

Best Practice Guide to Diversity Monitoring



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Foreword

Let's start with the good news. Law firms have been ahead of the game for some time in collecting, analysing, and reporting diversity data. Across the profession, many of us are well aware of the role data can play in identifying shortfalls when it comes to DEI (diversity, equity and inclusion) and culture. But does that really mean that what gets measured gets done?

The InterLaw Diversity Forum's latest research report, *Career Progression in the Legal Sector 2021*, sponsored by the **Solicitors Regulation Authority (SRA)**, highlighted that stark disparities in compensation, job satisfaction, and job security persist for women and other diverse and socially mobile lawyers. We found that, generally speaking, the more an individual diverged from the elite-educated, straight, white male norm, the less well-paid and the less satisfied they were with their career progress. We also discovered a growing sense that firms are failing to live up to external statements on DEI, leading to frustration, mistrust, and a fear that diversity efforts are becoming 'performative' rather than substantive.

But all is not lost! We believe we have a window of opportunity to effect meaningful change and address systemic and behavioural issues that have historically held back progress around DEI and culture. To inform our approach, it is time to take a fresh look at diversity monitoring and to consider how we can realise the potential of diversity data to inform change, to determine where to prioritise resources, and to measure impact.

The InterLaw Diversity Forum has pioneered some of the most progressive approaches to diversity data collection in the legal sector. Our very first *Career Progression Report* was published in 2012. The report was unique at the time in that it covered disability, gender, sexual orientation, race, and social mobility and explored important intersections. In the ten years that followed we have used data to inform our work, including the launch of the **UK Model Diversity Survey ("UK MDS")** in 2021.

We are delighted to share our insights with you through this important guide. Although this guide was developed as a resource for Law Firm Participants in the UK MDS, we are publishing this guide more widely and free of charge to support DEI and culture across the legal profession. In addition to considering the "what" and the "how" of diversity data collection, we provide practical direction to harness diversity data analysis at each stage in the employee lifecycle in order to set goals, to drive accountability, and to inform your DEI roadmap for change.



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1. What is equal-opportunities monitoring?

Put simply, “equal-opportunities monitoring” involves the collection and statistical analysis of diversity data in order to identify gaps or concerns relating to equality of opportunity.

When using the term “diversity” throughout this guide, we are including the protected characteristics under the Equality Act, as well as socio-economic background (i.e., “social mobility”). Most of the areas we focus on here are also those monitored and collected by the **Solicitors Regulation Authority (“SRA”)**. See **Appendix 2**.

Your diversity data collection exercise should always aim to know, at a minimum:

1. Name*
2. Job Title, Role, or Position*
3. Age
4. Sex
5. Gender identity
6. Race/Ethnicity
7. Religion or belief
8. Sexual orientation
9. Disability information
10. Socio-economic background
11. Caregiver status

Diversity data is **collected and stored** by many firms as part of an employee’s personnel record, using a secure HR System*. While access to diversity information is strictly secured and limited to key (named) members of the HR team, this enables confidential but substantive internal analysis of diversity data and allows DEI or HR practitioners to track progress and challenges over time. This sensitive data must be securely held in Human Resources with clear and robust parameters around access, detailed in your privacy notice.

Diversity data should always be **reported** in an anonymised and aggregated way where it is not possible to identify an individual or their diversity characteristics through a process of reverse engineering.

Diversity data should be collected:

1. At the beginning of a recruitment cycle.
2. During the onboarding process when new Partners or employees join an organisation.
3. Annually for all employees (i.e., refreshed and update annually).

As part of your annual diversity data collection update, a communication should set out why you collect diversity data and how the data is used, and should encourage those who have not yet provided their data to do so. Trust is an important factor in increasing diversity data collection **declaration rates** (also referred to as **completion rates** or **return rates**). See **Section 4** below.

Some diversity data is treated as **special category data** under GDPR. It is therefore crucial that any diversity data collection exercise is conducted in line with GDPR and/or any relevant local data protection legislation. You should also ensure that any data collection complies with your organisation's own privacy policy.

In order to conduct a diversity or equal opportunities data monitoring exercise in the UK, you must have in place:

- A lawful basis for processing personal data under **Article 6 of GDPR**, as well as a separate condition for processing under **Article 9 of GDPR** if it is special category data. The **UK's Data Protection Act 2018** makes specific provision for the processing of personal data where it is for the purpose of equality of opportunity or treatment between different groups.
- A **Data Protection Impact Assessment**, if you consider the processing to be high risk, which considers how data will be kept secure, how long it will be stored, and who will have access to it.
- A **Privacy Notice**, setting out the lawful basis for processing the data, the purpose of collecting the data, how it will be processed and stored, and who will have access to it
- Technical security measures, including extra safeguards, to ensure the data is secure.

Analysis of this data should always be reported in an anonymised and aggregated way.

Analysis can be conducted at key stages in the employee lifecycle, for instance when:

- Comparing diversity of applicants to diversity of hires during a recruitment process.
- Reviewing performance ratings or promotion rates through a diversity lens.
- Monitoring pitch participation, work assignment, or hours billed by those in majority and minority groups.
- Assessing retention / attrition rates through a diversity lens.
- Considering the sentiment and satisfaction of those in different diverse groups.

Monitoring is a way of measuring change and identifying issues that affect colleagues and clients. As we see greater acknowledgement that systemic issues have held back diverse and socially mobile talent, analysis of diversity data can help firms pinpoint areas where systems and processes must be reviewed and improved.

*N.B. Another best practice tip is to collect diversity data as part of your employee opinion or pulse surveys. This allows you to cut the results of those survey across diverse groups to analyse for potential differences in experiences and sentiment. In contrast to advice elsewhere in this guidance, opinion or pulse surveys should be conducted anonymously. See "Employee sentiment" in **Section 5** below.*

2. Why monitor?

Once declaration rates are high enough, diversity monitoring can provide valuable data to ensure targets, plans, and strategies are data driven and evidence based. The data can then be used to evaluate progress and measure impact.

Careful analysis of diversity data provides a powerful tool to understand the current state of DEI in your organisation and to begin to identify barriers or concerns. Ways this data can be used include:

- Analysing diversity by job level and identifying representation gaps.
- Informing diversity strategies and priorities.
- Identifying diversity trends at key stages in your employee lifecycle (hiring, promotion, attrition) and identifying opportunities to address shortfalls or barriers.
- Assessing external marketing (social media, directories, industry press, speaking engagements) through a diversity lens.
- Analysing processes (work allocation, performance evaluation and assessment) through a diversity lens and identifying opportunities to address shortfalls and barriers.
- Setting diversity goals or targets, measuring progress, and reporting to management and your board.
- Conducting both equal pay and pay gap analysis beyond gender, including LGBTQ+, disability, race/ethnicity, and social mobility.
- Assessing the impact of diversity initiatives and interventions.

3. What questions and categories should I include?

We recommend that law firms base their questions and categories on the SRA's diversity data collection exercise. A copy of the **SRA Diversity Questionnaire 2023** is included in **Appendix 2**. Data collected on a named basis using the questions from the SRA Diversity Questionnaire will also allow you to complete the **UK Model Diversity Survey ("UK MDS")** as a Law Firm Participant.

4. What needs to be done before monitoring?

Whether you are commencing a diversity data collection exercise for the first time, or you wish to refresh how you use diversity data, it is important to start with a clear strategy, setting out your priorities.

- Build trust with colleagues. It's important to remember that some colleagues may feel apprehensive about sharing diversity data on your secure HR System,, so creating an environment where your people feel safe and confident to share their diversity information should be the first step in any organisation. An additional step in building trust is showing that you "walk the walk" as well as "talk the talk". It is important to show employees that the organisation is authentically and visibly dedicated to supporting DEI. DEI needs to go beyond PR and client-facing events – it should be woven into the everyday fabric of the organisation with a goal of cultural change with marked impact on outcomes for diverse and socially mobile talent.
- Providing diversity data is voluntary. We want to respect the choice of individuals who are not ready to share certain information by always providing a "Prefer not to say" option for every question. This is particularly important for LGBTQ+ and disability.
- As mentioned in Section 1, it's crucial that your approach to collecting and processing UK diversity data complies with GDPR, any local data protection legislation, as well your organisation's own privacy policy. Make sure you seek guidance and involve the right stakeholders.
- Ensure you have secure systems and processes in place to collect and process diversity information.
- Develop a communications strategy, setting out why you are collecting diversity data, who will have access to the data, and how it will be used. You should stress the importance of confidentiality and make clear that all data will be anonymised and/or aggregated when reported.
- Your communications should show how you use such reports and the targeted activities that arise from such reports in order to further build employee confidence in your organisation's diversity data monitoring. Many firms with low declaration rates fail to show employees that the data being collected is being used in any meaningful way, thus stalling improvement in declaration rates.
- Participation in the **UK MDS as a Law Firm Participant** can demonstrate to employees your commitment to transparency with clients on key DEI and culture metrics as well as a commitment to meaningful progress on those metrics by collaborating across the legal sector with clients and competitors.
- Agree a reporting cycle, being clear from the outset what you will be reporting about, and to whom.

When sending your communications about diversity monitoring to all staff, you should always:

1. Explain its purpose.
2. Demonstrate commitment from senior management.
3. Describe what will be done with the data.
4. Identify who will have access to the data.
5. Give a named contact for further information.
6. Emphasise the usefulness of taking part.
7. Share where positive change has happened as a result of monitoring.
8. Provide a link to your firm's data privacy policy.

Achieving high declaration rates depends on trust. Reassuring employees that it is safe to share diversity data can be challenging for an organisation that has not previously engaged colleagues around diversity issues.

The foundations for building trust around diversity, equity and inclusion (which in turn will improve your declaration rates) include:

1. Robust policies in relation to equality and respect, setting out a zero-tolerance approach to any form of bullying, harassment, or discrimination.
2. Clear and actively promoted reporting lines for non-inclusive behaviour, including bullying, harassment, and discrimination.
3. Holding individuals to account for violations of bullying, harassment, and discrimination policies.
4. Purposeful and impactful training on diversity, equality, and inclusion.
5. Encouraging all members of your organisation to be active allies, speaking up when they are bystanders to poor behaviour, and supporting their colleagues.
6. Clear diversity goals and objectives supported by a strategy which has board / management level support.
7. Empowered employee networks with operational support.
8. Structures to reward contributions that support meaningful progress relating to diversity, equity, and inclusion, as well as consequences for managers who fail to make such contributions.

5. Analysing diversity data through the employee lifecycle

Conducting a full diversity analysis can be a daunting prospect. Many firms review some aspects of their employee journey through a diversity lens, but the steps set out below provide a roadmap for completing a complete analysis. This section may help you to identify gaps or opportunities to enhance your approach. Analysis should be anonymised and aggregated and comply with relevant data protection regulations.

UNDERSTANDING THE STATUS QUO

Firm DEI practitioners, HR professionals, and leaders should have a clear understanding of the status quo in terms of DEI and culture in your organisation. At a very basic level, all firms should use their diversity data analysis to develop anonymised, aggregated reports which answer the following three questions.

- What is the diverse makeup of the organisation?
- Are there disparities in diverse representation, based on seniority?
- How did we get here? (As a starting point, you should review hiring, promotion, attrition, and pay through a diversity lens.)

RECRUITMENT

If you use an applicant tracking system, ensure it collects equal opportunities monitoring information and that you are able to analyse the anonymised and aggregated data across each stage in the process.

- Does the diversity in our applicant pool mirror the diversity of those we hired? If not, how did we get here?
- Does aggregated diversity data point to any disparities, trends, and potential barriers experienced by candidates from underrepresented groups?

Example: If 60% of applications received for associate roles are from women, 62% of those invited to interview are women, but only 30% associate offers are made to women, this should prompt concern around your interview process. Investigating this concern is likely to identify specific issues and potential solutions.

WORK ASSIGNMENT

It is recognised that the billable-hours model has certain drawbacks, including the risk of valuing input over output and rewarding inefficiency. This model nonetheless provides a basic means of measuring access to opportunity. Reviewing how work is allocated and/or hours billed through a diversity lens can help to identify career-limiting opportunity gaps based on location, practice group, or client team.

- When reviewing annualised hours billed by associates through a diversity lens, do you find disparities in the hours billed by women vs. men, or those in minority vs. majority groups?
- Are these gaps magnified in particular locations or practice groups?

Example: If the average number of hours billed by white associates in your corporate team in a given month is 152 hours, but the average number of hours billed by associates of colour in the same team is 120 hours, this should prompt a concern around the fairness of your work allocation system. Investigating this concern is likely to identify specific issues and potential solutions.

PERFORMANCE EVALUATION

While some firms have moved away from formal annual evaluations where performance ratings are used, these can nonetheless be an important data point and may indicate whether the evaluation and/or moderation process is affected by bias, or whether there are wider issues limiting the performance of those in certain groups.

When tracking performance ratings through a diversity lens:

- Are there disparities in average performance ratings achieved by men vs. women or minority vs. majority groups?
- Are these disparities magnified in particular locations or practice groups?

Example: In a firm using the 9-box performance / potential model, if a higher percentage of men than women are deemed 'star performers' (or 'high performance' or 'high potential'), this may point to bias in the evaluation / moderation process or wider issues such as access to stretch assignments.

PROMOTION AND SUCCESSION PLANNING

If diverse lawyers are not progressing at the same rates as their counterparts and if the diversity in your promotions fails to reflect the diversity in your talent pipeline, this should be cause for concern. It is crucial to rigorously review not only your promotion process, but also access to career-enhancing relationships and opportunities that can strengthen the business case for promotion.

- What is the diverse makeup in the pipeline?
- Does the diversity in promotions reflect the diversity in the pipeline?
- When analysing why diverse candidates did not secure promotion, are there themes or trends that may suggest barriers in the promotion process?
- Does your talent development strategy seek to address shortfalls in systems and processes, or do you rely instead on diversity talent programmes? In other words, are you focusing too heavily on 'fixing the diverse lawyer' when you really need to focus on fixing the system or fixing the culture?

ATTRITION

The great resignation has sharpened focus on lawyer attrition and led to considerable efforts to attract and retain legal professionals. But from a diversity standpoint, high attrition rates are nothing new. For instance, for many years concerns have been raised around the distinct disparity in the diversity of new trainee solicitor intakes and those retained on qualification. Higher attrition of women or diverse talent is likely to point to wider issues in your firm.

- When attrition is analysed through a diversity lens, are there spikes in attrition for particular diverse groups? Are there trends based on location or department?
- Do exit interviews provide deeper insights into areas such as access to opportunity or firm culture? Are these concerns being addressed?
- Based on these data, do we need to conduct a series of 'stay interviews' with diverse and socially mobile talent before they leave your organisation? This might enable us to identify what is going well for those groups, identify the challenges that they may face, and take steps to address the shortfalls and try to retain them.

EMPLOYEE SENTIMENT

Employee opinion surveys and pulse surveys provide an opportunity to explore a range of areas relating to inclusion, belonging, and firm culture. Unlike other diversity monitoring recommended in this guide, employee and opinions survey are conducted anonymously. Incorporating diversity coding questions into these surveys and reviewing the anonymised, aggregated responses through a diversity lens is likely to highlight areas of strength and areas of concern. See *Note 1 in Appendix 3*.

- How does diverse and socially mobile talent experience the firm?
- Are there particular trends based on location or practice group?

Example: If the response to the statement "I can be myself at work" is notably less positive from Bi colleagues than those in other sexual orientation groups, this may indicate the need to focus specifically on Bi inclusion.

6. Masking important issues: Key considerations

DISAGGREGATING ETHNICITY DATA

While for data privacy reasons there are instances where aggregating ethnic minority groups into one overall category is necessary (for instance where reporting data relating to small groups may potentially reveal an individual's sensitive data), there is a growing appreciation that the umbrella term "BAME" may not be a helpful or informative means of analysing or reporting diversity data. The term can hide failings in the representation of specific ethnic groups and fail to represent the experiences of those from different ethnic backgrounds. Where possible, firms should take tangible steps to move away from using the term BAME.

While for many firms, breaking data down into individual ethnicity categories may present data privacy concerns, or lead to challenges in analysis based on "the peril of small numbers", we recommend where possible that firms cease the use of the umbrella BAME category and break down ethnicity analysis into the groups below:

- Asian / Asian British
- Black / Black British
- Mixed / Multiple Ethnic Group
- White
- Other Ethnic Group

REVIEWING DATA THROUGH AN INTERSECTIONAL LENS

Analysing data based on a single diversity characteristic (for example, attrition rates for Black lawyers or for women lawyers) may mask intersectional concerns.

Example: The attrition rate for Black women lawyers may be far higher than the attrition rate for Black lawyers or for women lawyers. Through our research report, *Career Progression in the Legal Sector*, and the **UK Model Diversity Survey**, the InterLaw Diversity Forum has led the way in advocating for greater focus on intersectional diversity data analysis.

7. Setting diversity targets

Setting diversity goals or targets is an important step. It helps to increase focus on outcomes and drives accountability. But a “finger in the air” approach to setting targets, or following social media trends, is irresponsible. Targets must be carefully considered, following each of the data analysis steps highlighted in section 5.

- Where are we today? For instance, what is the gap in the diversity profile of our partnership and that of our associate population? What is the gap in the diversity profile of salaried partners and that of full equity partners?
- What are the historical trends in terms of partner hiring, promotion and attrition? What shortfalls are evident in our historical analysis?
- What is the diversity profile in our current associate pipeline?
- Do we provide transparent guidance on our promotion process, including criteria and timeframes? Do we believe that they are fairly applied?
- What are the projections for partner promotions between today and our target deadline? If we assume fair process and equality of opportunity, we should expect that the diversity in the pool will be reflected in the promotions.

For **whole workforce targets**, some organisations have based targets on UK census data. We recommend that careful consideration is applied before adopting this approach. For instance, while census data suggests that 14% of the UK working age population are from an ethnic minority group, in London this figure is closer to 40%. For London-based organisations, a 14% ethnic minority target for its entire workforce may fail to take account of the diversity of the local population.

For **legal sector workforce targets**, we should be looking at the talent pipeline available to our organisations. When hiring junior lawyers, for example, you should not be guided by UK-wide or even local census data, but rather by the far more relevant demographic breakdowns of law school graduates.

When developing projections, these should be based on careful analysis of available data and any targets must be supported by a clear action plan which focuses on addressing historical shortfalls and includes practical, tangible steps to ensure equity going forward.

Fundamentally, any action plan should focus on organisational shortfalls. Systems and processes must be robustly reviewed to ensure they are fair and free from bias. Mechanisms must be put in place to ensure that Partners and leaders are held accountable for their own behaviour and the culture and working environment in their team.

Firms should avoid falling into the trap of assuming diversity talent programmes in isolation will translate into diverse promotion classes.

8. Reporting and publishing diversity data

REPORTING INTERNALLY

A reporting cycle should be designed and agreed upon with all key stakeholders (for instance your HR systems analyst and Board / Management Committee). This should set out:

- The purpose of reporting diversity data (for instance, to track progress against targets). See **Section 2**.
- The audience for particular reports. It is important you use data to empower the right people to act.
- The frequency of reports. Certain reports, such as pay gap reporting, employee sentiment, or promotion analysis are likely to be produced annually, whereas there will be a strong case to report more frequently on other areas such as hiring, attrition, and work assignment.

REPORTING EXTERNALLY

SRA Requirements: All regulated firms, regardless of size, are required by the SRA to collect, report, and publish diversity data every two years. Although the SRA does not specify how firms should collect the data, they recommend that the data be collected through an HR system that allows it to be tracked to an individual to allow for analysis within each firm. Firms are required to publish a summary of their diversity data (ensuring it complies with data protection legislation). Data should be made available both internally and externally (for instance, via a firm website). The SRA use information supplied by firms to collate sector-wide data. SRA data is often used to facilitate and support research and analysis by others. *N.B. Collecting diversity headcount data via the SRA's anonymous stand-alone survey is not recommended as it takes away your ability to engage in the meaningful and effective analysis of that data (for instance, by reviewing promotion or attrition trends through a diversity lens) as described in this guide.*

The UK Model Diversity Survey (UK MDS): The UK MDS is a supplier diversity questionnaire which law firms and legal service suppliers complete annually for their corporate and financial institution clients. The objectives include:

- Enabling major purchasers of legal services to drive progress around diversity in their panel firms;
- Providing firms a solution to the resource-intensive process of reporting diversity data in multiple ways to multiple clients;
- Providing a robust and consistent method of diversity data collection for in-house teams;
- Driving greater accountability in firms by making aggregated diversity data relating to hiring, promotion, attrition, and pay available to their clients; and
- Providing intersectional data – which has until now been unavailable to clients.

In order to participate in the UK MDS, firms are nominated by their corporate and financial institution clients. Clients are encouraged to use the UK MDS as their **only diversity data collection exercise** for their panel firms, thus reducing the burden on firms to respond to multiple requests from multiple clients. Firms are encouraged to incorporate their UK MDS data into their internal, board-level reporting cycle to ensure that data received by clients and firm leaders is consistent.

DO



- Ensure all reporting is anonymised, aggregated, and complies with GDPR and local data protection requirements.
- Provide data in a simple, legible manner with narrative setting out what the numbers are telling us.
- Analyse data over time. Is this an anomaly, or is it a trend?
- Incorporate concrete steps to address shortfalls. If your analysis highlights concerns, what are the steps and actions the firm must take to address these concerns – and who is responsible?
- Use the **UK Model Diversity Survey** to engage your Board and Leadership team around specific diversity issues. Examples include the diversity profile of your most important Client Relationship Partners or the diversity profiles of the highest and lowest remunerated partners.
- Consider adopting diversity scorecards for each office / department. This will help you to drill deeper into the data and better understand concerns. For instance, can a spike in women partner attrition be pinpointed to a particular department? If so, what is happening in that department to prompt these departures?
- Be open and transparent. Celebrate successes, but also be open about challenges and priorities. This is key to building trust.

DO NOT



- Only focus on good news, or paper over issues. It is important that you understand and acknowledge uncomfortable realities in order to pave the way for change.
- Present data in a way that could inadvertently reveal sensitive data relating to an individual.
- Limit partner diversity reporting to 'all partners'. The distinction between equity and non-equity partner matters and diversity analysis and reporting should cover both groups.

Appendix 1: Background on diversity categories

Age

Approximately 31% of the working age population in the UK is over the age of 50. The SRA reports 13% of employees in the legal sector is aged 55-64 years old. In large law firms they represent only 7%.

The UK Government published *Future of an Ageing Population* that identifies a range of adaptations and approaches to overcoming barriers to working longer and enhancing productivity in the ageing workforce, including addressing negative attitudes, health needs, workplace design, technology and adaptations in HR policies and working practices.

To improve employment opportunities for under-represented age groups, the **Office of National Statistics** recommends requesting a date of birth then assessing accumulated data in age brackets according to standard census classification as follows (please note we have replaced '<16' with '0-15' and '65' with '65+')

- [0-15]
- 16-24
- 25-29
- 30-34
- 35-39
- 40-44
- 45-49
- 50-54
- 55-59
- 60-65
- 65+

Disability

According to a **parliamentary report**, only 52.3% of people of working age (16-65) with disabilities were employed in 2021, compared to 81.1% of people without disabilities. According to the SRA **only 5% of employees** in the legal sector self-defined as having a disability, but this is extremely low compared to the UK workforce average figure of 13%. The Government launched the **Disability Confident** campaign in 2014 to encourage UK employers to recruit and retain disabled staff and regularly publishes the **list of employers** signed up to the scheme.

Race/ethnicity

In 2019, **78% of White people in the UK were employed, compared with 66% of people from all other ethnic groups combined**. The highest employment rate in 2019 was in the "White – Other" ethnic group (83%) and the lowest employment rate was in the combined "Pakistani and Bangladeshi" ethnic group (56%). A **parliamentary report** from June 2021 found the UK unemployment rate was 9.5% for people from combined Black, Asian and minority ethnic backgrounds compared to 4.5% for people from combined White backgrounds. **According to the SRA's 2021 data collection exercise**, 18% of lawyers working in SRA-regulated law firms are from minority ethnic backgrounds. Minority ethnic employees are under-represented at a senior management level depending on firm size. According to the SRA, both Black and Asian lawyers are significantly underrepresented in mid to large size firms. The largest firms have the lowest proportion of minority ethnic partners - only 8% (no change since 2017). This contrasts with one-partner firms, where 35% of partners are from a minority ethnic background. According to the SRA, there are also differences in the proportion of minority ethnic lawyers according to the type of legal work undertaken by firms. Firms mainly doing criminal work and those mainly doing private client work both have a higher proportion of minority ethnic lawyers. For criminal law firms, 22% of lawyers are Asian and 4% Black (overall 29% minority ethnic). For private client firms, 23% of lawyers are Asian and 8% Black (overall 34% minority ethnic). Firms doing a mixed range of work and those doing mainly corporate work have the lowest proportion of minority ethnic lawyers at 9%.

Sex

The SRA collect information about sex using the question "What is your sex?" and provide options to answer "Male", "Female", "Other preferred description", and "Prefer not to say". The SRA do not require people to answer this question in accordance with their legal sex.

The SRA based this decision on research undertaken by the **Office of National Statistics (ONS)** in preparation for the 2021 Census and after listening to a range of voices on the matter.

Gender Identity

According to Stonewall's **LGBT in Britain: Trans Report 2017**, one in eight trans employees (12%) had been physically attacked by colleagues or customers in the previous year, and half of trans and non-binary people (51% and 50% respectively) reported hiding or disguising the fact that they are LGBT at work because they were afraid of discrimination.

The SRA collect information about gender identity using the question “Is the gender you identify with the same as your sex registered at birth?” and provide options to answer “Yes”, “No”, and “Prefer not to say”. The SRA have aligned the gender identity question with the wording used in the 2021 Census.

Religion

According to a [parliamentary report](#) from 2016, Muslims have the lowest employment rate of all religious groups at 47.2% and face the highest pay gap compared with those of no religion, earning 22.5% less. Only 16% are in managerial and professional roles, against an average of 30% of the general population. The Women’s and Equalities Committee has heard evidence that contributing factors include the under-representation of Muslims at top universities, the high levels of economic inactivity among Muslim women, and the over-representation of Muslims in particular low-paying sectors.

Sexual Orientation

According to Stonewall’s [LGBT in Britain: Work report 2018](#), almost one in five LGBT people (18%) who were looking for work said they were discriminated against because of their sexual orientation and/or gender identity while trying to get a job in the last year. More than a third of LGBT staff (35%) had hidden or disguised that they are LGBT at work in the previous year because they were afraid of discrimination.

Socio-economic background

Although socio-economic background is not a protected characteristic under the Equality Act 2010, understanding the social and economic background of your workforce is considered key in helping to form an accurate picture of how open and accessible a sector is. The **Social Mobility Commission** promotes social mobility by challenging employers, the professions, universities, and schools to play their part in promoting social mobility. The Government compiled a debate pack on social mobility and the economy in March 2018 to progress this agenda. The data collected by the SRA aligns with the [Social Mobility Commission guidance](#) published in November 2020.

Caring responsibilities

With the introduction of [Shared Parental Leave](#) in 2015, the Government encourages [flexible working](#). The Government and [ACAS](#) have published [guidance on what employers must do](#) when a request for flexible working is made.

Appendix 2: SRA Diversity questionnaire 2023

The data you provide will be reported anonymously to the SRA broken down by each role category. The reported data will only be visible to authorised signatories or organisation contacts for your firm or the firms which are linked to your firm. The SRA will use the data to publish a diversity breakdown of the profession. This may be provided at a regional, sector or firm level but the SRA will not publish any information which could lead to the identification of any person. [Read more](#) about other ways the SRA will use the data.

1. Role categories		
Select one category which best describes your role in the firm. (Reference to solicitors includes Registered Foreign Lawyers).		
Full equity solicitor partners	Partners, members or directors who are not solicitors should be recorded in the 'Managerial role' category below.	<input type="checkbox"/>
Salaried or partial equity solicitor partners	Partners, members or directors who are not solicitors should be recorded in the 'Managerial role' category below.	<input type="checkbox"/>
Solicitor (not partner)	All other practising solicitors including assistant solicitors, associates, or consultants.	<input type="checkbox"/>
Other fee earning role	Includes fee earners such as trainee solicitors, members of CILEx who are not Chartered Legal Executives (Fellows), or CILEx Practitioners and paralegals i.e. those who are not 'authorised persons'.	<input type="checkbox"/>
Role directly supporting a fee earner	Includes legal secretaries, administrators, legal assistants, or non-fee earning paralegals.	<input type="checkbox"/>
Managerial role	Includes non-lawyer managers, directors, or members and others such as practice managers, finance, or account managers etc.	<input type="checkbox"/>
IT/HR/other corporate services role	Not an authorised person and not individuals in a managerial role - includes finance or accountancy roles.	<input type="checkbox"/>
Barrister	Individuals authorised by the Bar Standards Board.	<input type="checkbox"/>
Chartered Legal Executive (Fellow)/ CILEx Practitioner	Individuals authorised by CILEx Regulation.	<input type="checkbox"/>
Licensed Conveyancer	Individuals authorised by the Council for Licensed Conveyancers.	<input type="checkbox"/>
Patent or Trade Mark Attorney	Individuals authorised by the Intellectual Property Regulation Board.	<input type="checkbox"/>
Costs Lawyer	Individuals authorised by the Costs Lawyer Standards Board.	<input type="checkbox"/>
Notary	Individuals authorised by the Master of the Faculties.	<input type="checkbox"/>
Prefer not to say		<input type="checkbox"/>

2. Which age category are you in?	
16 – 24	<input type="checkbox"/>
25 – 34	<input type="checkbox"/>
35 – 44	<input type="checkbox"/>
45 – 54	<input type="checkbox"/>
55 – 64	<input type="checkbox"/>
65+	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

3. What is your sex?	
Male	<input type="checkbox"/>
Female	<input type="checkbox"/>
Other preferred description	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

4. Is the gender you identify with the same as your sex registered at birth?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

5. Do you consider yourself to have a disability according to the definition in the Equality Act 2010?	
The Equality Act defines a disabled person as someone who has a mental or physical impairment that has a substantial and long-term adverse effect on the person’s ability to carry out normal day-to-day activities. If you have a condition which fits the Equality Act definition, please tick 'Yes' even if you are not limited by your condition.	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

6. Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?	
Yes, limited a lot	<input type="checkbox"/>
Yes, limited a little	<input type="checkbox"/>
No	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

7. What is your ethnic group?	
Asian / Asian British	
Bangladeshi	<input type="checkbox"/>
Chinese	<input type="checkbox"/>
Indian	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>
Any other Asian background	<input type="checkbox"/>
Black / Black British	
African	<input type="checkbox"/>
Caribbean	<input type="checkbox"/>
Any other Black background	<input type="checkbox"/>
Mixed / Multiple ethnic group	
White and Asian	<input type="checkbox"/>
White and Black African	<input type="checkbox"/>
White and Black Caribbean	<input type="checkbox"/>
Any other Mixed / Multiple ethnic background	<input type="checkbox"/>

White	
British / English / Welsh / Northern Irish / Scottish	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Gypsy or Irish Traveller	<input type="checkbox"/>
Roma	
Any other White background	<input type="checkbox"/>
Other ethnic group	
Arab	<input type="checkbox"/>
Any other ethnic group	<input type="checkbox"/>
Prefer not to say	
Prefer not to say	<input type="checkbox"/>

8. What is your religion or belief?	
No religion or belief	<input type="checkbox"/>
Buddhist	<input type="checkbox"/>
Christian	<input type="checkbox"/>
Hindu	<input type="checkbox"/>
Jewish	<input type="checkbox"/>
Muslim	<input type="checkbox"/>
Sikh	<input type="checkbox"/>
Any other religion or belief	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

9. What is your sexual orientation?	
Bi	<input type="checkbox"/>
Gay / Lesbian	<input type="checkbox"/>
Heterosexual	<input type="checkbox"/>
Other preferred description	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

10. Which type of school did you attend for the most time between the ages of 11 and 16?	
If you changed schools, please base your answer on the last two years of your education.	
State-run or state-funded school (selective on academic, faith or other grounds)	<input type="checkbox"/>
State-run or state-funded school (non-selective)	<input type="checkbox"/>
Independent / fee-paying school where I received no bursary or a bursary covering less than 90% of my tuition	<input type="checkbox"/>
Independent / fee-paying school where I received a bursary covering 90% or more of my tuition	<input type="checkbox"/>
Attended school outside the UK	<input type="checkbox"/>
Don't know / not sure	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

11. Did either of your parents attend university and gain a degree (eg BA/BSc or equivalent) by the time you were 18?	
No, neither of my parents attended university	<input type="checkbox"/>
Yes, one or both of my parents attended university	<input type="checkbox"/>
Don't know / not sure	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

12. What was the occupation of your main household earner when you were about 14?	
Modern professional and traditional professional occupations such as: teacher, nurse, physiotherapist, social worker, musician, police officer (sergeant or above), software designer, accountant, solicitor, medical practitioner, scientist, civil / mechanical engineer.	<input type="checkbox"/>
Senior, middle, or junior managers or administrators such as: finance manager, chief executive, large business owner, office manager, retail manager, bank manager, restaurant manager, warehouse manager.	<input type="checkbox"/>
Clerical and intermediate occupations such as: secretary, personal assistant, call centre agent, clerical worker, nursery nurse.	<input type="checkbox"/>
Technical and craft occupations such as: motor mechanic, plumber, printer, electrician, gardener, train driver.	<input type="checkbox"/>
Routine, semi-routine, manual, and service occupations such as: postal worker, machine operative, security guard, caretaker, farm worker, catering assistant, sales assistant, HGV driver, cleaner, porter, packer, labourer, waiter/waitress, bar staff.	<input type="checkbox"/>
Small business owners who employed less than 25 people such as: corner shop owners, small plumbing companies, retail shop owner, single restaurant or cafe owner, taxi owner, garage owner.	<input type="checkbox"/>

Long term unemployed (claimed Jobseeker's Allowance or earlier unemployment benefit for more than a year)	<input type="checkbox"/>
Other, such as: retired / this question does not apply to me / I don't know	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

13. Are you a primary carer for a child or children under 18?	
Yes	<input type="checkbox"/>
No	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

14. Do you look after or care for someone with long term physical or mental ill health caused by disability or age (not in a paid capacity)?	
No	<input type="checkbox"/>
Yes, 1 - 19 hours a week	<input type="checkbox"/>
Yes, 20 - 49 hours a week	<input type="checkbox"/>
Yes, 50 or more hours a week	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>

Appendix 3: Notes

Note 1: Employee Opinion Surveys or Pulse Surveys

It is crucial that employee opinion surveys or pulse surveys are conducted anonymously and that reporting is carefully managed to avoid inadvertently revealing how any particular individual responded. Here many firms adopt the 'Rule of 5' or 'Rule of 10', which limits reporting to a group size large enough to prevent the possibility of responses being linked to individuals. For instance, if a firm's Finance Practice Group has just two women partners, reporting sentiment of men and women partners in the Finance Practice Group team is likely to reveal how these *two known and identifiable* women partners responded. Setting clear controls around reporting and communicating these controls clearly to your workforce is crucial. If colleagues fear their responses could be revealed through a process of reverse engineering, they may opt not to participate.



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