



Five year review of our equality, diversity and inclusion work

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1. We have delivered a significant programme of work on equality, diversity and inclusion (EDI) over the last five years, in line with the Legal Services Act objective 'encouraging an independent, strong, diverse and effective legal profession' and the [diversity outcomes \(PDF 4 pages, 108KB\)](#) [\[https://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/2017/S162_Guidance_For_Regulators_On_Encouraging_A_Diverse_P\]](https://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/2017/S162_Guidance_For_Regulators_On_Encouraging_A_Diverse_P) set by the legal sector oversight regulator, the Legal Services Board (LSB), as below:
 - a. building a better understanding of diversity in the profession
 - b. using evidence about diversity to inform and evaluate our regulatory arrangements and operational processes
 - c. working collaboratively
 - d. being more accountable about our diversity work.
2. A diverse and inclusive legal profession benefits both the providers of legal services and those who use their services. It is important that the sector attracts the best people from every background and has a diversity of thinking - and there is evidence that businesses benefit from a 'diversity dividend'. As part of ensuring access to justice, legal services should be seen as relevant for everyone and that means a profession that reflects the communities it serves.
3. Our strategic approach over the past five years has been to focus on three main areas, set out in our [EDI strategy from 2014 to 2017](#) [\[https://indemnity.sra.org.uk/sra/equality-diversity/strategy/edi-strategy/\]](https://indemnity.sra.org.uk/sra/equality-diversity/strategy/edi-strategy/): developing a diverse workforce and inclusive culture, making sure our approach to regulation is proportionate, fair and free from bias, and working with others to promote a more diverse and inclusive profession.
4. A key part of that strategy was to mainstream EDI across the organisation and this meant bringing our EDI work into the heart of our governance arrangements and strategic planning. This has proved successful, making EDI central to our thinking both as a regulator and as an employer. Our EDI priorities from 2017 were therefore included within our [Corporate Strategy 2017 to 2020](#) [\[https://indemnity.sra.org.uk/sra/corporate-strategy/\]](https://indemnity.sra.org.uk/sra/corporate-strategy/) and the Board took direct oversight of this work from our EDI Committee.
5. All three areas of our EDI work are important in their own right, complement each other and help us meet our Public Sector Equality Duty. We regularly report progress on these key components:
 - Our internal work relating to EDI in the workplace is integrated into our People Strategy, with our [workforce profile and progress](#) [\[https://indemnity.sra.org.uk/sra/equality-diversity/diversity-sra/\]](https://indemnity.sra.org.uk/sra/equality-diversity/diversity-sra/), reported separately each year.
 - We [report transparently and accountably on our EDI work annually](#) [\[https://indemnity.sra.org.uk/sra/equality-diversity/diversity-work/\]](https://indemnity.sra.org.uk/sra/equality-diversity/diversity-work/)
 - We publish information about the [diversity profile of the profession](#) [\[https://indemnity.sra.org.uk/sra/equality-diversity/diversity-profession/\]](https://indemnity.sra.org.uk/sra/equality-diversity/diversity-profession/) every two years.
6. The LSB reviews our EDI performance as part of its wider work and publishes its assessment every year, most recently in [February 2019 \(PDF 30 pages, 549KB\)](#) [\[https://www.legalservicesboard.org.uk/Projects/Diversity_Of_Legal_Profession/pdf/20190122_Diversity_Summary_report_legal_services\]](https://www.legalservicesboard.org.uk/Projects/Diversity_Of_Legal_Profession/pdf/20190122_Diversity_Summary_report_legal_services). We also publish a range of [research and issue specific reports on EDI](#) [\[https://indemnity.sra.org.uk/sra/equality-diversity/reports/\]](https://indemnity.sra.org.uk/sra/equality-diversity/reports/) and [EDI resources for the profession](#) [\[https://indemnity.sra.org.uk/solicitors/resources-archived/diversity-toolkit/\]](https://indemnity.sra.org.uk/solicitors/resources-archived/diversity-toolkit/).
7. This report summarises our activity and progress over the last five years in relation to our regulatory approach and our diversity work in the profession. Our work over this period has been influenced by the findings from a major review of EDI in our enforcement work, the [Independent Comparative Case Review](#) [\[https://indemnity.sra.org.uk/sra/equality-diversity/archive/independent-comparative-case-review/\]](https://indemnity.sra.org.uk/sra/equality-diversity/archive/independent-comparative-case-review/) (ICCR) carried out by Professor Gus John. This focused on the overrepresentation of Black, Asian and minority ethnic (Black, Asian and minority ethnic [1](#) [\[#n1\]](#)) solicitors in some of our regulatory outcomes. Professor John analysed our data, reviewed our processes and considered complaints that had been made, finding no evidence of discrimination. His report recommended some improvements to our processes and considered some of the external factors that may be responsible for a higher proportion of Black, Asian and minority ethnic solicitors being brought within our investigation and disciplinary work.
8. In our response to Professor John's report, we explained how we would be taking the findings forward through our regulatory reform programme and our wider work. This included the following actions:
 - understanding the demographics of the profession
 - collaborating with law firms and others to promote diversity in the profession promoting high ethical standards
 - embedding equality, diversity and inclusion in our regulatory reforms
 - raising awareness of key diversity issues and providing guidance and resources to support law firms.
9. We have set out the issues, the work we have done over the past five years and the next steps for each of these areas.

[Open all \[#\]](#)

[Understanding the demographics of the profession](#)

The issues

10. In order to understand how diversity in the profession is changing, and where more change is needed, it is important that we and others have a clear picture of the profile of the profession. We have significantly



improved the understanding of diversity in the legal profession through better collection and use of data and bespoke research over the past five years.

11. We introduced a requirement for law firms to collect, report and publish diversity data about their workforce and have built a data base from which we can now monitor trends, using four sets of data collected since 2014. Feedback from small firms and sole practitioners highlighted the compliance burden the data collection imposed on them, so we moved to collecting this data every other year. It is now established and accepted by firms as part of their reporting obligations with response rates increasing year on year to a high of 96 percent in 2019.
12. We publish this data in an [interactive tool](https://indemnity.sra.org.uk/solicitors/resources-archived/diversity-toolkit/law-firm-diversity-tool-2/) (<https://indemnity.sra.org.uk/solicitors/resources-archived/diversity-toolkit/law-firm-diversity-tool-2/>) on our website, using the additional data we hold about firms to create a richer picture of diversity across law firms, allowing people to view the data by firm size, work type, geographical location and the number of branches. This helps firms to see how they compare to similar firms.
13. Over the last five years we have seen improvement in the overall diversity of the profession. Our data shows that:
 - Women made up 49% of lawyers in law firms in 2019, but only 34% of partners, a gap of 15 percentage points. The gap is narrowing but slowly - over the past five years there has been a slow but steady increase in female partners (up by 1% since 2017 and 3% since 2014). This represents an approximate increase of 10% in the proportion of female partners from 2014 to 2019. The ONS Labour Market Survey shows that 47% of the UK workforce are women.
 - Our new question about transgender indicates that 1% of lawyers said their gender identity was different to that assigned to them at birth, compared to an estimated 1% of the general population.
 - The proportion of Asian lawyers in the profession has increased from 9 to 15% over the past five years, but in 2019 represented only 5% of lawyers in the largest firms (with 50 plus partners). In 2018, the annual population survey showed that 7% of the workforce was Asian.
 - There has been an increase in the proportion of Black lawyers from 2 to 3% over the past five years (an increase of 50%), but Black lawyers are also under-represented in the largest firms (with 50 plus partners), 1% in 2019. In 2018, the annual population survey showed that 3% of the workforce was Black.
 - There has been no change in the proportion of lawyers from multiple/mixed ethnicity or other ethnic groups.
 - There has been an increase in the proportion of Asian partners overall but no change for the other Black, Asian and minority ethnic groups. The largest firms (50 plus partners) have the lowest proportion of Black, Asian and minority ethnic partners, only 8% compared with one partner firms, where 36% of partners are from a Black, Asian and minority ethnic background. The rate of increase in Black, Asian and minority ethnic partners in one partner firms from 2014 to 2019 (38%) is more than twice that of firms with 50 plus partners (14%).
 - There was also an increase in the representation of Black, Asian and minority ethnic solicitors in in-house roles - 18% of in-house solicitors are Black, Asian and minority ethnic (an increase of 4% compared with 2017). The majority of Black, Asian and minority ethnic in-house solicitors (64%) are concentrated in private sector organisations.
 - There has been a slight increase in lawyers who have declared a disability over the past five years, from 2 to 3%, but this is still considerably below the proportion of disabled people in the UK workforce (13%).
 - There has been no change in the proportion of lawyers who identify as lesbian, gay or bisexual over the past five years which at 3% is higher than the UK population of 2%.
 - The indicators we use to measure socio-economic background, show there is more work to do in promoting social mobility. Socio-economic status is not a protected characteristic but, as the 2017 University of Leeds and Newcastle University Business School report (see paragraph 16) reminds us, it is an important factor that interacts and overlaps with the protected characteristics. The way that protected characteristics and other factors link and relate to each other is often described as intersectionality.
 - In relation to schooling, our data shows that in 2019, 21% of lawyers attended fee paying schools (comprising 5% with a bursary and 16% without) compared to the [general UK population](https://www.isc.co.uk/research/annual-census/) (<https://www.isc.co.uk/research/annual-census/>) where 7% attended fee paying schools (2% with a bursary and 5% without). Over the past five years there has been a change in the ratio of lawyers who attended fee paying schools and state schools - for every lawyer from a fee paying school in 2014, there were 2.6 lawyers who attended a state school, and in 2019 this had increased to 2.75.
 - Looking at parental educational attainment, a greater proportion of lawyers had parents with a degree level qualification (51%) compared to 27% of other staff working in law firms. 27% of the lawyers had parents with qualifications below degree level, compared to 37% of other staff and 16% of both groups had parents with no formal qualifications. In 2017, 19% of the [UK working age population](https://www.gov.uk/government/publications/elitist-britain-2019) (<https://www.gov.uk/government/publications/elitist-britain-2019>) held an undergraduate degree or higher qualification and 42% had attended some form of higher education.
 - We collected data about parental occupation for the first time in 2019 which showed 15% of lawyers had a parent who worked in one of the traditional professions (such as accountancy and legal) and 26% had a parent who worked in one of the modern professions (teaching etc). This compares to the other staff in law firms, 8% of whom had a parent in a traditional profession and 15% in a modern profession.
14. Although there has been progress, there is clearly much more to do to improve diversity and inclusion in the legal profession. There are issues apparent from our data with progression to partnership for women across all firms, for Black, Asian and minority ethnic solicitors in the larger firms, with under representation for disabled solicitors and more to do to promote social mobility across the profession. We

suspect there is underreporting for some groups within the lesbian, gay, bi and trans community, as well as faith declaration, which are also apparent in the wider population.

What we have been doing

15. We are seeking to keep pace with best practice and changes in the way diversity characteristics are monitored, working with diversity experts, interest groups, other regulators and law firms. We have:
 - updated the terminology we use to capture data about sexual orientation
 - added new questions about transgender (trans) and gender identity, providing the first comprehensive set of data about the trans population in the legal sector
 - adopted new questions to measure social mobility after working with the Social Mobility Foundation and the Cabinet Office to identify new standard indicators which were adopted by the Government in 2018.
 - continued to monitor the work of the Office for National Statistics on the next census, which will involve further updates to the sex, gender identity and ethnicity questions.
16. As well as improving the data we collect about diversity, we commissioned research to better understand the data we hold. This focused on the issues flagged up by our data in relation to under representation of women at partnership level and from Black and Asian solicitors in the larger firms (paragraph 13). The 2017 University of Leeds and Newcastle University Business School report, "[Mapping advantages and disadvantages: Diversity in the legal profession in England and Wales](https://indemnity.sra.org.uk/sra/how-we-work/reports/diversity-legal-profession) (<https://indemnity.sra.org.uk/sra/how-we-work/reports/diversity-legal-profession>)" provides a detailed picture about career progression for women and Black, Asian and minority ethnic solicitors, including an intersectional analysis looking at gender, ethnicity and socio-economic status, and identifies the different career pathways of Black and Asian men and women. The report highlights the challenges experienced and shows that multiple factors affect the representation of women and Black, Asian and minority ethnic solicitors compared to white men.
17. To provide further context, we carried out qualitative research through a thematic study of career progression for women and Black, Asian and minority ethnic solicitors in law firms and published the findings in our October 2017 report (<https://indemnity.sra.org.uk/sra/equality-diversity/reports/1>) Unlocking the benefits of diversity. The report includes case studies to illustrate what is working well in the profession, in terms of culture, flexible and agile working, parental leave, recruitment and career progression.

Next steps

18. The diversity data from our biennial survey is anonymous and provided to us in an aggregated format. Whilst it gives a useful broad picture of diversity across law firms, we cannot break it down to monitor the impact of specific areas of our work or adequately evaluate the impact of our reforms. To do this we need solicitors to complete the individual diversity profile on their SRA account. We are working to align the diversity categories in this profile with the firm diversity survey and improve the disclosure rate.
19. This will give us a better picture of diversity for in-house solicitors and allow us and others to look in more detail at the intersectional issues at play across the profession. For example, the experiences of male and female Asian solicitors, or the social mobility indicators for Black male partners compared to their white counterparts. It will also give a more sophisticated understanding of the demographics of the profession.
20. We are working to encourage the wide adoption in the legal sector of the social mobility questions we are using, helping to increase information and deepen understanding of this important area and how it interacts with the protected characteristics and the experience of people in, or aspiring to join the profession

[Collaborating with law firms and others to promote diversity in the profession](#)

The issues

21. We can contribute to increasing diversity in the solicitor profession through sharing data, by using our regulatory levers and through showing leadership and support. But no one organisation can make the changes needed alone. Over the past five years we have worked in partnership with the profession and other agencies to address key issues for EDI across a range of diversity characteristics. We have built close working relationships with a wide range of diversity groups in the profession, supporting them to promote diversity and encouraging them to contribute to the development of our regulatory reform work. Their involvement has informed our work and we have benefitted greatly from these relationships. We have also worked with the Government, national agencies, other regulators and experts in the EDI field.

What we have been doing

22. Examples of the partnerships and engagement and how it has helped with our work include:
 - Working with representative groups to promote diversity. These relationships have helped us better understand the issues of concern to these groups and informed our work as well as supporting the work of these groups.
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 - Partnering with legal regulators, law firms and others to promote LGBTQ+ inclusion in the profession and to users of legal services by participating in Pride season, growing our presence very



substantially in London, Birmingham and Cardiff over the past five years. This demonstrates our commitment and highlights the values we share across the legal sector.

- Supporting Interlaw's work to encourage law firms interested in the Stonewall Workplace Equality Index as a way to improve their approach to LGBTQ+ inclusion. And facilitating an innovative mentoring scheme for firms performing well in the Index to share their experience with firms keen to do better. We have also shown leadership by increasing our position in the Stonewall index every year, reaching the top 100 in 2020. This encourages others to do more in this area, share best practice and underpins our messages to the profession.
- Running our Your Health, Your Career campaign to offer support to solicitors whose work is affected by ill health. We have made sure our staff are trained to provide reasonable adjustments where required, reviewed how we record reasonable adjustments and enhanced the range of support we signpost people to. Encouraging solicitors to come forward before their work is affected and regulatory issues arise gives us the opportunity to support where we can.
- Joining the Legal Professions Wellbeing Taskforce and working together to raise awareness of the importance of wellbeing in the profession. This helps us drive home the message to firms that they have a responsibility to support their staff and challenge the toxic cultures that leave vulnerable solicitors at risk of regulatory action.
- Attending and speaking at events across the country to support health and wellbeing in the profession, for example, events run by Women in the Law, Women Lawyers and Mothers and the Junior Lawyers Division. This helps raise awareness and support the invaluable work of these organisations.
- Working with LawSmart, a group of social mobility organisations and agencies that share and coordinate work to promote social mobility in the legal sector. We also worked with the Social Mobility Business Partnership, alongside law firms and other regulators, to provide work experience and skills to prepare students from less privileged backgrounds for a future career in the law. Taking practical steps to support social mobility initiatives and collaborating with others helps us understand the nature of the intersectionality between socio-economic factors and the protected characteristics, and what more needs to be done. This area of work will be further supported by our work to build better data on the social mobility indicators.
- Working with and supporting groups such as the Black Solicitors Network, the Society for British Bangladeshi Solicitors, the British Nigerian Law Forum and the Society of Asian Lawyers to encourage diversity and career progression in the profession. For example, we sponsor awards events celebrating success and promoting role models. In a further example, we held a Black History Month speed networking event for similar groups in October 2019, at which Stephanie Boyce, Deputy Vice President of the Law Society gave the keynote address.
- Exploring how best to increase disability inclusion in the profession by working with law firms, disabled solicitors and organisations such as Aspiring Solicitors, Legally Disabled, and the Law Society Lawyers with Disabilities Division.
- Contributing to the wider debate about sexual misconduct and the use of non-disclosure agreements by issuing a Warning Notice for the profession giving evidence to the Women and Equalities Commission; working with the Equality and Human Rights Commission's forum for regulators, inspectorates and ombudsman to share best practice across a range of sectors; leading discussions with legal regulators through the Legal Regulators Forum EDI group (which we established) and engaging with the Government about the legislative and other changes arising from this debate. This helps us deliver clear and consistent messages about these issues which are not unique to the legal sector.

Next steps

23. We will continue to increase our reach and impact through collaborative work and gain invaluable insight from the people and organisations we work with.
24. We will look at how we can use these relationships to drive action for example, building on discussions we have during Black History Month each year to encourage more firms to take positive action to tackle the lack of representation of Black and Asian solicitors at senior levels in the larger firms (respectively 1% and 5 % in firms over 50 partners in 2019 as set out in paragraph 13).

Promoting high ethical standards

The issues

25. We continue to make it clear to the profession that embracing EDI is essential to maintaining high ethical standards. EDI is included in our revised professional principles and embedded in our Standards and Regulations and Enforcement Strategy. We have provided guidance for solicitors and firms about our expectations in relation to EDI and will supplement this with additional resources over time.

What we have been doing

26. We monitor and react to the risks and issues that arise from the complaints we receive and in summer 2017 published a [Warning Notice](https://indemnity.sra.org.uk/solicitors/guidance/offensive-communications/) to make it clear that we will take action if solicitors are responsible for offensive communications. This followed a number of cases where solicitors were making inappropriate comments on social media, including comments that were discriminatory. We provided further information in early 2019, with our topic guide setting out the features that would influence our approach to enforcement which made it clear that

discriminatory communication and communications which could amount to harassment were aggravating features.

27. In a further example, we saw solicitors in our disciplinary processes who have found themselves in difficulty because they have been struggling through health and wellbeing issues without support. This prompted our [Your Health Your career](https://indemnity.sra.org.uk/solicitors/resources-archived/your-health-your-career/) (<https://indemnity.sra.org.uk/solicitors/resources-archived/your-health-your-career/>) initiative which aims to encourage solicitors to seek support before they get into any difficulty.
28. The impact of the #Metoo campaign was felt in the legal sector towards the end of 2017. We acted swiftly to clarify our expectations in this area, publishing a [Warning Notice](https://indemnity.sra.org.uk/solicitors/guidance/non-disclosure-agreements-ndas/) (<https://indemnity.sra.org.uk/solicitors/guidance/non-disclosure-agreements-ndas/>) on the inappropriate use of non-disclosure agreements (NDAs) in March 2018. The Warning Notice attracted significant attention and has been widely supported by key agencies. It raised awareness of the issues around NDAs leading to an increase in reports raised with us. Anecdotally we understand this has had an impact on solicitors' behaviour.
29. We promptly set up a team to handle concerns reported to us about sexual misconduct, cases, sought specialist help to train our staff, and engaged with other regulators on how best to supported people giving evidence to us in sensitive and difficult cases. The early discussions we had with firms about reporting sexual misconduct prompted us to consult further with the profession about reporting expectations. As a result, we made our expectations clear, including specifying that no one who reports a concern to us, whether we take it forward or not, should suffer detrimental treatment.
30. We have also been working with law firms to find out what they are doing to prevent and respond to sexual harassment and work with them to improve their approach. And promoting the resources other agencies have produced such as the Equality and Human Rights guidance on how to prevent harassment in the workplace and on using NDAs in employment contracts and settlements.
31. We are now seeing the sexual misconduct cases going through to Tribunal, with extensive reporting about the cultural changes needed in the legal and financial sector trade press, as well as national media. One part of that is an increased focus on alcohol, and we are working with the charity Drinkaware to raise awareness of the resources available.
32. Monitoring the concerns that are raised with us or that we identify in the sector is also an important driver for driver for our work with others and to provide resource and support for firms. As set out above at paragraph 8, much of our recent work has been influenced by the findings of Professor John's 2014 report.
33. This is not a new issue - the Law Society published a report about Black, Asian and minority ethnic solicitors in its disciplinary work in 2006, before the SRA was established as an operationally independent regulator in 2007. The profile is also not unique to the legal profession and most regulators and authorities, for example in medicine and dentistry, show the same pattern of Black, Asian and minority ethnic overrepresentation² ([#n21](#)).
34. Since the SRA was established, we have commissioned three external reviews of our investigation and disciplinary work to examine and understand the profile of solicitors coming into our processes and the outcomes. The most recent was Professor John's review, before that, we commissioned [Pearn Kandola](https://indemnity.sra.org.uk/sra/equality-diversity/archive/research-disproportionality/) (<https://indemnity.sra.org.uk/sra/equality-diversity/archive/research-disproportionality/>) to review our regulatory decisions data in 2010, which was recommended by [Lord Herman Ouseley](#) ([PDF 106 pages, 552KB](#)) (<https://indemnity.sra.org.uk/globalassets/documents/sra/equality-diversity/ouseley-report.pdf?version=4a1ac91>) in his report about the same issues published in 2008.
35. None of the reviews we commissioned found evidence of discrimination, but they did identify key factors affecting the profile of solicitors referred to us. These include working in small firms and establishing sole practices after only a few years in practice – both categories where Black, Asian and minority ethnic solicitors are significantly overrepresented.
36. Each review provided recommendations for us and others, which have helped to shape our approach to EDI.
37. Professor John's 2014 report came at a time when we were moving to more proportionate and outcomes focused regulation, which we anticipated would affect our enforcement work and potentially the diversity profile of those reported to us. We considered his recommendations in the context of our strategic plan for regulatory reform and set out [broad themes from the report](#) ([PDF 14 pages, 202KB](#)) (<https://indemnity.sra.org.uk/globalassets/documents/sra/equality-diversity/independent-comparative-case-review-iccr-response-june-2014.pdf?version=4a1ac41>) that we would be taking forward into our 2014 to 2017 corporate plan and supporting EDI strategy. During this time, we began to look more closely at the external factors highlighted by Professor John. We focused on promoting diversity and inclusion in the profession and started to take specific steps to support small firms. We worked with the Sole Practitioners Group and other representative groups within the profession, for example, running workshops with groups of small firms to talk about our regulatory changes and risks in the profession to help them comply with our requirements.
38. Our quality checking and area specific file reviews suggest that Black, Asian and minority ethnic solicitors continue to be over-represented in our processes. We continue to have no evidence of discrimination in our processes and no corporate complaints alleging discrimination have been upheld by our Independent Reviewer.
39. There is increasing interest from the LSB in the profile of people in the regulators' disciplinary processes and they have said that they would welcome clear reporting of this aspect of regulators' work. The Solicitors Disciplinary Tribunal is also keen to do more to understand the profile of solicitors referred to the Tribunal but has found it difficult to collect diversity data themselves and are looking to us to provide the data.
40. The introduction of our Standards and Regulations and Enforcement Strategy and our own commitment to transparency also make it timely to look again at this complex and difficult issue, ahead of the evaluation of the impact of our reform programme.



Next steps

41. We will continue to monitor the issues that arise from the complaints we receive and the outcomes of the cases we prosecute, with a view to providing additional guidance as required, as well as working with the profession and others to bring about change.
42. We will keep our NDA Warning Notice under review as other agencies publish their own guidance and government continues to consider its next steps.
43. We plan to look at the profile of solicitors in our investigation and disciplinary work in 2018/9, with a view to publishing a report later in 2020, building on our [Upholding Professional Standards report \(PDF 39 pages, 3.1MB\)](https://indemnity.sra.org.uk/globalassets/documents/sra/research/upholding-professional-standards-2017-18.pdf?version=4a1ab81) [<https://indemnity.sra.org.uk/globalassets/documents/sra/research/upholding-professional-standards-2017-18.pdf?version=4a1ab81>].
44. We are planning to introduce new IT systems in 2020/21 which, in conjunction with planned changes in how we record cases in our disciplinary processes, will significantly improve our data, making future monitoring and regular reporting more efficient (referred to in paragraphs 18 -20).

Embedding equality, diversity and inclusion in our regulatory reforms

The issues

45. Equality, diversity and inclusion, in relation to both the public and the profession, is central to our work on our regulatory model. We take careful account of both the opportunities to improve diversity in the profession and to help a fully inclusive range of the wider community, and the risks of creating barriers or adverse impacts. In developing our reforms, we consider diversity information, engage with diverse groups, ask specific consultation questions on EDI and commission research where necessary.

What we have been doing

46. Over the past years we have been working on extensive programmes of reform for both the education and training of future solicitors and our standards and regulations.
47. Since the 2011 start of the [Legal Education and Training Review](http://letr.org.uk/) [<http://letr.org.uk/>], our work on the education and training of the profession has culminated in our proposals for a single common assessment for all aspiring solicitors – the Solicitors Qualifying Examination (SQE). The two objectives for SQE are the greater assurance of consistent, high standards at the point of admission and the development of new and diverse pathways to qualification, which are responsive to the changing legal services market and promote a diverse profession by removing artificial and unjustifiable barriers.
48. We commissioned [research by the Bridge group \(PDF 63 pages, 2.5MB\)](https://indemnity.sra.org.uk/globalassets/documents/sra/research/monitoring-maximising-diversity.pdf?version=4a1ace1) [<https://indemnity.sra.org.uk/globalassets/documents/sra/research/monitoring-maximising-diversity.pdf?version=4a1ace1>] and published information about the attainment gap in legal education and training to support our impact assessment of the proposals to introduce the SQE. As our equality impact assessment and the Bridge report show, there is likely to be some benefit for people from less affluent backgrounds because those from 'earn as you learn' routes will be assessed in the same way as those from academic routes.
49. There is a well evidenced attainment gap affecting Black, Asian and minority ethnic students at all levels of education and training and professional assessment in multiple sectors. Our annual monitoring of the Legal Practice Course, Common Professional Examination, Period of Recognised Training and the Qualified Lawyer Transfer Scheme clearly demonstrates this, as do studies across many disciplines, including for example, pharmacy, medicine and higher education as a whole [31#n31](#).
50. We know that the SQE will not resolve the attainment gap, or its drivers, but we believe we can achieve a fair and consistent assessment through good design, question setting and marking, and close monitoring and quality assurance once the SQE is up and running. However, it is likely that the attainment gap will persist, as it does elsewhere, because the reasons seem to be complex and rooted in wider societal issues. We are looking ahead to increase understanding of those issues.
51. As well as our work on the SQE, we have been taking steps to widen access, supporting 'earn as you learn' apprenticeships and providing equivalence routes into the profession.
52. We have reviewed our decision-making criteria to make sure our decisions are fair and transparent and seen to be so. As part of this we published new guidance for 19 of our regulatory decisions and engaged with thousands of people in our Question of Trust campaign about what should happen when things go wrong. This underpins our work on regulatory decision-making and we used the findings to inform our new Enforcement Strategy.
53. In developing our approach to the reform of our standards and regulations and our Enforcement Strategy over the past five years, we recognised that regulation can be more challenging for those in smaller firms and know that there is overrepresentation of Black, Asian and minority ethnic solicitors in this sector. 27% of lawyers in one partner firms are Asian, 8% Black and overall 39% are Black, Asian and minority ethnic. As a result, we have continued to engage with and support small firms, providing bespoke workshops about key regulatory issues in the profession and raising awareness about our regulatory reforms. In this we have been working with the Sole Practitioners Group and diversity groups whose members are often drawn from small firms, such as the Black Solicitors Network, the British Nigerian Law Forum, the Society of Asian Lawyers and the Society of British Bangladeshi Solicitors.
54. We have implemented measures to reduce the impact of regulation on small firms, including our revised approach to accountants' reports, and other unnecessary regulatory requirements that we removed through our red tape challenge as well as through the new Standards and Regulations.
55. In addition to publishing the findings of our work to assess the equality impact of our proposed reforms, we evaluate the actual impact once the reforms have been implemented. For example, in 2018 we published <https://indemnity.sra.org.uk/sra/how-we-work/reports/evaluating-reforms-accountants-reports> Evaluating our



reforms: Accountants' reports which considered the impact of our decision to change our requirements on firms to provide accountants' reports where we took account of the impact on Black, Asian and minority ethnic owned firms. We also published [Impact assessment of the deregulation of the prescribed SRA minimum salary for trainees](https://indemnity.sra.org.uk/sra/how-we-work/archive/reports/minimum-salary-trainees/) (<https://indemnity.sra.org.uk/sra/how-we-work/archive/reports/minimum-salary-trainees/>) which includes an analysis of how the regulatory change has impacted trainees from different protected characteristics.

56. In the longer term we will monitor the impact on diversity in the profession, of our new approach to regulation which frees up solicitors to work in new ways. We hope that the changes will provide new career routes and opportunities for solicitors from every background, as well as contributing to access to justice for more people who need help.
57. Our new clickable logo, which helps regulated firms to differentiate themselves from unregulated businesses, was suggested by small firms. They wanted potential clients choosing a legal service provider to readily access information on the benefits of using a regulated provider and the protections on offer. In due course we will evaluate the impact of this change, and the introduction of the mandatory publication of key pricing and service information.
58. As well as considering the impact of our work on the profession, we take careful account of its impact on the users of legal services and the public. For example, we know that dubious investment schemes are often targeted at specific groups, including the vulnerable. In response, we developed a Warning Notice for the public about solicitor involvement in such schemes and promoted it and our messages on financial websites and through services designed for older people. Our leaflet for young people in the justice system, which was developed by working closely with this often marginalised group, is part of our wider work on advocacy.
59. All of our consultation work includes outreach to carefully segmented groups of the public, so we make sure we hear their views. We use household surveys to balanced cohorts of people, for example as we did on whether a single common examination would be of value, focus groups, social media and bespoke workshops. The work on our current Corporate Strategy shows some of the range of our work with sessions including with small and medium sized business, applicants to the Legal Access Challenge, elderly Asian women, young homeless people, Age UK and consumer advocacy groups, as well as the profession.
60. In a similar vein, we use Legal Choices as a key part of our Public Legal Education work, which is an objective in the Legal Services Act. To make sure the website and our new products are relevant, we have an advisory panel that includes groups like Refuge Action, Rape Crisis and organisations supporting people with sensory impairments or the elderly.

Next steps

61. Looking forward to our new Standards and Regulations and Enforcement Strategy, we commissioned an independent agency, Economic Insight, to support the development of our regulatory reform evaluation framework, building on the 2018 work of the Centre for Strategy and Evaluation Services. The assessment and monitoring of the impact of our regulatory reform programme and enforcement strategy on diversity in the profession and on members of the public is a key part of this work.
62. We are gathering baseline data to help us evaluate the impact of the SQE against our two intended outcomes once it has been introduced in 2021. We will publish annual performance data, a full review after five to seven years and again after seven to 10 years.
63. As our work to develop the SQE progresses, we are continuing to look carefully at the EDI issues relevant to its design and implementation. We are reviewing the outcome of the ongoing SQE pilots by diversity characteristics with a particular focus on disability inclusion and the impact of the skills assessment on Black, Asian and minority ethnic candidates. On both these areas we are working closely with a range of expert diversity groups, including the Law Society Lawyers with Disabilities and Ethnic Minority Lawyers Divisions.
64. A key component of our evaluation of the SQE will be longitudinal work, monitoring performance over several cohorts of candidates once the SQE is introduced.

Raising awareness of key diversity issues and providing guidance and resources to support law firms

The issues

65. Using our research and the diversity data we have gathered about the profession, we have focused on a range of specific EDI issues in the profession.
66. The opportunity to bring about the changes that are needed to move the dial on diversity rests with law firms and the employers of inhouse legal teams, the people who make recruitment and promotion decisions and can change workplace culture. We have worked closely with law firms and others to share good practice and provide regular updates to the profession about the key issues to be aware of through, for example, our Risk Outlook.

What we have been doing

67. We have identified the lack of diversity in the profession as one of the key risks since we began our Risk Outlook work and have published a review of the key issues each year, as well as a paper on the [\[https://indemnity.sra.org.uk/archive/risk/risk-resources/risk-business-case-diversity/\]](https://indemnity.sra.org.uk/archive/risk/risk-resources/risk-business-case-diversity/) Business Case for Diversity.
68. We have an ongoing relationship with some of the largest firms which is managed by our Regulatory Management team. The team has focused meetings roughly every two years with these firms to discuss

their approach to EDI. These meetings are used to encourage best practice and to set out our views if we think they are not doing enough in this area. The team also monitors trends and diversity issues in the profession, for example, the gender pay gap reporting and concern about sexual harassment and the use of non-disclosure agreements (NDAs). We are also talking to firms in regulatory management about their work to promote diverse routes into the profession and regularly discuss this and the SQE with these firms.

69. We have actively led campaigns to focus on some of the more high profile diversity issues in the profession such as progression for women, social mobility and Black, Asian and minority ethnic solicitors, but also raised awareness of some of the issues which have had less of a focus in recent years such as trans and disability inclusion.
70. We held events and worked with diversity groups in the profession to promote awareness about the challenges to progression for women and Black, Asian and minority ethnic solicitors. Our activities have included:
 - talking to law firms about the findings from our career progression research at conferences in the legal sector
 - holding fringe events at the main political party conferences
 - talking about the challenges with parliamentarians and the Government
 - working with groups of firms and organisations through umbrella organisations, such as LawSmart,
 - which focuses on social mobility
 - promoting discussion through our annual Black History Month events.
71. We launched a campaign to encourage firms to think about trans inclusion, talking to experts in the field and providing resources to promote good practice. We initiated and supported an innovative firm mentoring partnership with Stonewall and the Law Society, where large City law firms mentored small and medium-sized law firms to develop their approach to LGBTQ+ inclusion. We helped facilitate engagement between the matched firms, organising events and meetings to identify priorities and review progress. We published [case studies \[https://indemnity.sra.org.uk/lgbt/\]](https://indemnity.sra.org.uk/lgbt/) highlighting the benefits of the scheme and will be following up its success with a new mentoring scheme focusing on firms who are looking to improve their approach to wider EDI issues.
72. Responding to the apparent underreporting of disability in law firms, we launched a campaign to raise awareness of this important area of equality and to bring clarity on the provision of reasonable adjustments for employees and for clients. This programme included a questionnaire sent to 3,000 law firms asking about disability inclusive practices, firm visits and several workshops where disabled participants highlighted their experiences. We published information and videos from several law firms sharing good practice on disability inclusion. We also linked with the Cardiff University and Lawyers with Disabilities' work on the barriers for disabled lawyers.
73. Our work on disability in the profession was complemented by an externally commissioned research report on the experience of disabled consumers. [Reasonable adjustments in the provision of legal services \[https://indemnity.sra.org.uk/sra/how-we-work/archive/reports/reasonable-adjustments/\]](https://indemnity.sra.org.uk/sra/how-we-work/archive/reports/reasonable-adjustments/). We also featured disability inclusion in our [Risk Outlook for 2019/20 \[https://indemnity.sra.org.uk/archive/risk/outlook/risk-outlook-2019-2020/\]](https://indemnity.sra.org.uk/archive/risk/outlook/risk-outlook-2019-2020/).

Next steps

74. Following the work set out in paragraphs 18 -20 above, which will give us better access to intersectional data including on social mobility, we will be able to provide a more sophisticated profile of the profession, helping us and others identify some of the underlying issues.
75. We will continue to build on and promote the EDI resources we make available to firms, focusing on issues we have identified such as disability inclusion and illustrating through case studies how improvements can be made. We will increase impact by looking to work with others, such as the Law Society, the City of London Law Society and the Sole Practitioners Group.
76. We will use the model established through the mentoring scheme to promote LGBTQ+ inclusion and implement a broader EDI mentoring scheme to build interfirm collaboration.

Notes

1. We recognise the ongoing discussion about, and challenges with, terminology that reflects the diversity of our communities and their experience. We are using BAME because of its widespread currency and use in many relevant studies and reports.
2. https://www.gmc-uk.org/-/media/documents/fair-to-refer-report_pdf-79011677.pdf and <https://www.gov.uk/government/publications/lammy-review-final-report> [<https://www.gov.uk/government/publications/lammy-review-final-report>]
3. https://www.pharmacyregulation.org/sites/default/files/qual-research-into-ra-performance-among-black-african_candidates_final_1.pdf and <https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/bame-student-attainment-uk-universities-closing-the-gap.pdf> [<https://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2019/bame-student-attainment-uk-universities-closing-the-gap.pdf>]