

**INTERIM REVIEW OF
EQUALITY, DIVERSITY AND INCLUSION
POLICY IMPLEMENTATION BY THE
SOLICITORS REGULATION AUTHORITY**

**REPORT TO
THE EQUALITY IMPLEMENTATION GROUP**

June 2009

Equality Implementation Group (EIG): June 2009

Interim Review of Equality, Diversity and Inclusion (EDI) Policy Implementation by SRA

1. Background

- 1.1 The SRA is committed, over the foreseeable future, along with the EIG, to having an external independent audit and assessment of progress made of the implementation of its Equality and Diversity strategy, policies and action plan.
- 1.2 This is the first of a number of review reports expected by the EIG. Its theme is drawn from one of the main recommendations set out in the original Review of 2008 and one of the Equality and Diversity strategy objectives: “to provide visible and demonstrable leadership to ensure that equality and diversity is embedded into the culture and work of the SRA”. This report has a specific focus on matters of leadership, culture change, access to information and communications.
- 1.3 There is also scrutiny of discrimination complaints examining, in particular, the new processes and outcomes of cases and recommending the improvements that are required as part of fine-tuning the new protocol.
- 1.4 This report has been produced following a review of policy documents, scrutinising change practices and procedures, attending and observing meetings, assessing reports, one-to-one meetings with key staff, including senior managers and directors and analysing attitudes, behaviours and language used. The main aim at this stage has been to answer the question: “What has changed and what difference has it made/is making?” The primary focus of this review has been on EDI change in organisation culture and practices, led from the top of the SRA by the Board, its members, senior managers and directors, influencing similar actions across the entirety of the organisation. Commentary is provided on the leadership performance to date, transparency and disclosure, internal and external communications, transformational change and discrimination complaints-handling.
- 1.5 The follow-up report from this one will provide coverage of HRD and Staff issues arising from EDI policy implementation. It is hoped that this may be accompanied by any available comments on behaviours, attitudes and opinions available from the staff survey. In addition, there will be some analysis on available data to shed light on the issue of disproportionality in regulation activity affecting BME and other equality disadvantaged groups of solicitors.

2. Leadership

- 2.1 To achieve culture change in any institution or organisation requires strong and unequivocal commitment to the necessary actions, processes and objectives from all personnel, including top management, who are in decision-making positions. It is about taking personal responsibility for owning and leading the implementation of change. In the SRA, this involves the Board and its Chair along with the Chief Executive and his Senior management Team of Directors.
- 2.2 Since September 2008, at officer level, the Chief Executive has taken personal and professional responsibility to front the new approaches on EDI, with the support of the Board and its Chair. The CEO has held “road shows” for all staff to explain failings, shortcomings and the purpose of and reasons for change. Subsequently, the Diversity strategy and the EDI action plan have emerged out of dialogue and consultations. This has led to the practice whereby all decision making, in theory at least, must include an examination and consideration of EDI implications and, wherever practicable, be backed up by an Equality Impact Assessment. This should help to ensure that there is meaningful and automatic consideration of equality impacts at the heart of decision making, helping to bring about fair treatment for everyone. In doing so, however, there is clearly a need to avoid any excessive bureaucratic or “tick box” processes, which have bedeviled many other organisations in similar positions and have over-elaborated with process requirements at the expense of prioritising equality and fair outcomes.
- 2.3 At Board level, the SRA is also incorporating the practice of automatically considering EDI implications in its decision making, with more explicit consideration of such matters being the responsibility of the SRA’s Board Equality and Diversity Group.
- 2.4 The SRA’s leadership has also been developing and cultivating relationships with “stakeholders” and interest groups. These provide beneficial opportunities for greater direct two-way engagement and contact between external organisations and SRA staff. This should enable and foster the development of better understanding and the building of mutual trust and confidence to work collaboratively for the greater good and fair outcomes.
- 2.5 In assessing the effectiveness of a changing culture that is developing and nurturing EDI as an integral part of the SRA’s core business, it is fair to say that, as of May 2009, the leadership is embracing such change through the pursuit of best practices. The issue of personal and professional responsibility is a key feature of EDI culture change in any organisation and the SRA’s leadership is following a course of recommended action, backed

up by training. It is too soon in the process of change to ascertain with certainty that this will be sustained in the medium to long term, especially as the SRA is undergoing structural and organisational changes as well as being the subject of another external review and scrutiny. Nevertheless, it can be commended for acknowledging that much more work on EDI is still required if it is to take root in the culture of the organisation. The immediate tasks ahead are to maintain the current drive to improve EDI performance across the organisation and to implement all the recommendations in the Action Plan.

- 2.6 This interim review allows early scrutiny of the change process and provides an independent assessment of the changing EDI profile and the organisational culture prevalent in the SRA. Future scrutiny will profile other areas of activity over the coming months with a full review sometime in 2010. Undoubtedly, the process of achieving sustainable organisational culture change needs to be assessed over a longer period of time to determine accurately whether or not an organisation has abandoned its cherished practices and underlying behaviours, which are the main contributory factors inhibiting good EDI practices, fair treatment and equality outcomes. The observable evidence at May 2009 shows that the SRA is pursuing action, at the leadership level, that provides the basis upon which EDI principles and values can begin to permeate the organisation. This now needs to be maintained, nurtured, developed, sustained and subjected to continuous scrutiny, assessment and audit of impact and outcomes.

3. Transparency and Disclosure

- 3.1 Of particular concern for the SRA has been the widespread criticism of its failure to provide reasonable disclosure of information to solicitors and firms being investigated. The SRA's response to justify the traits of "secrecy" and "denials" was that this was necessary to protect the public and the profession, even though it was contributing to outcomes which were disproportionately disadvantaging BME solicitors and small firms. However, it was clear that the SRA could not move forward as an EDI organisation without greater openness and shared information.
- 3.2 In response to this challenge, the SRA has now developed a "Disclosure and Transparency Project", with the fundamental purpose of making public disclosure a first priority, with exemptions only occurring in exceptional cases. This is a welcome development and an example of good EDI practice. The project will need to be monitored and assessed in terms of operational effectiveness as well as in building greater trust and confidence in the SRA. Further work is also being pursued to capture and maintain good quality data on the identity of informants in order to try to screen for any real or perceived bias within such sources.

4. Communications

- 4.1 Since the autumn of 2008, there has been a specific focus on EDI in all matters of communications involving the profession, SRA staff and the wider public.
- 4.2 One of the flagships of the communications programme has been the road shows. Around 10 are held annually and, increasingly, they are being held in areas with diverse populations, helping to ensure that there is representational reach, in terms of information dissemination and feedback from participants. Recent roadshow successes, in terms of representative participation, have been in Harrow and Birmingham. Others are planned for areas such as Ealing, Reading, Slough, Leeds, Blackburn and Birmingham, where there are diverse communities. There have been joint events held by the SRA and BME groups in Birmingham and London. Input from stakeholders is sought before events are planned which means that, from an EDI perspective, there is a focus on topics such as:-
 - practical advice on running and managing your own business
 - helping sole practitioners and small firms
 - engagement with sole practitioners groups.
- 4.3 Adequate data is still to be collected and monitored on attendance at events. The next progress review should have access to EDI base line data on the profile of attendees to enable an assessment of the success of EDI initiatives, in particular, what links have been made with disabled, women, and gay/lesbian solicitors.
- 4.4 A second innovation is the Diversity Week organised by Policy Inclusion Unit, involving staff across the SRA and supported by the Board, Chief Executive and the Senior Management Team. Its primary purpose is to promote awareness and understanding across the workforce and get staff to 'own' the EDI agenda. Staff feedback suggests that the events were regarded as worthwhile and that the week, overall, was a success.
- 4.5 A survey of SRA website users was conducted and highlighted the need to improve its accessibility for disabled people and to change images to reflect and support EDI objectives.
- 4.6 As a consequence of recent consumer research findings and consultation workshops with some stakeholder groups, there is clearly a need for improved and appropriate information to be provided to raise awareness among diverse and disadvantaged members of the public about what they should and should not expect from their solicitors. This will need to be distributed widely using all available sources so as to achieve maximum reach.

5. Transformational change

5.1 Reflecting on the Review findings of September 2008 and assessing the progress made by May 2009, there is a noticeable difference in the ethos of the SRA. The awareness of people, particularly at Senior Management level, has risen considerably. Key staff now appear to be more comfortable discussing EDI issues in a progressive way rather than adopting a defensive mode, as before. The silo mentality that was so obvious before has largely disappeared, although there is still a compartmentalised approach to sharing best practice and lessons learned. The previous "defend and blame" culture has, in the main, been replaced by an attitude of "learn and develop". This positive turn-around on EDI can be attributed to the leadership and ownership displayed by the Board Diversity Working Group, the Senior Management team and the work of the Policy (Inclusion) Team.

5.2 In relation to the work of the SRA Board's Equality and Diversity Group, it is clear from the agenda items and the decisions made that the Board is determined to drive forward progressive change. Discussions have included:

- equality impact assessment
- quarterly Diversity Statistics
- the Enabling (Change) Programme
- training schedules
- training needs analysis
- the attainment of level 2 NVQ in Equality and Diversity by 12 members of staff

5.3 In addition, change is being driven in two other significant ways:

(a) commissioning research to understand disproportionality and the impact of regulation in relation to race and ethnicity

(b) using, where required, 'co-option' to achieve a wider involvement and/or engagement of BME individuals, women and disabled people on SRA committees such as Education and Training, Rules and Ethics, Compliance and Client Protection.

The intention is to embed an EDI ethos at the heart of the decision making process.

5.4 The Board has also demonstrated what it is seeking to achieve in a recent recruitment exercise for adjudicators where the advertisement highlighted that part of the role of an adjudicator is to "promote equality and diversity in

regulatory matters”.

5.5 They have all been apprised of the Equality Impact Assessment Training that is being carried out throughout the SRA and the expected effect that this will have on the policies and the practices. However, further work is still required.

5.6 Observation of the Joint Board and Staff Working Group showed that the practical application of decisions made at Board level appears to have been successful. The recent Diversity Week was well received and generated a significant improvement in people feeling more comfortable either in challenging themselves on EDI issues or in seeking more information on areas of potential discrimination.

6. Procedure for Reviewing Discrimination Complaints

6.1 The development of an organisation wide policy on complaints handling, as recommended in the 2008 Review Report, is well under way with an interim protocol in place and the establishment of a Central Discrimination Complaints Unit, located in the Policy (Inclusion) Unit. It has led to a review of complaints received by the Unit, which was formed out of the combined resources from the Equality and Diversity Team (Policy-Inclusion) and Quality (Complaints) Team.

6.2 The work of this Team was examined as part of this review, looking at the 14 discrimination complaints cases received since the new arrangements were put in place overall. There has been a marked difference in the depth in which complaints of this nature are now considered and addressed.

6.3 Where some areas were found to be deficient, these were discussed in detail with the investigating staff so that they understand how best to pursue remedial action to improve the implementation of the protocol. Examples include identifying appropriate reasonable adjustments to satisfy the requirements of disabled complainants and following up, where appropriate, outcomes with complainants to ensure that there is understanding of decisions and outcomes, prior to closure of such cases.

6.4 There has been a significant improvement in understanding the complainant's perception of being treated differently and the SRA appears to be willing to fully investigate concerns in an objective manner. The interim protocol is being developed further and there is ongoing learning and development work taking place, led by the Team, that will enhance not only the way complaints of discrimination are handled, but also demonstrate how the SRA is equality proofing its procedures.

6.5 It would be beneficial for the Policy Inclusion Directorate to formulate a “lessons learned “newsheet on a quarterly basis so that everyone can

advance their knowledge and avoid duplication of effort and/or different interpretations.

7. Staff inclusion

- 7.1 While this report's main focus is on the staff in leadership positions, much activity has been taking place on HRD matters affecting all staff across the SRA and the next review report will provide commentary thereon. In assessing the culture change process in the SRA being driven from the top of the organisation, it is crucial to examine the perceptions, behaviours and attitudes of other staff to get their views on the transformation programme. The SRA's leadership can benefit from an improved understanding of the thoughts, feelings, views and perceptions of staff and the implications of these for organisational change. The proposed Staff Survey should provide an opportunity for the SRA to explore staff attitudes and determine whether there has been a significant change in how they perceive themselves as well as ascertain their views on how they are treated and valued by the organisation.
- 7.2 Responses to the July 2008 survey indicated that some work was required around monitoring for religion or belief. There was also a poor response to questions about management's actions and behaviours and the effectiveness of the SRA leadership. This interim review has observed good progress in these areas and it is suggested that the forthcoming survey is expanded to include questions that will capture EDI issues in a more comprehensive way.
- 7.3 Survey results will assist with the next stage of the Review, particularly in relation to measuring the consistency and sustainability of change and the impact that it has had on staff, procedures and practices. It will also help in determining if the organisation's ethos has changed or is changing in line with the overall policy direction in relation to EDI.

8. Conclusion

- 8.1 This review has observed evidence of change occurring in the SRA through one to one interviews, attending meetings, analysing views, examining documents and listening to the way in which leaders and managers now talk about EDI matters and absorb it in their work in an integral way. Culture change is being driven in the SRA through decision-making arrangements that now incorporate EDI considerations as a matter of course. There is also a realisation that this progress must be sustained if the full benefits for the SRA and the profession are to be achieved.
- 8.2 Future review reports will provide commentary on staffing matters, contain data to provide evidence of how EDI is actually being rooted into the fabric

of the SRA and also assessment of how disproportionality is being tackled as a consequence of the EDI initiatives.

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