

SRA Annual Review on Equality, Diversity and Inclusion 2015

April 2016

Introduction

1.

Our 2014/15 Equality, Diversity and Inclusion (EDI) Strategy [<https://www.sra.org.uk/sra/equality-diversity/strategy/edi-strategy/>] and action plan [<https://www.sra.org.uk/sra/equality-diversity/strategy/edi-action-plan>] was formulated against the background of our 2014/17 Corporate Strategy [<https://www.sra.org.uk/sra/strategy>] , our programme of regulatory reform and the findings from the Independent Comparative Case Review (ICCR) [<https://www.sra.org.uk/iccr>] which was published in 2014.

2.

The ICCR was commissioned by the SRA ‘to identify whether there [is] disparity in the way the SRA applies its policies and procedures in dealing with Black, Asian and Minority Ethnic (BAME) practitioners as compared to others with a view to identifying potential improvements to such practices, policies and procedures to maximise fairness and consistency. In our response [<https://www.sra.org.uk/globalassets/documents/sra/equality-diversity/independent-comparative-case-review-iccr-response-june-2014.pdf?version=4a1ac4>] we committed to take forward a number of recommendations and incorporated the broad themes arising from the report into our EDI strategy and action plan 2014/17.

3.

We identified three objectives over a three year period; 2014/15 and 2016/17 to deliver our programme of EDI work against. These objectives are:

- i) to develop a more diverse workforce and promote an inclusive culture, equality of opportunity for all staff and the behaviours and capabilities required to regulate proportionately, fairly and free from bias;
- ii) to ensure that the way we operate, our rules and the decisions we make are proportionate, fair and free from bias and help firms and individuals understand and comply with our requirements; and
- iii) to work with those we regulate to support them in achieving a more diverse and inclusive profession.

4.

These objectives continue to underpin our work this year and next. We published our first action plan in November 2014, which we reviewed and updated in August 2015 to better align our EDI actions to our main strategic work programmes, including the regulatory reform agenda, our work on decision making and quality assurance and our culture change programme. This paper provides an overview of the work we have delivered over the first year of our strategy. Continuing with our work under the strategy, we have set ourselves a new action plan for 2015/16 [\[insert link\]](#).

5.

Our 2014/15 EDI action plan was an ambitious programme of work and although we have made progress, we recognise there is more to do. We have set out our main achievements against each of the objectives in this report and highlighted some of the areas which we have brought forward into our action plan for 2015/16.

Objective One – Governance and our people

6.

The focus of our activities under Objective One include embedding EDI into our board and governance processes, training and developing our staff and analysing staff diversity data to understand better our recruitment, retention and promotion practices.

Objective One

To develop a more diverse workforce and promote an inclusive culture, equality of opportunity for all staff and the behaviours and capabilities required to regulate proportionately, fairly and free from bias, we have:

- reviewed our recruitment and selection process for Non-Executive Board and Committee positions to ensure our processes are robust, objective and fair;
- appointed six members to join the SRA Equality, Diversity and Inclusion Committee to deliver the SRA's vision and strategy on EDI;
- delivered an extensive mandatory training and development programme on EDI, Dignity at Work and Unconscious Bias for both staff and Board and Committee members;
- commissioned the Employers Network for Equality and Inclusion (ENEI) to work with us to develop a programme on inclusive leadership and inclusive working. This programme will be delivered in 2016 and will look at the



broader inclusion agenda and the behaviours that drive an inclusive environment;

- carried out a data refresh exercise to improve the quality of diversity data we hold for staff. We now have diversity data for over 90% of staff save for religion (85%) and sexual orientation (68%);
- analysed and published information about staff diversity data based on the improved diversity data that we gathered from staff and the data that we can now produce from our new on line recruitment system. This has enabled us to closely monitor trends and identify gaps where we might need to consider additional measures to promote diversity;
- invested in training 24 members of staff in Strength Deployment Inventory (SDI) to help us roll this out across the organisation. SDI is a self assessment tool that helps people understand what motivates them and what is important to them when relating to others. It is designed improve individual and team working relationships for all our managers and staff through; improved self awareness; better appreciation of difference; greater ability to understand and communicate with others; and stronger working relationships;
- provided training to our Employee Forum regarding their role as a Forum Representatives which includes supporting the delivery of our EDI strategy and objectives;
- delivered a calendar of events for staff with internal and external speakers across a broad range of areas. This included events held for Lesbian, Gay, Bisexual and Transgender (LGBT) History month, International Women's Day, National Carers Week, Black History month and faith festivals to name a few;
- joined in the celebrations of Birmingham and London Pride for the very first time.
- supported staff to form five networks; Women's Network, Black, Asian and Minority Ethnic (BAME) Network, Disability Network, Christian Network and LGBT Network. We are engaging with these groups to identify how best to take forward their development and how they can best engage with the organisation.

What we still need to do

7.

One of the areas in which we want to improve is to ensure that equality, diversity and inclusion is fully and consistently integrated into the business and decisions of our Board and committees. We have been working with teams to make sure that impact on equality and diversity is considered in each paper presented to Board and committees. If a detailed equality impact assessment is required this would be set out in an annex or form



part of the analysis considered in the body of the paper. When considering changes to policy, the timelines set out for engagement, consultation and drafting are often very tight and although we consider the impact on consumers, equality, the market and finance as part of policy change, we want to see how best we can engage and present this information to Board and committees as early as possible.

8.

We want to finalise and deliver an inclusive leadership programme for everyone in the organisation, including Board and committee members. This programme is part of our culture change programme and will be delivered in 2016.

9.

We will continue to monitor patterns and trends of staff diversity so that we can implement initiatives to address any under representation.

Objective Two – the way we operate; our rules and decisions

10.

The focus of our activities under Objective Two include embedding EDI into regulatory change and into our decision making processes. We are making sure the regulatory decisions we make are fair and proportionate and that our regulatory reform agenda carefully considers and works to embed EDI across all areas of work.

Objective Two

To ensure that the way we operate, our rules and the decisions we make are proportionate, fair and free from bias and help firms and individuals understand and comply with our requirements, we have:

- We are reviewing, updating and providing new decision-making guidance;
- We published our consultation on the solicitors qualifying examination with an initial equality impact assessment based on research and extensive pre engagement feedback from stakeholders;
- integrated requirements for the collection of Law Firm Diversity Data more closely with Principle 9 and Chapter 2 outcomes;
- ensured staff are now more confident in recognising and dealing with complaints including complaints of discrimination after a training programme was rolled out to key operational areas;



- launched a small firms project team and a dedicated small firms service via our Professional Ethics helpline. We also launched a web page, e-newsletter and set up a virtual reference group. The advice sought predominantly focuses on obtaining guidance on accounts rules, practising certificates and indemnity insurance;
- engaged a diverse range of solicitors and consumers in our successful and popular 'a question of trust' campaign, including equality stakeholders, such as the Lawyers Disability Division, and gypsy and traveller communities;
- opened a dialogue and held a seminar with other regulators and academics to discuss disproportionality in regulation; and
- met with equality groups to establish new relationships and understand how we can better work and engage with them. This has in some cases led to closer involvement with policy change discussion;

What we still need to do

11.

We will continue to make sure our work and our decisions are underpinned by intelligent analysis leading to outcomes that are fair, proportionate and transparent. The reference framework that will be developed using the results of our Question of Trust consultation, and work on our decision making guidance are part of our commitment to continuous improvement in this area.

12.

We want to streamline engagement with equality stakeholder groups to provide timely, consistent and clear information with a view making it easier for such groups to proactively engage with us.

Objective Three – working to achieve a more diverse and representative profession

13.

Objective Three is inevitably the most challenging area and we know that there is a lot more for us and others to do to support the profession in achieving a more diverse and representative profession.

Objective Three

To work with those we regulate to support them in achieving a more diverse and inclusive profession, we have:



- made the diversity data collected by firms available through an online interactive tool which allows law firms to compare the diversity of their firm with other similar groups of firms and within the same geographical area. This can help firms review their approach to recruitment, retention and progression;
- captured up to date law firm diversity data from 88 to nearly 90% of firms;
- sponsored the Black Solicitors Network Diversity League Table and Awards event;
- used speaking opportunities and events to raise the importance of diversity in the profession;
- revised the 2014 SRA Education and Training regulations to enable qualification as a solicitor through an apprenticeship or Equivalent Means route; and
- provided resources to the profession to support best practice in diversity via case studies, resources in the Risk Outlook and guidance on how firms might use this information to review their approach to recruitment and progression.

What we still need to do

14.

We will progress our training and education reform, looking at a common assessment for all aspiring solicitors, whatever route they take. We will review how we collect, analyse and publish our data and are taking this opportunity to look at how we are monitoring and analysing our regulatory decisions.

15.

We are planning to look more closely at the barriers to career progression, including for women and disabled law students and solicitors and are planning to engage more widely with equalities groups in both the profession and wider society, as well as those we have not traditionally engaged with such as law networks and groups with a focus on religion or belief and sexual orientation. It is important that we continue to take opportunities to show leadership in the equalities arena and we will be including diversity components in our major 2016 events.

Overview

Objective One

16.



Most of the actions under this objective have been delivered, some in the context of a wider cultural change programme to develop our staff as set out in our Corporate Strategy 2014/15 to 2016/17 and our Business Plan 2014/15.

17.

We held 20 events for staff across a range of subject areas to build awareness and understanding on equality and diversity. One of the topics we focused on was disability and mental health. These events were well received and provided information on health and well being as well as information on dyslexia and autism in the workplace.

18.

We reported on the diversity of our staff [<https://www.sra.org.uk/sra/equality-diversity/reports/>] and published the information on our website. We have a diverse staff group but recognise we can do more to support promotion and progression rates for all of our staff. We also analysed trends in relation to the applications, shortlisting and recruitment of staff and will continue to do this over six monthly periods to identify initiatives we can implement to address potential under representation in our workforce.

19.

Progress against the strategy and action plan is reported to our senior management team on a monthly basis and EDI is a regular agenda item at our Local Employee Forum and Business Champion meetings. This ensures we have better reporting on EDI and better mainstreaming of EDI in our communications.

20.

In addition to the action plan, other initiatives have been delivered which are essential to support the EDI strategy, for example the launch of our new SRA Values. The values - Independent, Professional, Fair, Progressive and Inclusive - were developed by our staff and are now well established in the language and behaviours of the organisation. These values are an essential component for embedding EDI within the culture of the organisation. Along with the behavioural competencies, these values set the standards for how staff are expected to work at the SRA.

21.

We have a number of staff groups; our Staff Values Group, Tone of Voice Champions, Pride working group, Business Champions and Local Employee Forum. These groups contribute through open discussion and



leadership on embedding EDI, for example we have had a representative from the Business Champion community attend EDI committee meetings to update them on the work they have been doing on EDI.

22.

We are also reviewing our corporate 'tone of voice' taking into account EDI issues ensuring openness and accountability through clear and accessible communication.

Objective Two

23.

This objective covers how we regulate and how we make regulatory and other decisions. We regulate a changing market and different types of entity and solicitors practice. This means it is important that changes initiated through our regulatory reform programme are fair, proportionate and effective. A considerable part of our equality work is undertaken in the context of regulatory change, where considering the equality implications form a key part of this work.

24.

We took into consideration the recommendations made in the Independent Comparative Case Review [<https://www.sra.org.uk/iccr>] . The report did not find any evidence of discrimination in the way policies and procedures were applied at the SRA but confirmed there was over representation of BAME regulated individuals in a number of regulatory outcomes. It highlighted a number of complex external socio-economic factors and the make up of the legal services market which should be considered as part of a comprehensive discussion of disproportionality. Some of these issues are being addressed through our regulatory reform programme and the work we are doing with small firms.

25.

We are reviewing the way we collect, monitor and analyse our data and the approach we want to take to monitor diversity in our regulatory work. We previously published reports of our regulatory data broken down by ethnicity, gender, age and disability and will continue to do this as part of our commitment to transparency once we have reviewed our approach.

26.

We are developing a quality assurance (QA) programme to provide us with assurance, that we making fair decisions, managing risk and achieving the

right outcomes. The QA approach will include consideration of how we have met our responsibilities in relation to EDI matters.

27.

Engaging and consulting with our stakeholders is an important element of our work. We are building relationships with our stakeholders, including stakeholders who have a particular interest and focus on equality and diversity. We set up an EDI virtual reference group, as well as small firms reference group, and will use this as a further way to engage and consult with a diverse range of stakeholders.

Objective Three

28.

Objective Three focuses on achieving a more diverse and inclusive profession. The lack of diversity is a continuing risk to our regulatory objectives. We know there are barriers to progression particularly for women, BAME practitioners, disabled people and people from less affluent socio-economic backgrounds. For solicitors and those wanting to join the profession, a diverse legal profession means a fair chance to qualify, a level playing field when it comes to finding a training contract, and no unjustifiable barriers to progressing your career.

29.

Diversity is essential for firms wanting to attract and retain the best people, to ensure equality of opportunity for all who have the skills to enter and succeed in the profession and to meet clients' needs.

30.

We are continuing to work with other organisations, other firms and solicitors to identify ways to improve the co-ordination of efforts to improve diversity within law firms and have taken the opportunity to engage with a range of audiences on EDI. This has included our 'Meet the Board [<https://www.sra.org.uk/meettheboard>] ' sessions with local law societies across England and Wales, where equalities issues and our reform programme are discussed.

31.

One of our achievements has been the introduction of two new apprenticeship schemes enabling qualification as a solicitor in England and Wales. These alternatives to the existing routes to qualification as a solicitor are expected to become available during 2016 and 2017 and will potentially



facilitate people from non traditional backgrounds entering the profession. This will enable firms to widen their talent pool and develop a flexible workforce aligned to their business needs.

32.

We introduced a new 'Equivalent Means' application under which candidates who can demonstrate they have met our training requirements through other equivalent experience or qualifications, can seek recognition for this against some or all of our education and training requirements.

Areas of focus going forward

33.

We have achieved a lot in a short space of time. However there is still more to do. Our action plan for 2015/16 will take this work forward.

34.

Key areas for focus in 2015/16 include:

demonstrating that equality and diversity is embedded across the organisation through the implementation of directorate EDI actions;

continuing to monitor decision making to identify and understand further any disproportionality;

proactively engaging and streamlining engagement with our equality stakeholders; and

further developing the collection and use of equality data.