

Our equality, diversity and inclusion work 2020/21

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Introduction

This is an overview of our work to promote equality, diversity and inclusion (EDI) setting out how we continued to place EDI at the heart of our work. It shows how we met our public sector equality duties, the regulatory objective to promote a diverse profession and the Legal Services Board's diversity outcomes. It summarises the work we have taken forward in the first year of our Corporate Strategy 2020-2023 [<https://www.sra.org.uk/sra/corporate-strategy/>] in line with our business plan [<https://www.sra.org.uk/sra/corporate-strategy/business-plans/business-plan/archive/business-plan-2020-2021/>].

We report separately on what we do internally supporting diverse and inclusive in the workplace, how we reflect our core values and how we work. An overview of this work [<https://www.sra.org.uk/sra/research-publications/annual-diversity-report-2020/>], our workforce diversity data [<https://www.sra.org.uk/sra/equality-diversity/diversity-sra/diversity-monitoring/>] and our gender pay gap [<https://www.sra.org.uk/sra/equality-diversity/diversity-sra/>] data are published annually.

Our strategic priorities for 2020-2023 are to:

1. Set and maintain high professional standards for solicitors and law firms as the public would expect and ensure we provide an equally high level of operational service.
2. Actively support the adoption of legal technology and other innovation that helps to meet the needs of the public, business community, regulated entities and the economy.
3. Continually build our understanding of emerging opportunities and challenges for the legal sector and our role in effectively regulating it.

The majority of our EDI work sits under objective one, where 92% of our resources are directed. But we have also highlighted the how EDI is threaded through the work taken forward as part of our actions in meeting objectives two and three.

Overview of 2020/21 and future priorities

In the first year of our Corporate Strategy, we have continued to build our understanding of the challenges in achieving equality, diversity and inclusion in the legal profession. We will continue to play our part in addressing these challenges by:

- gathering better diversity data
- further research
- speaking out about the importance of diversity in the profession
- sharing resources and good practice.

We have seen signs of improvement in diversity across the profession in the findings from our latest diversity survey of law firms in 2021. However the pace of change is slow and there are stubborn structural and societal issues which are affecting progress.

Two such issues, identified in our Corporate Strategy, affect Black, Asian and minority ethnic solicitors:

- the attainment gap for aspiring solicitors in professional qualifications
- over-representation in our enforcement processes.

We have continued to monitor these, publishing our latest data analysis as well as making progress with our ambitious programme of research into both areas. We will be working with stakeholders in legal education and the profession to inform this research over the next two years.

We have developed our regulatory response to some of the other factors affecting progress on diversity. These include reinforcing the high ethical standards we set for the profession in dealing with complaints of sexual misconduct and bullying and harassment in law firms. This sort of conduct has no place in the legal profession. We have made our approach clear through the guidance and good practice information we have published on sexual misconduct and workplace culture.

Looking ahead, we will be focusing on the areas where we can have the greatest impact and taking steps to develop an evaluation framework for this work. We will engage with larger law firms to establish if there are additional regulatory requirements that will increase the pace of change. We will continue working with the Legal Services Board, other legal regulators, the Law Society and diversity groups to identify and address barriers to a diverse and inclusive legal sector.

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Developing our understanding of diversity in the profession

One of the key activities we have as a regulator is collecting data, which underpins our understanding of EDI in the profession and informs our regulatory work and policy. We continued to add to our understanding of diversity in the profession over the year.

- We updated our diversity questions [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/your-data/>], including those on sex, gender identity, race and social mobility to align with the Office for National Statistics and the Social Mobility Commission. We made sure that the data collected from solicitors, law firms and candidates taking the new Solicitors Qualifying Examination (SQE) were also changed.
- We asked solicitors to review and update their diversity data [<https://www.sra.org.uk/mysra/updates/updating-diversity-details/>] on mySRA, engaging with law firms to encourage solicitors to do this as well as contacting solicitors directly. We saw an increase across all characteristics and made a good start in gathering data for the new questions new. We will continue this work in 2021/22.
- Our collaborative work with the Ministry of Justice and others led to the publication of the second annual report in July 2021. This provided a complete picture of diversity in the judiciary [<https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2021-statistics/diversity-of-the-judiciary-2021-statistics-report>], including diversity in the legal professions from which judges are appointed.
- We launched our biennial collection of diversity data from law firms in July 2021. This involved more than 8,700 law firms (employing 180,000 people across England and Wales) and 90% of all firms reported their data to us. This information is available in our law firm diversity data tool [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/law-firm-diversity-tool-2021/>] and a review of the findings [<https://www.sra.org.uk/sra/equality-diversity/diversity-profession/diverse-legal-profession/>]. The latter shows the slow but steady increase in diversity among lawyers working in law firms, with more work to do in particular with the largest firms.
- We published our annual Risk Outlook for 2020/2021 [<https://www.sra.org.uk/sra/research-report/risk-outlook-2020-21/diversity-in-the-profession/>], providing a spotlight on ethnicity and social mobility. We shared findings from research by Rare Recruitment about a 'stay gap' for Black, Asian and minority ethnic solicitors and those from a less privileged background. This highlighted the challenges experiences by these solicitors in progressing in the larger law firms and prompting its Race Fairness Commitment [<http://www.racefairnesscommitment.com/>].
- We welcomed the research, published in October 2021, by InterLaw Diversity Forum in their Career Progression in the Legal Sector Report [<https://www.interlawdiversityforum.org/career-progression-report-2021>] which we sponsored. This provided detailed and thought provoking insight into recent progress on diversity and inclusion within the legal profession and enriches the data we publish.

Next steps

- We will be reviewing compliance with our firm diversity data reporting requirements.
- We will plan ahead for the next data collection in 2023, considering how we can better understand seniority in law firms.
- We will engage with the profession to encourage greater declaration of diversity data on mySRA.
- We will publish the diversity profile of in-house solicitors.
- We will be exploring ways to understand the dynamics of diversity in the profession as solicitors move from law firms to in-house roles or leave the profession altogether.

Fair access to the profession

We finalised our preparations to introduce the Solicitors Qualifying Examination (SQE), holding the first round of assessments for SQE1 in November 2021.

The SQE has two key objectives:

- to make sure everyone meets the same consistent high standards for entry into the profession, however and wherever they learn
- to contribute to a truly diverse profession by removing unjustifiable barriers to entry.

We continued our work to realise the equality benefits over the year, publishing our updated equality impact assessment [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/edi-risk-assessment/>] in April 2021.

- We developed our plans for evaluating the SQE's impact [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/evaluating-sqe/>] and publishing data to inform choice.
- We published our annual review of education and training monitoring activity [<https://www.sra.org.uk/sra/research-report/education-training-authorisation-monitoring-activity/>] in February 2021. This shows the continuing attainment gap for Black, Asian and minority ethnic groups, across higher education and professional assessments.
- Anticipating that this attainment gap is likely to continue as we introduce the SQE, we commissioned research from University of Exeter [<file://sra-cub-fs->]



[01.sra.org.uk/data/groups/External%20Affairs/EDI%20team/Annual%20published%20EDI%20progress%20reports/2021%20Annual%20EDI%20progress%20to%20to%2021%to%20look%20a](https://www.sra.org.uk/data/groups/External%20Affairs/EDI%20team/Annual%20published%20EDI%20progress%20reports/2021%20Annual%20EDI%20progress%20to%20to%2021%to%20look%20a) to understand the causes of this. This research will involve an extensive programme of work continuing into 2023.

- We published the first SQE1 assessment results [<https://www.sra.org.uk/sra/news/press/2022-press-releases/results-sqe1-assessment/>] which, as expected, showed a troubling difference in performance for candidates from a Black, Asian and minority ethnic background.
- We continued our extensive engagement with the profession, legal education providers and aspiring solicitors, including an ongoing dialogue with diversity groups. We ran a series of webinars [<https://www.youtube.com/user/SRASolicitors>] and published a wide range of resources [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/>] to prepare people for the SQE's introduction. In addition:
 - we ran a session about the SQE for the UK Society of Chinese Lawyers in January 2021
 - discussed the EDI impacts with representatives from the Law Society's EDI Committee in February
 - spoke to members of the Sole Practitioners Group and the Black Solicitors Network (BSN) in June
 - joined a panel for aspiring solicitors from the British Nigerian Law Forum's Junior Lawyers Division and the British Ghanaian Lawyers Union in August.

Our engagement in Wales over the year has helped us prepare for the provision of the SQE in Welsh [<https://sqe.sra.org.uk/exam-arrangements/assessment-information/welsh>] to be phased in from 2022.

- We benefitted from engaging with disabilities groups as we developed our approach to reasonable adjustments for the SQE assessments. This helped, among other things, to offer commonly used assistive technology software for the first SQE assessment in November 2021.

Next steps

- We will continue working with University of Exeter on the differential attainment gap research and establish a stakeholder reference group.
- We will continue our dialogue with disabilities and other diversity groups relating to the SQE and discuss:
 - reasonable adjustments
 - wider equality issues
 - the impact of the new assessment on diversity in the profession.
- We will continue to provide data about the SQE, and its impact, and develop our approach to evaluation.

Our regulatory model - Standards and Regulations and our enforcement work

We introduced our Standards and Regulations and Enforcement Strategy in November 2019. Since then, we have taken forward a range of work programmes which have a particular focus on EDI.

- We commissioned a one year review of our new codes of conduct and rules, and as part of this, and our future evaluation programme, we are looking at the impact on equality. The review [<https://www.sra.org.uk/sra/research-report/year-one-evaluation-standards-regulations/>], published in December 2021, was carried out by the Centre for Strategy and Evaluation Services. Among other things, it looked at the diversity of those taking up the new opportunity to practice as a freelance solicitor [<https://www.sra.org.uk/solicitors/firm-based-authorisation/existing-firms-applications/freelancers/>]. It found that of the 300 or so freelance solicitors, there was an overrepresentation of men and Black solicitors and comparable representation of Asian solicitors compared to the overall practising population. We will continue to look at the impact of our reforms, including the diversity profile of how and where solicitors are practising. In particular as we know this is a factor in understanding the profile of solicitors in our enforcement work.
- We resumed our diversity monitoring of individuals within our enforcement processes, publishing our analysis for 2018/19 [<https://www.sra.org.uk/sra/research-report/2018-19-review/upholding-professional-standards-supporting-report/>] in December 2020 and our analysis for 2019/20 [<https://www.sra.org.uk/sra/research-report/upholding-professional-standards-supporting-report-2019-20/>] in July 2021. These showed an over representation of Black, Asian and minority ethnic solicitors, and men, in the concerns raised and those taken forward for investigation, compared to the wider profession. This is a pattern seen elsewhere in the legal and other sectors, and one which has been present for solicitors since before the SRA was established. We have commissioned independent research into the societal and structural factors driving the over-representation in reports made to us, and a review of our decision making at the initial assessment stage. We are looking for a research partner to take this work forward and hope to launch this work in spring 2022. We welcomed the discussions we had with many diversity groups about these findings over the year. As soon as we have our research partner in place, will set up a stakeholder reference group and plan further engagement about these important issues.
- As part of our commitment to improve the monitoring of our investigation and disciplinary work, we created a new in-house 'arms-length' quality assurance team for all our disciplinary work. This will provide confidence that our decisions are fair and consistent, and not contributing to the overrepresentation we see for some groups in our enforcement processes.

- We continued to deal with a significant number of sexual misconduct complaints raised over the period, concluding several important cases at the Solicitors Disciplinary Tribunal (SDT). We have learnt from these decisions, including the Beckwith case, where an appeal court overturned the SDT's finding of sexual misconduct. Recognising the court's decision on the particular facts of the case, we welcomed confirmation [<https://www.sra.org.uk/sra/news/press/2020-press-release-archive/ryan-beckwith-appeal-statement/>] that our Principles can reach beyond the office environment. And that solicitors must not take unfair advantage of others, whether acting in a professional or personal capacity.
- Using what we have learned from our experience of handling these cases:
 - we developed guidance for the profession on our approach to sexual misconduct
 - we are seeking views on whether a fine is the appropriate outcome in these cases in our consultation on the use of our fining powers [<https://www.sra.org.uk/sra/consultations/consultation-listing/financial-penalties-2021/?s=o>]
 - we are working with legal regulators to agree a joint statement on counter-inclusive misconduct, which will include sexual misconduct.
- To shine a light on the complaints we receive about bullying and harassment, we brought these cases together within a specialist team of investigators. This helps us see the common themes raised and develop a consistent response. We recognise that a poor workplace culture can create an environment where staff, in particular junior staff, may not feel able to speak up about problems. This can turn what might have been a manageable problem into potentially serious misconduct. The learning from handling such complaints and talking to law firms has informed our guidance on the workplace environment [<https://www.sra.org.uk/solicitors/guidance/workplace-environment/>] and our thematic review [<https://www.sra.org.uk/sra/research-report/workplace-culture-thematic-review/>], which has examples of good practice in supporting a positive workplace culture.
- We continued our work to support smaller firms with compliance issues. We recognise that there is overrepresentation of Black, Asian and minority ethnic solicitors in smaller firms and offered bespoke sessions to diversity groups. These groups, including the Society of British Bangladeshi Solicitors, British Ghanaian Lawyers Union and UK Society of Chinese Lawyers, valued the sessions we provided on anti-money laundering.
- To underpin our work in regulating a diverse profession, we reviewed and expanded our EDI training for staff. We created a bespoke EDI training module for all staff, supported by new spotlight modules on unconscious bias and equality impact assessment.

Next steps

- We will continue to develop our approach to quality assurance, incorporating indicators which help us make sure our decisions are fair and free from bias.
- We will appoint a research partner to look at the factors driving the over-representation in reports made to us and review of our decision making at the initial assessment stage.
- We will publish our third Upholding Professional Standards supplementary report, providing a diversity breakdown of those in our enforcement processes for the period 2020/21.

Resources and partnership working to promote diversity and inclusion in the profession

We continued to build on the resources we provide for the profession to encourage EDI and working with others to raise awareness and share good practice.

- Responding to the issues given sharper focus by the Black Lives Matter movement, we continued with our series of webinars on race equality chaired by Anna Bradley. First, she spoke to Lubna Shuja, now Vice President of The Law Society and Dr Zubaida Haque, spokesperson on equality issues, about the pace of change since the Equality Act 2010. She then spoke to senior leaders in law firms about the role of senior allies. And how they can amplify the voices of Black, Asian and minority ethnic staff and use their influence to get things done. We also shared key messages from leading voices in the profession through videos which we promoted on social media and made available with the other resources [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/race-equality-workplace/>].
- We worked with the Social Mobility Commission to produce an Employer's Toolkit for the Financial and Professional Services Sector, sharing this and other resources to promote social mobility [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/social-mobility/>] in May 2021. We organised a seminar [https://players.brightcove.net/5546369619001/default_default/index.html?videoId=6276750574001] (with the Commission, the Law Society and PRIME [<https://primecommitment.co.uk/>]) to share good practice in collecting and using social mobility data. This was introduced by Anna Bradley and the Law Society's President, I. Stephanie Boyce. We spoke at PRIME's 10th anniversary conference in September 2021. And in April and July 2021, our staff provided virtual work experience and skills sessions for sixth form students through the Social Mobility Business Partnership [<https://smbp.org.uk/>].
- We refreshed the resources we provide to the profession to promote LGBTQ+ inclusion [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/lesbian-gay-bisexual-transgender-inclusion/>] in July 2021 and updated our trans and non-binary guide [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/lesbian-gay-bisexual-transgender-inclusion/good-practice-for-law-firms-on-creating-a-trans-inclusive-workplace/>] for law firms.

- We worked closely with diversity groups in the profession, supporting the valuable work they do to promote diversity and inclusion. This included:
 - an event with the Society of Asian Lawyers on mental health in the profession in October 2020
 - talking to the British Nigerian Law Forum (BNLF) Junior Lawyers Division about sexual harassment in the workplace in February 2021
 - contributing to the BSN's Diversity publication which helps law firms promote race equality in May 2021.
- We spoke at a range of events about diversity and inclusion, including:
 - a session about meeting EDI regulatory requirements at the Westminster Legal Policy Forum in November 2020
 - a slot about disability inclusion in our keynote theatre at LegalEx in December 2020
 - talking about the importance of collecting diversity data at InterLaw Diversity Forum's launch of its Model Diversity Survey and its career progression research in 2021
 - the annual UK Diversity Legal Awards organised by the BSN, which we sponsored
 - annual events held by the BNLF and Birmingham Black Lawyers in late 2021.

Next steps

- We will publish further resources from our ongoing work on:
 - disability inclusion
 - pregnancy and maternity
 - our EDI mentoring scheme
 - promoting EDI across the profession.
- We will work with front line legal regulators and the Legal Services Board through our refreshed Legal Regulators EDI Forum. This will help to identify and tackle counter inclusive practices which are holding back progress across the sector and to develop tools to better evaluate our work on EDI.
- We will engage with large law firms to see what more we can do to promote a faster pace of change, including if there are any additional regulatory requirements that will help.
- We are consulting on a revision to our rules [<https://www.sra.org.uk/sra/consultations/consultation-listing/health-wellbeing-profession/?s=o>] to include a requirement to treat people fairly at work. We will update our guidance on the scope of Principle 6 [<https://www.sra.org.uk/solicitors/guidance/sra-approach-equality-diversity-inclusion/>] to reflect the work we have done on workplace culture and sexual misconduct in recent years.
- We will continue to work with diversity groups and others to support their work on diversity. And take a leading role in promoting equality diversity and inclusion in the sector where we can.

Using legal technology to promote inequalities in access to justice and public legal education

- To help inform the work we are doing to meet strategic objective two, we commissioned University of Oxford to look at innovation and technology in legal services [<https://www.sra.org.uk/sra/research-report/technology-innovation-in-legal-services/>] and published their report in July 2021. This looked at what law firms were doing, the trends and potential barriers. It found that the use of legal technology was helping to improve access to justice, for example through the use of apps, chatbots, or interactive online forms. However, it was clear that this alone was unlikely to solve all issues relating to unmet legal need, and the challenges are not the same for everyone. As a result, we carried out a range of insight sessions with stakeholders to understand their views on technology. This included consumer groups, members of the public, and groups such as neurodivergent legal consumers, carers, and people with learning disabilities.
- We updated our SRA Innovate [<https://www.sra.org.uk/solicitors/resources/sra-innovate/>] information and case studies to help legal service providers.
- We are working with a range of partners, including Swansea and the West of England universities, using the Regulators Pioneer Fund grant we secured in 2021. This work will support the development of legal technology to help remove long standing and growing inequalities in access to justice. So far this has involved workshops with advice agencies and talking to law firms about their pro-bono services, which provides legal advice to a range of vulnerable communities.
- We will improve our understanding of emerging opportunities and challenges for legal services users, the sector and our role in effectively regulating it. One example is the work we are doing to promote public legal education through the Legal Choices [<https://www.legalchoices.org.uk/>] website. We do this alongside other legal services regulators to provide independent, factual information about legal issues and legal advisers.

Next steps

- We will continue to work on projects arising from the Regulators Pioneer Fund. We hope to use remaining funding to support legacy projects such as the disability benefit eligibility check tool (developed by a law firm but free to use).

- We will explore whether we can develop a sustainable model for studying access to justice issues around England and Wales. We will use the approach developed in 2021 by combining local authorities with nearby universities.