



# Our equality, diversity and inclusion work 2021-22

Published 19 January 2023

## Introduction

This is an overview of our work to promote equality, diversity and inclusion (EDI) from November 2021 to October 2022. It covers the second year of our [Corporate Strategy 2020-2023](https://upgrade.sra.org.uk/sra/corporate-strategy/) [\[https://upgrade.sra.org.uk/sra/corporate-strategy/\]](https://upgrade.sra.org.uk/sra/corporate-strategy/) which sets out our strategic priorities to:

- Set and maintain high professional standards for solicitors and law firms as the public would expect and ensure we provide an equally high level of operational service.
- Actively support the adoption of legal technology and other innovation that helps to meet the needs of the public, business community, regulated entities and the economy.
- Continually build our understanding of emerging opportunities and challenges for the legal sector and our role in effectively regulating it.

The majority of our EDI work is set out within the first objective where 92% of our resources are directed.

We report separately on what we do internally at the SRA to support diversity and inclusion in the workplace. As well as the right thing to do, we think it is important to lead by example in addressing the barriers to diversity in the profession. We have published our [workforce progress report](https://upgrade.sra.org.uk/sra/research-publications/annual-diversity-report-2021/) [\[https://upgrade.sra.org.uk/sra/research-publications/annual-diversity-report-2021/\]](https://upgrade.sra.org.uk/sra/research-publications/annual-diversity-report-2021/) and our [workforce diversity data](https://upgrade.sra.org.uk/sra/equality-diversity/diversity-sra/diversity-monitoring/) [\[https://upgrade.sra.org.uk/sra/equality-diversity/diversity-sra/diversity-monitoring/\]](https://upgrade.sra.org.uk/sra/equality-diversity/diversity-sra/diversity-monitoring/) for 2021 and our [gender pay gap](https://upgrade.sra.org.uk/sra/research-publications/gender-pay-gap-report-2022/) [\[https://upgrade.sra.org.uk/sra/research-publications/gender-pay-gap-report-2022/\]](https://upgrade.sra.org.uk/sra/research-publications/gender-pay-gap-report-2022/) and [ethnicity pay gap](https://upgrade.sra.org.uk/sra/research-publications/ethnicity-pay-gap-report-2022/) [\[https://upgrade.sra.org.uk/sra/research-publications/ethnicity-pay-gap-report-2022/\]](https://upgrade.sra.org.uk/sra/research-publications/ethnicity-pay-gap-report-2022/) data for 2022.

We are not required to publish our ethnicity pay gap and recognise there is more we need to do but we think it is important to be transparent and [take action](https://upgrade.sra.org.uk/sra/research-publications/ethnicity-inclusion/) [\[https://upgrade.sra.org.uk/sra/research-publications/ethnicity-inclusion/\]](https://upgrade.sra.org.uk/sra/research-publications/ethnicity-inclusion/), including setting challenging targets to drive progress.

Additionally, our work to promote LGBTQ+ inclusion in the profession is mirrored in our workplace and was recognised this year with the SRA ranked 28th in Stonewall's Top 100 employers.

## Looking ahead to 2023-24



We will be consulting on a new corporate strategy to start from November 2023 and as part of the consultation will be discussing proposed new priorities for our EDI work which will flow from our corporate objectives.

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## **Developing our understanding of diversity in the profession**

One of the key components of our work as a regulator is collecting data, which underpins our understanding of EDI in the profession and informs our regulatory work and policy. We continued to add to our understanding of diversity in the profession over the year.

### **Collecting firm diversity data**

We completed our [analysis of firm diversity data](https://upgrade.sra.org.uk/solicitors/resources-archived/diversity-toolkit/law-firm-diversity-tool-2021/) [https://upgrade.sra.org.uk/solicitors/resources-archived/diversity-toolkit/law-firm-diversity-tool-2021/], collected in summer 2021 and published it on 1 February 2022. We updated our approach to analysis this year by including the 'prefer not to say' responses to provide a more transparent picture of diversity across the profession and align with best practice.

Responding to a fall in the proportion of law firms who provided their data in 2021 (down from 96% in 2019 to 90% in 2021), we followed up with the outstanding firms and now have data from almost 100%.

The small number of firms (around 25) which had still not reported when we concluded our follow up were referred for potential investigation and enforcement.

### **Improving the diversity data we hold on mySRA**

We have increased the diversity data we hold for the profession on mySRA. For example, from March 2021 to October 2022 we have seen an increase of 4% in declarations for sex for the practising population (to 97%), 5% for ethnicity (to 79%) and 13% for the questions about caring responsibilities and social mobility (to 13%).

We are planning further engagement with the profession to encourage more people to declare their data on mySRA when we have completed work to update the IT supporting these questions.

### **Supporting firms to publish their own diversity data**

We updated the [resources we provide for law firms on publishing diversity data](https://upgrade.sra.org.uk/solicitors/resources-archived/diversity-toolkit/your-data/) [https://upgrade.sra.org.uk/solicitors/resources-archived/diversity-toolkit/your-data/] and started a campaign on social media to remind firms of

this obligation. We propose to monitor compliance with the next survey in 2023 and engage further with law firms who do not publish their data.

## **Promoting the importance of diversity data**

We have collaborated with others over the past year to promote the importance of collecting and using diversity data to drive progress:

- We supported the work of InterLaw Diversity Forum to promote the effective use of detailed diversity metrics in the procurement of legal services (through its [Model Diversity Survey](https://www.interlawdiversityforum.org/uk-model-diversity-survey) [https://www.interlawdiversityforum.org/uk-model-diversity-survey] programme) and sponsored its [Career Progression Report](https://www.interlawdiversityforum.org/career-progression-report-2021) [https://www.interlawdiversityforum.org/career-progression-report-2021], launched in October 2021.
- We spoke about our firm diversity data and top tips for collecting and publishing at our Compliance Conference in November 2021.
- We joined a Law Society roundtable in May 2022 to discuss data collection with law firms with offices in the USA.
- The work we have done to collect and share data about socio-economic diversity was recognised in the [Breaking the Class barrier report](https://www.cityoflondon.gov.uk/supporting-businesses/economic-research/research-publications/breaking-the-class-barrier-recommendations-report) [https://www.cityoflondon.gov.uk/supporting-businesses/economic-research/research-publications/breaking-the-class-barrier-recommendations-report] published by the Social Mobility Taskforce.

## **Using diversity data to inform our work and the work of others**

Examples include:

- Our Board considered the latest firm diversity data and noting the slow progress in the larger firms published an [EDI workplan](https://upgrade.sra.org.uk/globalassets/documents/sra/board-meetings/2022/annex-1---edi-workplan-2022.pdf?version=49d5de) [https://upgrade.sra.org.uk/globalassets/documents/sra/board-meetings/2022/annex-1---edi-workplan-2022.pdf?version=49d5de] in March 2022 to guide our strategic approach to EDI within the remaining time of our 2020 to 2023 corporate strategy. Engagement with large law firms about what more they can do will begin shortly.
- We continued to work with the Ministry of Justice (MOJ) and others to provide data on the solicitor profession for the latest [judicial diversity statistics](https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2022-statistics) [https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2022-statistics], published in July 2022. This provides better information about the barriers to diversity in the judiciary, helping relevant stakeholders target their actions to address the gaps. We supported the MOJ's work to consider social mobility reporting in future years, suggesting the judiciary and legal professions align with the questions recommended by the Social Mobility Commission to ensure consistent reporting against national benchmarks.
- We use our diversity data to monitor the impact of our work, for example the [diversity profile of individuals in our enforcement work](https://upgrade.sra.org.uk/sra/research-publications/upholding-professional-) [https://upgrade.sra.org.uk/sra/research-publications/upholding-professional-]



[standards-2020-21--diversity-monitoring-supporting-report/\]\(published in June 2022\)](#). It also informs our equality impact assessment (EIA) work on policy proposals taken forward over the year, including for example on our approach to financial penalties, and the future of the Solicitors Indemnity Fund.

- We continue to collaborate with the Solicitors Disciplinary Tribunal (SDT) to facilitate their work on diversity. We are in discussion with the SDT to implement the agreement on data sharing, reached with the assistance of the LSB in July 2022.
- Our firm diversity data which showed that just 1% of partners at major law firms are Black, inspired the [1% report](#) [<https://www.extense.co.uk/>] by special inclusion consultancy extense this year, with guidance for solicitors and firms to drive progression.

## **Next steps**

- We are planning our next firm diversity data collection in 2023.
- We are working to improve the IT underpinning the diversity questions on mySRA and encourage greater declaration.
- We will pursue our engagement with large law firms to consider what more we can do to drive diversity and inclusion in this sector.

## **Fair access to the profession**

We finalised our preparations to introduce the Solicitors Qualifying Examination (SQE), holding the first round of assessments for SQE1 in November 2021 and for the SQE2 in April 2022. The SQE has two key objectives:

- To make sure everyone meets the same consistent high standards for entry into the profession, however and wherever they learn.
- To contribute to a truly diverse profession by removing unjustifiable barriers to entry.

We continued our work to realise the equality benefits of the SQE both as we implemented the new assessments over the year and through our programme of evaluation.

## **Providing reasonable adjustments**

We have made real progress in our approach to reasonable adjustments for the SQE assessments, benefiting from ongoing engagement with the Law Society and a range of disability representative groups.

Kaplan has expanded the types of assistive technology available for the assessments. Working closely with stakeholders, they started with commonly-used screen reading software Job Access With Speech (JAWS). JAWS was made available in time for the first SQE1 assessment in November 2021 and its implementation has been well received.

Building on this, we set up a new forum to explore the use of assistive technology in learning and assessment and in the workplace. The forum involves collaboration with a wide range of organisations to share expertise. This will help Kaplan and providers of the other assessments we oversee to anticipate and deal with future requests from candidates for assistive technology as part of their reasonable adjustments plan.

## **Monitoring data on the SQE**

We are continuing to develop our longer term strategy for sharing data about the SQE and in the meantime have published [comprehensive data about the first sittings of the SQE1 and SQE2 assessments](https://upgrade.sra.org.uk/sra/policy/solicitors-qualifying-examination/first-sqe-assessment-results/) [https://upgrade.sra.org.uk/sra/policy/solicitors-qualifying-examination/first-sqe-assessment-results/]. This includes a diversity breakdown of candidates passing the assessments and an overview of the independent reviewer's conclusions about the effectiveness and fairness of the exams.

We will continue to encourage candidates to share information about their background with us and begin to collect data on whether English is a candidate's first or alternative language.

We published our [framework for evaluating the SQE](https://upgrade.sra.org.uk/sra/research-publications/evaluating-sqe/) [https://upgrade.sra.org.uk/sra/research-publications/evaluating-sqe/] in January 2022 and in October launched a [survey to gather early insight](https://form.sra.org.uk/s3/SQE-QWE-Perceptions-Survey) [https://form.sra.org.uk/s3/SQE-QWE-Perceptions-Survey] into the SQE assessments and perceptions of qualifying working experience. The survey will consider perceptions about the fairness of the SQE and will enable us to see whether perceptions vary according to respondents' diversity characteristics.

## **Understanding the attainment gap in legal professional assessments**

We have seen a consistent attainment gap for Black, Asian and minority ethnic students in the Legal Practice Course (LPC) and the Common Professional Examination (CPE). The results published in December 2021, covering the period from [September 2019 to August 2020](https://upgrade.sra.org.uk/globalassets/documents/sra/research/authorisation-and-monitoring-report-2019-20.pdf?version=48df3d) [https://upgrade.sra.org.uk/globalassets/documents/sra/research/authorisation-and-monitoring-report-2019-20.pdf?version=48df3d], reflect this pattern.

To help us understand these persistent patterns, which are seen across the legal and other sectors, and more widely at all levels of educational attainment, we [commissioned research from Exeter University](https://upgrade.sra.org.uk/sra/news/press/2021-press-releases/exeter-university-attainment-gap-research-launch/) [https://upgrade.sra.org.uk/sra/news/press/2021-press-releases/exeter-university-attainment-gap-research-launch/] in December 2021. The project has two workstreams:

- To understand what the existing data and literature tells us about causes of attainment gaps.



- To carry out an empirical study of the causes of the attainment gaps in the legal sector.

We are considering the themes and early findings from the literature review which will help shape the research questions for workstream two.

Workstream two is underway and involves compiling data on attainment gaps and related variables in legal services qualifications in England and Wales, and testing predictions developed in workstream one.

The research team will be interviewing and surveying those who have been involved with or taken legal services qualifications to understand their lived experiences.

### **Next steps**

- We will continue to monitor the impact of the SQE, developing and delivering our strategy for sharing the extensive data we are collecting.
- We will publish the findings from our literature review of the attainment gap and continue with the wider research.

### **Our enforcement work**

We have continued to emphasise the importance of high ethical standards through guidance and new rules to promote fair treatment in the profession. And made progress with our work to understand the over-representation of Black, Asian and minority solicitors in our enforcement processes.

### **Setting expectations around ethical standards and workplace culture**

We published the outcome of our [thematic review into workplace culture](https://upgrade.sra.org.uk/sra/research-publications/workplace-culture-thematic-review/) [https://upgrade.sra.org.uk/sra/research-publications/workplace-culture-thematic-review/] and [guidance on the risks of failing to protect and support colleagues](https://upgrade.sra.org.uk/solicitors/guidance/workplace-environment/) [https://upgrade.sra.org.uk/solicitors/guidance/workplace-environment/] in February 2022, and have been promoting the tips and best practice provided in the report to firms over the year.

We published new [guidance on sexual misconduct](https://upgrade.sra.org.uk/solicitors/guidance/sexual-misconduct/) [https://upgrade.sra.org.uk/solicitors/guidance/sexual-misconduct/] in September 2022 setting out what we expect from firms and individuals and illustrating the types of behaviours that are unacceptable and may potentially lead to regulatory action. This emphasises the important principle that acting with integrity can reach into a solicitor's private life.

We continued with our proposals for clarifying the principles underpinning our use of financial penalties and determined that an



individual who is found to have committed sexual misconduct, harassment, or discrimination, is highly unlikely to receive a financial penalty. These cases are serious in nature and raise attitudinal issues that present a risk to others and save for exceptional cases, a more appropriate sanction is suspension or strike off.

To clarify and emphasise our approach, in March 2022 we consulted on a proposal to include an explicit requirement to treat people with dignity and respect in our Codes of Conduct for Solicitors and Firms.

As highlighted in our thematic review of workplace culture, unfair treatment, such as bullying, discrimination or harassment in a legal workplace can have a significant impact on the wellbeing and mental health of a firm's staff. It can also lead to mistakes and poor outcomes for clients or to serious ethical concerns, for example when staff feel under pressure to cover up problems. Responses to the consultation confirmed that the proposals would have a positive impact in terms of equality, particularly for women, people from a Black, Asian or minority ethnic background, disabled people, LGBTQ+ people and junior solicitors.

We decided to press ahead with this proposal, while recognising that a requirement to challenge such conduct should lie with managers in law firms rather than with all regulated individuals. We will seek the Legal Services Board's approval of these changes in early 2023.

### **Publishing diversity monitoring data of those in our enforcement processes**

We published our third annual report on the [diversity profile of individuals within our enforcement work](https://upgrade.sra.org.uk/sra/research-publications/upholding-professional-standards-2020-21--diversity-monitoring-supporting-report/) [https://upgrade.sra.org.uk/sra/research-publications/upholding-professional-standards-2020-21--diversity-monitoring-supporting-report/] in June 2022. The findings were similar to earlier years with overrepresentation for men and solicitors from a Black, Asian and minority ethnic background in reports received and in those taken forward for investigation.

### **Improving the quality assurance of our decision making**

We are continuing to take forward the commitments we made when we resumed our annual monitoring in 2020, including the establishment of our arm's length quality assurance team. The team is established and growing and is implementing its approach to quality assurance with an EDI review criterion as standard across all case reviews.

### **Understanding why there is overrepresentation of Black, Asian and minority ethnic solicitors in our enforcement work**

We [appointed experts](https://upgrade.sra.org.uk/sra/news/press/2022-press-releases/research-disproportionate-outcomes-2022/) [https://upgrade.sra.org.uk/sra/news/press/2022-press-releases/research-disproportionate-outcomes-2022/], from a consortium featuring





the universities of York, Cardiff and Lancaster in June 2022 to take forward our research into the overrepresentation of Black, Asian and minority ethnic solicitors in our enforcement work. The research has two workstreams:

- To understand why there is overrepresentation of Black, Asian and minority ethnic solicitors in reports made to the SRA.
- To review our decision making at the assessment stage to understand why a greater proportion of cases involving Black, Asian and minority ethnic solicitors are taken forward for investigation.

We have made good progress setting up the project and agreeing the methodology with the research team. The literature review and data analysis for workstream one are underway, and we have established an external reference group, which welcomes the approach we are taking.

### **High standards for vulnerable consumers**

Users of immigration and asylum legal services can be some of the most vulnerable people in our society and the consequences of poor legal services can be particularly severe, long-lasting and difficult to rectify. We published the outcome of our [thematic review of immigration and asylum services](https://upgrade.sra.org.uk/sra/research-publications/immigration-asylum-thematic-review/) [https://upgrade.sra.org.uk/sra/research-publications/immigration-asylum-thematic-review/] which we undertook to better understand the challenges facing different segments of this key sector.

In general, the quality of services overall was good, but we published [guidance](https://upgrade.sra.org.uk/solicitors/guidance/immigration-work-guidance/) [https://upgrade.sra.org.uk/solicitors/guidance/immigration-work-guidance/] to address the areas where there was room for improvement.

One of the concerns was how firms provide effective supervision of their staff so we also published [guidance](https://upgrade.sra.org.uk/solicitors/guidance/effective-supervision-guidance/) [https://upgrade.sra.org.uk/solicitors/guidance/effective-supervision-guidance/] on this which has a wider application across all areas of law.

### **Next steps**

- We are taking steps to implement our new approach to the use of our fining powers.
- We will add new requirements to treat people fairly and with dignity and respect to our Codes of Conduct for Solicitors and Firms, subject to approval by the Legal Services Board.
- We will continue to support the research into the overrepresentation of Black, Asian and minority ethnic solicitors in our processes and publish our annual monitoring data.

### **Working to promote diversity in the profession**

Our work over the past year includes:





- Publishing our report on the barriers that parents can experience as a result of [pregnancy and maternity](https://upgrade.sra.org.uk/sra/research-publications/pregnancy-maternity-legal-workplace/) [<https://upgrade.sra.org.uk/sra/research-publications/pregnancy-maternity-legal-workplace/>] in July 2022.
- Supporting the work of the Socio-Economic Diversity Taskforce to help deliver the legal sector consultation and roadmap on how government, regulators and sector bodies can incentivise employer action. The Taskforce published its baseline report in August and the [final report](https://www.cityoflondon.gov.uk/supporting-businesses/economic-research/research-publications/breaking-the-class-barrier-recommendations-report) [<https://www.cityoflondon.gov.uk/supporting-businesses/economic-research/research-publications/breaking-the-class-barrier-recommendations-report>] in November, setting out its Five Point Pathway for employers. Our work on collecting data in the legal sector was recognised in the report and we were pleased to speak at its launch.
- Building on the resources we provide for law firms to promote a diverse and inclusive workplace - holding a webinar on [non-binary inclusion](https://upgrade.sra.org.uk/sra/news/events/on-demand-events/inclusive-workplaces/) [<https://upgrade.sra.org.uk/sra/news/events/on-demand-events/inclusive-workplaces/>] in July 2022 and one on [inclusion for neurodivergent lawyers](https://upgrade.sra.org.uk/sra/news/events/on-demand-events/neurodivergent-lawyers/) [<https://upgrade.sra.org.uk/sra/news/events/on-demand-events/neurodivergent-lawyers/>] in October 2022.
- Convening conversations to consider what more we can do to address diversity at senior levels. For example, the fringe event we held at the Conservative party conference in early October 2022 'Transformation at the top? The impact of diverse leadership'.
- Sponsoring the [extense '1% study'](https://www.extense.co.uk/) [<https://www.extense.co.uk/>] launched in October 2022, which was based on our statistics and highlighted positive steps individuals and firms can take to improve career progression for Black solicitors in the larger law firms.
- Supporting various initiatives to promote diversity, for example the Black Solicitors Network's UK Diversity Legal Awards in November 2021. And continuing to work with a range of other diversity groups including Birmingham Black Lawyers, Society of Asian Lawyers, British Nigerian Law Forum, Society of British Bangladeshi Solicitors, the British Ghanaian Lawyers Union and the UK Chinese Lawyers Association. We suggested that the Wales Legal Awards recognised excellence in diversity and went on to sponsor the new award in May 2022, raising awareness of the work firms are doing on EDI in Wales. We engage regularly with the Sole Practitioners Group, attending their annual conference in June 2022 and speaking at their event in November, including on a panel about diversity.

## **Next steps**

- We will engage with the larger law firms to understand what more we can do to promote diversity at senior levels in the profession.
- We will work collaboratively with the Law Society to promote diversity in the profession, building in particular on the work we did together to support the Socio-Economic Taskforce.
- We will continue to work closely with diversity groups in the profession, sponsoring their work to encourage diversity in the



profession.

- We will update our guidance on principle 6 to 'encourage equality, diversity and inclusion' and our supporting resources.
- We will develop an evaluation framework for our EDI work to help keep us focused on the actions that make a difference.

## **Using legal technology to address inequalities in access to justice and public legal education**

### **Addressing access to justice inequalities**

Our work in the second funding round of the Regulators Pioneer Fund (RPF2) focused on addressing inequalities in access to justice. In March 2022, we were awarded a grant of £167,856 to fund a [project to develop an approach to understanding and mapping legal provision in two geographical regions of England and Wales](https://upgrade.sra.org.uk/sra/research-publications/regulators-pioneer-fund/1) [<https://upgrade.sra.org.uk/sra/research-publications/regulators-pioneer-fund/1>].

By working with legal advice agencies, charities and clinics in these areas, we were able to build a picture of what the legal advice provision and the consumer experience looks like on the ground.

We developed a mapping tool that showed where advice agencies were based around England and Wales, along with socio-economic and broadband availability data to highlight where legal advice could be at its most scarce. We will be sharing and promoting the tool more widely in 2023.

The project also enabled a disability benefit appeal tool hosted by charity AdviceNow, following research uncovering the issue that many appeals end at the medical review stage. This tool automates part of the process in the hope that more people will continue with their appeals.

We also set out to explore the ethical and consumer protections needed to build public confidence and trust in online services, an increasingly key component of any solution.

Our approach aligns with the Government's priority to boost the fast-growing digital economy and 'level up' the country by tackling geographic and socio-economic inequalities in access to justice.

### **Promoting better understanding among consumers of the benefits of lawtech**

To support understanding of what lawtech [technological innovation in the legal sector] can offer consumers and how it can make legal services more accessible we [published further online information](https://upgrade.sra.org.uk/consumers/faqs/faqs-for-consumers/#collapse_07271) [[https://upgrade.sra.org.uk/consumers/faqs/faqs-for-consumers/#collapse\\_07271](https://upgrade.sra.org.uk/consumers/faqs/faqs-for-consumers/#collapse_07271)] as part of our Public Legal Education activity.

This helps to explain what lawtech is and where it is currently available. We highlighted the additional choice that lawtech offers in accessing legal help, and the greater flexibility in being able to get help through more convenient and potentially quicker and more efficient services.

We also highlighted how it may be more affordable - for example where consumers can take some of the simpler steps involved in a legal transaction themselves.

### **Next steps**

- With the additional funding of almost £120,000 secured in the third round of the Regulators' Pioneer Fund we will be looking at how Alternate Dispute Resolution can benefit consumers in partnership with The Law Society and the Access to Justice Foundation.
- We will continue to raise awareness about lawtech to consumers including through resources available on our Legal Choices website and social media.