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Progress update against the EDI Action Plan 2015/16

Purpose

- 1 The purpose of this paper is to update the Committee on the progress made against objectives 2 and 3 of the Equality, Diversity and Inclusion (EDI) Strategic Action Plan 2015/16.

Recommendations

- 2 The Equality, Diversity and Inclusion Committee is asked to note the progress made against the EDI Strategy, in particular:
 - a) 'Looking to the future' - consultation on the new Handbook,
 - b) The Solicitors Qualifying Examination,
 - c) An update on our EDI directorate actions,
 - d) Stakeholder engagement, and
 - e) Reasonable adjustments.

If you have any questions about this paper please contact Jane Malcolm, Executive Director for External Affairs.

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Equality, Diversity and Inclusion Strategy - Progress Update

Update against the 2015/16 EDI action plan

- 3 A summary of progress against objective 2 and 3 of the EDI action plan during quarter 3 is set out at **Annex 1**.

Progress to note under EDI Objective 2

Objective 2: To ensure that the way we operate, our rules and the decisions we make are proportionate, fair and free from bias and help firms and individuals understand and comply with our requirements

Looking to the Future

- 4 Our [Looking to the Future](#) Handbook consultation was published on 1 June. A key proposal is to remove the current restrictions on most solicitors, so they can deliver non-reserved legal services to the public through an alternative legal services provider. We believe this will increase access to high quality legal services, as well as giving solicitors more choice about where they work.
- 5 We will review the SRA Handbook in two phases and we intend to implement and launch all the proposed changes together on one date which will be no earlier than November 2017.
- 6 Further key changes include producing two codes - one for individuals and one for firms.

SRA Code of Conduct for Solicitors

- 7 The proposed Code of Conduct for Solicitors will be just a few pages long. It will apply to all SRA regulated solicitors and Registered European Lawyers, wherever they practise. It will also include rules for those managing legal work outside of an SRA authorised firm and make greater reference to in-house solicitors.
- 8 The Code will continue to be drafted in terms of outcomes, and will incorporate many of the outcomes from the current Code. We will no longer have 'indicative behaviours' but some of the existing behaviours will be incorporated into case studies and guidance notes to support key areas of the Code.
- 9 We will produce a full set of guidance and toolkits over the coming months, and will have these in place for the implementation of the new arrangements. We will gather stakeholder views on the level and content of that guidance to inform further development and drafting.

SRA Code of Conduct for Firms

- 10 The Code for firms will also be brief and contain the outcomes that businesses need to achieve. The outcomes will include obligations relating to equality and diversity, compliance and business systems, cooperation and information requirements, record

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keeping, complaints handling, client information and publicity, costs and client assets, conflicts of interest and confidentiality

- 11 We also propose introducing a new set of provisions relating specifically to those who have management responsibility in the firm.

Solicitors Qualifying Examination (SQE)

- 12 In June the SRA Board announced that they would postpone making a decision on the introduction of the Solicitors Qualifying Examination (SQE) until after a second autumn consultation. The Board said that the case for the SQE was strong. It recognised that it would provide a rigorous and consistent way to assess all intending solicitors' competence. But the Board recognised that many stakeholders wanted more detail about the proposal.
- 13 This second consultation will therefore give stakeholders the opportunity to consider wider questions, such as: How will candidates prepare to take the SQE? How will the SQE relate to the Period of Recognised Training? Should there be any exemptions from the SQE? At the same time, we will provide more information about the structure and content of the SQE. We will publish an Assessment Specification, setting out the depth, breadth and level of difficulty of the SQE, which we will consult on in parallel with the second consultation. We will also update the Equalities, Diversity and Inclusion impact assessment published with the first consultation.
- 14 Because the SRA Board will not be making a decision until spring 2017, the SQE will not be introduced before September 2019.

Directorate EDI actions update

- 15 We have been working with directorates across the business on the EDI actions which they drew up at the beginning of the year. These actions contain some of the detailed activities which are not expressly included in the high level EDI action plan. Some of these actions have come to the EDI Committee in the form of papers - for example, the thematic research proposal on diversity in the profession. For this update, we have included a few examples of the ongoing work within some of our directorates.

Authorisation

- 16 To support its work on EDI, Authorisation has appointed an Equalities lead who oversees the work of all teams in the directorate. Each team has an Equality Champion and the Equalities lead supports them to drive forward work across the teams. Their activities have included: a discussion about mental health and wellbeing, supporting events organised by a local LGBT Allies network, and providing regular updates to their teams about EDI in the profession. In addition, the team dealing with records has finalised the process and template letters for handling trans name changes, which is pending legal approval.

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Supervision

- 17 Supervision officers delivered the recent workshops for BSN members on compliance issues and are widening their engagement with the profession, planning further sessions for sole practitioners. The directorate is supporting the various measures introduced to provide support for small firms and looking at ways to encourage further take up.

Business Change

- 18 Business change continues to carry out equality impact assessments of its projects, most recently working with the Digital Communications team on a new email marketing system. This will improve the delivery and accessibility of our email information and will be able to identify and deliver agreed reasonable adjustments, such as receiving an email in type 18 font. The new system allows us to personalise email communications, for example by creating a flag within an email list which removes images for people who use screen readers, making it easier for the listener to understand the information presented.

Client Protection

- 19 One of the actions set by the Client Protection team is to improve how they deal with vulnerable solicitors, claimants and clients of intervened firms. Defining vulnerability can be challenging and is reliant on a number of risk factors such as age, financial circumstances and where a person lives. Although we will advise the clients of an intervened firm about the Compensation Fund, our analysis suggests that individuals who live in the most deprived areas are less likely to claim or receive a payment from the Fund. People with poor education and limited skills are also less likely to claim. We are looking at the reasons for this, for example whether the claims process itself is a barrier. We will continue to monitor the diversity data that we collect and hope to improve that data by using a more efficient web based form so the data is more consistent and easily displayed and reported on. Better information will help us target any communications aimed at improving accessibility
- 20 Client Protection has reviewed its decision making guidance on payments made to claimants and clients and on recovering costs. The guidance will include consideration of mental and physical wellbeing and vulnerable individuals will be offered reasonable adjustments and signposted to other agencies where appropriate. The process manual and instructions to intervention agents will include sections on dealing with vulnerable people. Communications and case handling will be improved by wider provision of information for clients in common languages and where appropriate, closer liaison with the Mental Health Tribunal about affected clients.

Corporate Complaints

- 21 Work has started on a review of special payments, which are small sums provided by way of an apology or to compensate someone for their loss. They are granted to complainants as a result of delay and poor service, but not in every case.

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Risk Audit

- 22 EDI has been introduced as part of the monthly risk review. The team has looked at our online EDI e learning pass rate which is 94% and now need to explore how regularly staff receive refresher training on EDI.

Progress to note under EDI Objective 3

Objective 3: To work with those we regulate to support them in achieving a more diverse and inclusive profession.

Stakeholder engagement

- 23 This work covers the following EDI actions:

- Action 3.1 - Demonstrate SRA leadership in the wider debate about equality and diversity in the profession.
- Action 3.2 - Identify opportunities to promote diversity and social mobility through our training for tomorrow programme.
- Action 3.5 - Consider ways to identify the key barriers to diversity in relation to recruitment and career progression in law firms through research and engagement with the profession.

Engagement meetings and events concluded during May and June

- 24 **BSN workshop** - We jointly hosted a successful 'Supporting small firms' event on 13 June with the Black Solicitors Network and feedback from delegates was extremely positive. The session included an overview of Handbook changes and information about the support available for small firms. Delegates were offered two of three workshops:
- Good financial management and the Accounts Rules - providing practical tips for good financial management, including a review of the recent regulatory changes concerning solicitors' accounts.
 - Applying for authorisation of your firm - an overview of the SRA's authorisation process to help understand how best to prepare and what to expect from the process.
 - Planning ahead for your practice - a workshop providing guidance to help small firms plan ahead and be prepared for the ups and downs of their practice.
- 25 **Pride** - Led by the LGBT staff network, we had an excellent staff presence at Pride in Birmingham on 28 May and in London on 25 June. We shared our open top bus in London with colleagues from the Bar Standards Board, the LSB Consumer Panel, the BPP University and some solicitors and other lawyers. We had a great reception from the crowds at both events and some very positive social media coverage of both events. Khyim Khan, Chair of the LGBT network and lead for the Pride working group was recognised in the latest round of SRA values awards for Inclusion. He made a

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huge commitment to these events and brought the working group together and worked tirelessly with them to ensure that our presence at the Pride was a great success.

- 26 ***Meeting with the Law Society equality divisions*** – We further cemented our relationships with members of the EDI divisions of the Law Society at a lunch with the Chairs and Vice Chairs of the equality divisions on 22 June 2016.
- 27 ***Race equality roundtable*** - We had an interesting and encouraging debate about race equality in the legal profession on 23 June 2016. The evening was jointly hosted by the SRA, Bar Standards Board, Law Society and Bar Council and NOTICED, an inter-firm diversity network aimed at promoting networking opportunities to integrate, celebrate and educate on diversity across the legal sector. Speakers included Omar Khan (Runnymede Trust), Professor Lisa Webley (University of Westminster) and Paulette Mastin (BSN). The discussion centred on the issues and challenges surrounding diversity for BAME professionals in the legal sector and Crispin Passmore led one of three roundtable discussions. The thoughts and ideas coming out of the event will be captured in a report to be released shortly.

Forthcoming events

- 28 We are reviewing the draft programme of activities planned for the autumn, but there are two further events before the holiday period:

7 June 2016 – Meeting with the Association of Women Solicitors (AWS London)

Representatives from the AWS London will be coming to the SRA to meet with the Regulation and Education team to discuss the work on the Handbook and its potential impact on equality, diversity and inclusion and our thematic research project on diversity in the profession.

21 July 2016 - Legal Social Mobility Partnership launch

Plans for the launch of the commercial phase of the Birmingham LSMP are underway, with the SRA delivering a number of sessions about the SRA's work and the route to qualification to the local sixth formers enrolled on the scheme. Short videos have been recorded for the event to illustrate some personal stories.

- 29 We are developing a programme of events for the autumn and early 2017:

September 2016

We are planning further compliance workshops for firms with the BSN in London and Manchester.

October 2016

We are in the early stages of planning an event for law firms with the Employers Network for Equality and Inclusion (ENEI). Possible topics include: Unconscious bias in recruitment, agile working, and how to make the most of diversity data.

Autumn 2016

We are considering further diversity events for firms in London and Birmingham focusing on supporting disability in the workplace.

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January/ February 2017

The EDI and Consumer Affairs teams are planning an event for firms to promote best practice in providing legal services to vulnerable clients.

Reasonable Adjustments

- 30 Following the launch of our wellbeing campaign 'Your health, your career,' we are currently reviewing our Reasonable Adjustment policy to ensure it is accessible, clear and in line with 'writing the SRA way'. We are not changing the scope, purpose or remit of the policy. We had useful feedback from internal colleagues and the Lawyers with Disabilities Division and hope to publish the final revised policy by the end of the month. We will bring the revised policy to the next EDI committee meeting for information, along with an update on our plans for recording and monitoring reasonable adjustment requests.

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Supporting information

Links to the SRA Business Plan/ EDI Action Plan

31 Links to the specific actions in the EDI Action Plan are provided in the body of the paper.

How the action will be evaluated

32 The EDI strategy sets out more detail about how we will evaluate our performance against the EDI Action plan and an annual progress report will be published.

What equality and diversity considerations relate to this issue

33 The update report relates to the progress being made against the EDI strategy.

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Date 5 July 2016

Annex 1 Summary of progress to date - Equality Diversity and Inclusion (EDI)
Action Plan Objectives 2 and 3 - 2015/16

Progress against the SRA EDI Action Plan (Objectives 2 and 3) 2015/16

Objective 2 - ensure that the way we operate, our rules and the decisions we make are proportionate, fair and free from bias and help firms and individuals understand and comply with our requirements.					
No.	Activity	Executive responsibility	Delivery Date	RAG	Progress update
2.1	Monitor the work of the SRA Board and the other SRA committees, to ensure that equality, diversity and inclusion is fully integrated into their business and decisions.	Jane Malcolm	October 2016	On track	We recently completed a review on our governance processes. Following on from this we will look at how best we can embed EDI into Board and Committee business and decisions. (Showing as on track following the adjustment of the delivery date from January 2016 to October 2016 to reflect the fact that the external governance review is only just being concluded).
2.2	Embed equality, diversity and inclusion into our programme of regulatory reform, to ensure our regulation is more targeted and proportionate.	Crispin Passmore	Ongoing	On track	The Handbook consultation, including the draft EIA was published in June.
2.3	Review our decision making criteria and embed equality and diversity in our decision making framework and supporting processes.	Juliet Oliver	June 2016	On track	The decision-making project is reviewing guidance in 4 separate phases and a paper with progress will be brought to the EDI committee on 12 July 2016.

2.4	Develop and establish a revised and improved quality assurance function and processes so as to demonstrate that our regulatory decisions are fair, consistent and free from bias.	Robert Loughlin	October 2015 and ongoing	On track	The new audit criteria have been in use since 1 April 2016. A paper setting out the approach we have taken will be brought to the EDI Committee later in the year.
2.5	Review our approach to diversity monitoring our regulatory work to ensure we are monitoring all key areas of our decision making to identify any disproportionality and set an appropriate timetable for publishing regular monitoring reports.	Jane Malcolm	September 2016	On track	The delivery date was revised earlier this year to account for the time required to reconsider our approach to diversity monitoring. There were real challenges in reporting the increasing proportion of decisions that we make about firms, because there is no easy way to categorise the diversity of a firm. A report based only on decisions made about individuals would not be complete and could be misleading. The approach will be informed by some expert advice that we received earlier this year and the EDI team has started work to prepare an options paper for the executive to approve the approach before we proceed to compile a report for 2014/5.
2.6	Undertake a detailed investigation into at least two areas of decision making where we have identified disproportionality.	Jane Malcolm	December 2016	On track	A report into the incidence of forensic investigation visits will be brought to the EDI Committee later in the year.
2.7	Review our approach to recording and monitoring reasonable adjustment requests to identify trends and ensure consistency.	Jane Malcolm	October 2016	On track	The EDI team is developing a new process for recording reasonable adjustments in conjunction with the relevant units to assist us to track requirements and provide a consistent service.

2.8	Engage with all sectors of the regulated community about professional standards to explore attitudes about the relative seriousness of regulatory events that are referred to us.	Jane Malcolm	June 2016	Completed	Now closed, this was a very successful campaign and the information that we gathered is currently being analysed and the outcome will be launched at the end of June. A paper summarising the EDI issues arising from the findings was taken to EDI Committee on 17 May 2016.
2.9	Explore the possibility of establishing an equality network with legal and other regulators to share information and best practice on EDI in regulation.	Jane Malcolm	October 2016	On track	Initial discussions have taken place with other legal regulators in particular the Bar Standards Board and Cilex Regulation. Further discussion required in the context of proposals from the Legal Services Board to measure regulators performance on diversity.
2.10	Review our Interpretation and Translation services to ensure we are inclusive and accessible and provide appropriate material in Welsh and other languages.	Jane Malcolm	Sept 2016	On track	Proposals being finalised and will be brought to EPF for approval in the next few weeks.

2.11	Review our approach to identifying and supporting vulnerable stakeholders.	Jane Malcolm	April 2016	On track	<ul style="list-style-type: none"> • Spring Risk Outlook paper on vulnerable consumers published in March and Research team continuing to progress research on vulnerable consumers for launch towards the end of the year. • An event for small to medium sized firms to share good practice with the profession on providing legal services to vulnerable clients deferred until early 2017. • Solicitors Wellbeing - External affairs are liaising with operational units to improve how we promote the help and support that we can provide to solicitors in regulatory difficulties as a result of poor health. Although we do not have a separate 'health' route, we can provide reasonable adjustments, and range of advice and support. We are producing a short postcard to distribute to the profession directly and via other agencies and expanding the information we provide about other agencies which might be able to help. • The EDI team is working with Lawcare and a range of other agencies to set up a Wellbeing and Mental Health Task Force to share good practice and raise awareness across the legal profession. The Task Force was launched in the week commencing 16 May 2016. • We have invited a range of solicitor support organisations to exhibit at our October Compliance Officer conference.
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Objective 3 - to work with those we regulate to support them in achieving a more diverse and representative profession.

No.	Activity	Executive responsibility	Delivery Date	RAG	Progress update
3.1	Demonstrate SRA leadership in the wider debate about equality and diversity in the profession.	Jane Malcolm	Ongoing	On track	<ul style="list-style-type: none"> • May and June - SRA presence at Pride in London and Birmingham. • June - joint roundtable meeting with Bar Council, BSB, and Law Society and NOTICED to discuss barriers to race equality in both professions. • July - SRA hosting a launch of the Legal Social Mobility Partnership commercial week for school students on placements with local law firms.
3.2	Identify opportunities to promote diversity and social mobility through our training for tomorrow programme.	Crispin Passmore	Ongoing	On track	<ul style="list-style-type: none"> • EIA and baseline data report published with the first Solicitors Qualifying Examination (SQE) consultation. • March event held to EDI issues arising from the SQE proposals with equality groups and delegates have been updated with the latest developments.

3.3	Review our approach to the collection, monitoring and publication of diversity data about the profession.	Jane Malcolm	October 2016	On track	<ul style="list-style-type: none"> • Outcome from the Autumn 2015 collection published in May 2016 • Decision made to collect diversity data every 2 years approved by LSB and announced. • Proposals to update the diversity questions to be discussed with the EDI virtual reference group and EDI representatives of firms ahead of the next collection exercise in May 2017. • We will be reviewing these requirements with the LSB and other legal regulators in the context of the LSB's forthcoming consultation on EDI. • Engagement with 'non compliant' firms ongoing.
3.4	Review compliance with the diversity data publication requirement on firms and identify ways to improve compliance and promote best practice through work with firms.	Jane Malcolm	Sept 2016	On track	To be taken forward as part of the agreed thematic review commissioned by EDI team.
3.5 and 3.6	Consider ways to identify the key barriers to diversity in relation to recruitment and career progression in law firms through research and engagement with the profession.	Jane Malcolm	July 2016	On track	We are continuing to work on the collation of a data set which we will offer to researchers so they can develop plans for research on diversity data in the profession.
	Develop a strategy for promoting good practice in the profession in relation to recruitment and career progression.		October 2016		