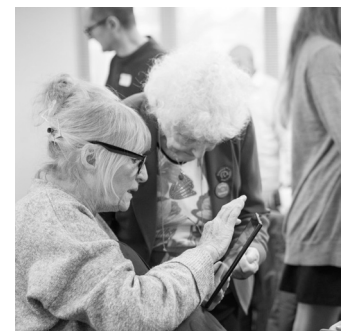


Solicitors
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Upholding Professional Standards 2018/19 –
Diversity Monitoring, Supporting Report

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Introduction and background to this report

➤ We take our commitment to supporting equality, diversity and inclusion (EDI) very seriously. As part of this, we have made good progress in recent years to promote EDI in the legal profession, develop and support our own workforce and embed EDI considerations in all the work we do.

A vital part of embedding EDI in the work we carry out is reviewing our systems and processes to make sure they are free from bias and non-discriminatory. We not only do this because we have a public duty to do so, as set out under the Equality Act and Legal Services Act, but because it is the right thing to do.

This year, this and our [Upholding Professional Standards report](#) look at the diversity characteristics of the people involved in our enforcement processes. 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.

Findings from previous diversity monitoring reports

We have been aware of patterns showing overrepresentation of certain groups in our enforcement processes for some years, particularly for men and people from a black, Asian or minority ethnic (BAME) background. The data from 2018/19 shows a broadly similar picture, in the concerns we received and investigations taken forward.

We have commissioned several external reviews to look at this, building on work that The Law Society undertook in 2006 before the SRA was established. The

most recent was [Professor John's Independent Comparative Case Review \(ICCR\)](#), published in 2014. Before that, we commissioned [Pearn Kandola](#) to review our regulatory decisions data in 2010, which was recommended by [Lord Herman Ouseley](#) in his report about the same issues, published in 2008. None of the reviews found any evidence of discrimination, but each review highlighted overrepresentation of certain groups and provided recommendations for us and others, which have helped to shape our approach to enforcement.

In responding to the overrepresentation of BAME solicitors, we benefitted from Professor John's insight into some of the external factors affecting the profile of BAME solicitors referred to us (such as being more likely to work in small firms, and establishing sole practices after only a few years of qualification, for example). In the past few years, we have been addressing some of these issues, as we have delivered our programme of regulatory reform. In addition, we have made progress on a range of planned actions to implement the commitments we made following the ICCR, including a review of our decision-making criteria and developing improved processes in our investigation and enforcement work. We have [published a review](#) of the work we have done since the ICCR.

On page 12, we set out work we will take forward to address the issues identified from our latest analysis. As the issues are not unique to us or the legal sector, one of the actions is to commission independent research that looks at some of the wider issues which influence the overrepresentation of BAME individuals in the concerns reported to us.

Although very few regulators have published a diversity profile of the people in their disciplinary processes, there is information available from the General Medical Council (GMC)¹, the General Pharmaceutical Council (GPhC)², and the Bar Standards Board (BSB)³. Some, such as the GMC⁴, have gone on to undertake analysis and research into the over-representative reporting to them of BAME professionals. It is clear from this research that the issues are complex and multifactorial.

We will take account of the experience of other regulators in the legal sector, and beyond, to understand what is happening and to look at what can be done to address these widespread and persistent patterns.

1. GMC, [Analysis of cases resulting in doctors being suspended or erased from the medical register](#), 2014.
2. The Pharmaceutical Journal, ['Worrying' proportion of minority ethnic pharmacists suspended or struck off GPhC register](#), 2019.
3. BSB, [Complaints at the Bar: An analysis of ethnicity and gender 2012–2014](#), January 2016.
4. GMC, [Fair to Refer](#), 2019.



The scope of our analysis

➤ We looked at the representation of gender, ethnicity, age and, in some areas where numbers were sufficient, the disability of individuals at the following stages of our enforcement process for the 2018/19 year:

- stage 1: individuals named on concerns reported to us
- stage 2: individuals named on concerns which we took forward for an investigation
- stage 3: individuals named on cases with an internal sanction and the types of sanctions we imposed (path A)
- stage 4: the cases which were concluded at the SDT by way of a hearing or an agreed outcome, and the types of sanctions the SDT imposed (path B).



The diagram illustrates these stages and paths. They are broadly aligned with the key stages when considering a concern diagram on page 14 in [Upholding Professional Standards 2018/19](#).

The individuals counted at stage 2 (individuals named on concerns taken forward for an investigation in 2018/19) are a subset of stage 1 (the individuals named on the concerns reported to us in 2018/19). At stages 3 and 4, we count the individuals named on cases who received an internal sanction or who were named on cases concluded at the SDT in 2018/19. Although there may be some overlap between the individuals involved in stages 1 and 2 and those involved in stage 3 in this report for 2018/19, it is unlikely to be significant. This is because cases are not always received and concluded in the same year. Similarly, there is very unlikely to be any overlap between the individuals involved in stages 1 and 2 and those involved in stage 4. This is because it takes longer than a year to investigate, refer, and conclude a matter at the SDT.

Starting with a breakdown of the practising population, we have compared the proportions of each diversity group at the different stages of our enforcement process. For example, men make up:

- 49% of the practising population
- 67% of individuals named on concerns reported to us (stage 1)
- 73% of the individuals taken forward for investigation (stage 2)
- 70% of the individuals named on cases with an internal sanction (stage 3, path A)
- 85% of individuals named on cases concluded at the SDT (stage 4, path B).

The number of individuals gets smaller at each stage of the process, making it difficult to draw firm conclusions at stages 3 and 4. Overall, there were:

- 6,860 individuals named on concerns reported to us in 2018/19 (stage 1)
- 2,579 individuals taken forward for investigation (stage 2)
- 297 named on cases with an internal sanction (stage 3)
- 144 named on cases concluded at the SDT (stage 4).

Our analysis looks at the known population among those groups – that is, the people for whom we hold diversity information. For gender and age, we have information for 97% and 99% of the practising population, respectively, and 76% for ethnicity. Because of the way we have collected disability data in the past⁵, we can only identify the proportion of people who have declared a disability, which is 1% of the practising population.

A full set of the charts showing the data at each of the stages can be found from page 19. This includes, where sufficient data is available, a breakdown of the different sanctions we made and those the SDT made. We have also looked at how the cases at the SDT have been concluded, in particular, whether there is a difference by diversity characteristic in the use of agreed outcomes. We have provided the diversity declaration rates at each stage.

The findings from our diversity monitoring of the people in our enforcement work will become a regular feature of our Upholding Professional Standards report going forward. This will help us to monitor future trends and evaluate the impact of our new Enforcement Strategy and Standards and Regulations, brought in in 2019.

5. Previously, we only asked people to declare if they had a disability. We did not give an option for people to say they did not have one or if they preferred not to tell us if they had one.



Key findings 2018/19 and further work and research

- Detailed findings in relation to stages 1 to 4, as described above, are set out from page 19, along with a breakdown of the practising population, which can be found at the annex on page 33.

We know from our analysis of [diversity in law firms](#) that the profession has been getting more diverse over recent years, with women now outnumbering men among newly qualified solicitors, and one in five solicitors in law firms coming from a BAME background. While encouraging, our analysis also shows that there are challenges for different groups in the profession, which, as Professor John identified, are likely to affect the profile of those reported to us. For example, BAME solicitors are overrepresented among sole practitioners (39%), overrepresented in firms mainly doing criminal and private client work (33% and 40%, respectively)

and underrepresented in the firms doing corporate work (15%). These are factors that we will consider in the research outlined at the end of this chapter about the profile of those reported to us.

For this report, we are using the data we hold in our systems as the starting point for the analysis of how the profile of people changes through our enforcement processes.

Gender

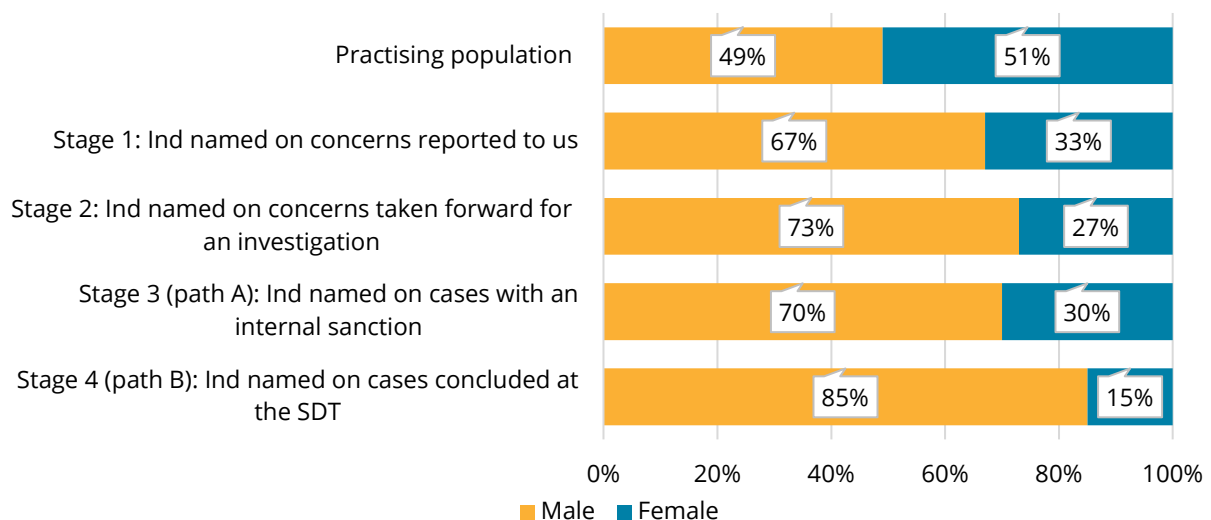
There is an overrepresentation of men throughout our enforcement process, with around a 70:30 proportion of men to women at stages 1 to 3. This is compared with a practising population of 49:51, men to women. This overrepresentation is also generally seen in the different types of internal sanctions.

However, the proportion of men increases to 85% when looking at stage 4 (cases concluded at the SDT), with a corresponding decrease for women. There is no overrepresentation when comparing the individuals named on cases concluded by

a hearing and those concluded by way of an agreed outcome.

In relation to the sanctions imposed by the SDT, the percentage of men and women who received a fine (85% and 15%, respectively) is the same as those named on cases. The proportion of men is lower than might be expected among those suspended (50%) and higher for those who were struck off (92%). However, the number of people who received a suspension is particularly small (12), making it difficult to draw a conclusion from this data.

Gender breakdown of practising population and at stages 1-4 of our enforcement process



Ethnicity

We recognise the experience of groups making up the BAME community will not be the same, but, for parts of this report, the numbers in some of the groups which make up the BAME community are too small to report separately, as it risks individuals being identified. This means some of the ethnicity data will be presented for the BAME group as a whole. The same is true for the groups making up the white group. This is why, in the overview chart below, only the BAME and white groups are shown. A more detailed breakdown can be found on page 15.

The BAME group, as a whole, makes up 18% of the practising population and 26% of individuals reported to us. This increases to 32% of those whose cases were taken forward for investigation at stage 2.

Asian and black individuals make up 12% and 3% of the practising population, respectively, yet are overrepresented when looking

at the number of reports made to us (stage 1), at 18% and 4%.

The percentage of BAME individuals at stage 3 and at stage 4 is 35%. In light of the small numbers of people involved at stages 3 and 4, it is important to note that this is not a statistically valid differentiation from the 32% investigated at stage 2.

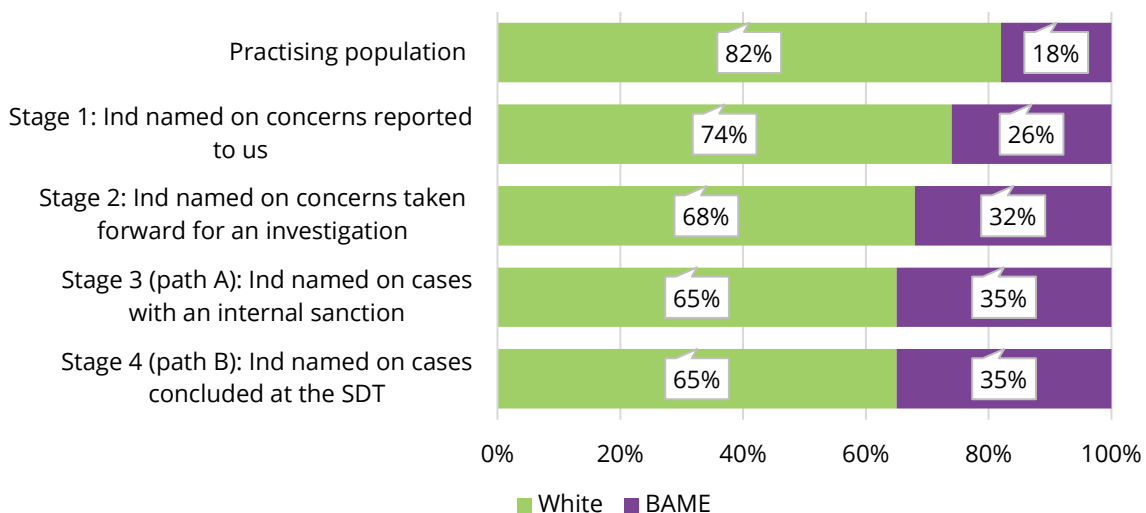
Looking at the internal and SDT sanction types, the numbers are very small, making it difficult to draw conclusions from the findings. Compared with the breakdown of BAME individuals named on cases with an internal sanction (35%), there is a lower proportion in the most serious sanction types (rebukes and fines) at 30%, and in the least serious outcomes (letters of advice and findings and warnings) at 33%. Again, the small numbers mean that this is not statistically significant.

In relation to the sanctions imposed by the SDT, given that BAME individuals make up

35% of those whose cases are concluded at the SDT, they are proportionately represented among those given a fine (34%), and there is a lower proportion among those struck off (31%). There is a higher proportion of BAME individuals among those suspended (45%), but, again, it is difficult to draw any conclusions from this, as there were only 11 individuals in the known group who were suspended.

There is a smaller proportion of BAME individuals named on cases resolved at the SDT by way of an agreed outcome when compared with those resolved by way of a hearing. The proportion decreases from 40% (38 out of 94 people) named on SDT decisions resolved by way of a hearing to 17% (five out of 30 people) who concluded their case through an agreed outcome. Again, it should be noted that the very small numbers for these categories make it difficult to draw conclusions from these findings.

Ethnicity breakdown of practising population and at stages 1-4 of our enforcement process



Age

In this chart, we have grouped together the 16–24-year-old and 25–34-year-old age categories. This is because the numbers of 16–24-year-olds named on reports in stages 1 and 2 are nominal, and there were no 16–24-year-olds named on cases with an internal sanction or concluded at the SDT.

There is an underrepresentation of people in the younger age categories (44 and under) named on concerns reported to us compared with their proportion of the practising population. The opposite is true for those in the older age categories (45 and over) who are overrepresented when compared with the practising population.

When looking at cases involving individuals taken forward for investigation, there is little difference for any of the age groups.

For all age groups, the percentage of individuals named on cases with an internal sanction (stage 3) is largely proportionate to those whose cases were taken forward for investigation (stage 2).

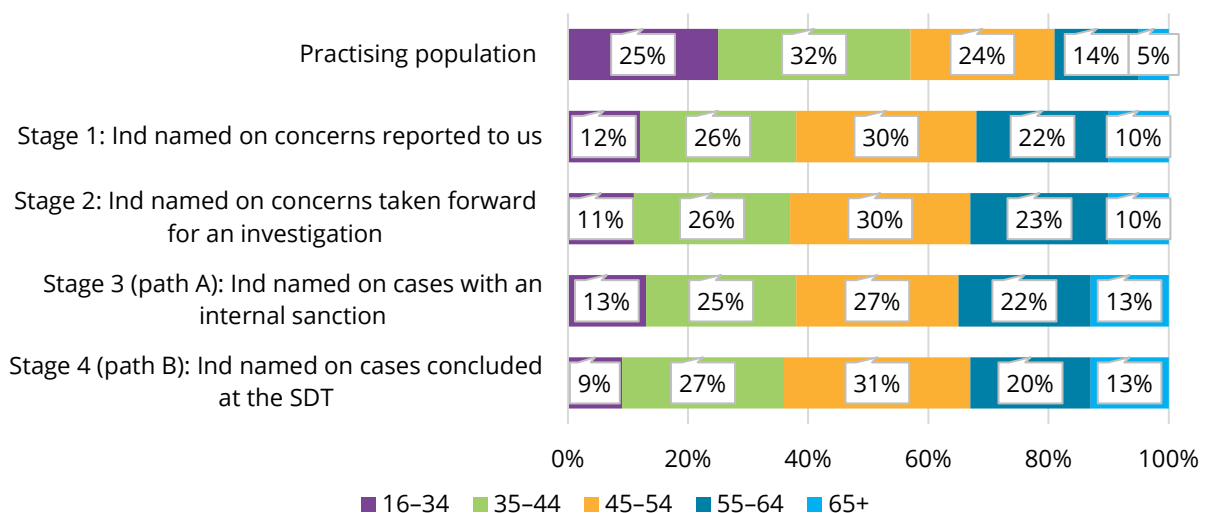
For all age groups, the percentage of those whose cases were concluded at the SDT (stage 4) is largely proportionate to those whose cases were taken forward for investigation (stage 2), with some small differences for the youngest and oldest groups. Those under 34 made up 11% of cases investigated and 9% of those concluded at the SDT.

of those concluded at the SDT. Those aged 65 and over made up 10% of concerns taken forward for an investigation and 13% of cases concluded at the SDT.

There is a smaller proportion of individuals aged 45–54 named on cases agreed by way of an agreed outcome when compared with those concluded by a hearing, decreasing from 34% to 24%. The opposite is true for individuals aged 65+, increasing from 10% to 21%.

However, there is no clear pattern and the numbers are too small to draw any conclusions from the findings when considering the internal and external sanction types across age categories.

Age breakdown of practising population and at stages 1–4 of our enforcement process



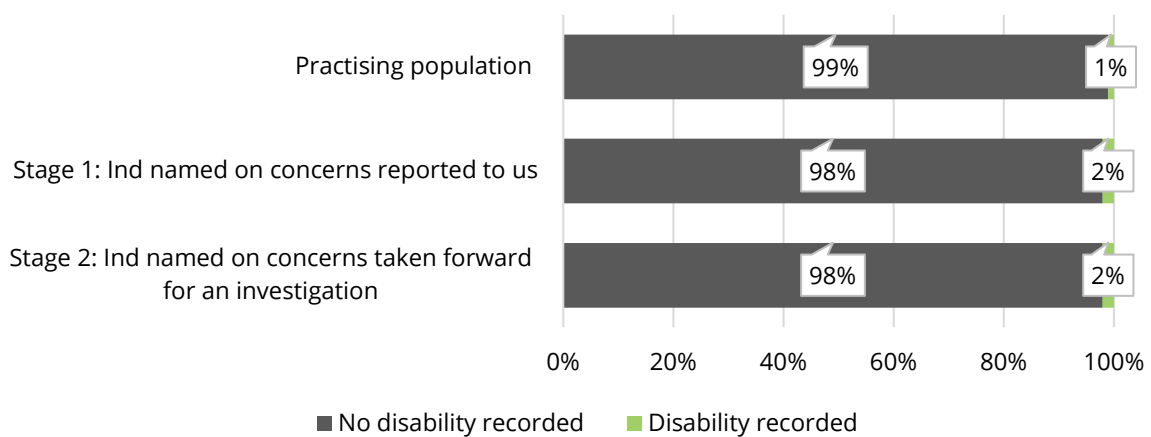
Disability

Because of the very small numbers involved, we are only able to report the numbers of disabled people involved in our enforcement processes at stages 1 and 2. We do, though, see overrepresentation of disabled individuals in concerns reported to us compared with the practising population. There were 141 disabled individuals named on the concerns we received (2% of the total) compared with 1% in the practising population.

Of those named on the concerns reported to us, 62 disabled people had their cases taken forward for investigation (2% of the total number of cases investigated).

Declaration rates for disability need to improve before we can draw any meaningful conclusions from the data.

Disability recorded among practising population and at stages 1-2 of our enforcement process



Further work and research

We will build on the findings from 2018/19, which have given us a baseline for future monitoring and will be part of wider plans for evaluating the impact of our new Enforcement Strategy and new Standards and Regulations.

There is always more we can do to make sure our decision making is consistent, fair, and free from bias. In addition to the ongoing work we have set out in our corporate strategy and business plan, we will be taking forward a range of work in response to the findings set out in this chapter:

- We will commission independent research into the factors that drive the reporting of concerns about BAME solicitors to us, to identify what we can do about this and where we can work with others to make a difference.
- Alongside our ongoing work to establish an in-house ‘arms-length’ quality assurance team, we will undertake a forward review of decision making in our assessment and early resolution process, where the decision to refer a matter for investigation is made.
- We will work to increase the number of individuals who disclose information concerning their diversity characteristics to us.
- We will report annually on the profile of people in our enforcement processes and include intersectional analysis where we can.
- We will evaluate the changes we have made through our regulatory reform programme, with understanding the impacts on EDI forming a key part of that work.
- We will continue to build on our wider work to promote and support diversity in the profession and our ongoing work to support small firm compliance.



Diversity profile: Stages 1 and 2

➤ This section concerns the individuals named on the concerns reported to us (stage 1) and the concerns we take forward for investigation (stage 2), seen against the breakdown of the practising population.

Numbers at these stages

In 2018/19, 10,576 concerns were reported to us. Of these, 6,132 concerned one or more individual, or 58% of all concerns. The data in this section relates to the 6,860 individuals named on those concerns. We counted an individual each time they appeared on a concern reported to us, so some individuals may be reported more than once. Because our focus is on the diversity breakdown of individuals in our enforcement processes, concerns relating to firms have not been included.

Of the 6,860 individuals named on the concerns we received, 2,579 individuals were taken forward for investigation.

Broken down by four diversity characteristics (ethnicity, gender, age, and disability), the charts in this section show:

- the practising population
- stage 1: individuals named on concerns reported to us for the 2018/19 year
- stage 2: individuals named on those 2018/19 concerns which we took forward for investigation.

Disclosure rates

The charts in this section represent a breakdown of known populations and known individuals only – that means the individuals for whom we have diversity data. The proportion of individuals for whom diversity data is known is varied and set out for each characteristic.



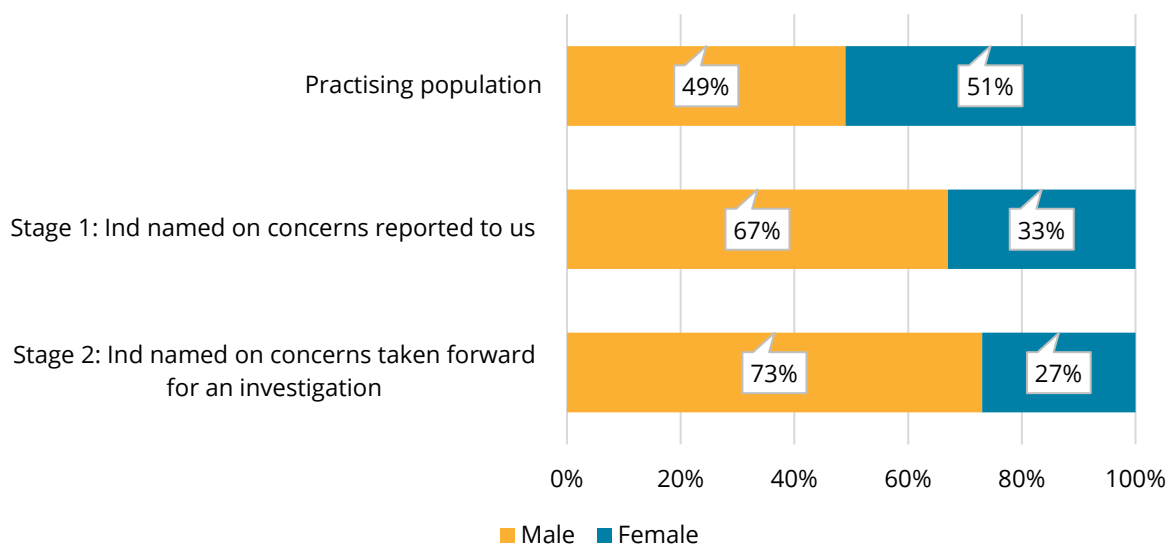
Gender

There is an overrepresentation in the proportion of men named on the concerns we receive (67%) when compared with their representation in the practising population (49%). This increases when we look at the individuals taken forward for investigation, where 73% are men.

The proportions in the charts should be considered alongside the following context:

- Practising population: gender was known for 152,196 of the 157,359 practising population (97%) as of 1 Nov 2019.
- Stage 1: of the 6,860 individuals named on concerns we received, gender was known for 6,601 of them (96%).
- Stage 2: of the 2,579 individuals who were taken forward for investigation, gender was known for 2,461 individuals (95%).

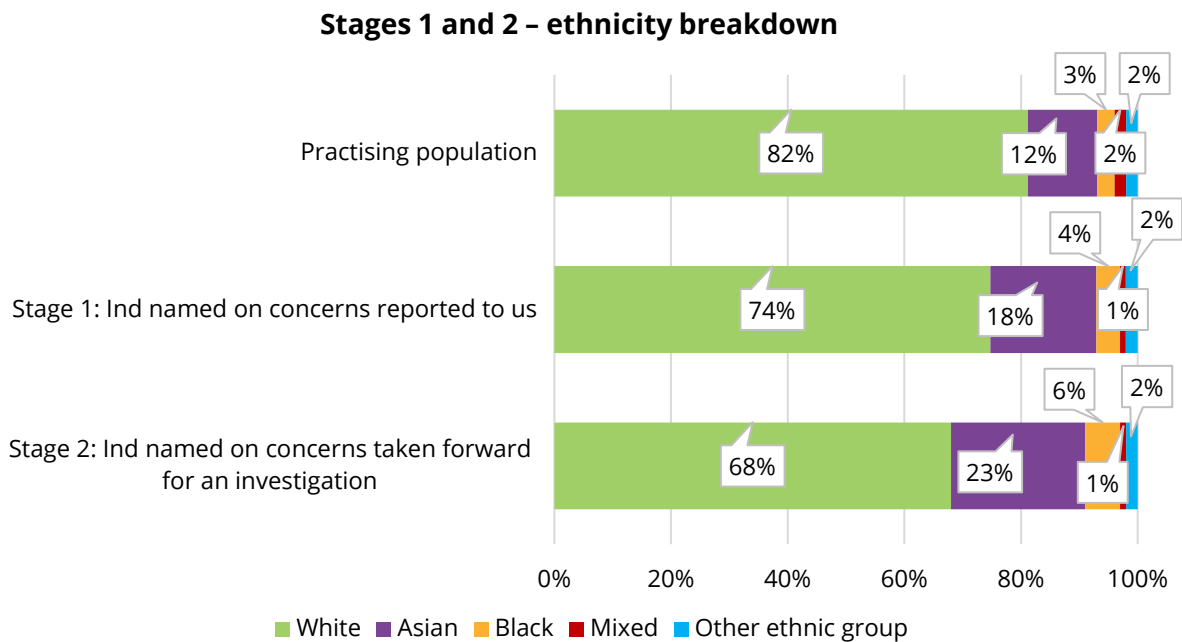
Stages 1 and 2 – gender breakdown



Ethnicity

In this section, we have been able to break down the BAME group because the four groups represented in the charts are large enough not to risk identifying individuals. In later sections, which look at the outcomes of cases, the populations become much smaller. Because of this, we can only present data for the wider BAME group. To allow for comparison across all stages of the enforcement process, we have also set out the charts showing the BAME group as one.

There is an underrepresentation of white individuals named on concerns reported to us compared with the practising population. This decreases when looking at white individuals named on concerns taken forward for investigation. The opposite is true for individuals in the Asian and black groups.



As a whole, individuals from the BAME group make up 18% of the practising population, 26% of those named on the concerns we received, and 32% of individuals taken forward for investigation.

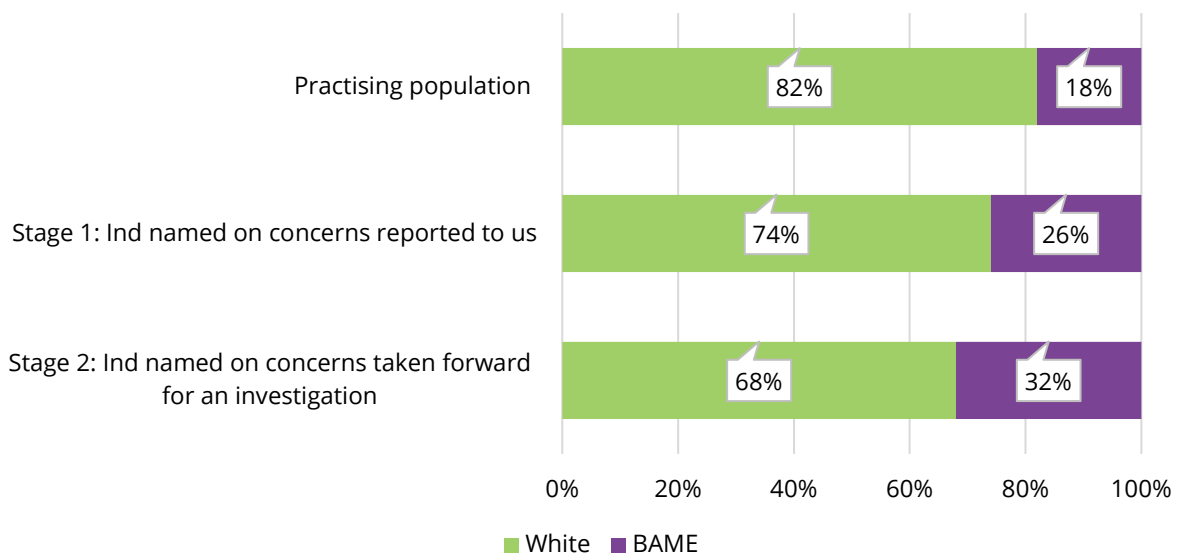
Looking at the proportion of investigations taken forward for each group, 47% of concerns which have named BAME individuals on them were taken forward for an investigation (691 of 1,486), compared with 34% of concerns which have named white individuals (1,441 of 4,273).

Please note, there is a 1% discrepancy between the stage 2 data when the BAME group is represented as one compared with the previous chart. This is due to rounding.

The proportions in the charts should be considered alongside the following context:

- Practising population: ethnicity was known for 120,183 of the 157,359 practising population (76%) as of 1 Nov 2019.
- Stage 1: of the 6,860 individuals named on the concerns we received, ethnicity was known for 5,759 of them (84%).
- Stage 2: of the 2,579 individuals who were taken forward for investigation, ethnicity was known for 2,132 individuals (83%).

Stages 1 and 2 – ethnicity breakdown (white and BAME)



Age

People in the younger age categories (44 and under) are underrepresented in the concerns reported to us compared with their proportion of the practising population. The opposite is true for those in the older age categories (45 and over) who are overrepresented in reports compared with the practising population.

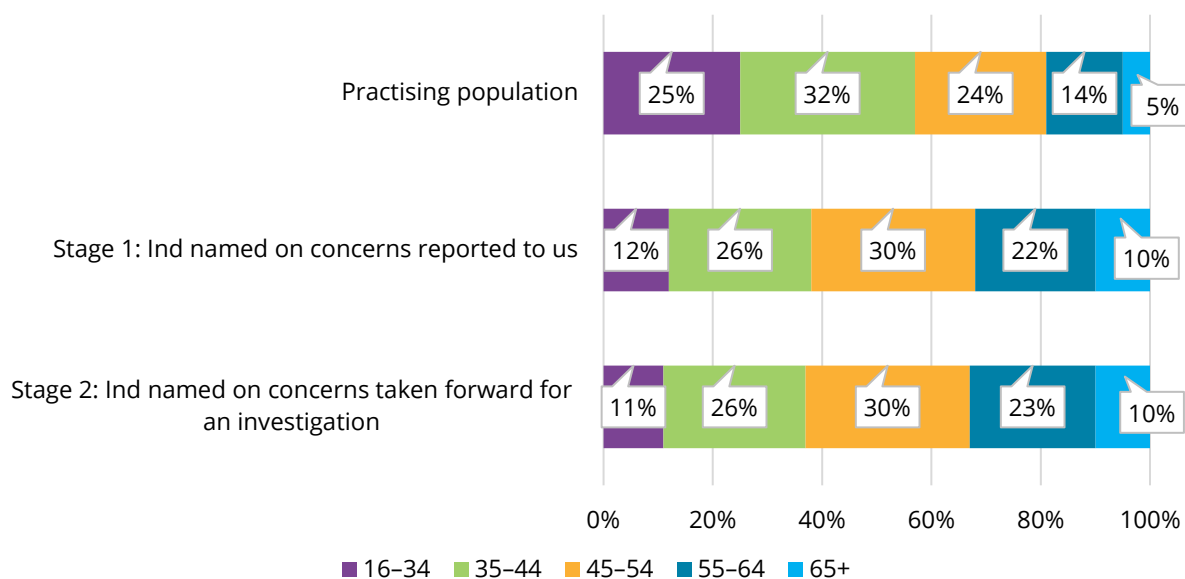
There is little difference for any of the age categories in the rate at which concerns involving individuals are taken forward for investigation.

The proportions in the charts should be considered alongside the following context:

- Practising population: age was known for 157,169 of the 157,359 practising population (99%) as of 1 Nov 2019.
- Stage 1: of the 6,860 individuals named on the concerns we received, age was known for 6,748 of them (98%).
- Stage 2: of the 2,579 individuals who were taken forward for investigation, age was known for 2,510 individuals (97%).

- Because the number of individuals aged 16–25 in the practising population represent less than 1%, they have been grouped with the 25–34 age bracket. The number of concerns received and taken forward concerning 16–24-year-olds were too small to represent on their own.

Stages 1 and 2 – age breakdown



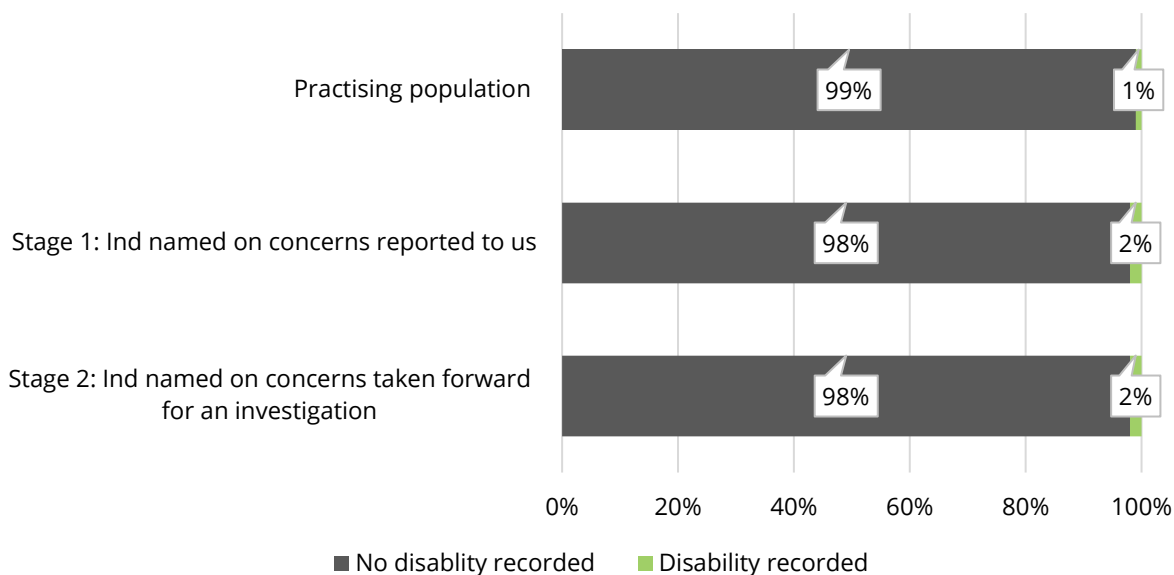
Disability

Although the numbers are small, and this is an area where declarations are likely to be low, there is an overrepresentation of disabled individuals named on concerns we received and on those concerns taken forward for an investigation, compared with the practising population.

The proportions in the charts should be considered alongside the following context:

- Practising population: 1,673 of 157,359 (1%) recorded having a disability, as of 1 Nov 2019. We consider that this is underrepresented in light of 19% of the workforce reporting that they were disabled⁶.
- Stage 2: of the 2,579 individuals who were taken forward for an investigation, disability was recorded for 62 individuals (2%).
- Stage 1: of the 6,860 individuals named on the concerns received, disability was recorded on 141 of them (2%).

Stages 1 and 2 – disability recorded



6. commonslibrary.parliament.uk/research-briefings/cbp-7540/



Diversity profile: Path A – Stages 1, 2 and 3

➤ This section concerns the cases concluded via enforcement path A, meaning the reports which are taken forward for investigation (stage 2) and result in an internal sanction (stage 3).

There were 324 investigations in 2018/19 which resulted in us taking internal enforcement action and issuing a sanction. Of these, 264 cases concerned one or more individual. Overall, 297 individuals were named on cases with an internal sanction.

There may be some overlap between the individuals involved in stages 1 and 2 and those involved in stage 3 in this report for 2018/19, although it is unlikely to be significant. This is because cases are not always received and resolved in the same year. Our analysis is based on activity within the 2018/19 year, not the outcomes for a single group of cases.

There are two charts for each diversity characteristic in this section. The first shows the profile of:

- stage 1: individuals named on concerns reported to us for the 2018/19 year
- stage 2: individuals named on those 2018/19 concerns which we took forward for investigation
- stage 3: individuals named on cases which resulted in an SRA sanction in 2018/19.

The second chart shows the diversity breakdown of individuals who received a letter of advice, a finding and warning, a rebuke, and a fine, although there are some limits to reporting on this data (read more on page 20).



Limits in reporting data

There are limitations in what we have been able to report in this section:

- We have not been able to include a breakdown for disability because the numbers concerned were too small to present on their own and could risk revealing personal information about the people concerned. For the same reason, ethnicity is broken down into two groups, BAME and white. We have also grouped together the 55–64 and 65+ age groups when looking at the outcome types.
- Again, because of the small numbers represented in some of the individual outcome types, which could risk revealing someone's identity, we have only been able to report on letters of advice, findings and warnings, rebukes, and fines. Because the numbers represented in each of these groups is too small to represent on their own, we have grouped the sanction types into pairs: the more serious sanctions (rebukes and fines) and the less serious sanctions (letters of advice and findings and warnings).
- We have also removed other sanction types, such as conditions placed on practising conditions and section 47 (2)(g) orders, as the data in this category was too small to represent on its own.
- We have not included information on section 43 orders. As this type of sanction is applied to non-lawyers working in the law firms and businesses we regulate, and as such are largely not on the roll of solicitors, do not hold a practising certificate and do not have mySRA accounts, we do not hold as comprehensive a data set of these individuals when compared with the practising population.

It should also be noted that, as the numbers are small, variations may not be statistically valid. And, because the numbers in the sanction types charts are so small and percentage breakdowns can be misleading, we have also provided numbers.

Our findings

Gender

There is little difference in the proportion of men and women named on investigations and named on cases which resulted in an internal sanction. At each stage, the breakdown is roughly 70% men and 30% women.

Of the 297 individuals named on cases which resulted in an internal sanction, the chart represents 226 where gender was known (76%).

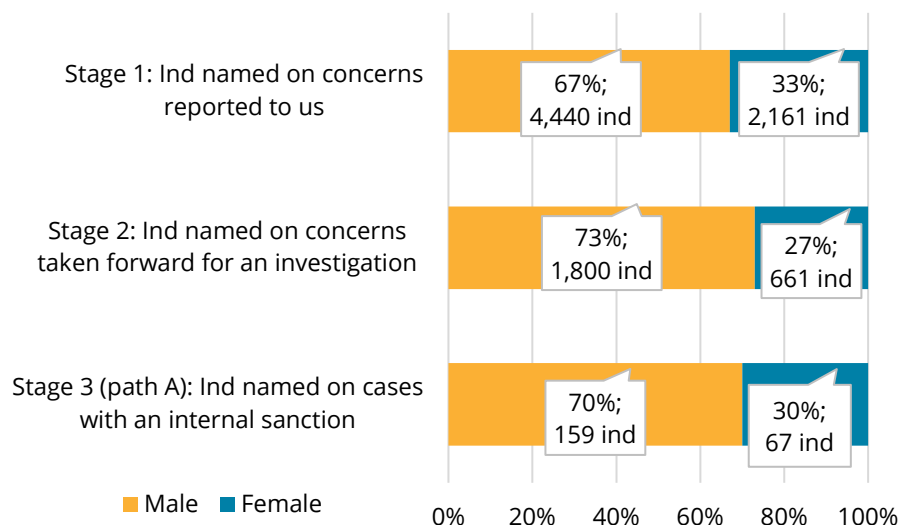
Outcomes – gender

The 70:30 proportion seen at stages 1, 2, and 3 is largely seen in the sanction types.

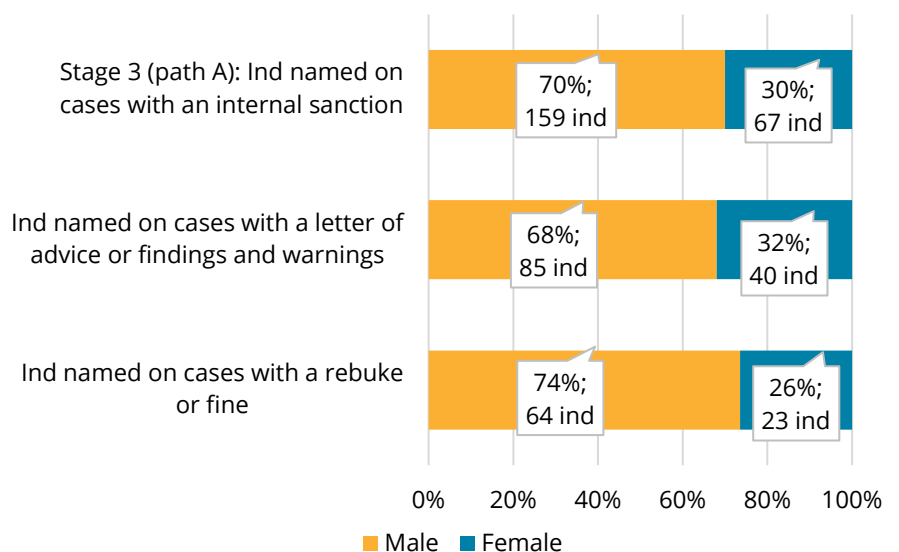
Gender was known for:

- 125 of 143 letters of advice and findings and warnings (87%)
- 87 of 117 rebukes and fines (74%).

Path A: Stages 1, 2 and 3 – gender breakdown



Path A: Outcome types – gender breakdown



Ethnicity

The percentage of white and BAME individuals named on cases at stage 3 is proportionate to the percentage of individuals on concerns taken forward for investigation at stage 2. The 3% difference is not a statistically valid differentiation.

A closer analysis of the rate of individuals named on cases with an internal sanction is very similar between the white and BAME groups. There were 68 BAME individuals named on cases with an internal sanction and 691 investigated (10%). This is compared with 129 white individuals sanctioned and 1,441 investigated (9%).

Of the 297 individuals named on cases with an internal sanction, ethnicity was known for 197 individuals (66%).

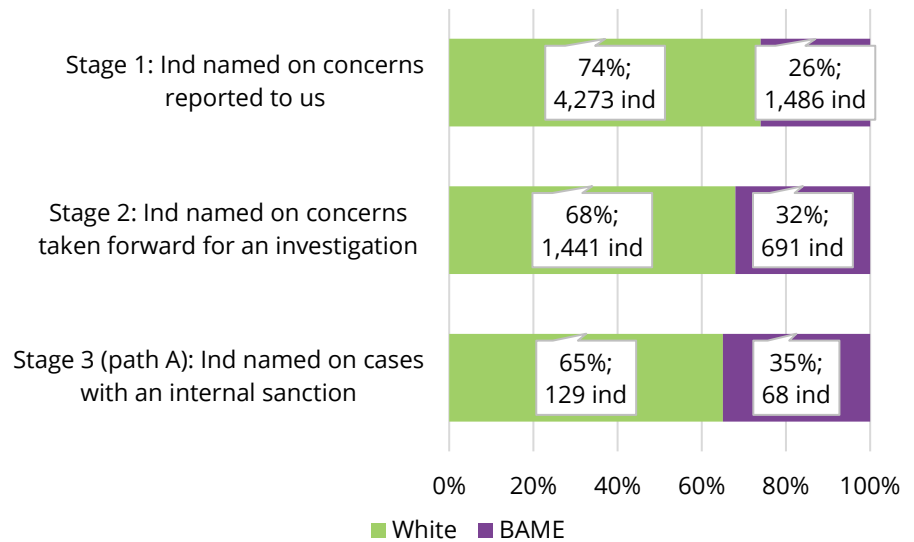
Outcomes – ethnicity

Compared to the breakdown of BAME individuals named on cases with an internal sanction (35%), there is a lower proportion in the most serious sanction types (rebukes and fines) at 30% and in the least serious outcomes (letters of advice and findings and warnings) at 33%.

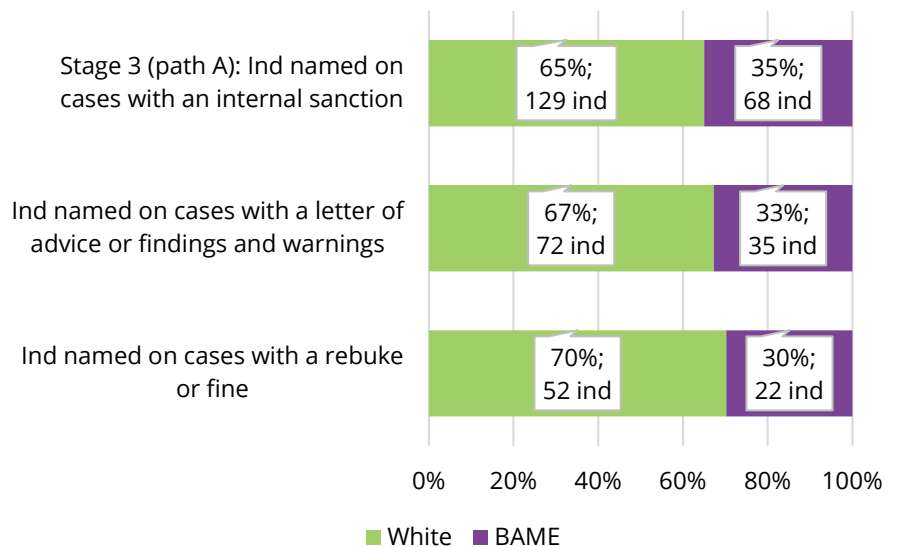
Ethnicity was known for:

- 107 of 143 individuals who received a letter of advice and/or a finding and warning (75%)
- 74 of 117 individuals who had a rebuke and/or fine (63%).

Path A: Stages 1, 2 and 3 – ethnicity breakdown



Path A: Outcome types – ethnicity breakdown



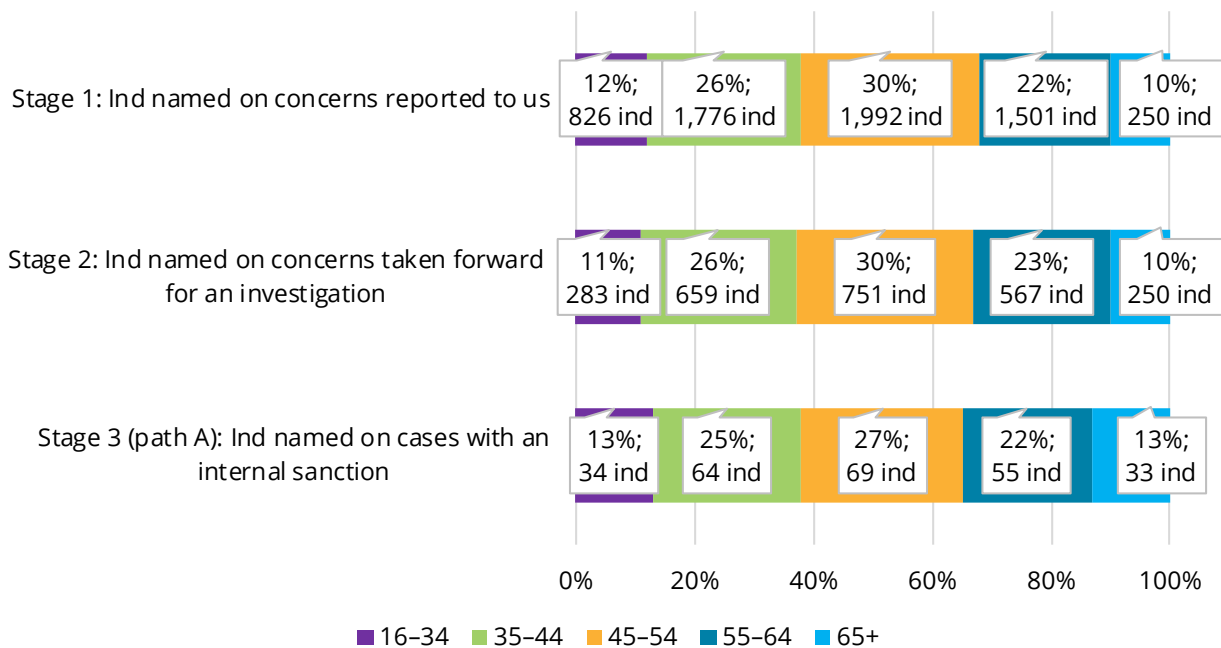
Age

The percentages are broadly proportionate when comparing those named on cases with an internal sanction (stage 3) with those investigated (stage 2). There are, however, slight increases for those aged 16–34 and 65+.

Of the 297 individuals named on cases with an internal sanction, age was known for 255 individuals (86%).

There were no individuals aged 16–24 who were named on cases with an internal sanction. As mentioned in the diversity profile: stages 1 and 2 section on page 17, the numbers of 16–24-year-olds named on reports in stages 1 and 2 are nominal.

Path A: Stages 1, 2 and 3 – age breakdown



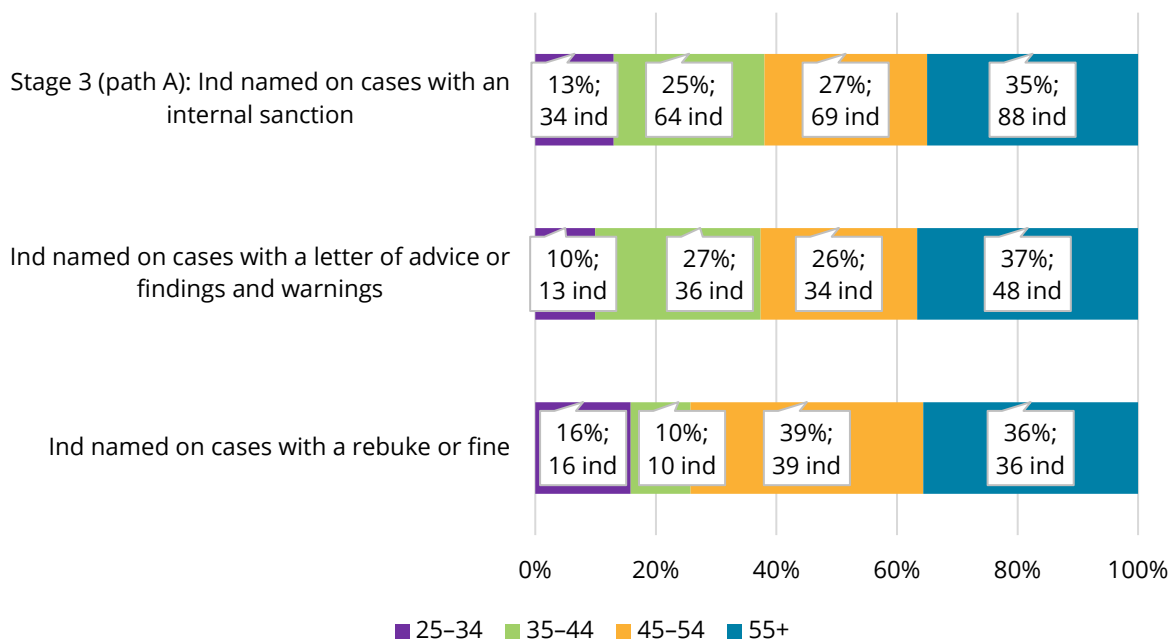
Outcomes – age

Looking at internal and external sanction types across age categories, there is no clear pattern and the numbers are too small to draw any conclusions from the findings.

Age was known for:

- 131 of 143 letters of advice and findings and warnings (92%)
- 101 of 117 rebukes and fines (86%).

Path A: Outcome types – age breakdown





Diversity profile: Path B – Stages 1, 2 and 4

➤ This section concerns the cases concluded via enforcement path B: that is, the concerns taken forward for investigation (stage 2) and concluded at the SDT. We prosecute the most serious cases at the SDT. It is the SDT which makes the decisions in the cases referred to in this section. It is independent of us and can impose a wider range of sanctions than we can.

There were 125 cases concluded at the SDT in 2018/19, with 144 individuals named on these cases. The 125 cases include those resolved by way of an agreed outcome (for more information, see page 31). This section concerns the 144 individuals and the sanctions the SDT made as a result of these cases.

Because one case can result in more than one sanction, the sanction charts capture individuals who have received an outcome of more than one type. For example, if an individual has received a strike off and a fine, they will be counted against each one. There were individuals named against 147 sanction types.

There is very unlikely to be any overlap between the individuals involved in stages 1 and 2 and those involved in stage 4. This is because it takes longer than a year to investigate, refer, and conclude a matter at the SDT. Our analysis is based on activity within the practising year, not the outcomes for a single group of cases.

There are two charts for each diversity characteristic in this section. The first shows:

- stage 1: individuals named on the concerns reported to us for the 2018/19 year
- stage 2: individuals named on 2018/19 concerns which we took forward for investigation
- stage 4: individuals named on cases concluded at the SDT in 2018/19.

The second chart shows the diversity breakdown of individuals who received each sanction type.



Limits in reporting data

There are limitations in what we have been able to report in this section:

- We have not been able to include a breakdown for disability because the numbers concerned were too small to present on their own and could risk revealing personal information about the people concerned. For the same reason, ethnicity is broken down into two groups, BAME and white.
- The small number of people also means we have not been able to report on all sanction types, as to do so could risk revealing information about the people concerned. We have reported on fines and strike offs for all three diversity characteristics and suspensions for ethnicity and gender but not age.
- It should also be noted that, as the numbers are small, variations may not be statistically valid. And, because the numbers in the sanction types charts are so small and percentage breakdowns can be misleading, we have also provided numbers.

Note on suspensions

In 2018/19, the SDT suspended 12 individuals. With the exception of age, where the distribution of suspensions is too small to show across the age brackets, we have included the proportion of suspensions individuals received across ethnicity and gender. This is to give as full a picture as possible about the breakdown of sanction types across the diversity characteristics. However, it is difficult to draw any meaningful conclusion from this particular piece of data, as it is such a small set, and to add or subtract a suspension to this group could significantly shift the proportions.

Our findings

Gender

There is overrepresentation of men and underrepresentation of women named on cases concluded at the SDT when compared with those named on reports taken forward for an investigation. The proportion of men grows, from 73% to 85%, and the proportion of women decreases, from 27% to 15%.

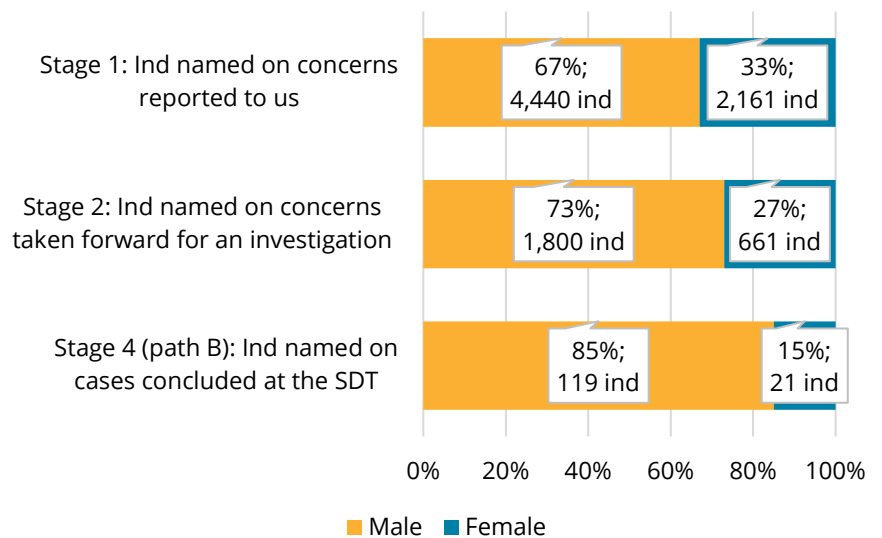
Gender was known for 140 of the 144 individuals named on cases concluded at the SDT (97%).

SDT outcomes – gender

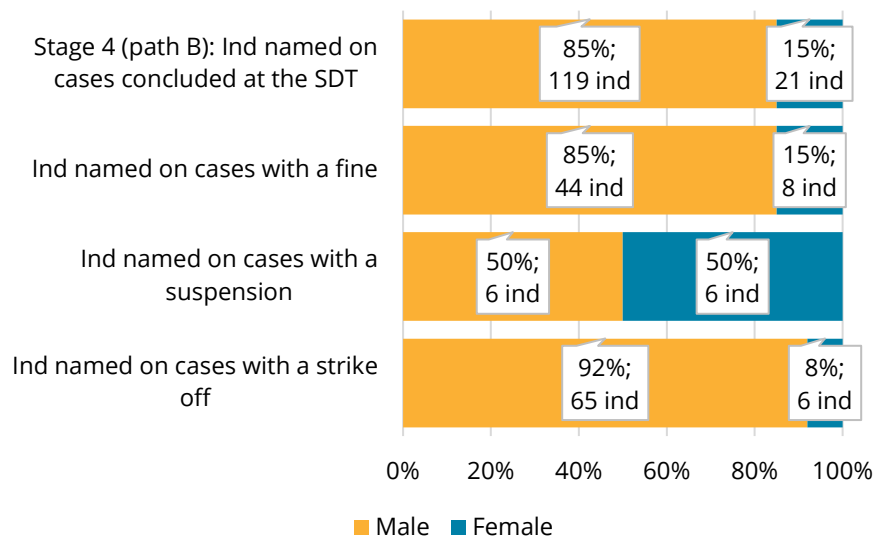
The percentage of men and women who received a fine is largely proportionate with those named on cases concluded at the SDT. Those who received a strike off is slightly less so, with the proportion of men growing from 85% to 92%, and the proportion of women decreasing from 15% to 8%.

Gender was known for all the individuals who received the sanctions covered in the chart to the right (52 fines, 12 suspensions, and 71 strike offs).

Path B: Stages 1, 2 and 4 – gender breakdown



Path B: Outcome types – gender breakdown



Ethnicity

The percentage of white and BAME individuals named on cases concluded at the SDT (stage 4) is broadly proportionate to the percentage of individuals on reports taken forward for investigation (stage 2). The 3% difference is not a statistically valid differentiation.

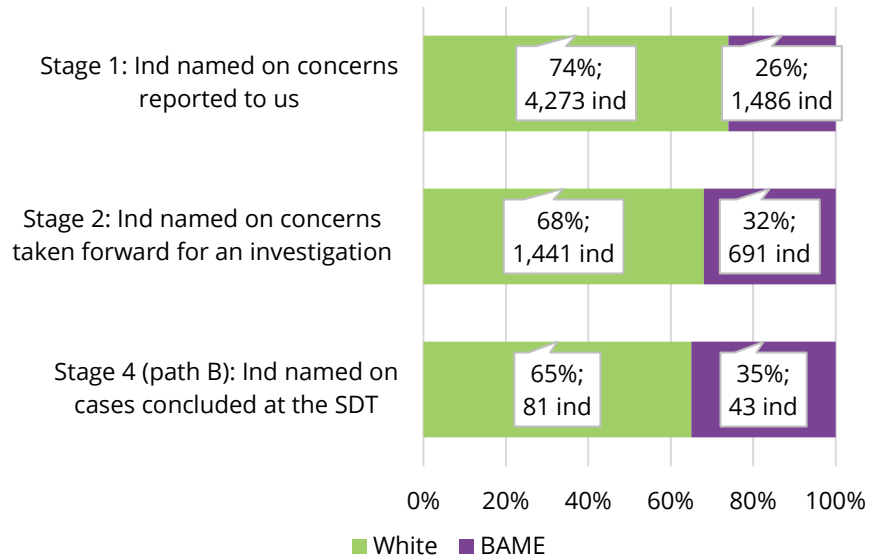
Ethnicity was known for 124 of the 144 individuals named on cases concluded at the SDT (86%).

SDT outcomes – ethnicity

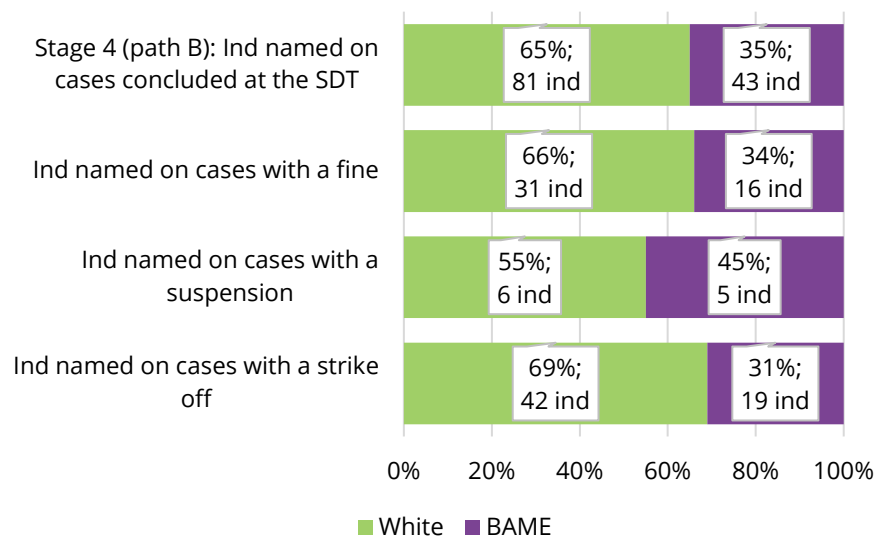
There is little difference in the proportion of white and BAME individuals who were fined (34%) or struck off (31%) when compared with the breakdown of individuals named on cases concluded at the SDT (35%).

Ethnicity was known for 47 of the 52 individuals who were given a fine (90%), 11 of 12 individuals who were suspended (92%), and 61 of 71 individuals who were struck off the roll (86%).

Path B: Stages 1, 2 and 4 – ethnicity breakdown



Path B: Outcome types – ethnicity breakdown

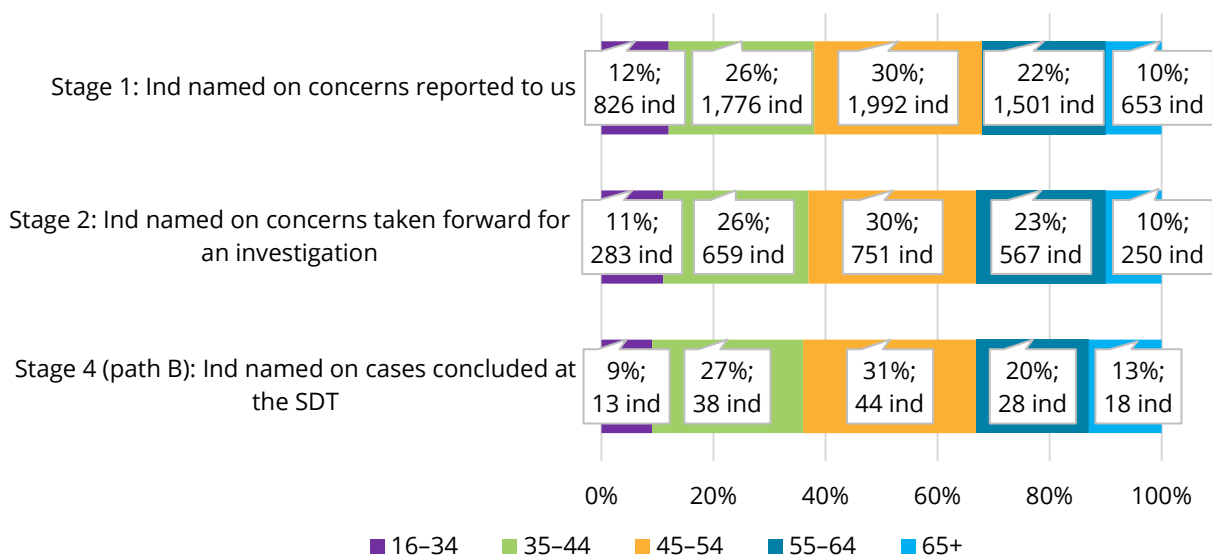


Age

For all age groups, the percentage of those whose cases were concluded at the SDT (stage 4) is largely proportionate to those whose cases were taken forward for investigation (stage 2), with some small differences for the youngest and oldest groups. Those 34 and under made up 11% of cases investigated and 9% of those named on cases concluded at the SDT. Those aged 65 and over made up 10% of cases investigated and 13% of those named on cases concluded at the SDT.

Age was known for 141 of the 144 individuals named on cases concluded at the SDT (98%). There were no 16–25-year-olds named on cases heard at the SDT for 2018/19, and the number of 16–24-year-olds named on concerns in stages 1 and 2 is nominal.

Path B: Stages 1, 2 and 4 – age breakdown

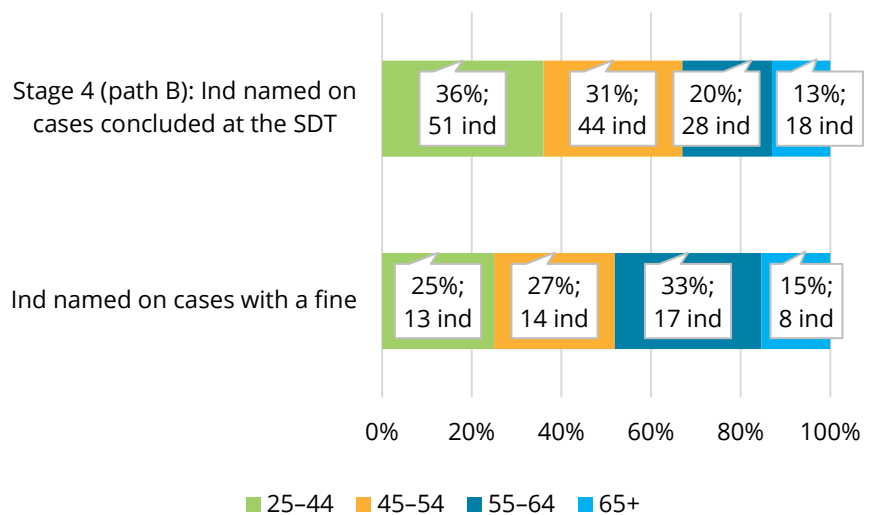


SDT outcomes – age

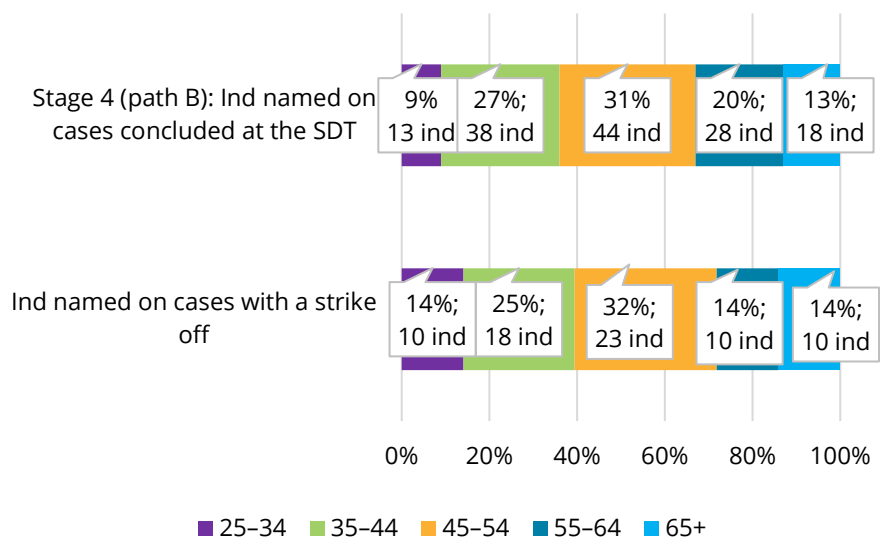
Looking at the sanction types across age categories, there is no clear pattern and the numbers are too small to draw any conclusions from the findings.

Age was known for all the individuals who received the sanctions to the right (52 fines and 71 strike offs). We have grouped together the 25–34 and 35–44 age brackets in the fine chart due to the small numbers involved.

Path B: Outcome types – age breakdown (fine)



Path B: Outcome types – age breakdown (strike off)





Diversity profile: Agreed outcomes

➤ Agreed outcomes are becoming more common in our enforcement process. The benefits we have in resolving cases through way of an agreed outcome – swiftly and with fewer costs – can be shared with the respondents in these cases.

The charts in this section compare the diversity breakdown of those individuals whose case was concluded at the SDT by way of an agreed outcome and those whose case was concluded by a hearing. Of the 125 cases concluded at the

SDT in 2018/19, 33 were resolved by way of an agreed outcome, with 34 individuals named on those cases. The remaining 92 cases were concluded by way of a hearing, with 110 individuals named on those cases.

Limits in reporting data

The proportions of cases concluded by way of an agreed outcome are broken down by three diversity characteristics: ethnicity, gender, and age. Due to the very small number of

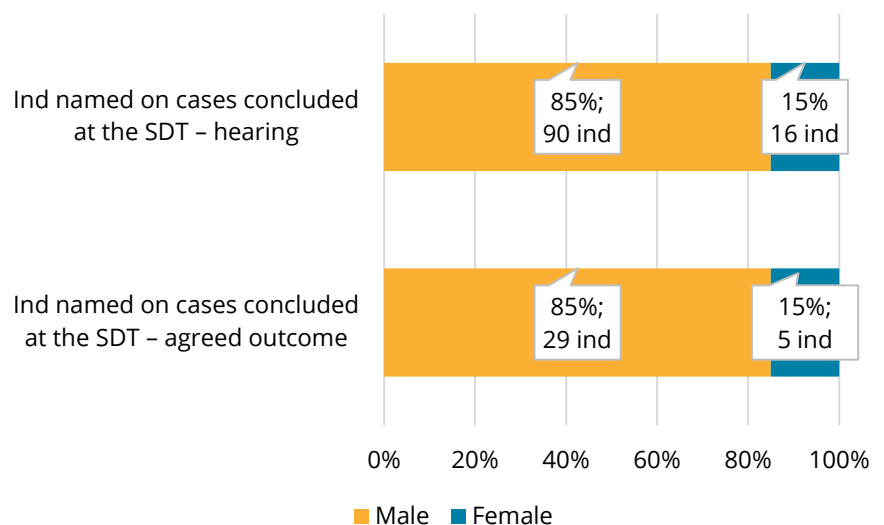
cases, we have not been able to present information on the outcomes of these cases, as to do so could risk revealing personal information about those people involved. For the same reason, ethnicity is broken down into two groups: BAME and white.

Gender

There is no difference in the percentages of men and women when comparing the individuals named on cases concluded by a hearing and those concluded by way of an agreed outcome.

Gender was known for all 34 individuals named on cases concluded at the SDT by way of an agreed outcome. It was known for 106 of the 110 individuals where a case was concluded by an SDT hearing (96%).

Agreed outcomes – gender breakdown

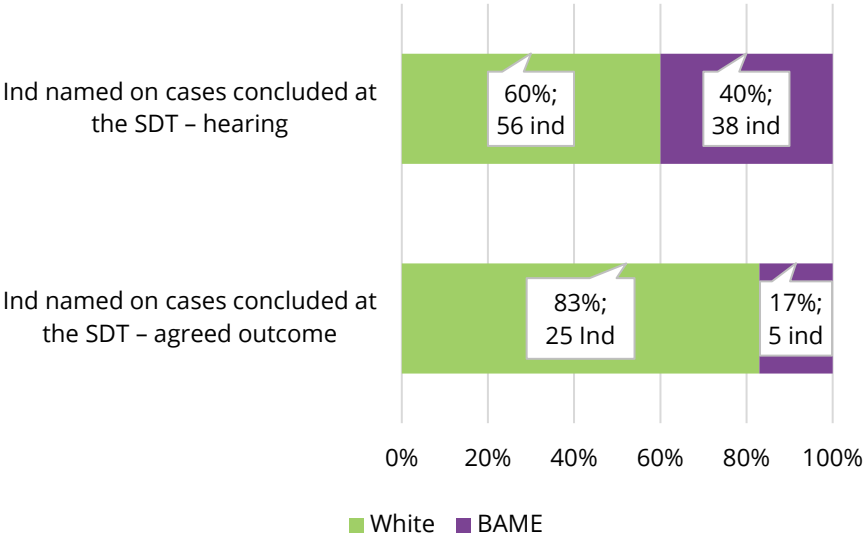


Ethnicity

Although the numbers are very small, there is a smaller proportion of BAME individuals named on cases concluded by way of an agreed outcome (17% made up of 5 individuals) when compared with those concluded by a hearing (40% made up of 38 individuals).

Ethnicity was known for 30 of the 34 individuals named on cases concluded at the SDT by way of an agreed outcome (88%). It was known for 94 of the 110 individuals where a case was concluded by an SDT hearing (85%).

Agreed outcomes – ethnicity breakdown

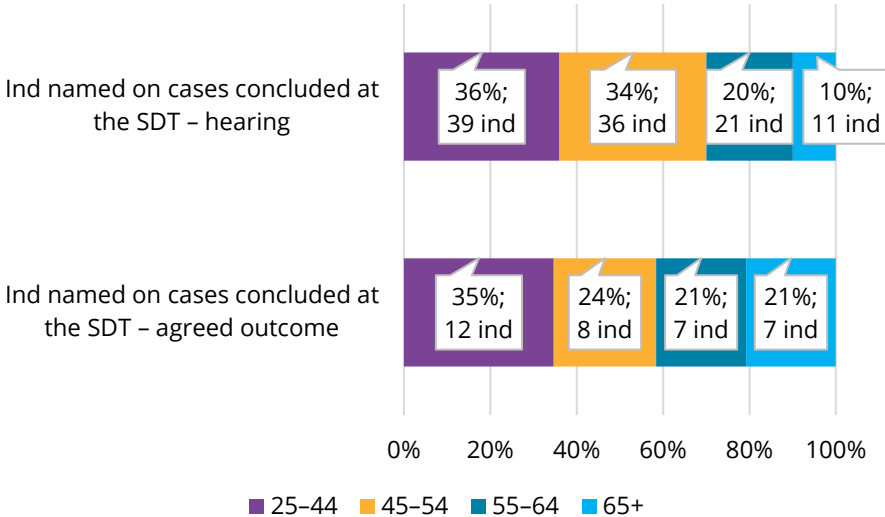


Age

There is a smaller proportion of individuals aged 45–54 named on cases resolved by way of an agreed outcome when compared with those concluded by a hearing, decreasing from 34% to 24%. The opposite is true for individuals aged 65+, increasing from 10% to 21%.

Age was known for all 34 individuals named on cases concluded at the SDT by way of an agreed outcome. It was known for 107 of the 110 individuals where a case was concluded by an SDT hearing (97%).

Agreed outcomes – age breakdown





Annex: Diversity profile of the people we regulate

- The charts in this annex show the diversity breakdown of the practising population, made up of:
- individuals on the roll who hold a current practising certificate
 - registered European lawyers, registered foreign lawyers or exempt European lawyers
 - depending on the role, some non-lawyers, such as managers and compliance officers.

The data is based on a 'snapshot' taken on 1 November 2019 from data provided by individuals' through their mySRA accounts. The practising population as of this date was 157,359.

As the concerns reported to us and cases considered in this report are from 2018/19, this was the most appropriate data source against which to compare the diversity profile of people represented in our enforcement processes. This data is different from that collected every other year in our [firm diversity data collection](#), which covers solicitors, other lawyers and other staff working in law firms, and it uses statistical modelling to estimate the diversity breakdown across all characteristics.

It should be noted, however, that not all the individuals who pass through our enforcement process will be among the practising population set out below. We have a role in regulating everyone working in a law firm, so we can and do investigate concerns about people who are not solicitors. This includes, for example, paralegals and legal secretaries and some non-lawyer managers. They are not on the roll of solicitors, do not hold a practising certificate and do not have mySRA accounts, so we do not have diversity information for these individuals.

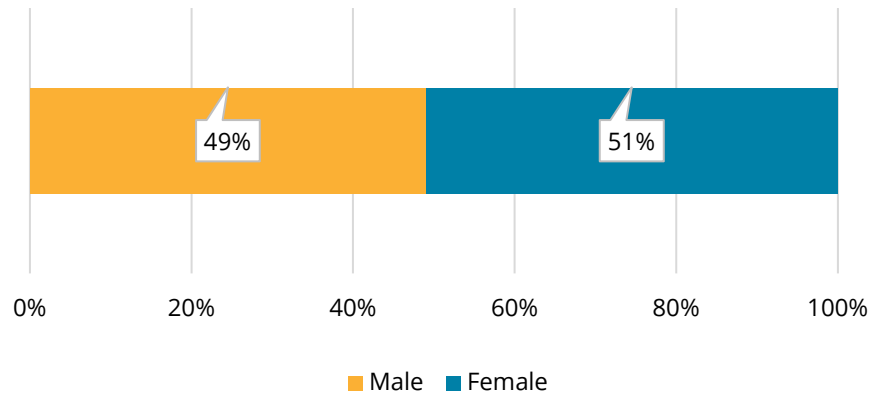
Disclosure rates

When looking at the practising population, the known population for each of the four diversity characteristics ranges from 76% to 99%. This diversity data is taken from individual mySRA accounts. It is not mandatory for people to declare their diversity characteristics. We have, recently, updated the diversity questions on mySRA and we will be engaging with everyone who holds a mySRA account to encourage them to update their data.

Gender

The chart to the right shows the breakdown of 152,196 of the practising population where gender was known. It represents 97% of the practising population as of 1 Nov 2019.

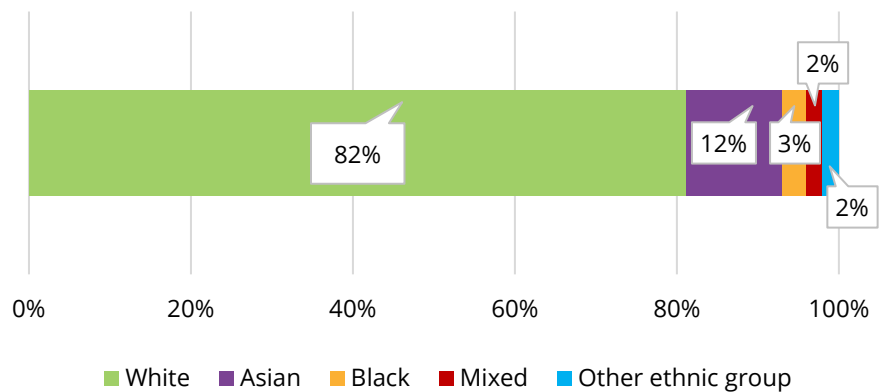
Practising population – gender breakdown



Ethnicity

The chart below shows the breakdown of 120,183 of the practising population where ethnicity was known. It represents 76% of the practising population as of 1 Nov 2019.

Practising population – ethnicity breakdown

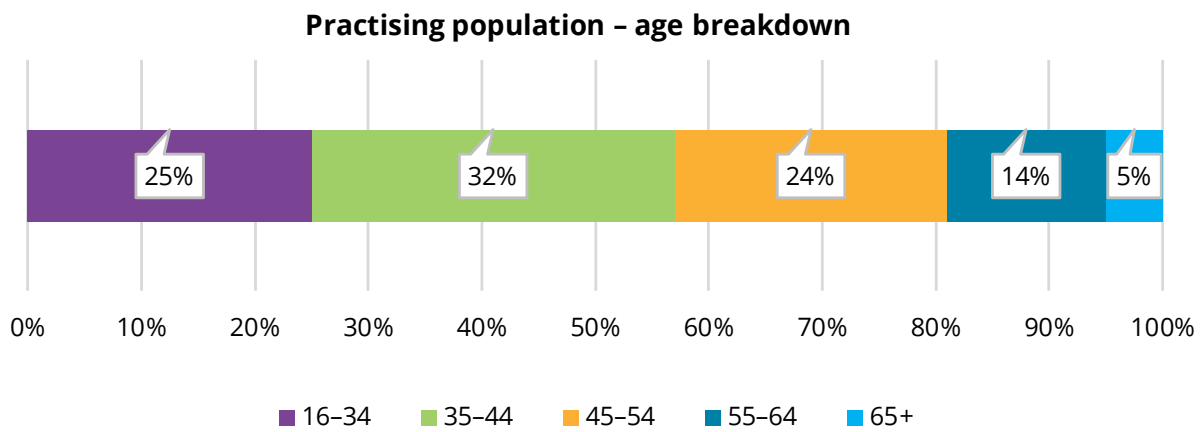


We recognise the experience of groups making up the BAME community will not be the same, but, for parts of this report, the numbers in some of the groups which make up the BAME community are too small to report separately. This means the Asian, black, mixed and other ethnic groups will be shown under BAME. The same is true for the groups making up the white group.

Age

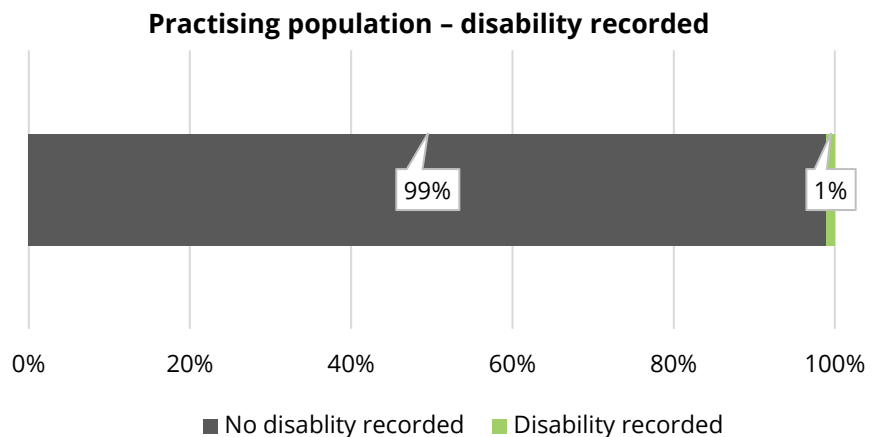
The chart below shows the breakdown of 157,169 of the practising population where age was known. It represents 99% of the practising population as of 1 Nov 2019.

The 16–24 age group, which we have grouped with the 25–34-year-old age bracket, had 353 individuals recorded in it. This accounts for less than 1% of the practising population.



Disability

The chart to the right shows the 1,673 practising solicitors who have declared a disability (of 157,359). It represents 1% of the practising population. We know disability status is underreported across law firms. During our firm diversity data collection exercise in 2019, only 3% of lawyers declared they had a disability, compared with 19% of the workforce in the UK⁷.



7. <https://commonslibrary.parliament.uk/research-briefings/cbp-7540/>