

# Upholding Professional Standards 2020/21 - Diversity Monitoring, Supporting Report

June 2022

Read in Welsh [\[https://jobs.sra.org.uk/sra/research-publications/cynnal-safonau-proffesiynol-202021--monitro-amrywiaeth-adroddiad-ategol-2020-21/\]](https://jobs.sra.org.uk/sra/research-publications/cynnal-safonau-proffesiynol-202021--monitro-amrywiaeth-adroddiad-ategol-2020-21/)

## Introduction

For the last two years, we have published findings on the diversity characteristics of people in our enforcement processes as part of our overarching annual Upholding Professional Standards reports [2019/20](https://jobs.sra.org.uk/sra/research-publications/upholding-professional-standards-2019-20/) [https://jobs.sra.org.uk/sra/research-publications/upholding-professional-standards-2019-20/] and [2018/19](https://jobs.sra.org.uk/sra/research-publications/2018-19-review/upholding-professional-standards/) [https://jobs.sra.org.uk/sra/research-publications/2018-19-review/upholding-professional-standards/], supported with a more detailed report on the [diversity monitoring](https://jobs.sra.org.uk/sra/research-publications/upholding-professional-standards-supporting-report-2019-20/) [https://jobs.sra.org.uk/sra/research-publications/upholding-professional-standards-supporting-report-2019-20/]. This report supports our 2020/21 Upholding Professional Standards publication.

Reviewing our systems and processes to make sure they are free from bias and non-discriminatory is a vital part of embedding equality, diversity and inclusion (EDI) in the work we do. 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 work will also help us to evaluate the impact of our new Enforcement Strategy and Standards and Regulations, introduced in 2019. This is the third year we have published this information, and we will continue to annually report on these findings.

We have taken the same approach as previously, the detail of which can be found in the next section, [the scope of our analysis](#) [#heading\_c587]. This has allowed us to make comparisons and start to look at trends over the past three years, as set out in the [key findings section](#) [#heading\_4296]. We have also noted the limitations in the data we hold or can publish, and the difficulties with drawing meaningful conclusions from the very small numbers in the later stages of the enforcement process.

We continue to see an overrepresentation of men and solicitors from Black, Asian and minority ethnic backgrounds in concerns raised with us and those we investigate. This has been present for some time and reflects the pattern across many professions and regulators. We commissioned several external reviews to look at these issues in the past, building on work that the Law Society undertook in 2006 before we were established. None of the earlier reviews found any evidence of discrimination, but each one provided recommendations for us and others, which have helped to shape our approach to enforcement. We published an [overview of our work](https://jobs.sra.org.uk/sra/how-we-) [https://jobs.sra.org.uk/sra/how-we-



[work/archive/reports/iccr-response/1](#) following the most recent external review by Professor Gus John, the Independent Comparative Case Review in 2014.

Whilst we have been able to make improvements in our approach to enforcement, the patterns have persisted and we still do not fully understand the societal and sociological factors driving the overrepresentation of Black, Asian and minority ethnic solicitors in the concerns raised with us. To help us, and others, address these issues, we have commissioned new independent research from York, Lancaster and Cardiff universities which will provide insight into these issues. We have also asked the researchers to carry out a focused review of the decisions we make at the assessment stage, to understand why there is further overrepresentation in the cases taken forward for investigation. We cover this and the other actions we are taking to make sure our decisions are fair and free from bias in the [further work and research section](#) [[#heading\\_d590](#)] of this report.

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## [Scope of our analysis](#)

We looked at the representation of sex, ethnicity, age and, in some areas where numbers were sufficient, the disability of individuals at the following stages of our enforcement process from 1 November 2020 to 31 October 2021:

- 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 Solicitors Disciplinary Tribunal (SDT) by way of a hearing or an agreed outcome, and the types of sanctions the SDT imposed (path B).

The diagram below illustrates these stages and paths. They are broadly aligned with the diagram setting out the key stages of the process when a concern is reported to us in the [Upholding Professional Standards report](#) [<https://jobs.sra.org.uk/sra/research-publications/upholding-professional-standards-202021/1>]

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The individuals named on concerns taken forward for an investigation (stage 2) are a subset of the individuals named on the concerns reported to us (stage 1).

At stages 3 and 4 (paths A and B respectively), we look at the individuals named on cases concluded in 2020/21, those who received an internal sanction and those who were named on cases concluded at the SDT. Although there may be some overlap between the individuals involved in stages 1 and 2 and those involved in stage 3, it is unlikely to be significant. This is because cases are not always received and concluded in the same year. It is very unlikely there will be any overlap between the individuals involved in stages 1 and 2 and those involved in stage 4. This is because it usually takes longer than a year to investigate, refer, and conclude a matter at the SDT.

## How we have analysed the data

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:

- 48% of the practising population
- 62% of individuals named on concerns reported to us (stage 1)
- 68% of the individuals taken forward for investigation (stage 2)
- 66% of the individuals named on cases with an internal sanction (stage 3, path A)
- 73% 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, in 2020/21, there were:

- 6,803 individuals named on concerns reported to us (stage 1)
- 1,357 individuals taken forward for investigation (stage 2)
- 258 individuals named on cases with an internal sanction (stage 3)

- 110 individuals named on cases concluded at the SDT (stage 4).

We break ethnicity down into five main groups: White, Black, Asian, Mixed and Other ethnic group. Where the numbers in each group are large enough to report without the risk of identifying individuals, we will report data about each group separately. Where the numbers get too small (at stages 3 and 4), we will compare the White group (which includes minority White groups) to the other four groups, which we refer to as the Black, Asian and minority ethnic group<sup>1</sup>.

Our analysis looks at the known population among those groups – that is, the people for whom we hold diversity information. This varies at each stage of the process, but overall for the practising population, for sex and age, we have information for 91% and 100%<sup>2</sup> of the practising population, respectively, and 74% for ethnicity. Because of the way we have collected disability data in the past<sup>3</sup>, we can only identify the proportion of people who have declared a disability, which is 1% of the practising population. We suspect there is significant underreporting of disability data within this data set and we are taking steps to improve declarations for this and other diversity characteristics.

In the next section, we have set out our key findings and an overview of the data at each stage over the past three years.

## **Key findings 2020/21**

In this section, we have set out an overview of the key findings for each diversity characteristic at all four stages of the enforcement process for 2020/21 (where there was sufficient data to allow us to do this). We have included the data for 2018/19 and 2019/20 so we can highlight any emerging trends over the three years.

A more detailed analysis of the data at each stage of our processes in 2020/21 can be found later in the report and a breakdown of the practising population is in the annex.

Our key findings are similar to those found in earlier years, and relate to stages 1 and 2 in the process. We continue to see an overrepresentation of men and solicitors from Black, Asian and minority ethnic backgrounds in concerns raised with us compared to the practising population. The extent of this overrepresentation is increased for both groups when we determine which cases to take forward for investigation.

Due to the small numbers involved in stages 3 and 4, we cannot confirm with confidence if the changes seen at these stages are statistically significant, or whether they are a result of chance. The numbers are too small for statistical tests to reliably establish differences between groups. Any differences between groups at these stages should, therefore, be treated with caution.

Our work to address these key findings, and to improve our data, is set out in the next section.

## Sex

### Breakdown by sex of practising population and at stages 1-4 of our enforcement process

	Sex	2018/19	2019/20	2020/21
<b>Practising population</b>	Male	49%	48%	48%
	Female	51%	52%	52%
<b>Stage 1: Concerns reported to us</b>	Male	67%	65%	62%
	Female	33%	35%	38%
<b>Stage 2: Investigation</b>	Male	73%	75%	68%
	Female	27%	25%	32%
<b>Stage 3 (path A): Cases with an internal sanction</b>	Male	70%	73%	66%
	Female	30%	27%	34%
<b>Stage 4 (path B): Cases concluded at the SDT</b>	Male	85%	80%	73%
	Female	15%	20%	27%

For all three years, men are overrepresented in the concerns we receive (stage 1) compared to their representation in the practising population. This has reduced over the three years since we resumed our monitoring. In the first two years, men made up roughly half of the practising population, but around two thirds of the individuals named on concerns reported to us. In 2020/21, 62% of reports were about men compared to 48% of the practising population.

The overrepresentation increases at stage 2, when we decide which cases to take forward for investigation. This is the case for all three years. In 2020/21, 62% of those reported were men, compared to 68% of those investigated. 21% of men reported to us in 2020/21 were taken forward for investigation compared to 17% of women. Please note that these figures are not in the table above, but are instead calculated as a percentage of the total investigated from the total reported.

Looking at the proportion of men in cases that were upheld, compared to the proportion whose cases were investigated – for all three years the proportion is lower for cases concluded internally and higher for cases upheld at the SDT. For example, in 2020/21, 68% of those investigated were men, and 66% named on cases concluded internally and 73% of those upheld at the SDT were men.

For internal outcomes, there has been a reduction in the extent of overrepresentation for men, from around 72% men in the previous two years, to 66% in 2020/21. Similarly for outcomes at the SDT, the

proportion of men has been lower each year, from 85% in 2018/19 to 80% in 2019/20 to 73% in 2020/21.

## Ethnicity

In this section we have set out data for the White and the Black, Asian and minority ethnic groups to allow comparison across all stages. A more detailed analysis across all five ethnic groups can be seen in the section covering stages 1 and 2. The approach is not possible for stages 3 and 4 because of the small number of people involved.

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

	<b>Ethnicity</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
<b>Practising population</b>	White	82%	82%	82%
	Black, Asian and minority ethnic	18%	18%	18%
<b>Stage 1: Concerns reported to us</b>	White	74%	74%	75%
	Black, Asian and minority ethnic	26%	26%	25%
<b>Stage 2: Investigation</b>	White	68%	65%	67%
	Black, Asian and minority ethnic	32%	35%	33%
<b>Stage 3 (path A): Cases with an internal sanction</b>	White	65%	71%	64%
	Black, Asian and minority ethnic	35%	29%	36%
<b>Stage 4 (path B): Cases concluded at the SDT</b>	White	65%	72%	66%
	Black, Asian and minority ethnic	35%	28%	34%

For all three years, people from a Black, Asian and minority ethnic origin are overrepresented in the concerns we receive (stage 1) compared to their representation in the practising population. The extent of this overrepresentation has fallen slightly in 2020/21. Black, Asian and minority ethnic people make up 18% of the practising population (for all three years) and 25% of reports received in 2020/21 (down from 26% in 2018/19 and 2019/20).

This overrepresentation increases at stage 2, when we decide which cases to take forward for investigation. This is the pattern seen for all three years, although the extent of the overrepresentation fell slightly in 2020/21, with this group making up 25% of those reported to us and 33% of those taken forward for investigation in 2020/21.

26% of reports received about Black, Asian and minority people were taken forward for investigation compared to 17% of White people. Both

Asian and Black groups are overrepresented in reports received, and the rate at which they are taken forward for investigation is similar (27% for the Asian group and 26% for the Black group). Please note that these figures are not in the table above, but are instead calculated as a percentage of the total investigated from the total reported.

Looking at the proportion of Black, Asian and minority ethnic people in cases that were upheld, compared to the proportion whose cases were investigated, the proportion is higher in 20218/19 and 2020/21 for both cases concluded internally and for cases concluded at the SDT. This group makes up 33% of those investigated in 2020/21, 36% of internal cases concluded and 34% of cases concluded at the SDT. The position in 2019/20 was different, where the proportion of Black, Asian and minority ethnic people in both internal and SDT outcomes was lower than at the investigation stage.

## Age

Because of low numbers, we have combined the two youngest age groups, showing data at each stage for people aged 16 to 34.

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

	Age	2018/19	2019/20	2020/21
<b>Practising population</b>	16-34	25%	24%	24%
	35-44	32%	33%	33%
	45-54	24%	24%	24%
	55-64	14%	14%	14%
	65+	12%	12%	14%
	16-34	12%	12%	14%
<b>Stage 1: Concerns reported to us</b>	35-44	26%	27%	26%
	45-54	30%	28%	28%
	55-64	22%	22%	21%
	65+	10%	10%	11%
	16-34	12%	12%	14%

	16-34	11%	11%	10%
	35-44	26%	29%	25%
<b>Stage 2: Investigation</b>	45-54	30%	28%	29%
	55-64	23%	22%	23%
	65+	10%	9%	12%
	16-34	13%	14%	19%
	35-44	25%	28%	26%
<b>Stage 3 (path A): Cases with an internal sanction</b>	45-54	27%	24%	25%
	55-64	22%	20%	18%
	65+	13%	14%	13%
	16-34	9%	5%	7%
	35-44	27%	25%	19%
<b>Stage 4 (path B): Cases concluded at the SDT</b>	45-54	31%	30%	31%
	55-64	20%	25%	28%
	65+	13%	16%	14%

Please note, the numbers may not add up to 100% due to rounding.

For all three years, there is underrepresentation of the two younger age categories (people who are aged 44 and under) in concerns reported to us compared with their representation in 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, the patterns are similar over all three years. In 2020/21, the rate at which people were taken forward for investigation increases with age, for example 15% of those reported aged 16-34 were investigated and 23% of those aged 65+. Please note that these figures are not in the table above, but are instead calculated as a percentage of the total investigated from the total reported.

It is difficult to identify any clear patterns in the cases concluded internally or at the SDT over the three years due to the small numbers



involved.

## Disability

Because of the very small numbers involved, there are limitations in what we can report – the table is marked with an asterisk where the numbers are too small to report for that year.

### Disability recorded among practising population and in our enforcement process

	Disability	2018/19	2019/20	2020/21
<b>Practising population</b>	No disability recorded	99%	99%	99%
	Disability recorded	1%	1%	1%
<b>Stage 1: Concerns reported to us</b>	No disability recorded	99%	99%	99%
	Disability recorded	1%	1%	1%
<b>Stage 2: Investigation</b>	No disability recorded	98%	98%	97%
	Disability recorded	2%	2%	3%
<b>Stage 3 (path A): Cases with an internal sanction</b>	No disability recorded	*	*	97%
	Disability recorded	*	*	3%
<b>Stage 4 (path B): Cases concluded at the SDT</b>	No disability recorded	*	95%	*
	Disability recorded	*	5%	*

Although the numbers are too small to draw any firm conclusions, there is an overrepresentation of disabled people in reports made to us while the percentage of reports taken forward remains the same as the percentage received. In 2020/21, 20% of disabled people reported to us were taken forward for investigation.

### [Further work and research](#)

Since the publication of our 2018/19 report in December 2020, the findings of which have been similar in subsequent years, we have made progress in our work to better understand why we see overrepresentation of some groups in our enforcement processes.

The table below sets out what we are doing to address the issues raised.

### **Our commitment**

We will commission independent research into the factors that drive the reporting of concerns about Black, Asian and minority ethnic solicitors to us, to identify what we can do about this and where we can work with others to make a difference.

### **Action we have taken**

We started a joint procurement process for this research in 2021, and for the research into the attainment gap for Black, Asian and minority ethnic solicitors in legal qualification outcomes. In December 2021 we appointed Exeter University to undertake the attainment gap work and after retendering the overrepresentation research, we have appointed a consortium involving the universities of York, Lancaster and Cardiff to take forward this research. We are establishing a group of external stakeholders to support this work. Its role will be to help to shape the research and provide expertise and insight to support the researchers through the life of the project.

### **Our commitment**

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.

### **Action we have taken**

We linked the research referred to above to this separate review of decision making in our assessment and early resolution process and the research partner identified for the research will also undertake this review.

Our in-house, arms-length quality assurance team has now been established and has started to develop and pilot its approach to quality assurance, adding value to our existing quality assurance arrangements.

### **Our commitment**

We will work to increase the number of individuals who disclose information concerning their diversity characteristics to us.

### **Action we have taken**

We updated the diversity questions on our systems for solicitors, and in May 2021, launched phase one of a communications campaign to

encourage individuals to review and update their diversity data. We saw a good initial response rate for some characteristics at the conclusion of phase one of this campaign, but there is more to do.

We are focusing now on how to encourage people to provide their diversity information when they first enter the profession. Over the past few years, we have seen a falling number of newly enrolled solicitors provide their diversity data to us, following our move to an online admissions process.

In relation to the diversity characteristics referred to in this report:

- the age data has remained at 100% because solicitors are required to provide us their date of birth
- there has been rise of one percentage point in declarations of ethnicity, to 74%
- those declaring a disability has risen slightly (by less than one percentage point), and currently stand at 1%
- there has been a fall by two percentage points in the declarations of sex, to 81%. This is because we moved this question to the diversity data section, rather than including it into the basic details requested when someone joins the profession.

## **Our commitment**

We will evaluate the changes we have made through our regulatory reform programme, with understanding the impacts on EDI forming a key part of the work.

## **Action we have taken**

We have a programme of work to evaluate the impact of our new Enforcement Strategy and new Standards and Regulations introduced in November 2019. Our [Year one evaluation of our Standards and Regulations](https://jobs.sra.org.uk/sra/research-publications/year-one-evaluation-standards-regulations/) [https://jobs.sra.org.uk/sra/research-publications/year-one-evaluation-standards-regulations/] was published in December 2021 and the work is ongoing.

## **Our commitment**

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.

## **Action we have taken**

A review of our [EDI work in 2020/21](https://jobs.sra.org.uk/sra/research-publications/edi-work-2020-21/) [https://jobs.sra.org.uk/sra/research-publications/edi-work-2020-21/] was published in March 2022, including our work to support small firm compliance, through a series of targeted

workshops and resources. We have also published information about our EDI priorities for 2022/23, from our Board meetings in February 2022 ([Next steps for our work on diversity in the profession](https://jobs.sra.org.uk/globalassets/documents/sra/board-meetings/2022/sra-board-item---next-steps-in-our-edi-work.pdf?version=49398c) [<https://jobs.sra.org.uk/globalassets/documents/sra/board-meetings/2022/sra-board-item---next-steps-in-our-edi-work.pdf?version=49398c>]) and March 2022 ([Our EDI workplan](https://jobs.sra.org.uk/globalassets/documents/sra/board-meetings/2022/annex-1---edi-workplan-2022.pdf?version=496509) [<https://jobs.sra.org.uk/globalassets/documents/sra/board-meetings/2022/annex-1---edi-workplan-2022.pdf?version=496509>]).

## **Diversity profile: Stages 1 and 2**

This section covers the profile of 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. We focus on the data for 2020/21 in this section - any meaningful changes over the past two years at stages 1 and 2 are highlighted in the Key Findings section above.



### **About the data**

In 2020/21, 10,358 concerns were reported to us. Of these, 5,862 (57%) named one or more individuals. We counted an individual each time they appeared on a concern reported to us, so some individuals may be reported more than once. The analysis in this section is based on the 6,803 individuals named on these concerns. Because our focus is on the diversity breakdown of individuals in our enforcement processes, concerns relating to firms have been excluded.

Of the 6,803 individuals named on the concerns we received (stage 1), 1,357 individuals were taken forward for investigation (stage 2) - this is a

rate of 20%.

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

- the practising population
- stage 1 – individuals named on concerns reported to us in 2020/21
- stage 2 – individuals named on those 2020/21 concerns which we took forward for investigation.

## Our findings

### Sex

There is an overrepresentation in the proportion of men named on the concerns we receive (62%) when compared with their representation in the practising population (48%). This increases when we look at the individuals taken forward for investigation, where 68% are men. The rate at which women are taken forward for investigation is 17% (393 women investigated out of 2,365 reported) compared to 21% for men (820 men investigated out of 3,913 reported).

### Stages 1 and 2 -breakdown by sex<sup>4</sup> [\[#n4\]](#)

	Male	Female
<b>Practising population</b>	48%	52%
<b>Stage 1: Concerns reported to us</b>	62%	38%
<b>Stage 2: Investigation</b>	68%	32%

The proportions in the table are based on the following data:

- Practising population – sex was known for 148,939 of the 162,955 practising population (91%) as of 1 November 2021.
- Stage 1 – sex was known for 6,278 of the 6,803 individuals named on concerns we received (92%).
- Stage 2 – sex was known for 1,213 of the 1,357 individuals who were taken forward for investigation (89%).

### Ethnicity

The number of individuals counted at stages 1 and 2 of the process is large enough for us to show all five ethnic groups separately. This is not the case for stages 3 and 4 where the numbers are too small, so we have also shown the total for the Black, Asian and minority ethnic groups in the table below, to allow for comparison across all stages of our processes.

Looking at the Black, Asian and minority ethnic group as a whole, there is overrepresentation of individuals from these groups reported to us (25%) and taken forward for investigation (33%) compared to their representation in the practising population (18%). The patterns for the Asian and Black groups are similar although the size of the two groups differ:

- 12% of the practising population is Asian, but 18% of individuals named on concerns reported to us and 25% of those taken forward for investigation are Asian.
- 3% of the practising population is Black, but 4% of individuals named on concerns reported to us and 5% of those taken forward for investigation are Black.

The opposite is true for the White group. There is an underrepresentation of White individuals named on concerns reported to us (75%) compared with the practising population (82%). This decreases when looking at White individuals named on concerns taken forward for investigation (67%).

The rate at which Asian people are taken forward for investigation is 27% (265 investigated out of 984 reported), for Black people it is 26% (59 investigated out of 231 reported) and overall for Black, Asian and minority ethnic groups it is 26% (356 investigated out of 1,376 reported). This is higher than the White group, which is 17%, (722 investigated out of 4,138 reported).

## Stages 1 and 2 - ethnicity breakdown

	White	Asian	Black	Mixed	Other
	Black, Asian and minority ethnic				
<b>Practising population</b>	82%	12%	3%	2%	2%
		<b>18%</b>			
<b>Stage 1: Concerns reported to us</b>	75%	18%	4%	1%	1%
		<b>25%</b>			
<b>Stage 2: Investigation</b>	67%	25%	5%	1%	2%
		<b>33%</b>			

Please note, the numbers may not add up to 100% due to rounding.

The proportions in the table are based on the following data:

- Practising population - ethnicity was known for 121,301 of the 162,955 practising population (74%) as of 1 November 2021.
- Stage 1 - ethnicity was known for 5,514 of the 6,803 individuals named on the concerns we received (81%).



- Stage 2 - ethnicity was known for 1,078 of the 1,357 individuals who were taken forward for investigation (79%).

## Age

Because the number of individuals aged 16 to 25 was too small to show separately, they have been grouped with the 25 to 34 age bracket. People in this age category (16-34) are underrepresented in the concerns reported to us (14%) compared with their proportion of the practising population (24%). This pattern is also seen for those in the 35 to 44 age category, but to a lesser extent. This group makes up 33% of the practising population and 26% of reports to us.

The opposite is true for those in the older age categories, who are overrepresented in reports compared with the practising population. The most marked difference is for those aged 65+, who make up 11% of reports, but only 5% of the practising population and those aged 55 to 65 who make up 21% of reports and 14% of the practising population.

The proportion of people reported and the proportion investigated is similar for the older age categories (35+). For the younger group (16-34) there is a more of a difference - they make up 14% of the reports received and 10% of those taken forward for investigation.

The rate at which people are taken forward for investigation increases with age:

- 16-34 - 15% (137 investigated out of 911 reported)
- 35-44 - 19% (335 out of 1,766)
- 45-54 - 20% (386 out of 1,915)
- 55-64 - 21% (304 out of 1,420)
- 65+ - 23% (162 out of 717).

## Stages 1 and 2 - age breakdown

	<b>16-34</b>	<b>35-44</b>	<b>45-54</b>	<b>55-64</b>	<b>65+</b>
<b>Practising population</b>	24%	33%	24%	14%	5%
<b>Stage 1: Concerns reported to us</b>	14%	26%	28%	21%	11%
<b>Stage 2: Investigation</b>	10%	25%	29%	23%	12%

Please note, the numbers may not add up to 100% due to rounding.

The proportions in the table are based on the following:

- Practising population - age was known for 162,874 of the 162,955 practising population (100% or 99.95%) as of 1 November 2021.
- Stage 1 - age was known for 6,729 of the 6,803 individuals named on the concerns we received (99%).

- Stage 2 – age was known for 1,324 of the 1,357 individuals who were taken forward for investigation (98%).

## Disability

We are not able to draw any reliable conclusions in relation to disability because the numbers are so small.

We have published the breakdown at stages 1 and 2 for completeness, which shows an overrepresentation of disabled individuals named on concerns we received (3%) and taken forward for investigation (3%), compared with the practising population (1%).

The rate at which disabled people are taken forward for investigation is 20.4% (37 investigated out of 181 reported), which is very similar to the rate for the practicing population of 19.9% (1357 investigated out of 6803).

### Stages 1 and 2: Disability recorded

	No disability recorded	Disability recorded
<b>Practising population</b>	99%	1%
<b>Stage 1: Concerns reported to us</b>	97%	3%
<b>Stage 2: Investigation</b>	97%	3%

The proportions in the table are based on the following data:

- Practising population – of the 162,995 individuals in the practising population, 2,293 are (1.4%) are recorded as disabled as of 1 November 2021.
- Stage 1 – of the 6,803 individuals named on the concerns received, 181 (2.7%) are recorded as disabled.
- Stage 2 – of the 1,357 individuals taken forward for investigation, 37 (2.7%) are recorded as disabled.

### [Diversity profile: Path A - stages 1, 2 and 3](#)

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





Our analysis in this report is based on enforcement activity within a given year, so although there may be some overlap between the individuals involved in stages 1 and 2 and those involved in stage 3 in it is unlikely to be significant. Many of the cases concluded with an internal sanction (stage 3) in 2020/21, will have been received in the previous year.

We focus on the data for 2020/21 in this section - any meaningful changes over the past two years at stage 3 are highlighted in the Key Findings section above.

## About the data

It should be noted that the data in this section covers sanctions we can impose and outcomes reflected in regulatory settlement agreements (RSAs) made in 2020/21 [51](#).

There were 268 investigations in 2020/21 which resulted in us taking internal enforcement action and issuing a sanction. Of these, 218 cases concerned one or more individuals, and 258 individuals were named on these cases.

There are two tables for each diversity characteristic in this section. The first shows the profile of the individuals at each of the following stages:

- Stage 1 - individuals named on concerns reported to us for the 2020/21 year
- Stage 2 - individuals named on those 2020/21 concerns which we took forward for investigation
- Stage 3 - individuals named on cases that resulted in an SRA sanction for 2020/21.

The second table shows the diversity breakdown of individuals by the type of outcome (or sanction) imposed. Some individuals may have more than one outcome, and will therefore appear more than once in the analysis. For this reason the numbers in the first table will not be the same as those in the second table. It should also be noted that the outcomes data includes letters of advice, findings and warnings, rebukes and fines, but excludes decisions to intervene, decisions to refer a case to the SDT, or cases where an individual agreed to be removed from the

roll of solicitors through an RSA, as these decisions take the outcome outside the scope of path A for the purpose of this analysis.

### Limits in the data we can report

The internal decisions we make are generally published and, because the numbers are small at this stage, to report in greater detail would risk revealing someone's identity. As a result, 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 at all.
- We have not been able to report separately on the groups making up the Black, Asian and minority ethnic category.
- We have grouped together the 16-24 and 25-34 age categories.
- We have excluded some outcomes from the analysis - 12 conditions placed on practising certificates and 5 section 99 orders<sup>6</sup>. We have also excluded 66 section 43 orders, because this type of sanction is applied to non-lawyers working in the law firms and businesses we regulate, and we do not hold diversity data for these individuals, as we do for the practising population.
- We have presented the outcome types in two groups, the more serious sanctions (rebukes and fines) and the less serious sanctions (letters of advice and findings and warnings).

### Limits on the conclusions we can draw

Because of the low numbers involved at stage 3 (258 individuals), we cannot confirm with confidence whether the findings in this section are statistically significant, or a result of chance. Any differences between groups should, therefore, be treated with caution. And as percentage breakdowns can be misleading with small groups, we have also provided the numbers of individuals involved.

## Our findings

### Sex

Although it is difficult to draw meaningful conclusions because the numbers involved at this stage are small, the data shows there is little difference in the proportion of men and women named on investigations (stage 2) and named on cases that resulted in an internal sanction (stage 3). At each of these stages, the proportion is roughly two-thirds men and one-third women.

	Male	Female
<b>Stage 1: Concerns reported to us</b>	62% (3,913)	38% (2,365)
<b>Stage 2: Investigation</b>	68% (820)	32% (393)

**Stage 3 (path A): Cases with an internal sanction** 66% (105) 34% (55)

Of the 258 individuals named on cases with an internal sanction at stage 3, sex was known for 160 (62%).

**Outcomes - sex**

The breakdown by sex of individuals given one of the more serious sanctions (a rebuke or fine) is the same as the overall breakdown of those named at stage 3 - with two-thirds men to one-third women. For the less serious sanctions, the difference is slightly less pronounced - 61% of rebukes or fines were imposed on men and 39% on women.

**Path A: Outcome types - breakdown by sex**

	<b>Male</b>	<b>Female</b>
<b>Stage 3 (path A): Cases with an internal sanction</b>	66% (105)	34% (55)
<b>Letter of advice or finding and warning</b>	61% (31)	39% (20)
<b>Rebuke or fine</b>	66% (49)	34% (25)

Sex was known for:

- 51 of 60 letters of advice or findings and warnings (85%)
- 74 of 91 rebukes and fines (81%).

**Ethnicity**

Although it is difficult to draw meaningful conclusions because the numbers involved at this stage are small, the proportion of Black, Asian and minority ethnic individuals named on cases at stage 3 (36%) is higher than those represented at stage 2 (33%). For White individuals, the proportion of those named on cases at stage 3 (64%) is lower than those represented at stage 2 (67%).

**Path A: Stages 1, 2 and 3 - ethnicity breakdown**

	<b>White</b>	<b>Black, Asian and minority ethnic</b>
<b>Stage 1: Concerns reported to us</b>	75% (4,138)	25% (1,376)
<b>Stage 2: Investigation</b>	67% (722)	33% (356)



**Stage 3 (path A): Cases with an internal sanction** 64% (90) 36% (51)

Of the 258 individuals named on cases with an internal sanction at stage 3, ethnicity was known for 141 (55%).

**Outcomes - ethnicity**

Compared to the overall breakdown of Black, Asian and minority ethnic individuals named at stage 3 (36%), there is a slightly higher proportion in the less serious outcomes (letters of advice or findings and warnings), at 38%, and a slightly lower proportion in the more serious sanction types (rebukes or fines), at 32%.

**Path A: Outcome types - ethnicity breakdown**

	White	Black, Asian and minority ethnic
<b>Stage 3 (path A): Cases with an internal sanction</b>	64% (90)	36% (51)
<b>Letter of advice or finding and warning</b>	62% (28)	38% (17)
<b>Rebuke or fine</b>	68% (45)	32% (21)

Ethnicity was known for:

- 45 of 60 letters of advice and findings and warnings (75%)
- 66 of 91 rebukes and fines (73%).

**Age**

Although it is difficult to draw meaningful conclusions because the numbers involved at this stage are small, there are some differences across the age groups. For the youngest group (16-34) there is an increase in the proportion of individuals named on cases concluded with an internal sanction at stage 3 (19%), compared to those investigated as stage 2 (10%). For the next youngest group (35-44) and the oldest group (65+), the percentages are broadly proportionate between stages 2 and 3. And for the middle ranges (45-54 and 55-64) there is a decrease in the proportions at stage 3 compared to stage 2.

**Path A: Stages 1, 2 and 3 - age breakdown**

	16-34	35-44	45-54	55-64	65+
<b>Stage 1: Concerns reported to us</b>	14% (911)	26% (1,766)	28% (1,915)	21% (1,420)	11% (717)

<b>Stage 2: Investigation</b>	10% (137)	25% (335)	29% (386)	23% (304)	12% (162)
<b>Stage 3: Cases with an internal sanction</b>	19% (44)	26% (60)	25% (58)	18% (43)	13% (30)

Of the 258 individuals named on cases with an internal sanction, age was known for 235 individuals (91%).

### 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 meaningful conclusions from the findings. Because of the very small numbers involved, there are limitations in what we can report - we cannot report the numbers of people who received a letter of advice or finding and warning for this category.

### Path A: Outcome types - age breakdown

	<b>16-34</b>	<b>35-44</b>	<b>45-54</b>	<b>55-64</b>	<b>65+</b>
<b>Stage 3: Cases with an internal sanction</b>	19% (44)	26% (60)	25% (58)	18% (43)	13% (30)
<b>Rebuke or fine</b>	13% (11)	33% (29)	24% (21)	16% (14)	15% (13)

Age was known for:

- 58 of 60 individuals who received a letter of advice and/or a finding and warning (97%)
- 88 of 91 individuals who had a rebuke and/or fine (97%).

### [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 that 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.



Our analysis in this report is based on enforcement activity within a given year. It is very unlikely there will be any overlap between the individuals involved in stages 1 and 2 and those involved in stage 4. This is because it usually takes longer than a year to investigate, refer, and conclude a matter at the SDT.

We focus on the data for 2020/21 in this section - any meaningful changes over the past two years at stage 4 are highlighted in the Key Findings section above.

### **About the data**

It should be noted that the data in this section includes cases that are concluded by a decision made by the SDT (usually following a contested hearing) and those concluded by an agreed outcome. These are agreements to settle a case reached between us and the individual, which are approved by the SDT. We have looked at the diversity breakdown of those whose cases are concluded through an agreed outcome in the next section.

There were 101 cases concluded at the SDT, which involved 110 individuals and resulted in 115 outcomes in 2020/21. The analysis in this section is based on these 110 individuals. Because our focus is on the diversity breakdown of individuals in our enforcement processes, cases relating to firms have been excluded.

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

- stage 1 - individuals named on reports made to us for the 2020/21 year
- stage 2 - individuals named on those 2020/21 reports that we took forward for investigation
- stage 4 - individuals named on cases concluded at the SDT in 2020/21.

The second table shows the diversity breakdown of individuals by the type of outcome (or sanction) imposed by the SDT. Individuals may receive more than one outcome.

## Limits in the data we can report

The outcome of cases concluded at the SDT are generally published and because the numbers are small at this stage, to report in greater detail would risk revealing someone's identity. As a result, 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 at all.
- We have not been able to report separately on the groups making up the Black, Asian and minority ethnic category.
- We have grouped together the 16-24 and 25-34 age categories.
- We have excluded some outcomes from the analysis - 12 suspensions, 9 other orders and 6 cases where there were no orders.
- We are not able to report any outcomes by age, only fines by sex, and the strike off decisions for ethnicity and sex.

## Limits on the conclusions we can draw

Because of the low numbers involved at stage 4 (110 individuals), we cannot confirm with confidence whether the findings in this section are statistically significant, or a result of chance. Any differences between groups should, therefore, be treated with caution. And as percentage breakdowns can be misleading with small groups, we have also provided the numbers of individuals involved.

## Our findings

### Sex

Although it is difficult to draw meaningful conclusions because the numbers involved at this stage are small, there is an overrepresentation of men and an underrepresentation of women named on cases concluded at the SDT, compared with those named on reports taken forward for an investigation. The proportion of men grows, from 68% to 73%, and the proportion of women decreases, from 32% to 27%.

### Path B: Stages 1, 2 and 4 - breakdown by sex

	Male	Female
<b>Stage 1: Concerns reported to us</b>	62% (3,913)	38% (2,365)
<b>Stage 2: Investigation</b>	68% (820)	32% (393)
<b>Stage 4 (path B): Cases concluded at SDT</b>	73% (75)	27% (28)

Sex was known for 103 of the 110 individuals named on cases concluded at the SDT (94%).

## SDT outcomes - sex

The proportion of men who are struck off (65%), is closer to the proportion of men who are reported to us (62%). This is much lower than the 73% of men who are named on cases at the SDT. Because of the very small numbers involved, there are limitations in what we can report – we cannot report the numbers of people who received a fine for this category.

### Path B: Outcome types -breakdown by sex

	Male	Female
<b>Stage 4 (path B): Cases concluded at SDT</b>	73% (75)	27% (28)
<b>Strike off</b>	65% (34)	35% (18)

Sex was known for 52 of the 52 individuals (100%) who were struck off.

## Ethnicity

Although it is difficult to draw meaningful conclusions because the numbers involved at this stage are small, the ethnic breakdown of individuals named on cases concluded at the SDT is proportionate to the breakdown at the investigation stage. 67% of individuals at the investigation stage are White and 66% at the SDT stage.

### Path B: Stages 1, 2 and 4 - ethnicity breakdown

	White	Black, Asian and minority ethnic
<b>Stage 1: Concerns reported to us</b>	75% (4,138)	25% (1,376)
<b>Stage 2: Investigation</b>	67% (722)	33% (356)
<b>Stage 4 (path B): Cases concluded at SDT</b>	66% (59)	34% (31)

Ethnicity was known for 90 of the 110 individuals named on cases concluded at the SDT (82%).

## SDT outcomes - ethnicity

The position is similar to the patterns seen for internal outcomes in the previous section. Compared to the overall breakdown of Black, Asian and minority ethnic individuals named at stage 4 (34%), there is a higher proportion in the less serious outcome (fines) at 40%, and a lower proportion in the more serious outcome (strike off) at 30%.



## Path B: Outcome types - ethnicity breakdown

	White	Black, Asian and minority ethnic
<b>Stage 4 (path B): Cases concluded at SDT</b>	66% (59)	34% (31)
<b>Fine</b>	60% (18)	40% (12)
<b>Strike off</b>	70% (31)	30% (13)

Ethnicity was known for 30 of the 31 individuals who were given a fine (97%) and 44 of 52 individuals who were struck off (85%).

## Age

Although it is difficult to draw meaningful conclusions because the numbers involved at this stage are small, for the two younger groups (16-34 and 35-44) there is a decrease in the proportion of individuals named on cases concluded at the SDT (7% and 19% respectively), compared to those investigated at stage 2 (10% and 25% respectively). The opposite is true for the older groups, where there is an increase at stage 4 compared to stage 2. This is most significant for the 55-64 group, which make up 23% at the investigation stage and 28% of the SDT outcomes.

## Path B: Stages 1, 2 and 4 - age breakdown

	16-34	35-44	45-54	55-64	65+
<b>Stage 1: Concerns reported to us</b>	14% (911)	26% (1,766)	28% (1,915)	21% (1,420)	11% (717)
<b>Stage 2: Investigation</b>	10% (137)	25% (335)	29% (386)	23% (304)	12% (162)
<b>Stage 4 (path B): Cases concluded at SDT</b>	7% (8)	19% (21)	31% (34)	28% (31)	14% (15)

Please note the numbers do not add up to 100%, due to rounding.

Age was known for 109 of the 110 individuals named on cases concluded at the SDT (99%). Because of the very small numbers involved, there are limitations in what we can report - we cannot report the outcomes for this category.

## [Diversity profile: Agreed outcomes](#)

Agreed outcomes are agreements to settle a case reached between us and the individual accused of misconduct (the respondent) which are approved by the SDT. The SDT rules allow either us or the respondent to

propose that a case should be resolved by way of an agreed outcome. This is encouraging more cases to be resolved this way. It can provide a proportionate and cost-effective way to conclude a matter.

The tables in this section compare the diversity breakdown of those individuals whose case was concluded by agreed outcome and those whose case was concluded by a hearing. Of the 101 cases concluded at the SDT in 2020/21, 40 were resolved by agreed outcome involving 41 individuals and 61 cases were concluded following a hearing, involving 69 individuals.

## **Limits in the data we can report**

The outcome of cases concluded at the SDT, including through agreed outcomes, are generally published and because the numbers are small at this stage, to report in greater detail would risk revealing someone's identity. As a result, 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 at all.
- We have not been able to report separately on the groups making up the Black, Asian and minority ethnic category.
- We have grouped together the three youngest age groups covering those aged 16 to 44.

## **Limits on the conclusions we can draw**

Because of the low numbers involved in agreed outcomes (41 individuals), we cannot confirm with confidence whether the findings in this section are statistically significant, or a result of chance. Any differences between groups should, therefore, be treated with caution. And as percentage breakdowns can be misleading with small groups, we have also provided the numbers of individuals involved. For this reason, we have not been able to draw any meaningful conclusions based on the changes to this data over the past two years.

## **Sex**

Although it is difficult to draw meaningful conclusions because the numbers involved at this stage are small, there is a higher percentage of women named on cases concluded by way of an agreed outcome (31% made up of 12 individuals) compared with those concluded by a hearing (25% made up of 16 individuals).

## **Agreed outcomes - breakdown by sex**

	<b>Male</b>	<b>Female</b>
<b>Cases concluded by SDT hearing 20/21</b>	75% (48)	25% (16)

## Cases concluded by SDT agreed outcome 20/21 69% (27) 31% (12)

Sex was known for 39 of 41 individuals named on cases concluded at the SDT by way of an agreed outcome (95%). It was known for 64 of the 69 individuals where a case was concluded by an SDT hearing (93%). A higher proportion of women resolved their referral to the SDT by way of an agreed outcome – 43% of women compared to 36% of men.

## Ethnicity

Although it is difficult to draw meaningful conclusions because the numbers involved at this stage are small, there is a smaller proportion of Black, Asian and minority ethnic individuals named on cases concluded by way of an agreed outcome (24% made up of eight individuals) when compared with those concluded by a hearing (40% made up of 23 individuals).

## Agreed outcomes - ethnicity breakdown

	White	Black, Asian and minority ethnic
<b>Cases concluded by SDT hearing 20/21</b>	60% (34)	40% (23)
<b>Cases concluded by SDT agreed outcome 20/21</b>	76% (25)	24% (8)

Ethnicity was known for 33 of the 41 individuals named on cases concluded at the SDT by way of an agreed outcome (80%). It was known for 57 of the 69 individuals where a case was concluded by an SDT hearing (83%).

## Age

Although it is difficult to draw meaningful conclusions because the numbers involved at this stage are small, there is a smaller proportion of individuals aged 45-54 and 55-64 named on cases resolved by way of an agreed outcome when compared with those concluded by a hearing. The opposite is true for individuals aged 65+, and the 25-44 age group, where there is a larger proportion of individuals whose cases were resolved by an agreed outcome.

## Agreed outcomes - age breakdown

	25-44	45-54	55-64	65+
<b>Cases concluded by SDT hearing 20/21</b>	22% (15)	37% (25)	32% (22)	9% (6)



<b>Cases concluded by SDT agreed outcome 20/21</b>	34% (14)	22% (9)	22% (9)	22% (9)
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Age was known for all 41 individuals named on cases concluded at the SDT by way of an agreed outcome (100%). It was known for 68 of the 69 individuals where a case was concluded by an SDT hearing (99%).

## **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 2021 from data provided by individuals through their mySRA accounts. The practising population as of this date was 162,955.

As the reports and cases considered in this report are from 2020/21, this was the most appropriate data source against which to compare the diversity profile of people represented in our enforcement processes.<sup>7</sup> 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.

It should be noted, however, that not all the individuals who pass through our enforcement process will be among the practising population defined above. 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 74% (for ethnicity) to 100%<sup>8</sup> (for age). Save for data about age, diversity data is taken from individual mySRA accounts, where it is not mandatory for people to declare their diversity characteristics.

## **Sex**

The table below shows the breakdown of 148,939 of the practising population where sex was known. It represents 91% of the practising population as of 1 November 2021.

	<b>Female</b>	<b>Male</b>
<b>Practising population</b>	52%	48%

## Ethnicity

The table below shows the breakdown of 121,301 members of the practising population where ethnicity was known. It represents 74% of the practising population as of 1 November 2021.

### Practising population - ethnicity breakdown

	<b>Asian</b>	<b>Black</b>	<b>Mixed</b>	<b>Other ethnic group</b>	<b>White</b>
<b>Practising population</b>	12%	3%	2%	2%	82%
	<b>18%</b>				

Please note, the numbers do not add up to 100% due to rounding.

## Age

The table below shows the breakdown of 162,874 members of the practising population where age was known. It represents 100%<sup>9 [#n9]</sup> of the practising population as of 1 November 2021.

### Practising population - age breakdown

	<b>16-24</b>	<b>25-34</b>	<b>35-44</b>	<b>45-54</b>	<b>45-54</b>	<b>65+</b>
<b>Practising population</b>	0%	24%	33%	24%	14%	5%

## Disability

The table below shows the 2,293 practising solicitors who have declared a disability (of 162,955).

### Practising population - disability breakdown

	<b>No disability recorded</b>	<b>Disability recorded</b>
<b>Practising population</b>	99%	1%

#### [Notes](#)

1. We are no longer using the acronym 'BAME' to refer to this group.
2. Please note that we have age data for 99.95% of the practising population but this is shown as 100% due to rounding.



3. We have not always collected disability data in the way we do now, and this means that we are not able to differentiate, with certainty, between people who have actively declared they do not have a disability and those who have simply not answered the question.
4. The data used in this report is based on a self reported response to the following question 'What is your sex: male, female, other preferred description or prefer not to say'. Solicitors answering this question are not required to answer in accordance with their legal sex.
5. RSAs are used when an individual accepts responsibility for some or all of the allegations investigated and the outcome is agreed between us and the individual.
6. Section 99 orders relate to disqualifying non-authorized people from being employees in legal services or preventing them from taking up certain positions such as Head of Finance and Administration of Head of Legal Practice.
7. 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.
8. Please note that we have age data for 99.95% of the practising population but this is shown as 100% due to rounding.
9. Please note that we have age data for 99.95% of the practising population but this is shown as 100% due to rounding.