

Annex 4

Protected characteristic group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/consultation/data used	Action to address negative impact (e.g adjustment to the policy)
<p>Race</p>	<p>Behaviours suitable for financial penalties - Positive benefit associated with taking a robust stance on the most serious misconduct including on discrimination and harassment issues.</p> <p>Fixed penalties - Potential positive benefit from the introduction of fixed penalties (with a right to review). These should lead to a streamlined and transparent approach to low-level non-compliance. Many non-compliant firms are smaller firms where we know there is a higher proportion of Black, Asian and minority ethnic solicitors, so they may benefit.</p> <p>Increasing the SRA's fining powers - This should reduce the number of cases referred to the SDT, therefore reducing stress, costs and delays and lead to positive impacts for Black, Asian</p>	<p>Black, Asian and minority ethnic groups are overrepresented amongst small firms and amongst those who are reported to the SRA. As a result this means this group is overrepresented, as compared to the wider profession, in the cohort who are sanctioned by the SRA and by the SDT. This means they may be more likely to be impacted by our proposals.</p>	<p>If negative impacts are identified as part of our further work on this impact assessment we will consider how these can be mitigated.</p>

	<p>and minority ethnic solicitors, who are overrepresented throughout our disciplinary work.</p> <p>Level of fines – this may be a fairer approach for everyone and help to mitigate against the current position where the ability to pay is not a factor. We have not been able to identify differential impact on any particular group at this time.</p>		
Sex / gender	<p>Behaviours suitable for financial penalties - Positive benefit for women by taking a robust stance on sexual misconduct because the majority of sexual misconduct cases reported to us are perpetrated by men against women.</p> <p>Fixed penalties - Potential positive benefit from the introduction of fixed penalties (with a right to review). These should lead to a streamlined and transparent approach to low-level non-compliance. Many non-compliant firms are smaller firms where we know there is a higher proportion of men, so they may benefit.</p>	<p>Overall, men are overrepresented amongst small firms and those who are reported to the SRA. As a result this means this group is overrepresented, as compared to the wider profession, in the cohort who are sanctioned by the SRA and by the SDT. This means they may be more likely to be impacted by our proposals.</p>	<p>If negative impacts are identified as part of our further work on this impact assessment we will consider how these can be mitigated.</p>

	<p>Increasing the SRA's fining powers - This should reduce the number of cases referred to the SDT, therefore reducing stress, costs and delays and lead to positive impacts for men, who are overrepresented throughout our disciplinary work.</p> <p>Level of fines – this may be a fairer approach for everyone and help to mitigate against the current position where the ability to pay is not a factor. We have not been able to identify differential impact on any particular group at this time</p>		
Age	<p>Behaviours suitable for financial penalties - Positive benefit associated with taking a robust stance on the most serious misconduct including on discrimination and harassment issues.</p> <p>Fixed penalties - Potential positive benefit from the introduction of fixed penalties (with a right to review). These should lead to a</p>	<p>Overall, solicitors aged 45 and over are overrepresented amongst small firms, and solicitors aged 55 and over are overrepresented in those who are reported to the SRA. As a result this means this group is overrepresented, as compared to the wider profession, in the cohort who are sanctioned by the SRA and by the SDT. This means they may be more likely to be impacted by our proposals.</p>	<p>If negative impacts are identified as part of our further work on this impact assessment we will consider how these can be mitigated.</p>

	<p>streamlined and transparent approach to low-level non-compliance. Many non-compliant firms are smaller firms where we know there is a higher proportion of solicitors aged 45 and over, so they may benefit.</p> <p>Increasing the SRA's fining powers - This should reduce the number of cases referred to the SDT, therefore reducing stress, costs and delays and lead to positive impacts for solicitors aged 55 and over, who are overrepresented throughout our disciplinary work.</p> <p>Level of fines – this may be a fairer approach for everyone and help to mitigate against the current position where the ability to pay is not a factor. We have not been able to identify differential impact on any particular group at this time</p>		
<p>Disability</p> <p>Gender reassignment</p>	<p>Behaviours suitable for financial penalties - Positive benefit associated with taking a robust stance on the most serious misconduct including on</p>	<p>Diversity data for these groups is very limited so we cannot draw any meaningful conclusions about the impact of the various proposals.</p>	<p>If negative impacts are identified as part of our further work on this impact assessment we will consider how these can be mitigated.</p>

<p>Marriage or civil partnership</p> <p>Pregnancy and maternity</p> <p>Religion or belief</p> <p>Sexual orientation</p>	<p>discrimination and harassment issues.</p> <p>We do not have sufficient data to assess the impacts of our other proposals on these groups.</p>	<p>We will gather further evidence through engagement with the profession and others through the consultation period.</p>	
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