



Upholding Professional Standards 2019/20 –  
**Diversity Monitoring, Supporting Report**

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## Introduction

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➤ We published findings on the diversity characteristics of people in our enforcement processes in our [Upholding Professional Standards 2018/19 report](#), along with a [detailed supporting report](#), and provided [an update on our work since the 2014 Independent Comparative Case Review](#) on the profile of solicitors in our enforcement work, undertaken by Professor Gus John. 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 is the second year we have published this information, and we will continue to annually report on these findings. This work will also help us to evaluate the impact of our new Enforcement Strategy and Standards and Regulations, brought in in 2019.

We have taken the same approach as in 2018/19 (the detail of which can be found in the next section, the scope of our analysis). This allows us to start to draw comparisons and identify trends year on year. In the key findings section, we have highlighted where there are differences between the data in 2018/19 and 2019/20. This is, however, subject to the limitations in the data we hold and the difficulties with drawing any meaningful analysis from the very small numbers in the later stages of the enforcement process.

In the further work and research section, we set out what action we are taking to better understand why some groups are overrepresented in our enforcement processes. We also provide an update on the work we are carrying out to assure that our processes are free from bias, as noted in the 2018/19 report.

The overrepresentation of men and solicitors from Black, Asian and minority ethnic backgrounds

in concerns raised with us and those we investigate is one we have seen for some time and reflects the pattern seen across many professions and regulators.

We have commissioned several external reviews to look at these issues, building on work that the Law Society undertook in 2006 before we were established. None of the reviews found any evidence of discrimination, but each review highlighted overrepresentation of certain groups and provided recommendations for us and others, which have helped to shape our approach to enforcement.

You can find more information on the [diversity section of our website](#).



## Scope of our analysis

➤ We looked at the representation of gender, ethnicity, age and, in some areas where numbers were sufficient, the disability of individuals at the following stages of our enforcement process for the 2019/20 year:

- stage 1 – individuals named on concerns reported to us
- stage 2 – individuals named on concerns which we took forward for an investigation
- stage 3 – individuals named on cases with an internal sanction and the types of sanctions we imposed (path A)
- stage 4 – the cases which were concluded at the 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 opposite illustrates these stages and paths. They are broadly aligned with the key stages when considering a concern diagram in the [Upholding Professional Standards report](#).



The individuals counted at stage 2 (individuals named on concerns taken forward for an investigation in 2019/20) are a subset of stage 1 (the individuals named on the concerns reported to us in 2019/20).

At stages 3 and 4, we count the individuals named on cases who received an internal sanction or who were named on cases concluded at the SDT in 2019/20. Although there may be some overlap between the individuals involved in stages 1 and 2 and those involved in stage 3 in this report for 2019/20, it is unlikely to be significant. This is because cases are not always received and concluded in the same year. Similarly, there is very unlikely to be any overlap between the individuals involved in stages 1 and 2 and those involved in stage 4. This is because it takes longer than a year to investigate, refer, and conclude a matter at the SDT.

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

- 48% of the practising population
- 65% of individuals named on concerns reported to us (stage 1)

- 75% of the individuals taken forward for investigation (stage 2)
- 73% of the individuals named on cases with an internal sanction (stage 3, path A)
- 80% 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 2019/20, there were:

- 6,293 individuals named on concerns reported to us (stage 1)
- 1,647 individuals taken forward for investigation (stage 2)
- 275 individuals named on cases with an internal sanction (stage 3)
- 129 individuals named on cases concluded at the SDT (stage 4).

Our analysis looks at the known population among those groups – that is, the people for whom we hold diversity information. For gender and age, we have information for 93% and 99.9% of the practising population, respectively, and 73% for ethnicity. Because of the way we have collected disability data in

the past<sup>1</sup>, we can only identify the proportion of people who have declared a disability, which is 1% of the practising population.

From page 14, a full set of the charts showing the data at each of the stages can be found in this report. We have also looked at how the cases at the SDT have been concluded, in particular, whether there is a difference by diversity characteristic in the use of agreed outcomes. We have provided the diversity declaration rates at each stage.

1. 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.



## Key findings 2019/20

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➤ 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 2019/20 (where there was sufficient data to allow us to do this). To allow for comparison, we have included the charts for 2018/19 and have highlighted where the findings differ.

A more detailed analysis of the data at each stage of our processes can be found later in the report, starting from page 14. In the sections that look at stages 3 and 4 – where we imposed a sanction and where the SDT imposed a sanction, respectively – we have also broken down the outcomes imposed on individuals. And, on page 36, we look at individuals at stage 4 who resolved their case at the SDT either by a hearing or by an agreed outcome. In each of these sections, we have drawn comparisons with the 2018/19 findings. A full set of the 2018/19 data tables and information can be found in the [Upholding Professional Standards – Diversity Monitoring Supporting Report 2018/19](#).

We are using the data about the practising population that we hold in our systems as the starting point for the analysis of how the profile of people changes through our enforcement processes. More information about the breakdown of the practising population and the source of this data can be found in the annex.

### Low numbers at stages 3 and 4

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

Although the numbers at stages 3 and 4 are likely to remain relatively small, we are taking action to increase disclosure rates and we will continue to monitor this area so we can identify patterns over time.

## Gender

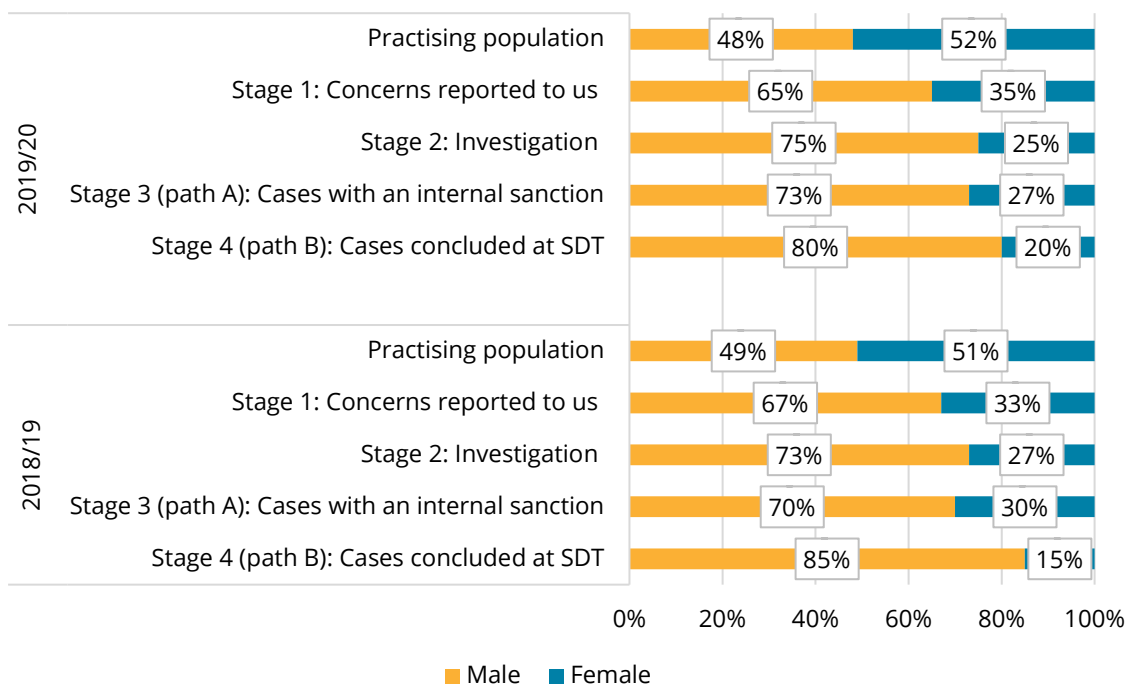
There is an overrepresentation of men throughout our enforcement process, and the overall breakdown at each stage is largely comparable with the 2018/19 data. Men are overrepresented in concerns reported to us, and this overrepresentation increases at each stage of our enforcement process.

Compared with a practising population of 48:52, men to

women, the proportion of men at stages 1–3 ranges from 65% to 75%, with a corresponding decrease for women.

However, the proportion of men increases to 80% when looking at stage 4, cases concluded at the SDT, with a corresponding decrease for women.

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

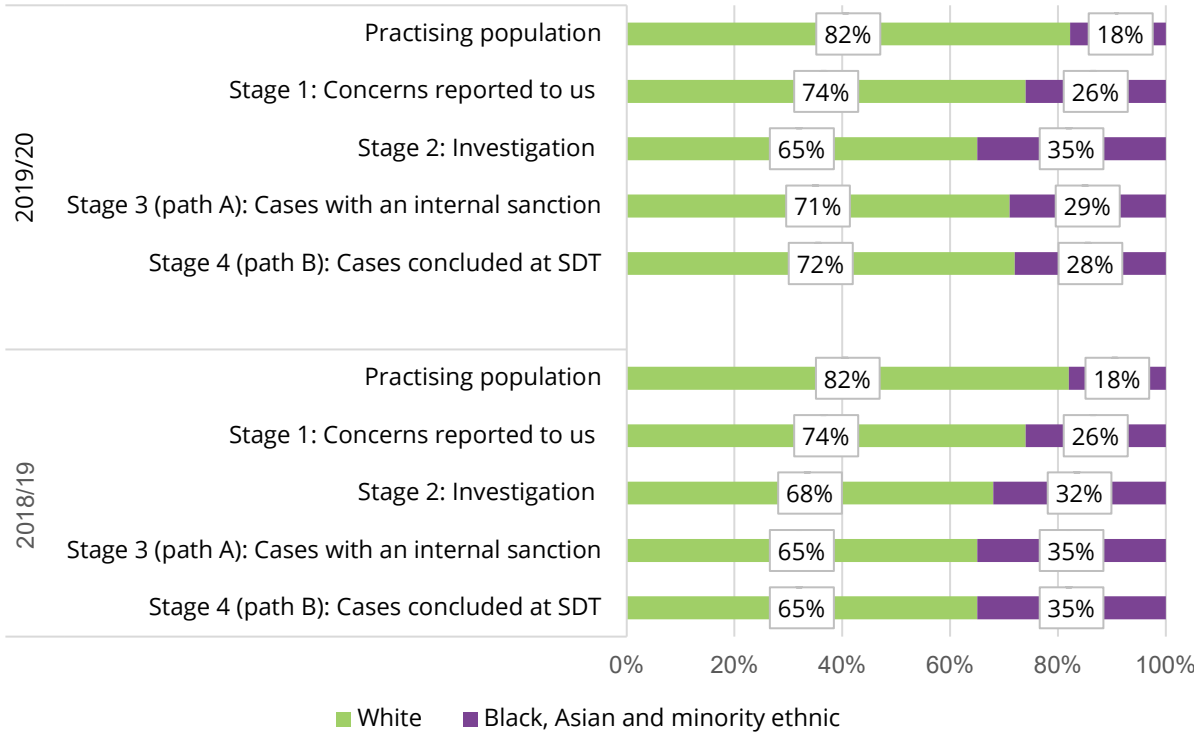


**Ethnicity**

We break ethnicity down into five main groups: White, Black, Asian, Mixed or 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. If the numbers are too small, while the experience of people making up the Black, Asian, Mixed or Other ethnic group will not be the same, we will report these

groups together, alongside the White group. We refer to this group as the Black, Asian and minority ethnic group, and, unlike the report for 2018/19, we will not be using the acronym ‘BAME’. This is why, in the overview chart below, only the Black, Asian and minority ethnic group and the White group are shown. A more detailed breakdown can be found from page 16.

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





The Black, Asian and minority ethnic group, as a whole, makes up 18% of the practising population and 26% of individuals reported to us. Asian and Black individuals make up 12% and 3% of the practising population, respectively, yet are overrepresented when looking at the number of reports made to us (stage 1), at 18% and 4%. This has not changed when compared with stages 1 and 2 in the 2018/19 findings.

The proportion of Black, Asian and minority ethnic individuals increases from 26% to 35% of those whose cases were taken forward for investigation at stage 2, a slightly greater increase to that seen in 2018/19.

The small numbers beyond stage 2 mean that we do not know if any changes – between stages or over time – are meaningful. The proportion of Black, Asian and minority ethnic individuals represented at stages 3 and 4 (29% and 28%, respectively) are lower when compared to the investigation stage (35%). This is different to the 2018/19 findings, where there was, subject again to the difficulty with small numbers, an apparent increase in the proportion of Black, Asian and minority ethnic individuals in the outcomes seen at stages 3 and 4 (35% for both), compared to the investigation stage (32%).

We do not know if this is a real change or due to variations within a small group. We will look at our decision making (whether to refer a matter for investigation) that takes place at stage 2 of our process as part of the independent research that we are, at the time of writing, commissioning. There is more information on this in the further work and research section.

## Age

In this chart, we have grouped together the 16–24-year-old and 25–34-year-old categories. This is because the numbers of 16–24-year-olds named at stages 1–3 were nominal, and there were no 16–24-year-olds named on cases concluded at the SDT.

The representation of all age groups throughout our enforcement process is largely the same as it was in 2018/19. There is an underrepresentation of people in the younger age categories (44 and under) named on concerns reported to us compared with their proportion of the practising population. The

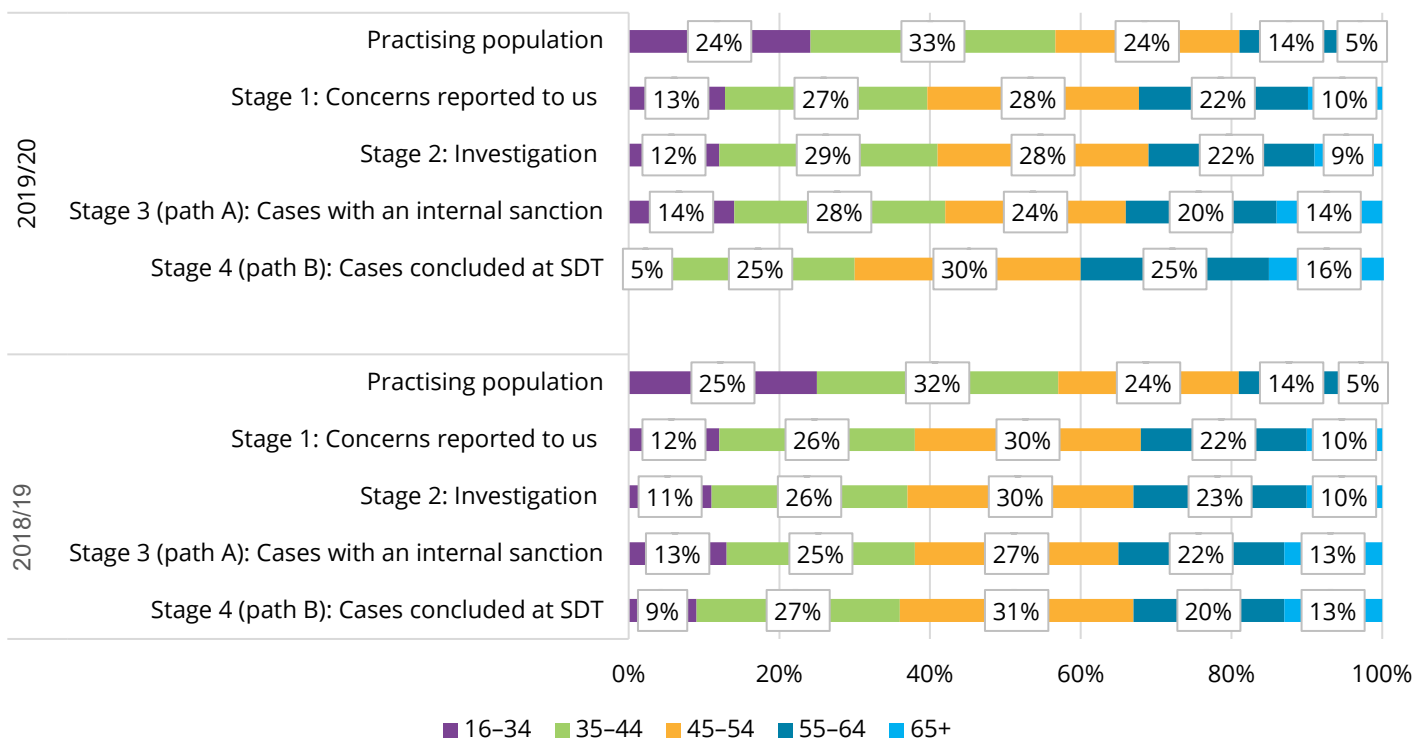
opposite is true for those in the older age categories (55 and over) who are overrepresented when compared with the practising population. The 45–54 age group represented at stage 1 is largely proportionate with the practising population.

When looking at cases involving individuals taken forward for investigation, there is little difference for any of the age groups. For all age groups, the percentage of individuals named on cases concluded internally at stage 3 is largely proportionate to those whose cases were taken forward for

investigation (stage 2), apart from the 65+ age group, where representation is slightly higher.

For all age groups, the percentage of those whose cases were concluded at the SDT (stage 4) is largely proportionate to those whose cases were taken forward for investigation (stage 2), with some differences for the youngest and oldest groups. Those under 34 made up 12% of cases investigated and 5% of those concluded at the SDT. Those aged 65 and over made up 9% of concerns taken forward for an investigation and 16% of cases concluded at the SDT.

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



Please note, the stage 4 data for 2019/20 adds up to 101%. This is due to rounding.

## Disability

Because of the very small numbers involved, we are only able to report the numbers of disabled people involved in our enforcement processes at stages 1, 2 and 4. For the same reason, we were only able to report the numbers of disabled people involved in our enforcement processes at stages 1 and 2 in 2018/19.

As with last year, we see overrepresentation of disabled individuals in concerns reported to us compared with the

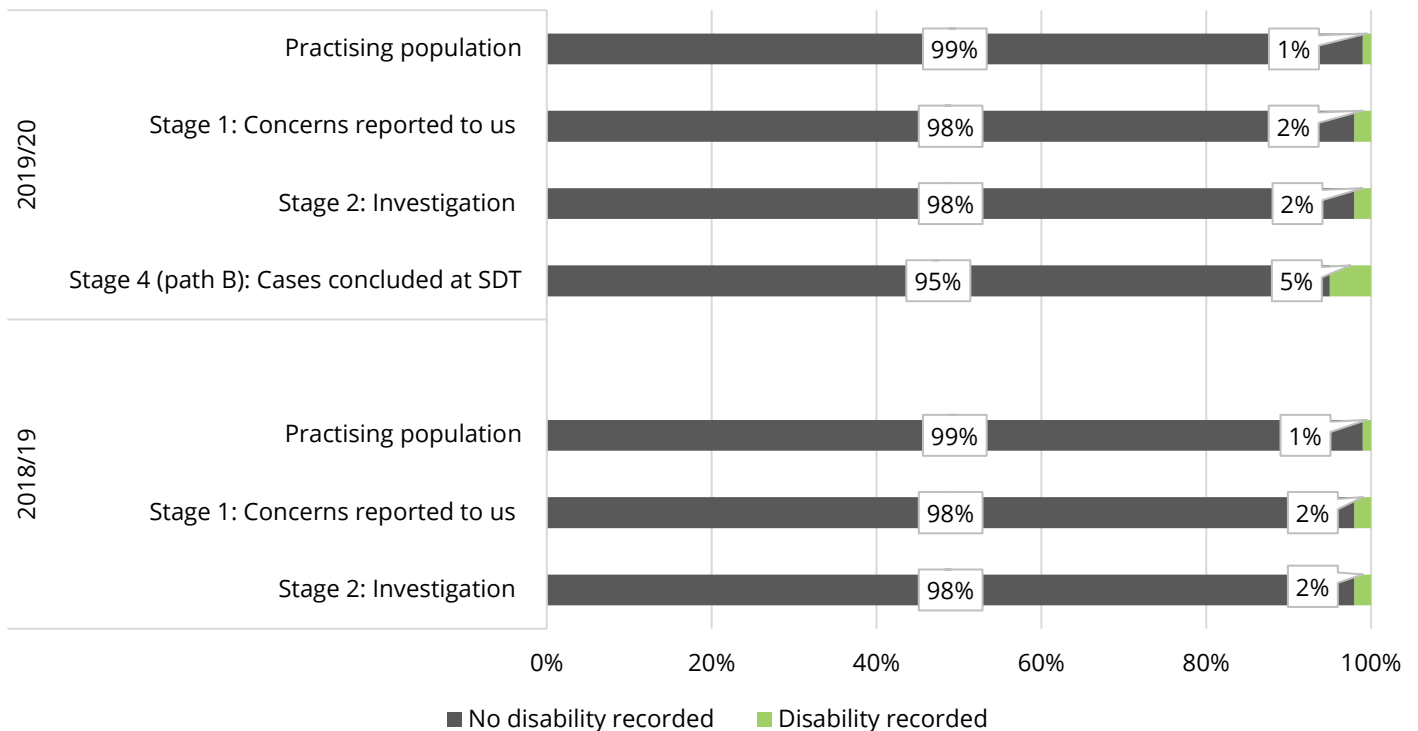
practising population. There were 106 disabled individuals named on the concerns we received (2% of the total) compared with 1% in the practising population.

Of those named on the concerns reported to us, 38 disabled people had their cases taken forward for investigation (2% of the total number of cases investigated).

At stage 4, six individuals were named on cases concluded at the SDT (5%).

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

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





## Further work and research

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

2019/20 report are broadly similar to last year's, and so the work we committed to in last year's report is still relevant now and will take into account findings from both years.

The table below sets out the work we committed to and the action we have since taken.

Work we have committed to	Action we have taken
<p>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.</p>	<p>Procurement started in March with an open invitation to external organisations to express an interest in carrying out this work. We are carrying out a formal tender in the summer, with a view to starting the research in autumn 2021.</p> <p>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.</p>
<p>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.</p>	<p>The review of decision making in our assessment and early resolution process will be undertaken by an external agency as part of the independent research outlined above.</p> <p>Our in-house, arms-length quality assurance team has now been established, and it will start to develop and pilot its approach to quality assurance in the coming months, adding value to our existing quality assurance arrangements.</p>
<p>We will work to increase the number of individuals who disclose information concerning their diversity characteristics to us.</p>	<p>We updated the diversity questions we have on our systems for solicitors and, in May 2021, launched a campaign to encourage individuals to review and update their diversity data.</p> <p>This involved social media and direct communications to all 10,100 law firms and groups where we know the declaration rates are low. We have seen a good initial response rate at the conclusion of phase one of this campaign and will continue to engage with the profession to encourage individuals to provide their diversity data.</p>

Work we have committed to	Action we have taken
	<p>Supporting us with this campaign is the Law Society and the diversity groups we work with in the profession.</p> <p>We are also looking at ways to encourage people to provide their diversity information when they first enter the profession. As we noted in the 2018/19 report, we have seen a falling number of newly enrolled solicitors provide their diversity data to us, following our move to an online admissions process. This has fallen year on year and explains the drop in declaration rates seen in the annex on page 40.</p>
<p>We will report annually on the profile of people in our enforcement processes and include intersectional analysis where we can.</p>	<p>This is the second year we have reported on this information. In the coming year, we will begin to analyse the data and explore intersectionality where possible, based on the information available.</p>
<p>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.</p>	<p>We are evaluating the impact of our new Enforcement Strategy and new Standards and Regulations introduced in November 2019. The findings from 2018/19 gave us a baseline for future monitoring and, with the latest data, will feed into this evaluation work.</p>
<p>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.</p>	<p>In a review of our <a href="#">EDI initiatives in 2019/20</a>, we set out a range of work that we are taking forward in 2020/21, including:</p> <ul style="list-style-type: none"> <li>• To support small firm compliance, our programme of workshops targeted at smaller firms remains ongoing. For example, we carried out a workshop on anti-money laundering with the Society of British Bangladeshi Solicitors in February, with more to come for other diversity networks and groups.</li> <li>• In a further example, we delivered a webinar for small firms on how to meet our Transparency Rules requirements, which we have shared through the Sole Practitioners Group and other diversity groups we know have a high membership of solicitors in small firms and other networks.</li> <li>• We rolled out refreshed unconscious bias training for all staff in March and are following up this work with bespoke workshops.</li> <li>• As part of our wider work to promote EDI in the profession, we are developing new resources for firms in key areas, including social mobility, creating healthy workplaces and pregnancy and maternity. And, we will add to our <a href="#">existing resources</a> to promote race equality, disability inclusion, wellbeing and LGBTQ+ inclusion.</li> </ul>



## 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.

### Numbers at these stages

In 2019/20, 9,642 concerns were reported to us. Of these, 5,555 – 58% of all concerns – were about one or more individuals. The data in this section relates to the 6,293 individuals named on those concerns. We counted an individual each time they appeared on a concern reported to us, so some individuals may be reported more than once. Because our focus is on the diversity breakdown of individuals in our enforcement processes, concerns relating to firms have not been included.

Of the 6,293 individuals named on the concerns we received, 1,647 individuals were taken forward for investigation.

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

- the practising population
- stage 1 – individuals named on concerns reported to us for the 2019/20 year
- stage 2 – individuals named on those 2019/20 concerns which we took forward for investigation.

### Disclosure rates

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



## Gender

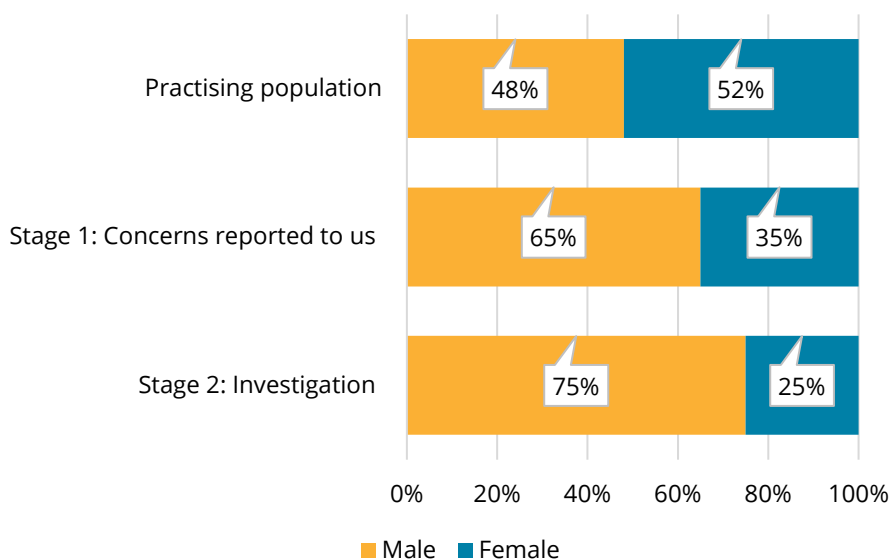
There is an overrepresentation in the proportion of men named on the concerns we receive (65%) when compared with their representation in the practising population (48%). This increases when we look at the individuals taken forward for investigation, where 75% are men.

The patterns are very similar to those found in 2018/19, where men made up 49% of the practising population, 67% of individuals named on concerns reported to us and 73% of individuals taken forward for investigation.

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

- Practising population – gender was known for 149,702 of the 160,498 practising population (93%) as of 1 Nov 2020.
- Stage 1 – gender was known for 6,047 of the 6,293 individuals named on concerns we received (96%).
- Stage 2 – of the 1,647 individuals who were taken forward for investigation, gender was known for 1,546 individuals (94%).

**Stages 1 and 2 – gender breakdown**

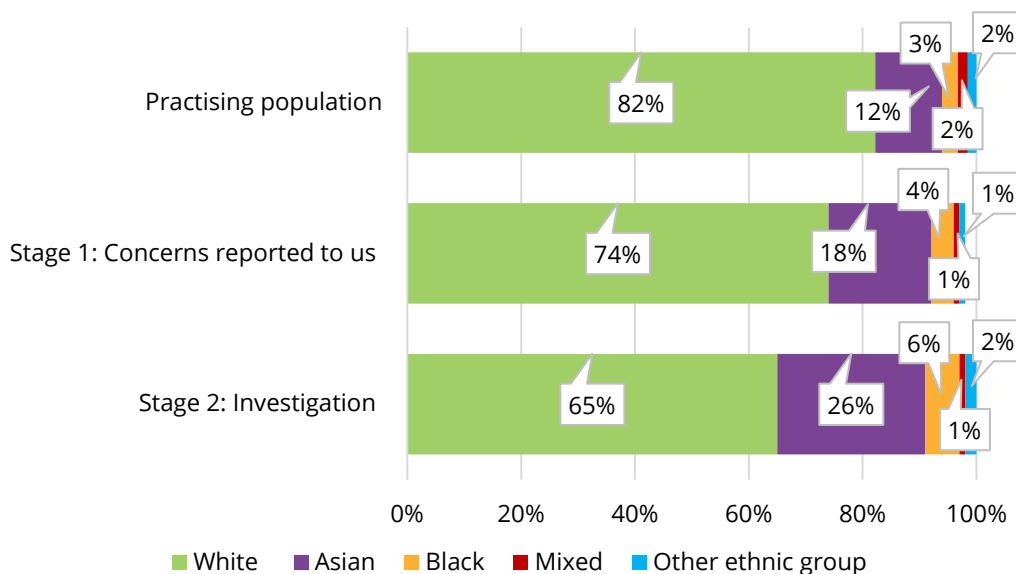


## Ethnicity

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

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

**Stages 1 and 2 – ethnicity breakdown**



Please note, the practising population data adds up to 101% and the stage 1 data adds up to 98% due to rounding.



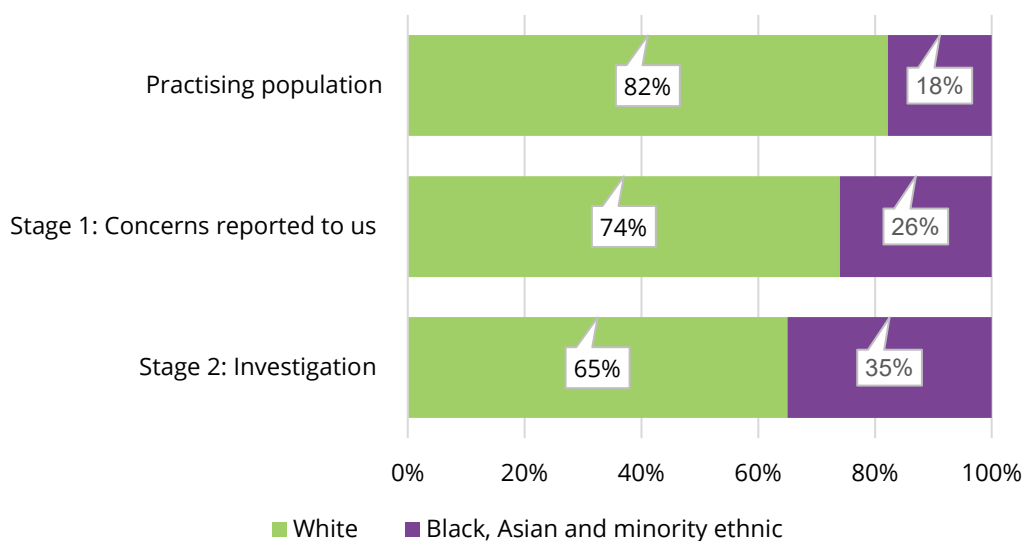
As a whole, individuals from the Black, Asian and minority ethnic group make up 18% of the practising population, 26% of those named on the concerns we received, and 35% of individuals taken forward for investigation.

The patterns are very similar to those found in 2018/19, where individuals from a Black, Asian and minority ethnic background also made up 18% of the practising population and 26% of individuals named on concerns reported to us. The proportion of Black, Asian and minority ethnic solicitors taken forward for investigation was 32% in 2018/19 and has risen slightly to 35% this year.

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

- Practising population – ethnicity was known for 117,765 of the 160,498 practising population (73%) as of 1 Nov 2020.
- Stage 1 – ethnicity was known for 5,191 of the 6,293 individuals named on the concerns we received (82%).
- Stage 2 – of the 1,647 individuals who were taken forward for investigation, ethnicity was known for 1,330 individuals (81%).

**Stages 1 and 2 – ethnicity breakdown (White and Black, Asian and minority ethnic)**



## Age

People in the younger age categories (16–34) are underrepresented in the concerns reported to us compared with their proportion of the practising population. The opposite is true for those in the older age categories (55 and over) who are overrepresented in reports compared with the practising population. The number of 35–44 and 45–54-year-olds named on concerns reported to us is largely proportionate with the practising population. There is little difference for any of the age categories in the rate at which concerns involving individuals are taken forward for investigation.

The patterns are very similar to those in 2018/19, except that the proportion of those in

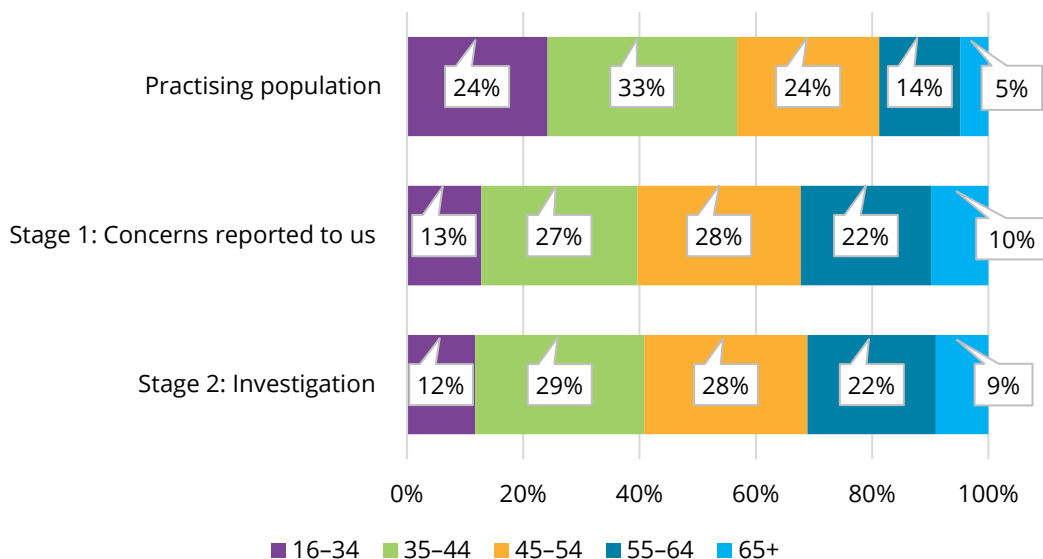
the 45–54 category who were named on concerns reported to us this year (28%) is slightly more in line with the practising population, which was 24% for both years. In 2018/19, 45–54-year-olds represented 30% of individuals at stage 1.

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

- Practising population – age was known for 160,306 of the 160,498 practising population (99.9%) as of 1 Nov 2020.
- Stage 1 – age was known for 6,252 of the 6,293 individuals named on the concerns we received (99%).

- Stage 2 – of the 1,647 individuals who were taken forward for investigation, age was known for 1,624 individuals (99%).
- Because the number of individuals aged 16–25 in the practising population represent less than 1%, they have been grouped with the 25–34 age bracket. The number of concerns received and taken forward concerning 16–24-year-olds were nominal and, therefore, too small to represent on their own.

**Stages 1 and 2 – age breakdown**



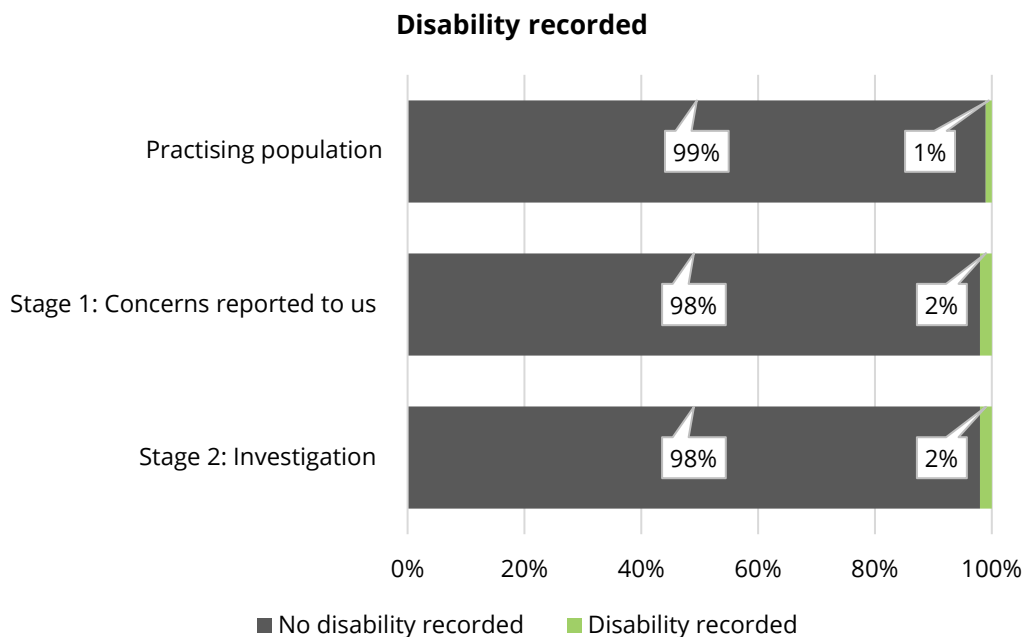
## Disability

Although the numbers are small, and this is an area where declarations of disability are low, there is an overrepresentation of disabled individuals named on concerns we received and took forward for an investigation, compared with the practising population. The proportions at these stages are the same as they were in 2018/19.

The proportions in the charts should be considered alongside

the following context:

- Practising population – 1,663 of 160,498 (1%) recorded having a disability, as of 1 Nov 2020. We consider that this is underrepresentation in light of 20% of the working age population who report that they are disabled.<sup>2</sup>
- Stage 1 – of the 6,293 individuals named on the concerns received, disability was recorded on 106 of them (2%).
- Stage 2 – of the 1,647 individuals who were taken forward for an investigation, disability was recorded for 38 individuals (2%).



2. [Disabled people in employment](#), UK Parliament House of Commons Library, April 2021.



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

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

There were 274 investigations in 2019/20 which resulted in us taking internal enforcement action and issuing a sanction. Of these, 248 cases concerned one or more individual. Overall, 275 individuals were named on cases with an internal sanction.

There may be some overlap between the individuals involved in stages 1 and 2 and those involved in stage 3 in this report for 2019/20, although it is unlikely to be significant. This is because cases are not always received and resolved in the same year. Our analysis is based on activity within the 2019/20 year, not the outcomes for a single group of cases.

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

- stage 1 – individuals named on concerns reported to us for the 2019/20 year
- stage 2 – individuals named on those 2019/20 concerns which we took forward for investigation.
- stage 3 – individuals named on cases which resulted in an SRA sanction for 2019/20.

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



## Limits in reporting data

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

- We have not been able to include a breakdown for disability because the numbers concerned were too small to present on their own and could risk revealing someone's identity. For the same reason, ethnicity is broken down into two groups: Black, Asian and minority ethnic, and White. We have also grouped together the 16–24 and 25–34 age groups when looking at the outcome types, and it should be noted that the number of 16–24-year-olds who received a sanction represented is nominal.
- Again, because of the small numbers represented in some of the individual outcome types, which could risk revealing someone's identity, we have only been able to report on letters of advice, findings and warnings, rebukes, and fines. Because the numbers represented in each of these groups is too small to represent on their own, we have grouped the sanction

types into pairs: the more serious sanctions (rebukes and fines) and the less serious sanctions (letters of advice and findings and warnings).

- We have also removed other sanction types, such as conditions placed on practising conditions and section 47 (2)(g) orders<sup>3</sup>, as the data in this category was too small to represent on its own.
- We have not included information on section 43 orders. This type of sanction is applied to non-lawyers working in the law firms and businesses we regulate, and, as such, they are largely not on the roll of solicitors, do not hold a practising certificate and do not have mySRA accounts. As a result, we do not hold diversity data for these individuals as we do for the practising population.

### Low numbers at stage 3

Due to the low numbers involved in stages 3 and 4, we cannot confirm with confidence if the changes seen are statistically significant, or

whether they are a result of chance. Any differences between groups should, therefore, be treated with caution.

Although the numbers at stages 3 and 4 are likely to remain relatively small, we are taking action to increase disclosure rates, so that our information is better able to support analysis.

And, because the numbers in the sanction types charts are so small and percentage breakdowns can be misleading, we have also provided numbers.

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3. This means a former solicitor who has been removed from the roll cannot be restored unless the SDT allows it.

# Our findings

## Gender

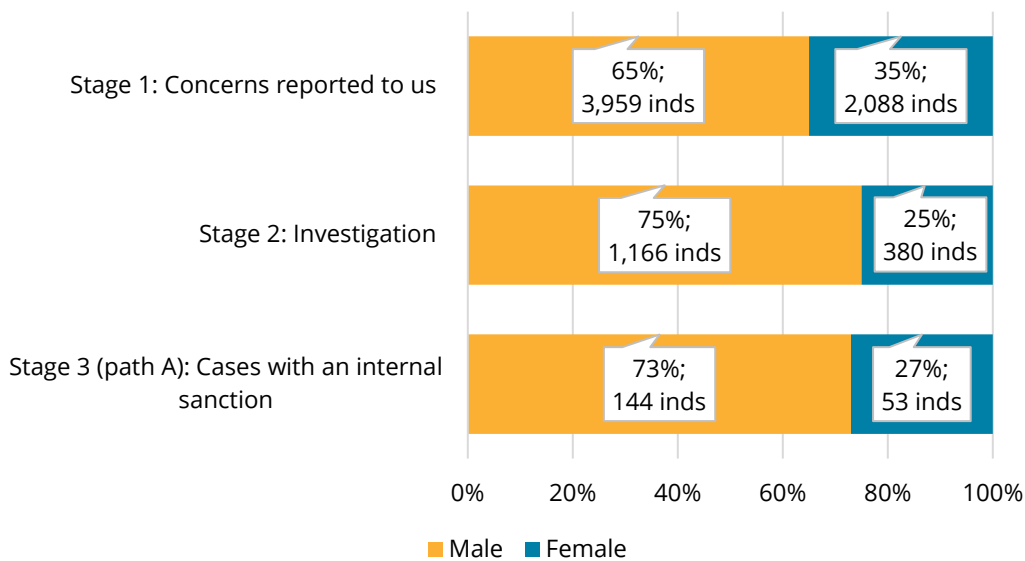
As noted above, although the numbers are low at stage 3, which makes it difficult to draw meaningful conclusions, there is little difference in the proportion of men and women named on investigations and named on cases which resulted in an internal sanction. At each of these stages, the proportion is roughly three-quarters men and one-quarter women.

The patterns are very similar to those in 2018/19, although the

increase from stage 1 (65%) to stage 2 (75%) for men is greater than last year. In 2018/19, the increase was from 67% at stage 1 to 73% at stage 2.

Of the 275 individuals named on cases which resulted in an internal sanction, the chart represents 197 where gender was known (72%).

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



## Outcomes – gender

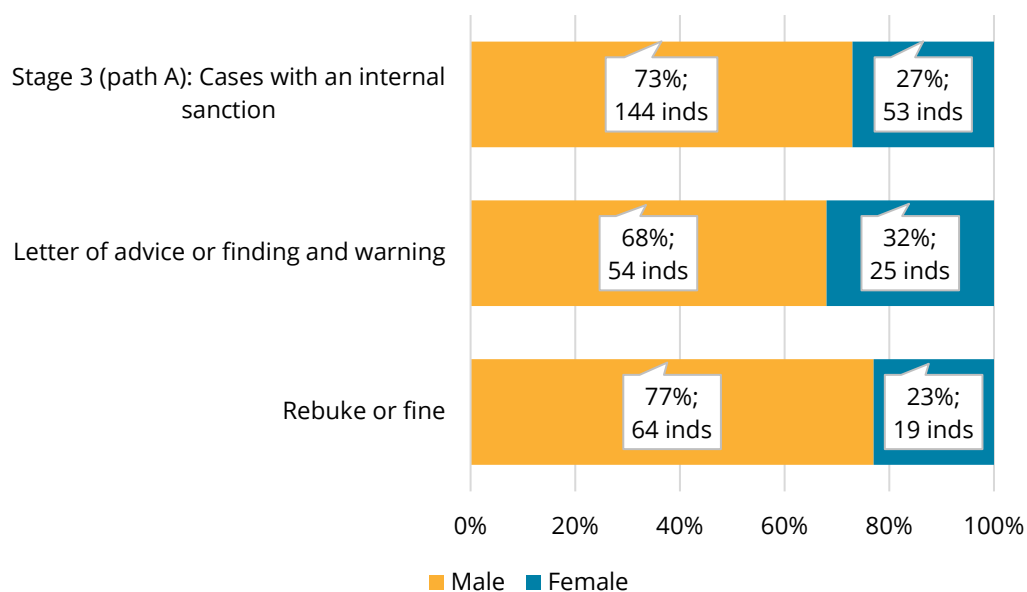
The 3:1 ratio of men to women represented at stages 2 and 3 is largely seen in the more serious sanctions types, involving a rebuke or a fine. There is a decrease of 5%, however, in the representation of men when looking at the less serious sanction types, letters of advice or finding or warning, and a corresponding increase for women.

The patterns are similar to those in 2018/19, when 70% of those at stage 3 were men and 74% of

those given a rebuke or a fine. Gender was known for:

- 79 of 93 letters of advice and findings and warnings (85%)
- 83 of 101 rebukes and fines (82%).

**Path A: Outcome types – gender breakdown**



## Ethnicity

The proportion of Black, Asian and minority ethnic individuals named on cases at stage 3 is lower than those represented at stage 2, with a corresponding increase for White individuals. However, as noted above, the numbers at this stage are very small, making it difficult to draw meaningful conclusions from the data.

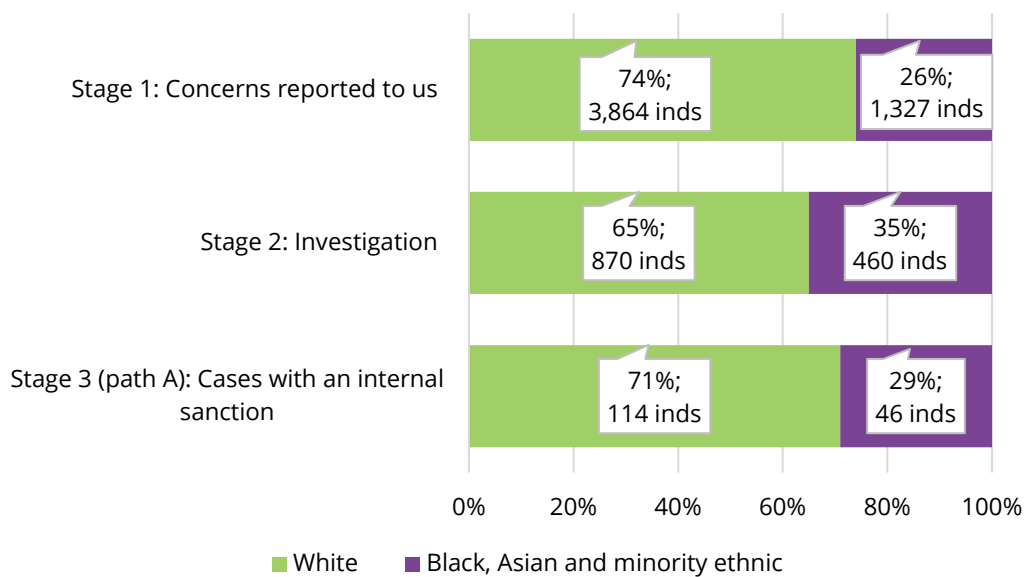
In 2018/19, we saw a small increase for the Black, Asian and minority ethnic group, rising from stage 2 (investigations at 32%) to stage 3 (internal sanctions at 35%). Again, the numbers were too small to apply the

statistical methodology required to understand whether this is meaningful or chance variation.

And, due to the small numbers involved, it is also not possible to draw year-on-year comparisons.

Of the 275 individuals named on cases with an internal sanction, ethnicity was known for 160 individuals (58%).

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





## Outcomes – ethnicity

Compared to the breakdown of Black, Asian and minority ethnic individuals named on cases with an internal sanction (29%), there is a slightly lower proportion in the less serious outcomes (letters of advice and findings and warnings), at 23%, and a slightly higher proportion in the more serious sanction types (rebukes and fines), at 34%.

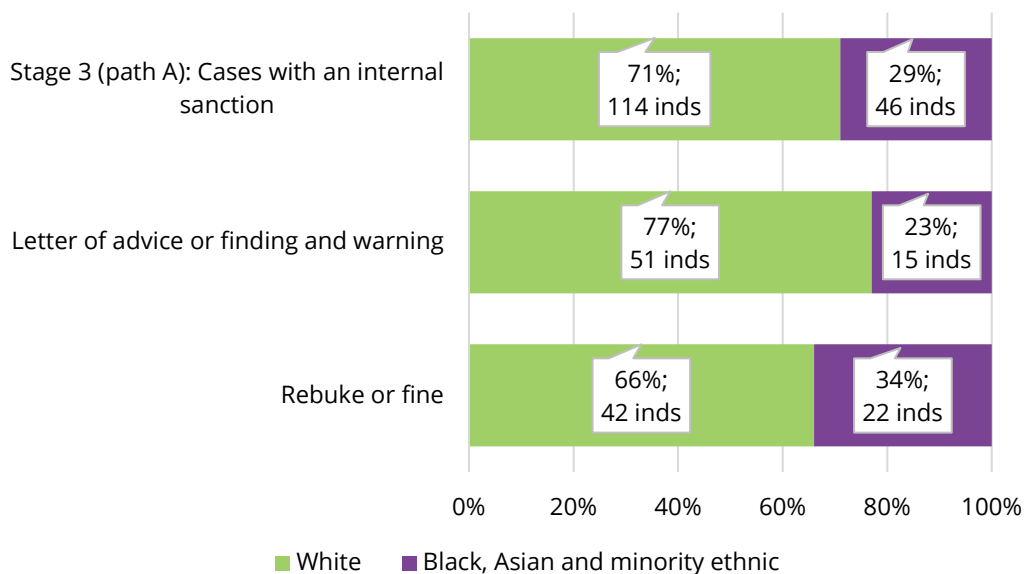
The pattern is slightly different from 2018/19, where 35% of individuals at stage 3 were Black, Asian and minority ethnic, 33% of those with a letter of advice

or a finding and warning and 30% with a rebuke or fine. Again, the small numbers prevent any meaningful analysis.

Ethnicity was known for:

- 66 of 93 individuals who received a letter of advice and/or a finding and warning (71%)
- 64 of 101 individuals who had a rebuke and/or fine (63%).

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



## Age

Again, although the numbers are low at stage 3, making it difficult to draw meaningful conclusions, the percentages are broadly proportionate when comparing those named on cases with an internal sanction (stage 3) with those investigated (stage 2). There is, however, a slight increase for the 65+ age group, which represents 9% at stage 2 and 14% at stage 3.

There are similarities with the patterns seen in 2018/19: there are slight increases to the

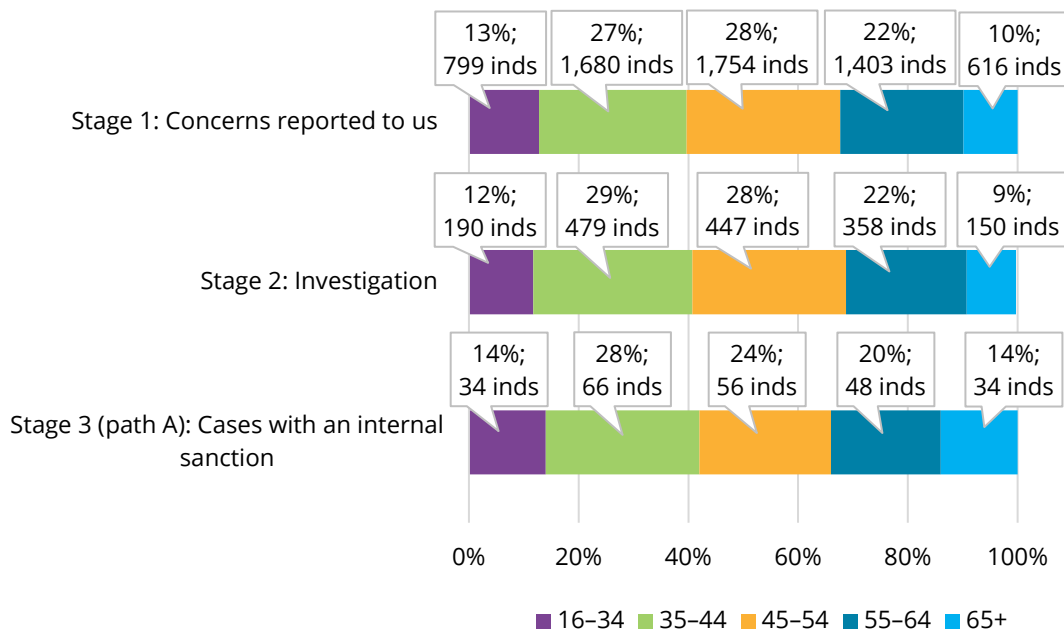
proportions for the youngest (16–34) and oldest (65+) age groups between stages 2 (investigation) and 3 (internal sanction). In 2018/19, the increase was from 11% to 13% for the 16–34 group and 10% to 13% for the 65+ group.

Of the 275 individuals named on cases with an internal sanction, age was known for 238 individuals (87%).

The number of individuals aged 16–24 who were named on

cases with an internal sanction were too small to represent on their own. As mentioned in the diversity profile: individuals named on reports and referred for investigation section, the numbers of 16–24-year-olds named on reports in stages 1 and 2 are nominal.

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



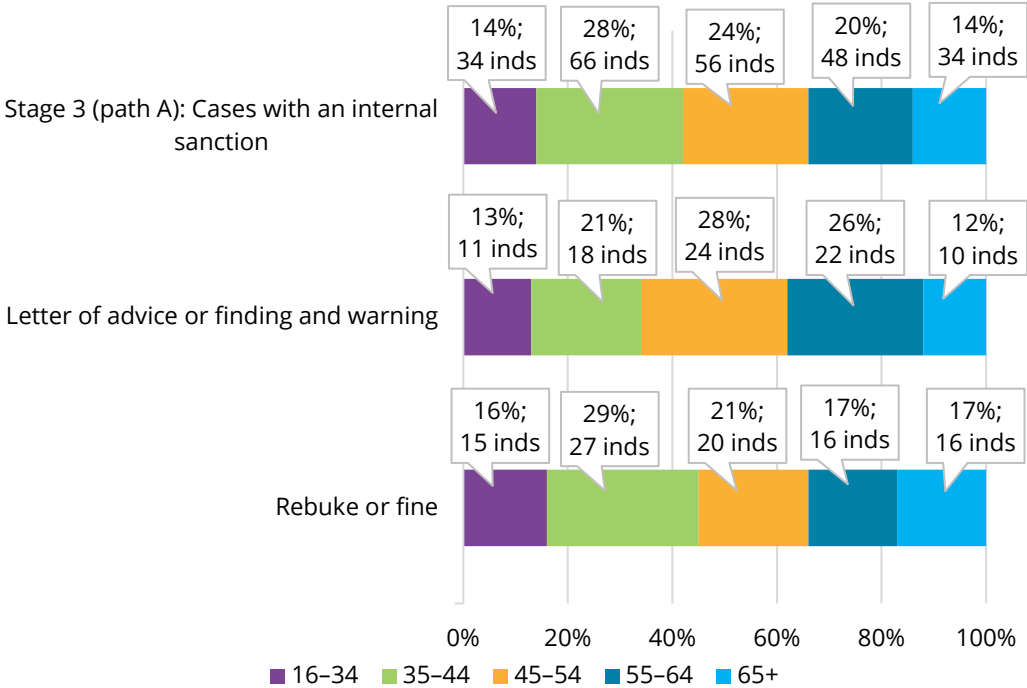
Outcomes – age

Looking at internal and external sanction types across age categories, there is no clear pattern and the numbers are too small to draw any conclusions from the findings. The number of 16–24-year-olds with a sanction was nominal. It was also difficult to see a clear pattern from the findings in 2018/19.

Age was known for:

- 85 of 93 individuals who received a letter of advice and/or a finding and warning (91%)
- 94 of 101 individuals who had a rebuke and/or fine (93%).

Path A: Outcome types – age breakdown



**B**

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

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

There were 112 cases concluded at the SDT in 2019/20, with 129 individuals named on these cases. The 112 cases include those resolved by way of an agreed outcome (for more information, turn to: diversity profile: agreed outcomes on page 36). This section concerns the 129 individuals and the sanctions the SDT made as a result of these cases.

One case can result in more than one sanction for the individual concerned. For example, if an individual has received a strike off and a fine, they will be counted against each one. This year, however, none of the individuals named on cases received more than one outcome, resulting in 129 outcomes.

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

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

- stage 1 – individuals named on reports made to us for the 2019/20 year
- stage 2 – individuals named on those 2019/20 reports which we took forward for investigation
- stage 4 – individuals named on cases concluded at the SDT in 2019/20.

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



## Limits in reporting data

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

- We have not been able to break down the Black, Asian and minority ethnic group any further than as presented, as to do so could risk revealing someone's identity. This is why ethnicity is broken down into two groups: Black, Asian and minority ethnic group, and White.
- The small number of people also means we have not been able to report on all sanction types, as to do so could risk revealing information about the people concerned. Because of this, we have only been able to report data on fines for ethnicity and age. For the same reason, we have grouped together the 25–34 and 35–44 age groups.

## Low numbers at stage 4

Due to the low numbers involved in stages 3 and 4, we cannot confirm with confidence if the changes seen are statistically significant, or whether they are a result of chance. Any differences between groups should, therefore, be treated with caution.

Although the numbers at stages 3 and 4 are likely to remain relatively small, we are taking action to increase disclosure rates and we will continue to monitor this area so we can improve analysis over time.

And, because the numbers in the outcome types charts are so small and percentage breakdowns can be misleading, we have also provided numbers.

# Our findings

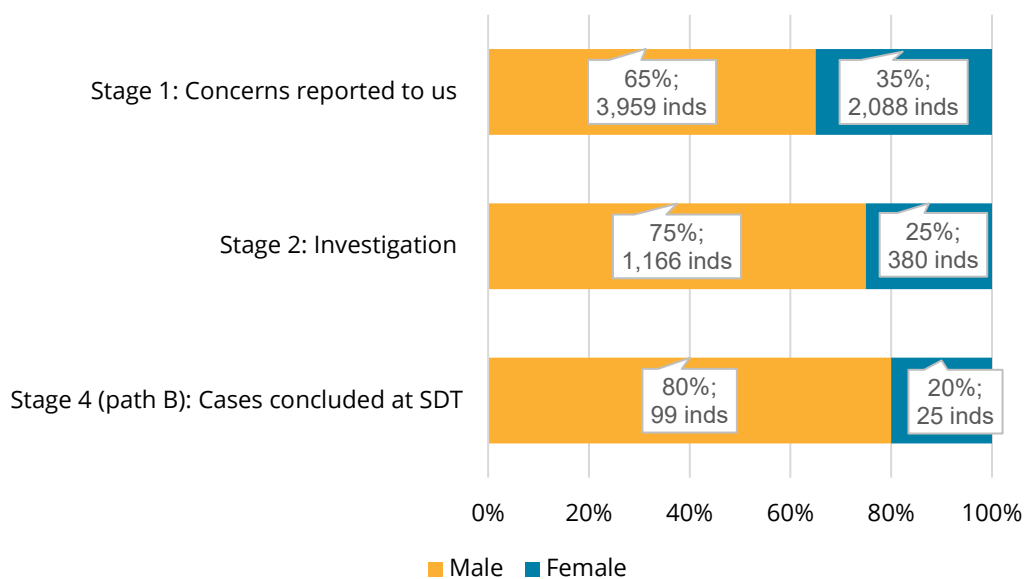
## Gender

Although numbers are small at this stage, making it difficult to draw meaningful conclusions, there is overrepresentation of men and underrepresentation of women named on cases concluded at the SDT when compared with those named on reports taken forward for an investigation. The proportion of men grows, from 75% to 80%, and the proportion of women decreases, from 25% to 20%.

This pattern, where the proportion of men increases at stage 2 and stage 4, is similar to the 2018/19 findings. However, the increase in the proportion of men from stage 2 to stage 4 was greater in 2018/19, rising from 73% to 85%, with a corresponding decrease for women.

Gender was known for 124 of the 129 individuals named on cases concluded at the SDT (96%).

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



### SDT outcomes – gender

The percentage of men and women who received a strike off is slightly less proportionate compared with those named on cases concluded at the SDT. Of the individuals struck off, the proportion of men decreases from 80% to 75%, and the proportion of women increases from 20% to 25%.

This pattern appears different from that seen in 2018/19, where 85% of those named on cases concluded at the SDT were men

and 92% of those struck off. A greater proportion of women were struck off in 2019/20 (25% or 14 individuals) compared with 8% (or 6 individuals) in 2018/19 – but the numbers are small, making it difficult to draw any meaningful conclusions.

Gender was known for 56 of the 57 individuals (98%) who received a strike off.

**Path B: Outcome types – gender breakdown**



## Ethnicity

There is an increase in the proportion of White individuals named on cases concluded at the SDT (stage 4) and a corresponding decrease of Black, Asian and minority ethnic individuals. The proportion of White individuals increases from 65% to 72%, and the proportion of Black, Asian and minority ethnic individuals decreases from 35% to 28%. However, as noted above, the numbers at this stage are low, making it difficult to draw meaningful conclusions.

In 2018/19, we saw a small increase for the Black, Asian and minority ethnic group from stage 2 (investigations at 32%) to stage 4 (individuals named at cases concluded at the SDT at 35%), again with the caveat that, with such small numbers, we do not know if this is meaningful.

Ethnicity was known for 112 of the 129 individuals named on cases concluded at the SDT (87%).

### SDT outcomes – ethnicity

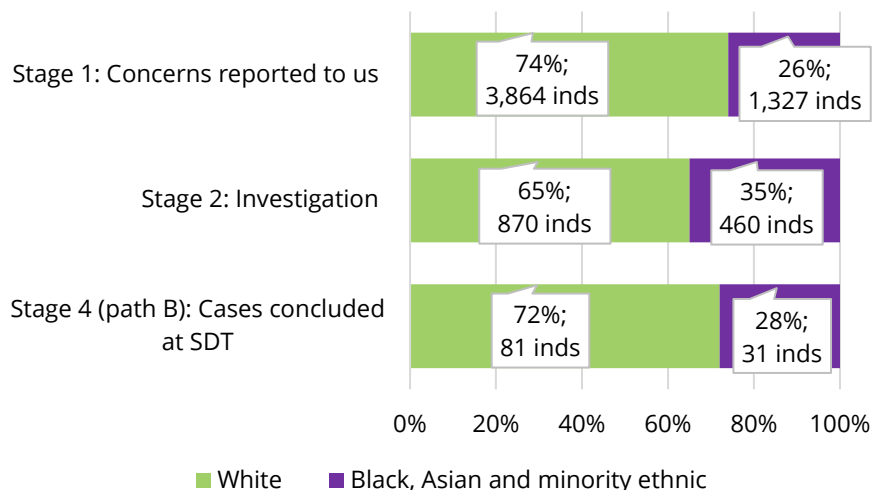
There is little difference in the proportion of White and Black, Asian and minority ethnic individuals who were fined (29%) or struck off (29%) when compared with the breakdown of individuals named on cases concluded at the SDT (28%).

There was a similar pattern in 2018/19, with broadly a proportionate breakdown of Black, Asian and minority ethnic and White groups seen

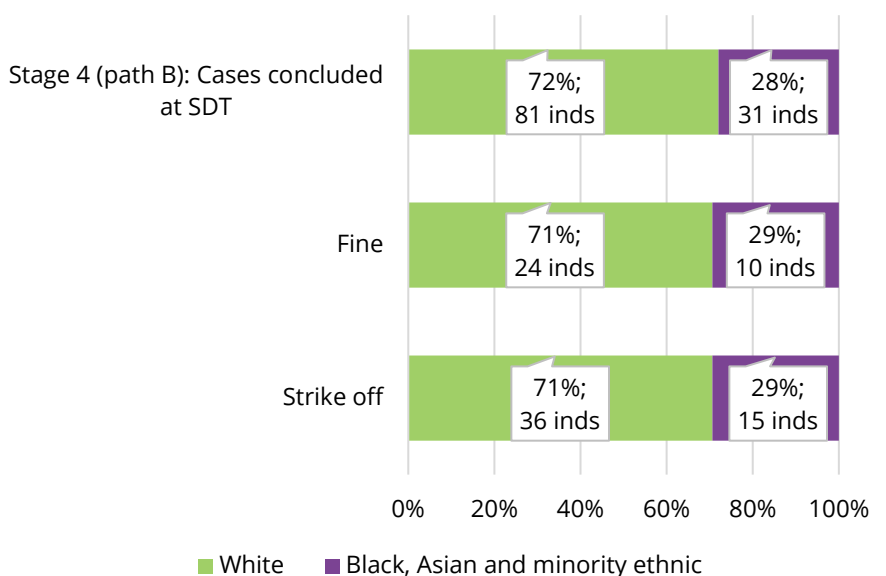
across decisions involving a fine or strike off.

Ethnicity was known for 34 of the 36 individuals who were given a fine (94%) and 51 of 57 individuals who were struck off the roll (89%).

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



**Path B: Outcome types – ethnicity breakdown**





## Age

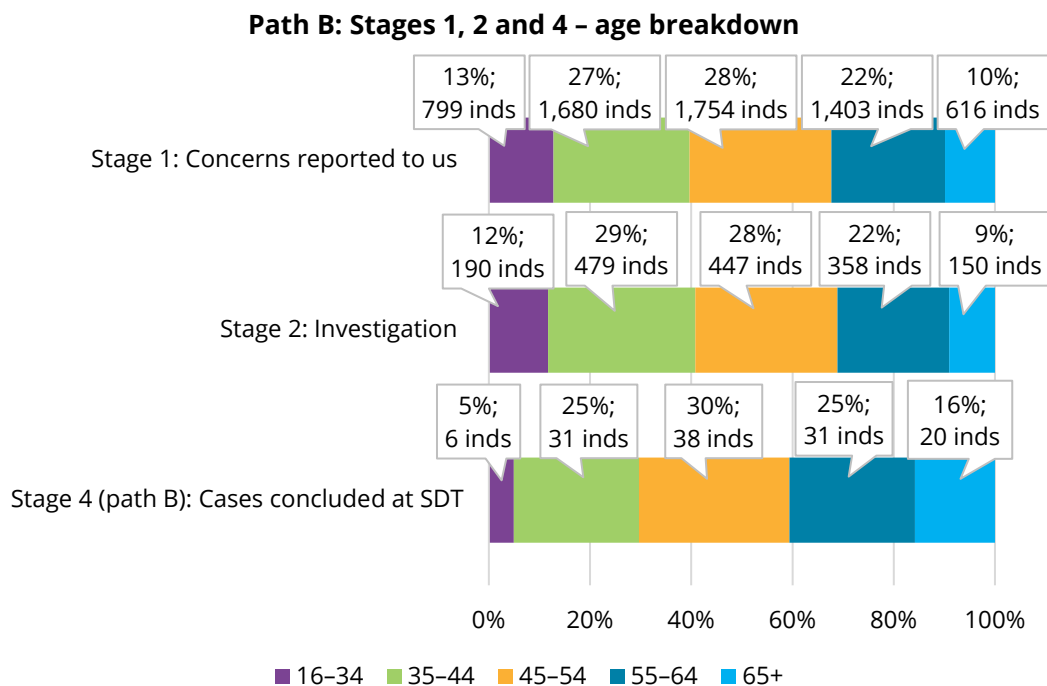
Again, it should be noted that the numbers are low at stage 4, making it difficult to draw meaningful conclusions. For the 45–54 and 55–65-year-old age groups, the percentage of those whose cases were concluded at the SDT (stage 4) is largely proportionate to those whose cases were taken forward for investigation (stage 2). There are some differences for the youngest and oldest groups. Those under 34 made up 12% of cases investigated and 5% of those named on cases concluded at the SDT. A similar decrease can be seen in the

35–44-year-old age group, where 29% are represented at stage 2 and 25% at stage 4. However, those aged 65 and over made up 9% of cases investigated and 16% of those named on cases concluded at the SDT.

There was a similar pattern in 2018/19, with a decrease from stage 2 to stage 4 for the youngest group and an increase for the oldest group, although the change was less pronounced for both groups. For those aged 16–34, the decrease was from 11% to 9% in 2018/19 and for

the 65+ group the increase was from 10% to 13%.

Age was known for 126 of the 129 individuals named on cases concluded at the SDT (98%). There were no 16–25-year-olds named on cases heard at the SDT for 2019/20, and the number of 16–24-year-olds named on concerns reported to us in stages 1 and 2 is nominal.



Please note, the stage 4 adds up to 101% due to rounding.

### SDT outcomes – age

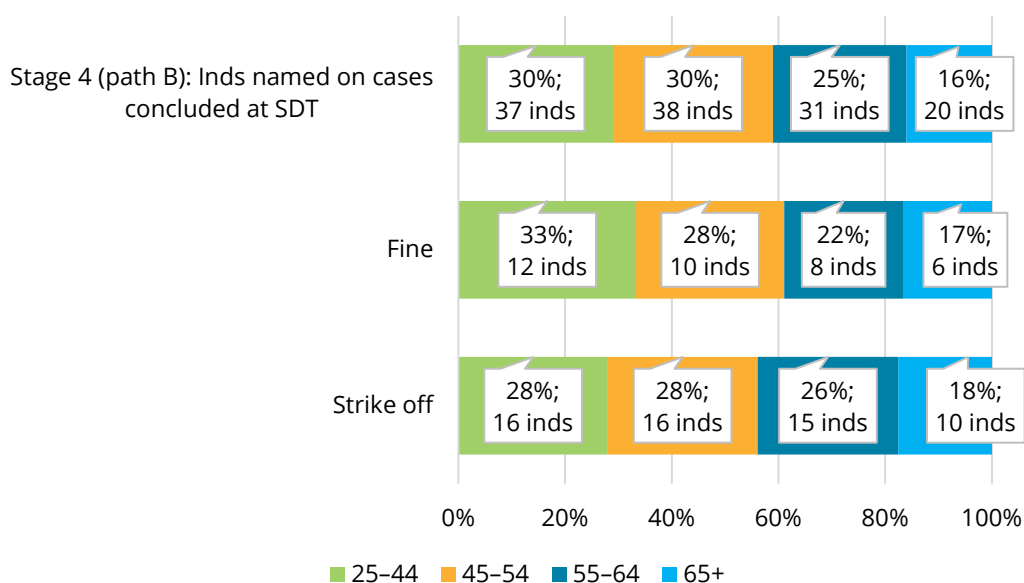
Outcome types across all age categories are broadly proportionate when compared with the age groups represented at stage 4. The only exception is the 25–44 age group, where there is a slight increase when looking at individuals named on cases with a fine (33%) when compared with individuals named on cases. However, the number of fines in this group is small, making it difficult to draw any firm conclusions.

There are similarities with the 2018/19 findings: the majority of age groups were proportionately

represented across decisions involving a strike off, except the 55–64 age group.

Age was known for all the individuals who received the sanctions below (36 fines and 57 strike offs).

**Path B: Outcome types – age breakdown**



## Disability

Although the findings at stage 4 relate to only six individuals, we have included the findings in the report this year. However, the low numbers involved at this stage and the low declaration rates concerning disability make it difficult to draw any meaningful conclusion.

There appears to be a higher proportion of disabled individuals named on cases concluded at the SDT when compared with those named on reports taken forward for an investigation. The proportion grows, from 2% (representing 38 individuals) to 5% (representing 6 individuals), again with the limitation that such small numbers preclude any meaningful analysis.

### SDT outcomes – disability

The proportion of individuals who who received a strike off is broadly proportionate with those represented at stage 4.

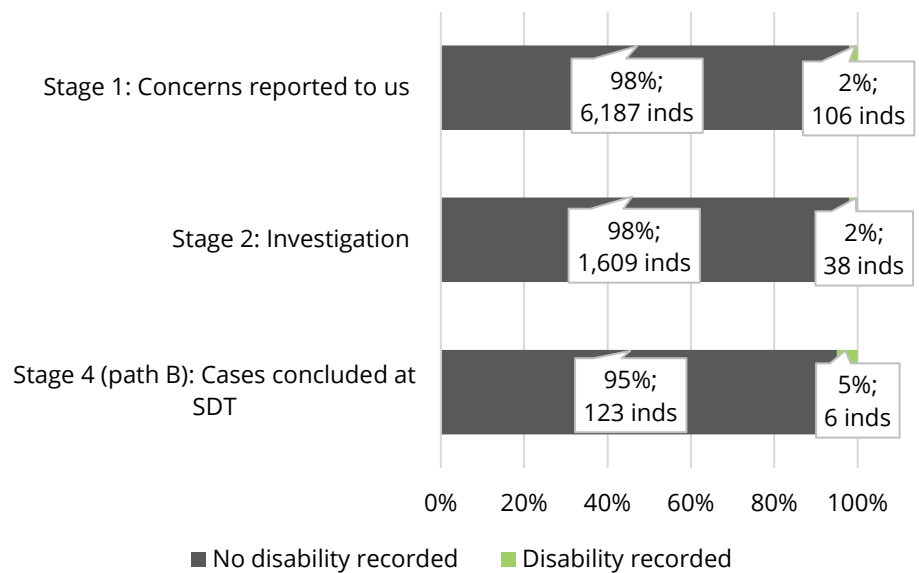
There were 57 individuals struck off, five of whom had a disability, or 9% of the total.

We have not been able to make a comparison with 2018/19 as there were too few individuals named on cases at this stage, and to report this data could risk, and could have risked, revealing the identity of those individuals.

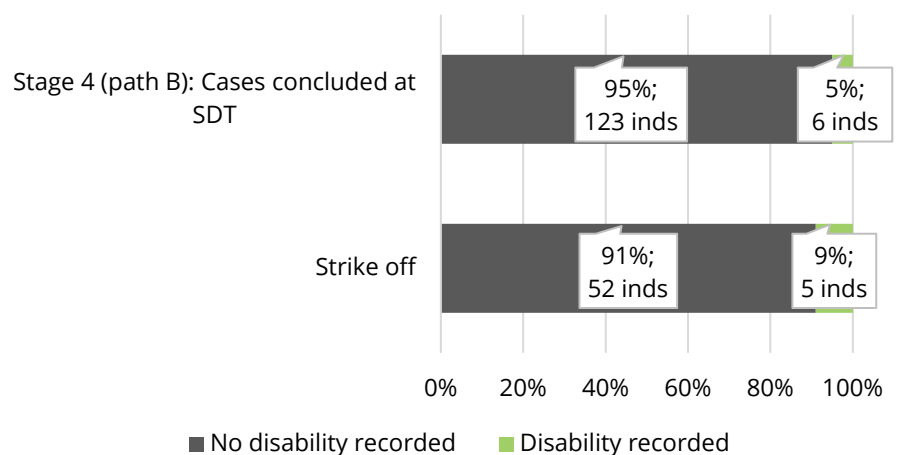
It is difficult to draw a meaningful conclusion from this particular piece of data, as it is such a small

set, and to add or subtract just one outcome would significantly shift the proportions.

**Path B: Stages 1, 2 and 4 – disability breakdown**



**Path B: Outcome types – disability**





## Diversity profile: Agreed outcomes

- Agreed outcomes allow us to protect both consumers and the public interest swiftly, efficiently and at a proportionate cost.

In addition, changes to the SDT's rules in 2019 include a new rule that allows 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 by way of an agreed outcome and we are likely to see more cases resolved this way in the future.

The charts in this section compare the diversity breakdown of those individuals whose case was concluded at the SDT by way of an agreed outcome and those whose case was concluded by a hearing. Of the 112 cases concluded at the SDT in 2019/20, 42 were resolved by way of an agreed outcome, with 49 individuals named on those cases. A remaining 72 cases were concluded following a hearing, with 80 individuals named on those cases. The number of agreed outcomes has increased from 33 cases in 2018/19 and which involved 34 individuals.

There is a discrepancy between the total number of cases concluded at the SDT (112)

when the total number of cases concluded by a hearing (72) and those concluded by way of an agreed outcome (42) are added together (114). This can happen when a case concerns more than one individual. For example, we may be able to reach an agreed outcome with one of the individuals in the case, but we are unable to reach one with another and a full hearing is needed to resolve the matter. In 2019/20, there were two cases which were concluded this way.

### Limits in reporting data

The proportions of cases concluded by way of an agreed outcome are broken down by three diversity characteristics: ethnicity, gender, and age. Due to the number of cases resolved by way of an agreed outcome, we have not been able to present information on the outcomes of these cases, as to do so could risk revealing personal information about those people involved. For the same reason, ethnicity is broken down into two groups: Black, Asian and minority ethnic, and White, and we have not been able to publish any information relating to disability. For the same reason, we have grouped together the 25–34 and 35–44 age groups.

### Low numbers

Due to the low numbers involved when looking at agreed outcomes, we cannot confirm with confidence if the changes seen are statistically significant, or whether they are a result of chance. Any differences between groups should, therefore, be treated with caution.

Although the numbers relating to agreed outcomes are likely to remain relatively small, we are taking action to increase disclosure rates and we will continue to monitor this area so we can identify patterns over time.

## Gender

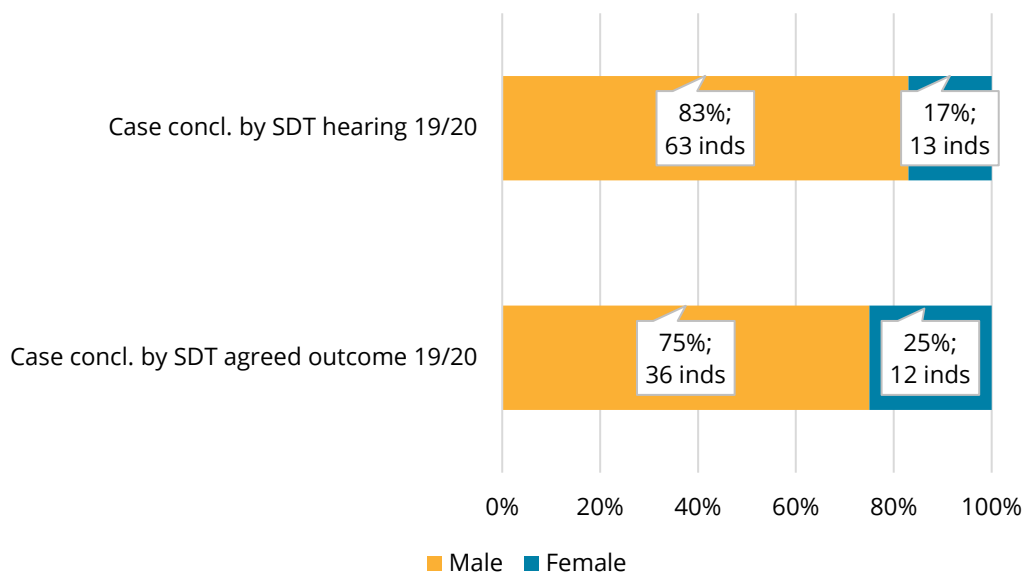
Although the numbers are small, making it difficult to draw meaningful conclusions from the data, there is a higher percentage of women named on cases concluded by way of an agreed outcome (25% made up of 12 individuals) compared with those concluded by of a hearing (17% made up of 13 individuals).

In 2018/19, there was no difference between the breakdown of men and women who resolved their case either by way of an agreed

outcome or by hearing (85% men and 15% women).

Gender was known for 48 of 49 individuals named on cases concluded at the SDT by way of an agreed outcome (98%). It was known for 76 of the 80 individuals where a case was concluded by an SDT hearing (95%).

**Agreed outcomes – gender breakdown**



## Ethnicity

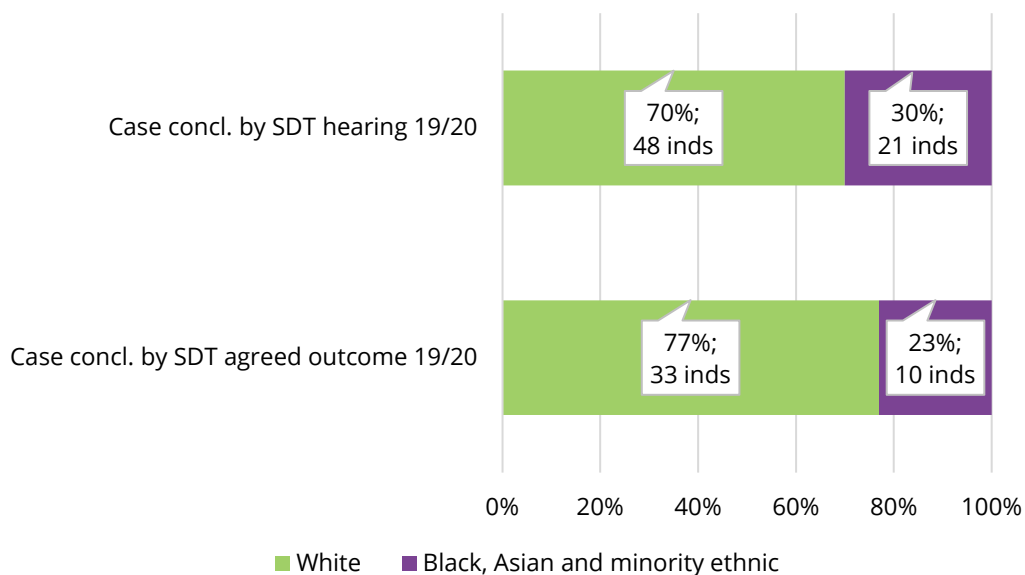
Although the numbers are small, making it difficult to draw conclusions from the data, there is a smaller proportion of Black, Asian and minority ethnic individuals named on cases concluded by way of an agreed outcome (23% made up of 10 individuals) when compared with those concluded by a hearing (30% made up of 21 individuals).

Although the gap appears to have narrowed this year, there was a similar pattern in 2018/19, with a lower proportion of Black, Asian and minority ethnic individuals concluding their case by way of an agreed outcome when compared with a hearing. In 2018/19, the Black, Asian and minority ethnic group represented 17%

(five individuals) of those who concluded their matter by way of an agreed outcome, compared with 40% (38 individuals) of those who concluded the matter by way of a hearing.

Ethnicity was known for 43 of the 49 individuals named on cases concluded at the SDT by way of an agreed outcome (88%). It was known for 69 of the 80 individuals where a case was concluded by an SDT hearing (86%).

**Agreed outcomes – ethnicity breakdown**



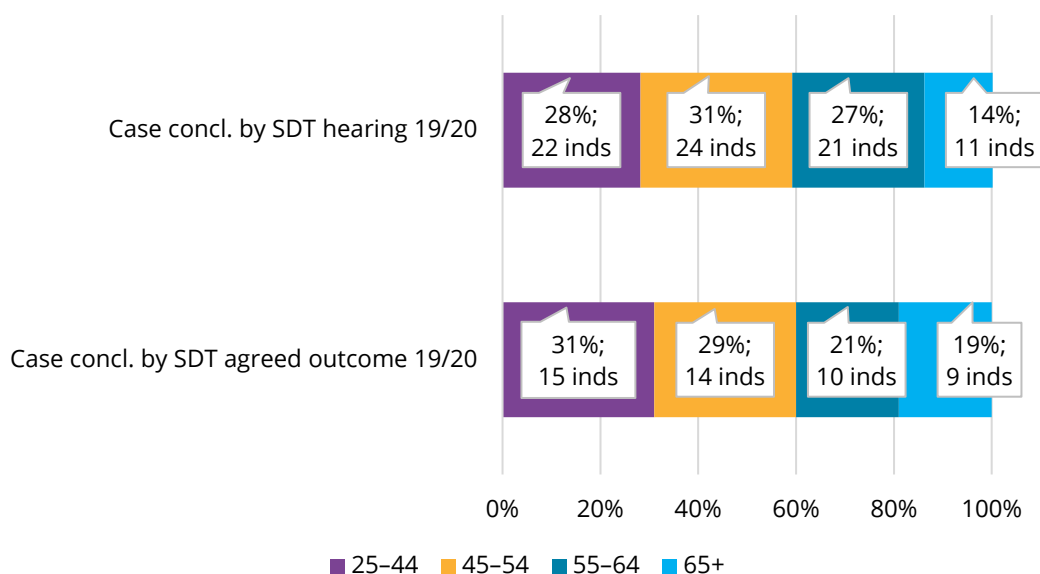
## Age

There is a smaller proportion of individuals aged 55–64 named on cases resolved by way of an agreed outcome when compared with those concluded by a hearing, decreasing from 27% to 21% – although the numbers are small (21 and 10 individuals, respectively). The opposite is true for individuals aged 65+, increasing from 14% to 19% (11 and nine individuals, respectively). Again, there are only a small number of individuals within this group, making it difficult to draw firm conclusions from the data.

The pattern in 2019/20 is more proportionate across the age categories than it was in 2018/19, where there were some greater differences for the 45–54 and 64+ groups than seen this year.

Age was known for 48 of the 49 individuals named on cases concluded at the SDT by way of an agreed outcome (98%). It was known for 78 of the 80 individuals where a case was concluded by an SDT hearing (97%).

**Agreed outcomes – age breakdown**



We have grouped together the 25–34 and 35–44 age brackets due to the small numbers involved.



## 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 2020 from data provided by individuals through their mySRA accounts. The practising population as of this date was 160,498.

As the reports and cases considered in this report are from 2019/20, this was the most appropriate data source against which to compare the diversity profile of people represented in our enforcement processes. This data is different from that collected every other year in [our firm diversity data collection](#), which covers solicitors, other lawyers and other staff working in law firms, and it uses statistical modelling to estimate the diversity breakdown across all characteristics.

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

### Disclosure rates

When looking at the practising population, the known population for each of the four diversity characteristics ranges from 73% (for ethnicity) to 99.9% (for age). This diversity data is taken from individual mySRA accounts, where it is not mandatory for people to declare their diversity characteristics.

We are also looking at ways to encourage people to provide their diversity information when they first enter the profession. As we noted in the 2018/19

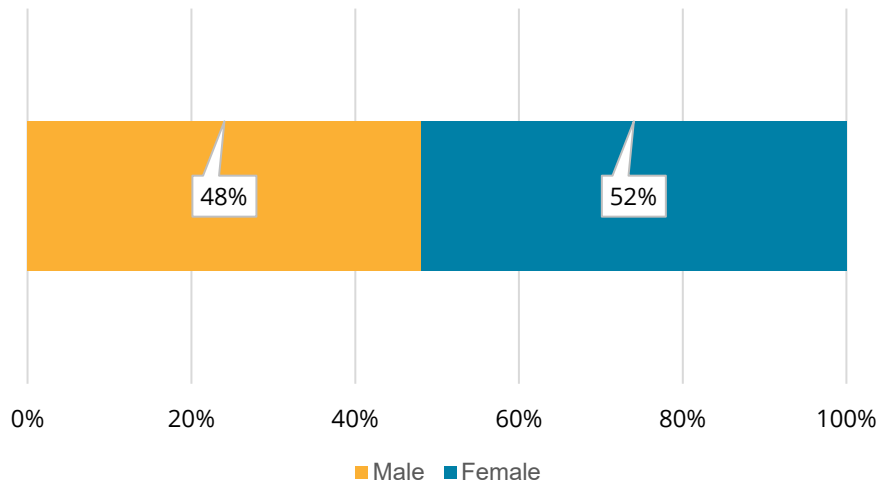
report, we have seen a falling number of newly enrolled solicitors provide their diversity data to us, following our move to an online admissions process. This has fallen year on year and explains the drop in some of the disclosure rates seen below.



## Gender

The chart to the right shows the breakdown of 149,702 of the practising population where gender was known. It represents 93% of the practising population as of 1 Nov 2020. The proportion of men has fallen by 1% since 2019 and there has been a drop of 4% in the known population data, which was 97% in 2019.

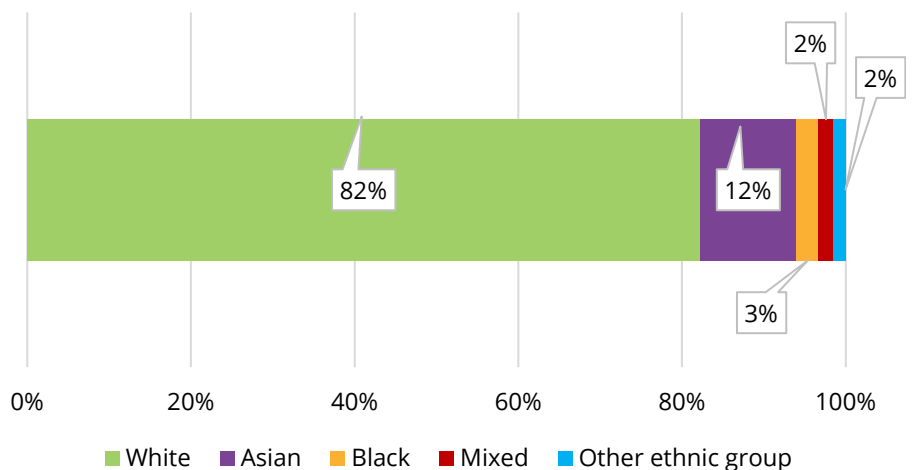
Practising population – gender breakdown



## Ethnicity

The chart to the right shows the breakdown of 117,765 of the practising population where ethnicity was known. It represents 73% of the practising population as of 1 Nov 2020. There has been no change in the breakdown of the profession by ethnicity since 2019, but there has been a 3% drop in the known population data, which was 76% in 2019.

Practising population – ethnicity breakdown



We break ethnicity down into five main groups: White, Black, Asian, Mixed or 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. If the numbers are too small, while the experience of people making up the Black, Asian, Mixed or Other ethnic group will not be the same, we will report these groups together, alongside the White group. We refer to this group as the Black, Asian and minority ethnic group, and, unlike the report for 2018/19, we will not be using the acronym 'BAME'.

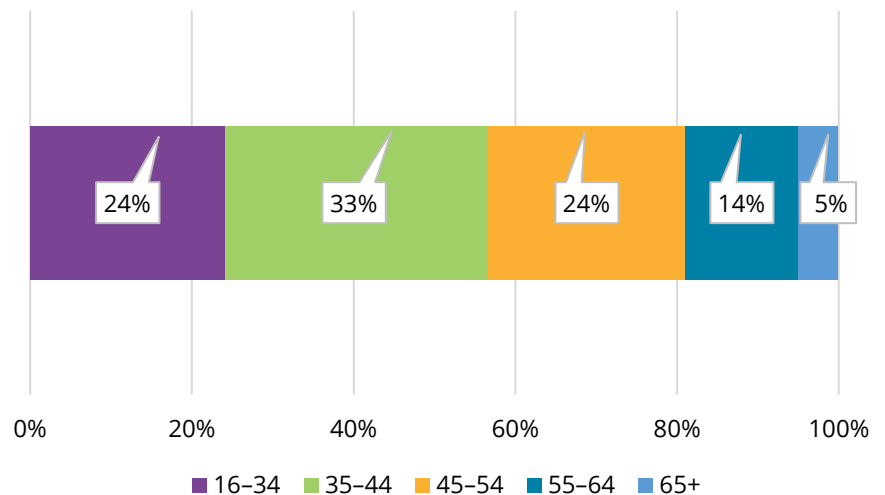
Please note, the practising population data here adds up to 101% due to rounding.

## Age

The chart to the right shows the breakdown of 160,306 of the practising population where age was known. It represents 99.9% of the practising population as of 1 Nov 2020.

The 16–24 age bracket had 359 individuals recorded in it, which accounts for less than 1% of the practising population. Compared with 2018/19, the combined 16–24 and 25–34 age group has decreased by 1%. The 35–44 age group has increased by 1%. There was no change in the three groups representing those aged 45 or over since 2018/19.

Practising population – age breakdown

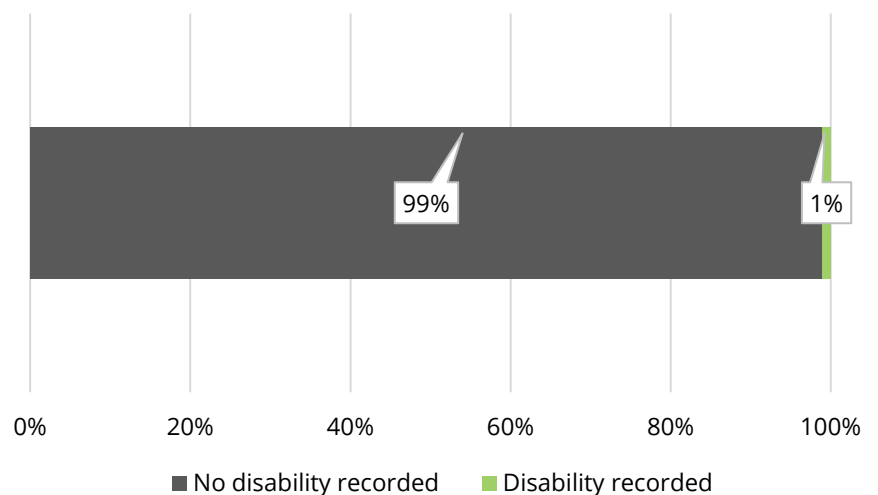


## Disability

The chart to the right shows the 1,663 practising solicitors who have declared a disability (of 160,498). There has been no change since 2018/19.

We know disability status is underreported across law firms. [During our firm diversity data collection exercise in 2019](#), only 3% of lawyers declared they had a disability. We consider that this is underrepresented, in light of 20% of the working age population who report that they are disabled.<sup>4</sup>

Practising population – disability breakdown



4. [Disabled people in employment](#), UK Parliament House of Commons Library, April 2021.