

Our equality, diversity and inclusion work (2018/19)

16 March 2020

Introduction and summary

The legal landscape is changing, and the profession is becoming increasingly diverse. A strong and diverse profession is in everyone's interests, increasing access to justice and supporting firms to thrive.

We are committed to equality, diversity and inclusion (EDI) across all our work. We will continue to take steps to increase and promote the diversity of the legal profession and to make sure our regulatory processes are fair, consistent and non-discriminatory.

After embedding EDI considerations into our Corporate Strategy 2017 to 2020, to make sure it is present in all that we do, 2018/19 saw a number of high-profile projects prominently feature EDI. For example, our work to implement the Solicitors Qualifying Examination (SQE), our engagement with firms to clarify the use of non-disclosure agreements (NDAs) and to encourage reporting about sexual harassment in the workplace, our biennial firm diversity data survey and programmes to promote disability and LGBTQ+ inclusion in the workplace. We and the wider sector are making positive progress, but we know there is much more to do.

This review demonstrates how we met our public sector equality duties, the Legal Services Board's diversity outcomes and the regulatory objective to promote a diverse profession. It reports on the five themes we identified for the Corporate Strategy 2017 to 2020:

- A diverse profession
- Fair decision making
- EDI implications of our regulatory reforms
- Inclusive engagement
- Accessible IT and business systems.

Open all [#]

Our people

Our People is one of our priority EDI themes. We develop and support our workforce and promote a fair and inclusive culture. For more information about diversity in the SRA, please read our Staff Annual Diversity Report [[/sra/equality-diversity/archive/annual-diversity-report-2017/](#)].

A diverse profession

Diversity in all professions is important and the legal profession is no exception. It helps firms attract the best talent and means firms are more reflective of their clients and potential customers. It can generate a broader perspective and outlook, resulting in better advice and decisions and a competitive advantage. And for many individuals and businesses, the legal profession is seen as far more accessible if it reflects the diverse communities it serves.

We have a good understanding of diversity in the profession from our firm survey, but recognise we need to go beyond the statistics and encourage law firms to adopt and implement inclusive workplace practices. This means creating conditions where every person

can contribute in a meaningful way and feel safe and secure doing that. An inclusive approach adds value to an organisation and is increasingly recognised as a commercial imperative for business. There is considerable evidence that providing training on EDI and making sure senior leaders are committed to encouraging and promoting inclusivity are key.

Identifying and promoting good practice

This year we visited over fifty law firms and held three workshops to gather good practice in achieving an inclusive approach, particularly in relation to disability, gender and LGBTQ+ equality. This helped us to produce useful resources for firms of all sizes.

We held and spoke at 52 events, which had a focus on EDI. These ranged from large scale events with over eighty delegates, to collaborative workshops and focused seminars.

We have also been saying more about intersectionality through our events, seminars and training.

Firm diversity data

We collected diversity data from 96 percent of firms in 2019, an increase of 4 percent compared with 2017. The new data will be published on our website in March 2020, allowing firms to use it as a benchmarking tool. It allows us to outline trends in the profession and highlights where more work needs to be done.

By collecting data and analysing the results, law firms can address the areas of their business that could benefit from greater diversity. We encourage law firms to review and monitor their diversity data through recruitment and into senior roles and positions. This can help highlight workplace inequality and help remove unfairness and disadvantage in systems and processes.

There is still some work to do to increase diversity in the sector, particularly at partner level in large firms, and this will remain a priority for our work as a regulator.

Progression for women and BAME solicitors

A recurring trend from the past 10 years shows us that, while women make up half of all lawyers in law firms, only 34 percent are partners. We have been working with organisations such as Women Lawyers & Mothers, the Fawcett Society and the Association of Women Lawyers to understand how law firms can reduce the barriers women face in the workplace. This includes challenging the traditional working practices some law firms have in place, such as the long hours culture. We have spoken about and produced information on flexible and agile working practices, parental leave and addressing bias in the workplace.

The increasing ethnic diversity we have seen in the profession over recent years is not evenly spread across ethnic groups or firm size. Our firm diversity survey showed that 21 percent of lawyers are black, Asian and minority ethnic (BAME), of whom 15 percent are from an Asian and only 3 percent are from a black background.

Our data shows there are barriers for BAME lawyers in progressing their career in some sectors of the profession. For example, only 8 percent of partners in the largest firms are BAME, compared to 36 percent in the smallest firms. We recognise that this may reflect individual choice and ambition and accept that many large firms are taking steps to increase diversity in senior positions. But this gap has increased since 2017 suggesting there is more to do to embed diversity across all levels and across firms of every size.

We discussed race equality in the profession and the challenges to progression for solicitors from a BAME background with diversity groups in the profession. Our work with groups celebrating success, for example through our programme of awards sponsorship, also

supports wider work to address the barriers that people face.

Supporting LGBTQ+ inclusion

The latest figures showed little change in the profile of the profession by sexual orientation and those identifying as transgender. Three percent of lawyers identified as lesbian, gay or bisexual (compared to two percent in the UK) and two percent of lawyers told us their gender identity was different to that assigned to them at birth (compared to an estimated one percent in the general population).

Together with Stonewall and the Law Society, we continued to support a mentoring scheme where large City law firms mentored small and medium-sized law firms to develop their approach to LGBTQ+ inclusion. Mentor firms, all of whom are top performing firms in the Stonewall Workplace Equality Index [<https://www.stonewall.org.uk/uk-workplace-equality-index>], offered an average of two hours free support every month, reviewing and drafting policies and sharing good practice.

We helped facilitate engagement between the matched firms, organising events and meetings to identify priorities and review progress. We also hosted training for trans allies provided by a mentor firm.

We reviewed the scheme when it came to an end in December 2019 and found that:

- mentees saw a noticeable change in their firm's culture just by making small changes in their approach
- the learning from LGBTQ+ inclusion helped the mentee firms' knowledge and experience of wider equality issues
- mentee firms saw professional benefits, such as improved performance in the workplace and better business opportunities as the result of having worked with a trusted and experienced mentor
- several mentee and mentor firms have since collaborated, such as attending Pride together, while others have shared training opportunities.

We published case studies [[/lgbt](#)] highlighting the benefits of the scheme and will be following up its success with a new scheme focusing on firms who are looking to improve their approach to wider EDI issues.

In 2018/19 we continued to work with Interlaw and other organisations to raise awareness of LGBTQ+ issues, and demonstrated our support for the LGBTQ+ community through a strong presence at Pride in Birmingham, London and Cardiff. Our second year in Cardiff saw a major increase in support from local law firms. We continue to improve our own approach to LGBTQ+ inclusion, applying again to the Stonewall Workplace Equality Index, as well as starting to upgrade facilities in own office in Birmingham to be gender neutral.

Disability inclusion in law firms

The number of people in law firms who report they have a disability, 3 percent, is not comparable with the general population. 10 percent of the working age population in employment has a disability. We also know that in the largest firms (50 plus partners) the proportion of solicitors with a disability falls to 2 percent.

We have seen only a minimal increase since we started to collect diversity data in 2014 and this suggests a persistent underreporting of disability within the profession. If people are unwilling to declare they have a disability, they may not be receiving the reasonable adjustments they need.

We launched our disability inclusion programme in 2018/19 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 range of activities:

- We sent out a questionnaire to 3,000 law firms asking about disability inclusive practices, on subjects such as recruitment, training and the provision of reasonable adjustments. More than 420 law firms responded and although 96 percent had an EDI policy, only 20 percent had an action plan to promote disability inclusion.
- We held several workshops where disabled participants highlighted the importance of being able to speak openly about their needs and commitment from senior leaders for making sure there was a culture of disability inclusion.
- We published information and videos [[solicitors/resources/diversity-toolkit/disability](#)] from several law firms sharing good practice on disability inclusion.
- We reviewed and updated the resources on our Your Health, Your Career website pages for solicitors whose health and wellbeing issues are having an impact on their work. We encourage solicitors to get in touch with us early so that we can provide or signpost them to the support they may need to avoid health or wellbeing concerns turning into regulatory issues.

We will produce further resources on disability inclusive practices, such as recommendations for the profession and factsheets.

Fair decision making

We make complex, high-impact decisions and have practices and processes in place, such as guidance, decision making criteria and training to make sure our decisions are consistent, fair and transparent.

Our Corporate Complaints process comprises three levels of review for people who are not satisfied with the service we have provided. Our Independent Reviewer offers an external review of complaints about our work, including any concerns about potential discrimination, and undertakes an annual sampling exercise to help us make sure we are handling corporate complaints appropriately.

Guidance on EDI

We published EDI guidance [[solicitors/guidance/ethics-guidance/guidance-on-the-sra-s-approach-to-equality-diversity-and-inclusion](#)] on principle 6 of our Standards and Regulations: “You act in a way that encourages equality, diversity and inclusion.” We know EDI can be open to misinterpretation and therefore wanted to make sure we were clear about our expectations on EDI to solicitors and law firms. The guidance encourages the profession to go beyond minimal legal requirements, to make sure they address all protected characteristics, such as putting in place processes and policies on trans and disability inclusion. In the guidance we also make clear that solicitors should not bring the profession into disrepute by expressing extreme personal, moral or political opinions on social media platforms.

We produced two case studies and in 2019/20, we will produce further resources and case studies to support this guidance.

Response to sexual harassment reports

We have been responding to the increase in reports of sexual harassment and the improper use of non-disclosure agreements (NDAs). We received 55 reports of sexual harassment in 2018/19 compared with 15 in 2017/18. We have been investigating these cases and taking enforcement action where misconduct has been identified. The most serious cases are being taken to the Solicitors Disciplinary Tribunal and we are monitoring the outcomes of these

cases.

We reviewed our handling of these sensitive and difficult cases and talked to other regulators about how we can provide more support to those who report sexual misconduct to us. We updated the guidance for witnesses in these cases and clarified our reporting obligations to make sure it was clear that people who make a report to us must not suffer detriment as a result. We continued our engagement with law firms sharing good practice in managing such cases and the factors which help to prevent such conduct arising.

We raised awareness about the warning notice we issued in March 2018, reminding firms that they must not use NDAs to deter an individual from reporting misconduct or crime, from making a protected disclosure, or from cooperating with a criminal investigation or prosecution.

We gave evidence to the Women and Equalities Select Committee's inquiry into the use of NDAs in discrimination cases and worked with a range of stakeholders in responding to the concerns raised, including the Equality and Human Rights Commission and the Department for Business, Energy and Industrial Strategy.

EDI implications of our regulatory reforms

We commissioned an independent agency, Economic Insights, 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 the impact of our regulatory reform programme on diversity in the profession and on members of the public is a key part of this work. Our rolling evaluation programme will look at our transparency, standards and regulations and other reforms.

Solicitors Qualifying Examination

We continue to engage with diversity groups, representatives from the profession and academics on the EDI aspects of the Solicitors Qualifying Examination (SQE).

As we developed the detail of the assessments, we worked with a range of firms and groups on the feedback from the SQE 1 pilot and its results. That included the SQE 1 pilot skills assessment which showed some differential performance across diverse characteristics. We have more to do, working with others, to understand the issues, which reflect the current attainment gap between BAME and white students at every level of legal education, and indeed across higher education and professional training overall. We also worked with disability equality groups to look at how accessibility and reasonable adjustments requests would be met and have been monitoring reasonable adjustments in the SQE pilot period to better understand the needs and requirements of diverse candidates.

A key aspect of the SQE will be that all aspiring solicitors will take the same assessments regardless of route. We continue to support the apprenticeship route into the profession, with for example, relevant sessions at our 2019 Compliance Conference.

We are committed to providing the opportunity to take SQE in Wales and have been working with expert groups on how best we can deliver SQE to meet the needs of Welsh speaking candidates.

Research and analysis

We consider EDI in our research and analysis work as we remain committed to developing an inclusive legal services market that serves the diverse needs of consumers. This research support our regulatory work and explores the current regulatory risks in the profession

We commissioned research into the experiences of people who need reasonable

adjustments and looked at the barriers these people face when trying to access legal services. We found several ways that firms could improve the key information they offer to consumers to make sure it is suitable for everyone. For example, people who experience mental ill health and learning or social disabilities, face a different and more challenging experience in accessing information and services to those with more visible impairments. We are using this information to share with law firms through workshops and seminars and disseminating it through targeted EDI media campaigns.

Inclusive engagement

We engage with law firms, legal professionals and members of the public to encourage and promote good practice. Communications, engagement and consideration of EDI all play a key role in making sure that we make our decisions in an informed and effective way.

Events and activities

We set diverse panels, speak to diverse audiences and invite and encourage people who would not normally go to events to attend and contribute to the discussions taking place. We make sure there are several ways people can communicate with us, whether that be through our virtual reference groups and workshops, or attending our events, seminars and conferences. We have engaged with more than 18 legal sector equality groups and have spoken at, organised or attended 52 EDI specific events. Our Board members also meet regularly with a wide range of diverse stakeholders through focus groups, events such as this year's Board dinners in Cardiff and Bristol and events such as our SRA Innovate roadshow, which we targeted at small firms.

Diversity groups

A wide range of diversity groups worked closely with us this year, organising events and holding discussions on key issues. Organisations included the Society of Asian Lawyers, the Black Solicitors Network, the British Nigeria Law Forum, Birmingham Black Lawyers, the Society of British Bangladeshi Solicitors, Women in Law, the Association of Disabled Lawyers, Interlaw, LawSmart and the Social Mobility Business Partnership.

These groups and many more have been at the heart of our thinking, providing feedback and input into our emerging work. Working with diversity groups helped us to produce targeted resources on diversity and inclusion for solicitors and law firms.

Our Black History Month event brought together facilitators and speakers from the Law Society, Women in the Law, Birmingham Black Lawyers, Cake & Counsel, Society of Asian Lawyers and Black Solicitors Network North. Our Chair Anna Bradley spoke about the importance of diversity in the profession and why our legal system needs solicitors from a diverse range of backgrounds at all levels. This was our third event for the profession to mark Black History Month.

We also raised awareness of the importance of diversity, and supported diversity groups through sponsoring several EDI-related events in 2018/19, such as:

- the Winter Carnival, run by InterLaw Diversity Forum celebrating LGBTQ+ inclusion in the legal sector
- the Sole Practitioners Group annual conference
- the Society of Asian Lawyers Awards, the Black Solicitors Network's UK Diversity League Awards and the British Nigeria Law Forum Annual Awards.

Small firms and in-house solicitors

We held several events for small firms – which have a high BAME solicitor profile - and inhouse solicitors to talk through some of our reforms and how best to comply. For example, we discussed changes to our Accounts Rules, our new Codes of Conduct for individuals and firms, our revised principles and the clickable logo, as well as issues such as anti-money laundering.

We held these workshops across the country, in Bradford, London and Birmingham and we will continue to engage with small firms this year and next. The feedback we received showed that law firms and solicitors welcomed the chance to talk through regulatory changes with us. They said it was helpful to be able to speak directly to the SRA for further information and support.

Sole practitioners

There are 4,473 practising sole practitioners, making up three percent of the total practising solicitor population. Our latest firm diversity data collection also showed us that 36 percent of the sole practitioner population is BAME, compared to 21 percent in the wider solicitor population.

We know that sole practitioners offer niche services to diverse communities with many located in rural, remote and less well served areas of the country. Working with representatives from the Sole Practitioners Group helps us to understand the needs of this section of the profession and helps us to disseminate information about key regulatory changes.

Accessible IT and Business Systems

Collecting diversity information about our regulated community is fundamental for better understanding the diversity profile of the people and firms we regulate.

As part of our major programme of IT development, we are building EDI recording into our business systems and IT to make sure we can collect diversity data effectively and therefore monitor the diversity impact of our work and processes

In order to do this, we worked this year with equality experts and groups to review our diversity monitoring questions for the capture of diversity data in mySRA, in our law firm diversity data questionnaire and as part of the SQE admissions data.

That included reviewing the questions we use on race, disability, sex and gender to make sure they are in line with current good practice. Part of that has been the adoption of the Government recommendations on socio-economic measures in the workforce.

Recording reasonable adjustments

We have continued to record the reasonable adjustments we make for both members of the public and everyone we regulate which is an important part of providing a good customer experience. We use the information to make sure we are taking a consistent and supportive approach across all our work.

Looking ahead

We are now looking ahead to our new Corporate Strategy, which will come into effect on the 1 November 2020. EDI priorities are likely to include continuing to promote diversity and inclusion in the profession, realising the EDI benefits of the SQE, and more work to monitor the profile of solicitors in our operational work.

Infographic