly fine for team members to work part-time, as long as the client knows and is aware of how the overall assignment was being covered.

- Senior men to continue acting **as sponsors, coaches and role models** for women in their firms and organisations.

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2. Remuneration, equal pay and the gender pay gap

2.1 Overview

Our research found that equitable remuneration was a concern across the profession. Many roundtable participants agree that more needs to be done to understand and resolve the issues that lead to this inequality. It was noted by many that there is a difference between equal pay and the gender pay gap, however, they suggested that this difference was not widely understood.

- Equal pay: The Equality Act 2010 gives a right to men and women to receive equal pay in the same employment for equal work. This includes other contractual conditions, such as performance-related benefits, holiday entitlement, etc.

- Gender pay gap: A measure of the difference between the average earnings of men and women across the organisation, irrespective of the level of work being done.

2.2 Themes

a. Unconscious bias and culture

A number of participants said that the issues around remuneration could not be properly addressed without first fixing the effects of unconscious bias within the profession. Culture and the way businesses address it, impacts so many aspects of working life – including the assignment of work and the way success and remuneration are assessed. It was felt that without addressing these fundamental issues, there cannot be meaningful change.

> "The current culture in law firms perpetuates the same behaviours. We must address the culture as we address issues with pay." – Men's roundtable participant

b. Opportunities for greater remuneration: high impact work and fair work allocation

When discussing the bias surrounding billable hours, concerns were raised about the part unconscious bias played in the decision-making processes involved in work allocation. Participants agreed that high-impact work in their teams required long hours and travel at short notice. Particularly in firms, these kinds of work experiences can play a really important part in woman and men securing the track record and credibility needed for promotion.

Managers may not allocate as much work to a woman returning to work due to concerns of not wanting to overload her. Whilst these concerns are not in themselves biased, they subsequently affect the amount of work allocated to women, as well as the amount of high-profile work that is assigned. If women are given less high-profile work, there is limited opportunity for women to demonstrate the skills and competencies that are required for advancement.

Both men and women should be given the opportunity to do this work and managers should not assume that women, especially those with children or caring responsibilities, would not be interested or suitable to conduct it.

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Women who take leave, particularly maternity leave, or those who are not in the office for longer hours, tend to be viewed as less committed. Likewise, there is a perception that all women of child-bearing age wish to have children and so whether they want to have children or not, they might still be penalised by the system. It is important to note that this perception is not always unconscious, but it is very damaging.

It was also thought that women with caring responsibilities tend to under-record the hours they work. By placing such a high emphasis on billable hours, businesses are limiting the way in which they determine success. A number of the participants agreed that pay and the rewarding of bonuses needed to be based on the overall contribution, rather than the number of hours billed. Roundtable participants from both series agreed that high utilisation rates did not necessarily reflect the qualities of a good lawyer, evidence high productivity or good quality work.

It was widely said that male managers must not make assumptions about whether a woman with caring responsibilities is less likely to be able or willing to take on work that could involve unpredictable hours or travel at short notice. It was also noted that these kind of work experiences can be important when looking at candidates for promotion, therefore it is vital that assumptions are not made about ability or willingness to undertake this type of work and that these opportunities are shared fairly between staff.

It was suggested that greater transparency, or a standardised way to allocate work would help to make it more equitable, with lucrative work being spread more evenly. The use of technology or digital solutions to allocate work, while not primarily designed to eliminate bias, could naturally lead to a fairer distribution process. It was also suggested that having a higher proportion of women directly involved in work allocation decisions would be beneficial.

A number of participants raised the issue of work allocation in terms of the long-term career development of women. It was noted that it is the consistency of doing demanding and high-profile work, over many years, that makes a difference when viewing candidates for promotion.

c. Non-chargeable work

There is anecdotal evidence that suggests that women do a higher amount of non-chargeable, but no less important work. In addition to a fairer distribution of billable work, emphasis should be placed an appropriate and well-rounded assessment of the total 'value' which women lawyers bring to the business on. This includes pro bono, client development, corporate social responsibility, knowledge management and others, especially as they become more senior.

> "Networks for bringing in new work are mostly male dominated – more female presence would help eliminate the pay gap." – Men's roundtable participant

d. Gender balanced roles and gender pay gap

A number of participants expressed concern that the gender pay gap was misleading and unhelpful in tackling the problems around equal pay. It was suggested that the pay gap existed in firms due to the number of women in support or junior roles. One participant said that all of the secretaries and personal assistants at his firm were filled by women, and this skewed the firms pay gap figures. This account demonstrates that gender segregation in particular roles needs to

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be considered by firms when analysing gender pay data, including the way actions are identified and implemented to tackle these issues. A number of participants felt that it would be more productive to show the figures on a role-by-role basis so that it would be easy to see the roles where the greatest inequality existed.

Other participants expressed the need for support roles to be worded in a gender-neutral way in order to attract more men into these roles. Businesses will need to consider how role descriptions are constructed, the language used to advertise these roles and whether there is bias present in the recruitment processes used to fill roles of this type. Likewise, for there to be greater equity at senior level, there needs to be a conscious drive to attract and retain more women in these roles. While figures show that more women are entering the profession than men, the issues arise in retaining and promoting women. It was felt that if these issues were properly addressed then issues around remuneration would also resolve themselves.

e. Transparency

It was widely agreed that greater transparency was important. It was suggested that organisations do not wish to disclose salaries because most people would not want to share that information. However, a number of participants agreed that this perception is unfounded, and most employees would not mind salaries to be disclosed on a role-by-role basis. This transparency would help to ensure that those doing the same work are being paid equally.

It was felt that this transparency would also help women who move to other businesses. It was suggested that the inequality can be compounded when an individual moves organisation as they are asked about their previous salary. If there was greater transparency about remuneration by role, it would be easier to secure fair pay.

2.3 Recommendations

Participants discussed and agreed with the recommendations made in the Law Society's previous report on "influencing for impact" and particularly:

- Valuing the different contributions that women make and ensuring that those are financially recognised and rewarded, as well as count towards promotion.

- Ensure all employees are paid equally.

- Measuring ethnicity, disability, sexual orientation and socio-economic background pay gaps, which will offer a more comprehensive picture of the overall state of equality and inclusion in the organisation.

- Developing and adhering to a gender pay gap plan for the organisation.

Some of the specific recommendations highlighted above in the men's roundtables:

- Consistently giving women the chance to **secure high impact assignments over a long period of time.** This work is taken into account when producing shortlists for promotions and sideways moves. Large firms often require men and women doing demanding high-pressure work for quite a few years to make a positive career impact.

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- Ensuring that male and managers **do not make assumptions** about whether women with caring responsibilities are less likely to be able and willing to take on work that could involve unpredictable hours, late hours and/or travel at short notice.

- Using **technical/digital solutions for work allocation** which, although not primarily designed to eliminate bias, could naturally lead to a much fairer allocation process. It Is also important to have a higher proportion of women directly involved in work allocation decisions to help make the processes fairer.

3. Flexible working

3.1 Overview

Flexible working means that whilst the number of hours worked remain the same, there is flexibility in the start and finish times and/or the ability to work remotely. Agile working is slightly different and gives autonomy to the individual being able to work where, when and how, with maximum flexibility and minimum constraints. It is important to understand the difference between the two terms so that the most suitable practices can be employed. The move away from standard office-based hours can be crucial for the retention and progression of women in the legal profession.

3.2 Key themes

a. Supportive structure

Many participants agreed that flexible working can be very useful in retaining talent and ensuring that work-life balance is maintained. For flexible working to be successful, proper investment is needed. Investment is not solely meant in terms of resources, though it was accepted that the proper use of technology across an organisation is essential, but also in terms of the firm's leadership in fully supporting flexible working and those who choose it.

> "The structure and support from firms must be there in order to ensure flexible working is successful." – Men's roundtable participant

One participant noted that the fact that 60% of entrants to the profession are women is a clear indication of where the talent currently comes from. In order to develop this talent, and see women progress to leadership roles, they must be given the tools to allow them to work in a way that does not compromise their other life ambitions, such as raising a family. Providing more flexible working environments can be used as an effective tool to retain talented women in the workforce, as well as create businesses that are able to meet clients' diverse demands. By retaining talent, businesses can take advantage of the investment made in women in law.

Many agreed that the commitment of senior leadership was key to the success of flexible and/or agile working. Whilst it is true that senior leaders need to be visible in order to support junior members, it was also noted that it is essential that they utilise flexible and/or agile working and lead by example. By not doing so, junior members will be less likely to use or request it.

b. Perception

There has been, and to an extent still is, the perception that employees working flexibly are not as productive as they are when they are in the office. However, as many participants noted, the

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reality is that employees become more productive. One participant spoke about his own firm, where the introduction of agile working was driven by efficiency rather than a focus on supporting colleagues. The introduction of paperless working enables remote working, which as a consequence reduced travel times and meant that employees were able to work more hours than they would have done if they came into the office. They added that the introduction of hot-desking also meant that it was not immediately apparent who was out of the office, so less importance was placed on being physically seen in the office.

It was felt that trust was another important factor in ensuring the success of flexible and/or agile working. There is a worry that if managers do not see their staff on a regular basis, they cannot gauge how they are doing or offer advice as they would if they were present in the office.

It was also suggested that there was a perception that women in leadership positions had to be tougher than men to get there, and that they are not as supportive of younger women or of flexible working. It was suggested that there might be an attitude of 'I didn't need it' and therefore they are less inclined to support it. However, the women currently in leadership positions may be seen as role models for women entering the profession and it is vital that they are seen to engage with flexible working.

If there is a failure to lead by example at senior levels, then women entering the profession will continue to feel that a good work-life balance is not achievable, and this could lead to them potentially moving out of private practice. One participant noted that it is widely felt that in-house positions offer more flexible working options and may suggest that this is the reason women move away from private practice.

It was also felt that men have a key role to play in helping to normalise flexible working and change the culture and belief that working flexibly hinders progression or shows a lack of commitment. Men also need to work flexibly and participate in the discussions within their organisation so that the whole working environment changes.

> "If there is a flexible working policy then senior leadership need to use it, and most importantly, men need to engage to help it become a normal part of working life." – Men's roundtable participant

c. Parental leave

A number of participants talked about an increased interest in shared parental leave. They said that it was becoming more common and organisations were seeing a push for longer parental leave provision. However, there was, in some parts, still the perception that taking parental leave would be a disadvantage in the partnership track. Many suggested that this perception was dying out, and that more men needed to take parental leave to normalise it so that other men felt more able to request and take it. This approach will support women to feel more confident to take advantage of maternity leave provision and not feel that they have to return to work as soon as possible.

It was noted that businesses face challenges over how to cover work while colleagues were away on parental leave, as well as challenges around how to reassign work when colleagues returned to work. It was felt that, given the discussions around unconscious bias and work allocation, there needed to be more guidance on how to support colleagues as they return from parental leave to ensure that they have the right balance between their work life and their family life.

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There were a number of positive discussions around firms providing different options for women and men returning to work. Several roundtables discussed the potential for 'returners programmes' targeting everyone, specifically people who have been out of the profession for three or more years. This type of programme could be utilised to help women return to frontline work after periods away from practice. It was also suggested that firms may introduce work on a fixed-period, contract basis. This could allow people, particularly experienced women, to work on high-profile projects whilst managing their working time. This approach could enable women to transition back to full-time working at their own pace, whilst still keeping their skills and experiences up to date.

d. Working hours and clients

During the discussions around flexible working, the issue of client expectations was once again raised. Firms need to devise a way that shows that lawyers can work flexibly and still respond to the needs of clients. This was raised as a particular issue when discussing part-time working. One participant relayed a comment from a colleague, who said that there was no point in working part-time (four days a week) when the reality was that they were expected to do whatever was necessary for the client, including working extra hours.

It was accepted that this was a difficult thing to balance; not overloading a colleague whilst still ensuring that they are given meaningful, high-profile work that will enable them to progress. Firms need to find a way that work can be picked up or dealt with by a team, so that the client's needs are met, as well as ensuring that flexible workers are able to work the hours they are contracted to. It was also noted that clients, who may already be working in such a way, are starting to expect their lawyers to be moving along with them. They expect firms to be diverse and have working practices that meet their needs.

3.3 Recommendations

Participants discussed and agreed with the recommendations made in the Law Society's previous report on "influencing for impact" and particularly:

- Make flexible working available to everyone. This includes having a clear policy on flexible working for the business which is universal and communicated to all staff members.

- Senior leaders should lead by example and demonstrate that working flexibly can be undertaken by various colleagues at diverse levels of the organisation.

- Not making assumptions about what mothers, fathers, or others with caring responsibilities want or are able to do.

- Identifying what work can be competed from alternate locations or outside the usual office working hours timeframes.

- Implementing objective performance measures so that flexible workers are not judged more or less favourably than their peers and use metrics to monitor performance evenly.

- Considering how the timings of meetings and social gatherings impact those with caring responsibilities and part-time employees and partners.

- Ensuring the right IT equipment and support is available to help to keep teams work flexibly.

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- Ensuring that work is evenly distributed so that everyone gets a chance to do high-profile work irrespective of their working arrangements and holding managers accountable if this is not followed.

- Ensuring that existing maternity, paternity, adoption and shared parental leave policies do not adversely impact upon any specific group(s) of staff by undertaking regular monitoring of uptake of these provisions before, during and after leave is/has been taken.

- Monitoring the support available to staff returning from maternity, paternity, adoption, shared parental leave or other types of career break.

- Encouraging men to take advantage of paternity and shared parental leave when they are entitled to it.

Some of the specific recommendations highlighted above in the men's roundtables:

- Develop **'returners programmes'** targeted at all returners (women and men) who have been out of the profession for three years or more. These programmes could have a longer-term effect of increasing the willingness of women to return to frontline demanding work after career breaks.

- Firms to introduce or enhance **alternative sourcing offerings to clients** which would allow lawyers with the right skills and experience to work for fixed periods on a contract basis, rather than returning to the fulltime workforce. These kinds of 'on demand' client offerings could be particularly attractive for experienced women wanting to manage their working time over a longer period, perhaps at least whilst transitioning back to full-time permanent work.

- **Improving retention of senior women in firms and in-house**. When women have reached senior positions, they tend to leave full-time frontline work earlier than men – in a law firm context it is not only a case of increasing the percentage of women 'making' partner, but also considering how they can best be retained in senior positions for several decades.

Conclusion

From our findings it is clear that there is an awareness of the issues and challenges women face within the profession.

Important steps are being taken to promote equality of women in law, but there is still a long way to go.

Whilst it is important to identify and understand barriers, it is crucial to present clear and realistic solutions to help overcome these problems. The men's roundtables recommendations are focused on practical steps to accelerate change.

Men acknowledge their vital role in championing change and are keen to be engaged in the discussions that still need to be had. The determination to promote not only gender balance, but also true equality in the legal profession is clear, and the commitment to remove the existing barriers must continue.

The professional body for solicitors