

Our equality, diversity and inclusion work (2019/20)

February 2021

Introduction

Major events such as Covid-19, the resurgence of the Black Lives Matter (BLM) movement and the prospect of the UK exit from the EU have brought change and challenges for everyone over the course of the year.

As we all adapted to new ways of working in the uncertain and fast-moving situation brought by the pandemic, we have seen way firms and solicitors taking innovative approaches to how they operate and respond to the needs of their clients. It will of course be sometime before the longer-term implications of the Covid-19 pandemic are fully understood, but many of these changes are now well established and point to future working practices.

During 2019/20 we continued with a number of high-profile projects that prominently feature equality, diversity and inclusion (EDI). For example, the development of the Solicitors Qualifying Examination (SQE); monitoring the profile of people in our enforcement processes; publishing data on diversity in the profession; our work to support the profession, particularly small firms, and a sharp focus on areas of inequality in the profession, including for disabled solicitors, and solicitors from a Black, Asian and minority ethnic background.

This review sets out how we continued to place EDI at the heart of our work and 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 highlights our EDI work under the final year of our Corporate Strategy 2017 to 2020, focusing on our priority themes:

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

We have referred to our main priorities for EDI in our Corporate Strategy for 2020 to 2023 [<https://www.sra.org.uk/sra/corporate-strategy/>] and to inform the new strategy we reviewed our EDI work over the previous five years

[<https://www.sra.org.uk/sra/research-publications/promote-equality-five-year-summary/>] , a report that we published in March 2020.

This information in this annual report focuses on our activities over the period November 2019 to October 2020.

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Our people

Our 2019 SRA staff diversity report [<https://www.sra.org.uk/sra/equality-diversity/archive/annual-diversity-report-2019/>] provides information about the profile of our staff and what we did in 2019/20 to support a diverse and inclusive workplace, reflecting our core values and how we work. We saw an improving picture but know there is still more to do, so we are taking forward a range of actions as we continue to develop our diversity.

A diverse profession

A diverse and inclusive profession benefits both legal providers and consumers of legal services. It means that the profession can attract the best people, regardless of background, and that firms can reflect the communities they serve, supporting access to legal services. Our data over the years shows that progress has been made and diversity is improving, but the legal sector, like many others, still has much to do to improve representation of certain groups entering the profession, as well as their progression to senior roles.

Collecting diversity data

We continued to add to our understanding of the diversity profile of the profession:

- In March 2020, we published the data we collected in 2019 in our law firm diversity data tool [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/law-firm-diversity-tool-2/>] , alongside our analysis of the key findings and trends [<https://www.sra.org.uk/sra/equality-diversity/diversity-profession/diverse-legal-profession/>] . The data showed improvement in some areas, but with more to do.
- In June 2020, we updated the questions we use to collect diversity data as part of the records individual solicitors have with us, to keep pace with best practice.
- In September 2020, our work with the Ministry of Justice and others led to the publication of the first combined report setting out a complete picture of diversity in the judiciary [<https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2020-statistics>] , which includes a profile of diversity in the legal professions.

- We are collaborating with the InterLaw Diversity Forum, an inter-organisational forum focusing on cultural change in the workplace and 'multiple identities'/intersectionality, on its plans to introduce a Model Diversity Survey. The model diversity survey is a supplier diversity questionnaire for law firms and corporates to use in the purchase of legal services, and in October we spoke at its launch.

Promoting diversity in the profession

We worked with diversity groups to support a wide range of EDI initiatives, spoke to law firms and others to understand some of the challenges and published further guidance and resources for law firms.

- As part of the launch in November 2019 of our new Standards and Regulations, we published EDI guidance [<https://www.sra.org.uk/solicitors/guidance/sra-approach-equality-diversity-inclusion/>] and case studies to clarify our expectations of solicitors and law firms in 'encouraging equality diversity and inclusion' in accordance with Principle 6.
- During 2019/20 we held and spoke at 18 events which had a focus on EDI, ranging from large scale events to collaborative workshops and focused seminars. These conversations with law firms, experts, key equality representative groups and members of the profession, helped us to understand what is being done, and what more can be done to improve diversity in the profession.
- We launched our new EDI mentoring scheme [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/edi-mentoring-scheme/>] in July, a firm-to-firm initiative where law firms who are recognised as leaders in the EDI field share their experience with small and medium-sized law firms.
- We continued to support the diversity work of groups such as the Black Solicitors Network (BSN), InterLaw Diversity Forum, the British Nigeria Law Forum (BNLF) and the Society of Asian Lawyers (SAL). We sponsored BNLF's annual diversity awards held at the end of 2019 to celebrate success and promote Black role models in the profession, SAL's event to discuss race equality and wellbeing, and research by both BSN and InterLaw into diversity and career progression in the profession.

We carried out a range of activities to highlight particular equality issues in the profession, including: race and gender equality, disability and LGBTQ+ inclusion, wellbeing and social mobility.

Race equality

- In December 2019, we held a roundtable with diversity groups and law firms who were taking positive action to promote race equality, with initiatives such as setting recruitment targets and reporting on their ethnicity pay gap. The BSN, BNLF and SAL shared ideas, information, challenges and opportunities with law firms in progressing race equality. We created a

race equality resource page [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/race-equality-workplace/>] for firms in July 2020, sharing the good practice which emerged from these discussions.

- The resurgence of the BLM movement in spring 2020 placed a much sharper focus on our plans to encourage law firms to address racial inequality in the profession and as a result:
 - We delivered three virtual panel discussions chaired by our Chair, Anna Bradley: Reflect, develop and progress your firm, race equality - what now? [<https://www.youtube.com/watch?v=WJbzFD2P6OE>] in July, The question of race and class in the legal profession [https://www.youtube.com/watch?v=By5yL_MUpFE] in October to mark Black History month, and Race - past present and future [<https://www.youtube.com/watch?v=CAN0WZUn8Dw>] in December, which were viewed by around 1,000 people.
 - We published good practice case studies and short videos [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/race-equality-workplace/>] from members of the profession on key topics such as mentoring and targets.
 - We ran a social media campaign providing a platform for Black, Asian and minority ethnic people to deliver messages on the importance of race equality in the profession.

Gender equality

- We have been working with organisations such as Women Lawyers & Mothers, The Fawcett Society, the Association of Women Solicitors (London), the Association of Asian Women Lawyers, and Women in the Law to understand how law firms can reduce the barriers women face in the workplace – specifically in relation to retention, promotion and progression.
- We surveyed solicitors and law firms about their experience of pregnancy and maternity in the workplace. We asked about good practice, the support women have in place when they are pregnant and take maternity leave, and about issues or concerns. Our initial findings highlight a range of challenges and we will be publishing our report and resources in 2021.

Disability inclusion

- We worked closely with law firms, disabled lawyers, disability experts and key stakeholders such as The Law Society, to promote and encourage understanding of the challenges to disability inclusion in the profession. Taking into account the feedback from a law firm questionnaire and several workshops, we published our findings [<https://www.sra.org.uk/solicitors/resources/diversity-toolkit/disability-inclusion/>] in March 2020, highlighting the significant challenges faced by disabled lawyers and providing examples of good practice and ways in which firms can promote disability inclusive workplaces.

LGBTQ+ inclusion



- We increased our position in the Stonewall Workplace Equality Index and were pleased to reach the top 100 [<https://www.sra.org.uk/sra/news/press/2020-press-release-archive/sra-in-stonewall-top-100/>] in 2020. We have encouraged others to do more in this area, for example, speaking at InterLaw 's event in February 2020 to encourage law firms interested in the Workplace Equality Index.
- We continued our work on LGBTQ+ inclusion in the SRA, updating our policies and promoting awareness among staff through network led activities. We were pleased to open our first gender neutral toilets at our office in Birmingham in December 2019.
- Due to lockdown restrictions, the Pride events in London, Birmingham and Cardiff that we usually join could not go ahead, but we continued to mark events in the LGBTQ+ calendar. We invited Global Butterflies and others to speak to staff and partners in the profession about trans and non-binary inclusion and discussed intersectional issues such as the benefit of positive workplace cultures and wellbeing for LGBTQ+ staff.
- We have been listening to a variety of voices, including those from women's groups as well as groups representing LGBTQ+ issues in considering how we collect sex and gender data and will be updating our approach as a result.

Wellbeing

- We continued our Your Health, Your Career campaign [<https://www.sra.org.uk/solicitors/resources/your-health-your-career/>] to offer support to solicitors whose work is affected by ill health and worked with partner organisations, such as LawCare, which help solicitors in difficulty. We enhanced the range of information we provide to support solicitors responding to the pandemic, including our approach to compliance. We also provided further training for our staff on making reasonable adjustments and improving how we record the reasonable adjustments needed by those we work with.
- We spoke at a number of events in April, May and June 2020 about wellbeing and compliance during lockdown, including a webinar with Women in the Law UK. We talked about the support that is available for firms and our key messages including firms' responsibilities to support staff and challenge the toxic cultures that leave vulnerable solicitors at risk of regulatory action.

Social Mobility

- We have continued to work with LawSMART, an alliance of law firms and organisations brought together by the Chair of PRIME, an organisation committed to improving access to the legal profession through work experience, to share and coordinate work to promote social mobility in the legal sector.



- We invited Aspiring Solicitors and Rare Recruitment to lead our discussion about race equality and class, as part of the events we held focusing on race equality.
- We supported the Social Mobility Business Partnership in delivering a virtual work experience week for sixth formers in Birmingham in July 2020, to provide skills and insight into a future career in the law.
- During the year we worked with the Social Mobility Commission to develop the Social Mobility Employer's Toolkit for the professional and finance sector [https://socialmobilityworks.org/wp-content/uploads/2020/12/SMC-Financial-and-professional-services-sector-toolkit_WEB_Dec-2020_FINAL_web.pdf] , which was launched on 10 December 2020.

Next steps

Over the next year we will:

- collect diversity data from law firms in summer 2021, encourage solicitors to update their diversity data in mySRA, continue our collaboration with InterLaw on its Model Diversity Survey and support the 2021 publication of combined data on judicial diversity.
- continue our work to promote diversity in the profession, including publishing our report on pregnancy and maternity, developing new resources on a range of areas including social mobility and creating healthy workplaces, and continuing to develop the resources we provide for race equality, disability, wellbeing and LGBTQ+ inclusion
- continue to build partnerships to promote diversity and inclusion across the profession with diversity groups and other key stakeholders such as The Law Society, including ongoing support for our EDI mentoring scheme
- review our approach to evaluating the work we do to promote diversity in the profession to make sure we are focusing our resources effectively

Fair decision making

We introduced our new Enforcement Strategy and Standards and Regulations in November 2019 and have developed new processes and quality assurance measures to implement our new approach and to support consistent, fair and transparent decision making.

- We published new guidance, topic guides and a range of subject-specific warning notices, highlighting the factors we take into account when considering whether or not to take enforcement action. We delivered comprehensive training to all our staff in line with our new approach to enforcement.

- We updated our suite of EDI training for staff, developing additional modules such as managing unconscious bias. We have continued to deliver training on reasonable adjustments, so we are able to support people in a fair and positive manner.
- We have strengthened our internal quality assurance arrangements and our operational systems and processes to assure high-quality decisions. For example, we have introduced regular management checks in key areas of our enforcement work to provide additional levels of assurance, including arm's-length checks of our initial triage and assessment processes by lawyers in our Ethics and General Counsel teams.
- In 2019/20 we resumed diversity monitoring of the profile of individuals within our enforcement work, carrying out a manual review of around 7,000 electronic files to capture a record of the individuals referred to us in the previous year (2018/19). The findings were published in December 2020, in our annual Upholding Professional Standards [<https://www.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/>] report, showing the overrepresentation for men and solicitors from a Black, Asian and minority ethnic background in reports made to us and in our enforcement processes that we anticipated and that is seen so widely across regulators in many sectors. We have set out a range of actions in response to these findings and reflected on the work we have done since [<https://www.sra.org.uk/sra/how-we-work/archive/reports/iccr-response/>] the Independent Comparative Case Review in 2014 [<https://www.sra.org.uk/sra/equality-diversity/archive/independent-comparative-case-review/>] .
- We continued to respond to the increased number of reports we received about sexual harassment and the improper use of non-disclosure agreements (NDAs). Building on our experience of investigating reports about NDAs, we updated our warning notice [<https://www.sra.org.uk/solicitors/guidance/non-disclosure-agreements-ndas/>] to make our expectations clearer as we had committed to do. We updated the guidance for witnesses [<https://www.sra.org.uk/consumers/problems/report-solicitor/guidance-witnesses/>] in these cases and clarified our reporting obligations [<https://www.sra.org.uk/solicitors/guidance/reporting-notification-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.
- Our corporate complaints process comprises three levels of review for people who are not satisfied with the service we have provided. The Independent Reviewer carries out an external annual review of complaints about our work [<https://www.sra.org.uk/globalassets/documents/sra/board-meetings/2020/annex-1---independent-reviewer-annual-report.pdf?version=491679>] , including any concerns about potential discrimination. We published the latest review in October 2019, confirming that over the period 2018/19, the Independent Reviewer considered six complaints of discrimination about the SRA and found no evidence of bias or discrimination. Most of the

complaints of bias we received were from members of the public, who were dissatisfied with the outcome of our investigations, and felt we had been biased in favour of solicitors and firms.

Next steps

Over the next year we will:

- take forward the actions we have highlighted following our report on the diversity of people in our enforcement processes including: commissioning independent research into the factors that drive the reporting of concerns about Black, Asian and minority ethnic solicitors to us, undertaking a forward review of decision-making in our assessment and early resolution process, establishing an in-house 'arm's-length' quality assurance team and continuing to provide support for small firms.
- report on the diversity profile of individuals in our enforcement processes in 2019/20
- work to improve our mySRA data about the diversity of the solicitors we regulate
- continue to review and update our staff EDI learning and development tools.

EDI implications of our regulatory reforms

Our programme of regulatory reforms introduced over the past few years have all been informed by assessments of their potential EDI impact. This year we have also been developing comprehensive plans to evaluate the ongoing impact of these reforms, including assessing and monitoring the impact on EDI in the profession and on access to justice.

- We published our report on the impact of the SRA Transparency Rules [<https://www.sra.org.uk/sra/research-publications/better-information-legal-services-market/>] one year on from these being fully implemented, requiring firm to use our clickable logo and to publish information on the services they provide, including prices for certain services, as well as on their complaints processes. This work is part of our wider five-year evaluation programme looking into the impact of our Standards and Regulations [<https://www.sra.org.uk/solicitors/standards-regulations/transparency-rules/>] and associated reforms.
- Over the year we have been working on the EDI benefits that the SQE will bring and in July 2020 we published further research by The Bridge Group [<https://www.sra.org.uk/globalassets/documents/sra/news/sqe-monitoring-and-maximising-diversity.pdf?version=4a00fc>] into the diversity implications of the SQE, along with our updated EDI risk assessment [<https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/edi-risk-assessment/>]. We have also been working closely



with diversity groups, the Law Society and its divisions to support Kaplan's development of the SQE.

- Although we are working to make sure the SQE is fair by design, there is a well evidenced attainment gap affecting Black, Asian and minority ethnic students at all levels of education and training and professional assessment in multiple sectors. We published the latest monitoring report [<https://www.sra.org.uk/sra/how-we-work/archive/reports/monitoring-activity-2017-18/>] in January 2020, covering the period September 2017 to 2018, looking at the diversity profile of students taking the Legal Practice Course and the Common Professional Examination/Graduate Diploma in Law, which again shows this pattern of performance. This is something we highlighted in our five year review of our work on diversity [<https://www.sra.org.uk/sra/research-publications/promote-equality-five-year-summary/>] published in March 2020. We are committed to understanding the factors driving this picture and our business plan for 2020/21 sets our plans to commission independent research into the attainment gap.
- Following our report published in October 2019 [<https://www.sra.org.uk/sra/how-we-work/archive/reports/reasonable-adjustments/>] to explore the reasonable adjustments that solicitors and law firms make for disabled people in England and Wales, we shared the findings with law firms to encourage good practice. We did this through workshops, seminars and disseminating it through targeted EDI media campaigns.

Next steps

Over the next year we will:

- respond to the findings of our early evaluation of our transparency rules, providing further guidance and resources where appropriate to support compliance
- continue to evaluate the changes we have made through our regulatory reform programme, in particular publishing our one year on report which will cover our new Standards and Regulations and our understanding of EDI impacts will form a key part of this work
- continue to work with stakeholders to realise the potential EDI benefits that the SQE will bring, working closely with key stakeholders commission research into the attainment gap in professional assessments.

Inclusive engagement

A key part of our work is engaging with law firms, legal professionals and members of the public to encourage and promote good practice. We work to make sure our engagement with the profession and stakeholders includes a variety of people from different backgrounds and organisations. We understand the value that diverse panels and audiences bring to the discussions taking place.

- We continued to offer several ways for people to 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 50 legal sector equality groups and have spoken at, organised, or attended 18 EDI specific events.
- For the first time we consulted on our corporate strategy and business plan to gather views on the direction of travel for our work over 2020 to 2023. As part of this consultation we met with a range of diverse groups to talk about our plans and opportunities for collaborative working going forward. We discussed our regulatory work with many groups, including The Law Society and other legal regulators, consumer groups such as Disability Law Service and the Refugee Council, and diversity groups within the profession such as: InterLaw Diversity Forum, The Fawcett Society, LawSmart and the Social Mobility Business Partnership, the Society of British Bangladeshi Solicitors, Birmingham Black Lawyers, the British Ghanaian Lawyers Union, the UK Association of Chinese Lawyers, the Association of Women Solicitors (London) and the Association of Muslim Lawyers.
- We also met with organisations representing people who can be vulnerable and disadvantaged, to seek views from those communities on our work. This included focus groups with young people delivered through Just For Kids Law and St. Basils, a meeting for older people delivered with the UK Asian Women's Centre, and a workshop for advice services delivered with Age UK London.
- outlined our proposed activities across our three strategic objectives.
- Our Board is committed to widening its engagement with the profession and public. Our Chair, Anna Bradley, has been actively involved in our EDI work over the year, chairing three panel discussions we held on race equality. Before the pandemic, our Board was able to meet with a number of diverse stakeholders to talk about our work and key priorities, for example at two workshops in March 2020 to hear how people in the north west and north Wales felt about using technology to access legal services. Overall, the Board met with around 20 different local organisations, from local law societies to business groups, universities to disability charities. Topics for discussion included developing Welsh law, legal services for vulnerable people and the risks around legal aid deserts.
- Our Legal Access Challenge, run in partnership with Nesta Challenges, aimed to broaden access to legal advice for vulnerable people, individuals and small businesses. In April 2020 The Legal Access Challenge [<https://www.sra.org.uk/sra/news/press/2020-press-release-archive/legal-access-challenge-winners/>] awarded RCJ Advice and Mencap & Access Social Care £50,000 each for developing technological solutions to broaden access to legal services in England and Wales. These initiatives included a technology platform which helps survivors of domestic abuse protect themselves from violence and a chatbot designed to assist people, including those with learning disabilities, understand their social care rights.



- We have continued to work with small firms to discuss regulatory risks and our new regulations. In 2019/20 we visited Swansea to talk to local law firms about our new Standards and Regulations, and changes in the Accounts rules. We received positive feedback and attendees appreciated the opportunity to work through case studies and speak to colleagues. Following the pandemic, we have continued to provide support to the profession through virtual events and webinars, allowing us to reach wider audiences. These virtual events have covered the Accounts rules [<https://www.youtube.com/watch?v=wIKjarxy3cl>] , Cyber-crime [<https://www.youtube.com/watch?v=XSE9IUALjjQ>] , Anti-money laundering [<https://www.youtube.com/watch?v=yqCofAPa6bs>] and Covid-19 and key compliance issues [<https://www.youtube.com/watch?v=BjJGpo2pXjl>] .
- We engaged regularly with the Sole Practitioners Group (SPG) to discuss and understand solicitor concerns and potential risks in the sector which gives the SPG an opportunity to provide feedback and input into the work we do.

Next steps

Over the next year we will:

- continue to engage with small firms in 2021, in collaboration with the SPG and diversity groups, to provide support on risks in the profession and compliance issues
- expand the range of groups we work with, using a variety of methods to engage with people both from the profession and the public.

Accessible IT and Business Systems

We have made significant progress with the modernising IT programme that was a key part of our corporate strategy over the past three years, and we included a range of measures to make sure our systems are accessible and benefit EDI.

- We have updated and aligned the IT systems in place for collecting diversity data, including solicitor's records on mySRA, the systems Kaplan are building for SQE candidates, and the systems we have for our own staff. Good-quality diversity information is fundamental to inform our work and to track and monitor diversity.
- We have introduced a clear and consistent system for recording the reasonable adjustments required by the people we work with, 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.

- Our new IT has been designed with the user in mind and based on feedback we received following extensive engagement with the profession. Throughout the development 85 meetings were held with firms. We used a combination of approaches, face to face and more recently virtual meetings with end-users. Activities included early research on our proposals, review of prototypes as well as sessions using a live system before release. This user centric approach to our development will continue throughout 2021.

Next steps

Over the next year we will:

- encourage solicitors to update their diversity data through their mySRA account and will collect diversity data from law firms in late summer 2021
- work with Kaplan to support good quality data collection and analysis of SQE results and provide accessible information to candidates and others. And publish resources and information to help aspiring solicitors, including appropriate provision for those taking the SQE who may need a reasonable adjustment.
- review how we apply our policy on reasonable adjustments to make sure our approach is fair and consistent.