

Our work since the ICCR on the profile of solicitors in our enforcement work

14 December 2020

Download full report: Our work since the ICCR on the profile of solicitors in our enforcement work (PDF 16 pages, 346KB) [<https://www.sra.org.uk/globalassets/documents/sra/research/our-work-since-the-independent-comparative-case-review-on-the-profile-of-solicitors-in-our-enforcement-work.pdf?version=4af07f>]

Introduction

There is a longstanding overrepresentation of certain groups – men and people from a black, Asian and minority ethnic (BAME) background – in our enforcement processes, as is widely seen across many regulators and sectors. We have, over the years, commissioned a series of independent reports into what is causing this to happen.

Alongside the publication of the diversity profile of solicitors in our enforcement work in 2018/19, which again shows this overrepresentation, we are also now reporting on our work since the most recent review – Professor John's review of fairness in our enforcement processes, the Independent Comparative Case Review

[<https://www.sra.org.uk/globalassets/documents/sra/equality-diversity/independent-comparative-case-review-iccr-gus-john.pdf?version=4a1ac5>] (ICCR).

We published a response [<https://www.sra.org.uk/globalassets/documents/sra/equality-diversity/independent-comparative-case-review-iccr-response-june-2014.pdf?version=4a1ac4>] to the ICCR in 2014, setting out our commitments on the broad themes of the review, which we took forward as part of our corporate strategy.

Before the ICCR, we had commissioned reviews from Pearn Kandola [<https://www.sra.org.uk/sra/equality-diversity/archive/research-disproportionality/>] and Lord Ouseley [<https://www.sra.org.uk/sra/equality-diversity/archive/ouseley-report/>], building on work undertaken by the Law Society in 2004 and reported in 2006, before the establishment of the SRA. All three external reports confirmed the position, highlighted by our own annual diversity monitoring reports up to 2014, that there is overrepresentation of certain groups – men and people from a BAME background – in our enforcement processes. None of the external reports found any evidence of discrimination.

Professor John analysed our data, reviewed our processes and considered complaints that had been made and, as above, found 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 BAME solicitors being brought within our investigation and disciplinary work. These included working in small

firms and establishing sole practices after only a few years in practice – both categories where BAME solicitors are significantly overrepresented.

The insight and recommendations from all the reports, including the ICCR, have significantly influenced our work, both internally and externally.

Earlier this year, as we were consulting on our new corporate strategy for 2020, we reflected on our work to promote equality, diversity and inclusion (EDI) over the past five years [<https://www.sra.org.uk/sra/research-publications/promote-equality-five-year-summary/>] , including the work we have taken forward following the ICCR.

That work has included:

- a full programme of regulatory reform
- a new Enforcement Strategy
- reviewing our processes
- the development of the Solicitors Qualifying Examination (SQE) and the related EDI benefits
- work to support and increase diversity in both the profession and our own workforce
- the delivery of bespoke support for small firms.

We provide more information in this report.

We also made a commitment to regularly publish the diversity profile of people in our processes, while recognising that picture was unlikely to change quickly. Although previously an annual exercise, we paused this reporting in 2015 because of an increasing focus on the role of law firms in maintaining high professional standards.

This meant we were recording a growing proportion of our enforcement work against firms, rather than individuals. This, and the falling number of newly enrolled solicitors providing their diversity data to us through our online portal (following our move to an online admissions process), meant that monitoring the diversity of individuals in our enforcement work was a challenge.

We have now resumed this monitoring and, to do so, undertook a resource-intensive, manual review of the reports we received in 2018/19 to identify information about the individuals involved. New systems and processes we are putting in place will allow us to better extract and analyse data about our enforcement decisions in the future.

Importantly, we have already committed, in our Business Plan 2020/21, to commissioning independent research to understand the factors that bring

the profession into our processes. We go on to say: 'These are difficult and often contentious matters and it will mean commissioning research and establishing an advisory group of expert voices to help us with these complex issues over the three years of the strategy. We will publish any research so that interest groups and the profession can join with us and others to address any underlying factors.'

We are not complacent about our processes and will also undertake a forward review of our decision making, alongside improving the monitoring of our investigation and disciplinary work by establishing an in-house 'arms-length' quality assurance team for all our disciplinary work.

To improve our data, we will work to increase the number of individuals who disclose information concerning their diversity characteristics to us and, as above, we will report annually on the profile of people in our enforcement processes.

Understanding the impacts on EDI will form a key part of our planned evaluation of the changes we have made to our regulatory model, and we will continue to build our wider work to promote and support diversity in the profession.