

	CILEx Regulation Limited
Date	25 September 2024
Item	08.00
Title	EDI Strategy
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Purpose	This paper provides the Board with a report on progress to date against the CRL EDI Strategy, planned activity for the remainder of 2024 and sets out the proposed activity in 2025
Recommendation	The Board is asked to NOTE progress in 2024 and APPROVE the proposed workstreams for Q4 2024 and Q1-Q3 2025
Timing	This Report details Q4 work streams in 2024 and initial planning for Q1-Q3 2025
Impact assessment	Work being undertaken demonstrates that CRL is well-led, consumer-focused and promotes an independent, strong, diverse profession
Impact on Regulatory Objectives	The assurance provided by this report has a positive impact on the following regulatory objectives: <ul style="list-style-type: none"> - Public interest - Consumer interest - Independent, strong, diverse profession
Implications for resources	Provision for the research on digital inclusion has been provided for in the CRL budget
Impact on consumer empowerment	Increased commitment of CRL entities and members to EDI improves access to services for consumers in all their diversity
Impact on ongoing competence	N/A
Publication status	For publication
Appendices	

Introduction

1. This paper provides an annual update to the Board on progress against the equality, diversity and inclusion (EDI) strategic objective.
2. The paper is divided into five parts:
 - Part 1: reviews progress against agreed workstreams for 2024
 - Part 2: Professional bodies research report Beyond Buzzwords highlights:
 - Part 3: presents the latest information from the Legal Services Board (LSB) on EDI expectations
 - Part 4: sets out the proposed activity for CRL for EDI in Q4 2024 and Q1-Q2 2025

Recommendation

3. The Board is asked to NOTE progress in 2024 and the proposed workstreams for Q4 2024 and Q1-Q2 2025

Part One: Review of progress against current workstreams

4. The CRL [Strategic Objectives 2022-24](#) commit CRL to champion fair access for all in the legal services market by:
 - (a) Improving the ability of aspiring lawyers to enter and progress in the profession based on merit and regardless of their background or diverse characteristics in partnership with CILEX and with other regulators and stakeholders, focusing on areas where we can make a difference.
 - (b) Using data effectively to set goals to measure impacts, chart progress and evaluate the effectiveness of equality actions to enable us to understand the outcomes for consumers and the regulated community.
 - (c) Identifying and working to resolve barriers faced by consumers from diverse backgrounds to improve access to legal services, leading the collaboration across stakeholders where appropriate.
5. The CRL [Equality, Diversity & Inclusion Strategy 2022-24](#), launched in January 2022 underlines CRL's commitment to EDI and we have already made progress delivering against some commitments for 2024, but progress against others has been hindered by factors outside CRL control.
6. Our 2022 EDI strategy set out our intention: *to work with CILEX to improve our knowledge of members of our regulated community*. We put this part of the strategy on hold in our review in 2023 because following approaches to CILEX in 2023, CILEX indicated that it did not wish to collaborate on EDI projects. During 2024:
 - we have been successful in engaging with CILEX on a functional level. We collaborated with CILEX to provide data to the Combined Statistics Working Group and input to the judicial diversity [report](#).
 - we again approached CILEX at senior level with requests to collaborate with CILEX in other areas but these again have not been successful. These include the progression project and taking work forwards with the collaborative of 12 representative and regulatory organisations following publication of the Beyond Buzzwords [report](#).
7. Our progress against the planned activity to support the strategy between Q4 2023 and Q3 2024 is set out below.

	Objective	Action Programme	Status
	Progression in the Profession		
1	Objective: Improve the ability of aspiring lawyers to enter and progress in the profession	Engage with other regulators (specifically SRA) to improve how we track seniority and progression.	<p>Explored how we might secure expertise to develop our approach to collecting and interrogating data to understand and monitor progression with several organisations. Instructed the Bridge Group to carry out this work, which is currently in progress.</p> <p>Provided information, data and participated in workshops to support LSB mapping and Judicial pipeline research (paragraphs 17 and 18 below).</p> <p>Participated in the Combined Statistic Working Group (CSWG) of the Judicial Diversity Forum and discussions with regulators at EDI Forum regarding potential changes to diversity questions and responses to improve comparability with other sectors and society.</p>
2		<p>Continue to provide regulated individuals with an understanding of what they can expect as best EDI practice from employers and empower them to communicate about this with their employers by:</p> <ul style="list-style-type: none"> • use of the Bridge report materials • if possible, approach firms with diversity programme, to gain information • where possible, finding out what other regulators publish to inform, and require of, regulated employers (including behaviour/how to behave/what not to tolerate/what to do if experience) • prepare materials to communicate information <p>plan and carry out varied comms to publish and inform regulated individuals</p>	<p>Work to compile information has started and further work will continue in Q4 2024 and early 2025.</p> <p>John's Solicitors Journal article emphasised EDI at forefront of our strategic objectives.</p>
3		<p>Work with professional bodies research to finalise report. CEOs meet to agree proposed action. Publication</p> <p>Raise awareness of where the legal sector sits amongst professions and challenge, outdated attitudes to</p>	<p>Participated in cross-sector EDI research consortium work leading to finalisation of the report, Beyond Buzzwords (paragraph 18 below), and publication to our regulated community.</p>

		progression and inclusion for diverse groups.	An article by John on EDI appeared within the Solicitors Journal published in August.
4		Prepare response to LSB consultation on EDI policy statement	LSB has not yet issued EDI policy/new guidance consultation.(Part 3).
Data Collection and Analysis			
5	Objective: Use data effectively to set goals to measure impact, chart progress and evaluate the effectiveness of equality actions	Publish the Data Diversity Report 2023	The Data Diversity Report 2023 was published on the CRL website.
6		Analyse the diversity data 2023 for more insights into progression and prepare a short “further insights” report.	This work to be rolled into the approach following the outcome of the Bridge Group progression work.
		Analyse the diversity data collected from CRL firms and publish high level report.	The data from the firm diversity survey was analysed and a report published on CRL Website.
		Analyse leavers survey and report to Board	A leavers survey was carried out in 2024 and the data will be analysed for insights.
		Campaign to increase data/reduce PNS (focus on characteristics where less data/higher PNS).	Comms campaign using newsletter and social media carried out Q4 2023/Q1 2024 CRL found out in summer 2024 that in November 2023 CILEX unilaterally “hid” the personal data submission form in the membership portal so members cannot update their data other than on renewal. This is being discussed with CILEX.
		Seek to collaborate with CILEX if require change in diversity data questions for 2024 onwards (CSWG for JDF work anticipated)	Collaborated with CILEX to: <ul style="list-style-type: none"> consider proposals from the CSWG to potential changes to diversity questions and responses and provide data to the CSWG and input to the judicial diversity report.
Improving Access to Legal Services (link with Consumer Action Programme)			
	Identify and work to resolve barriers faced by consumers from diverse backgrounds to improve	Participate in cross-regulator research into digitally excluded consumers of legal services with BSB, ICAEW and possibly CLC.	CRL is collaborating with BSB, ICAEW and CLC on this research using research company M.E.L. ITT and funding agreement completed at the end of 2024.. Research proposals from companies reviewed in early 2024. M.E.L.

	access to legal services (linked to other planned research)		appointed in April and research field work currently ongoing.
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Part Two: Professional bodies research report Beyond Buzzwords highlights:

8. We participated in EDI research conducted by The Young Foundation on behalf of CRL and eleven other professional membership bodies since 2022. The report, *Beyond Buzzwords*, published in March 2024, incorporates insights from more than 7,000 professionals¹ and looks at how recent efforts to promote EDI have been experienced across the professions. A case study of CILEX members’ experiences was provided and the researched reported in Legal Futures.

9. The research concludes a new approach reframing of how EDI is understood is required:

- EDI must be guiding principles for all decision-making – rather than focussing on isolated initiatives
- Interventions must focus on changing the systems that underpin marginalisation.

10. Recommendations to regulatory and membership bodies (page 73):

- Put EDI at the heart of what it means to be a professional
- Set higher standards for professionals
- Actively involve professionals in change by providing meaningful opportunities for members, students and employers to shape action around EDI
- Become role models for good practice

These are referenced in the report accompanying the mapping research work for the LSB (Page 17) referred to in paragraph 17 below.

11. Selection of findings

- 73% respondents experienced barriers to career progression or some form of ‘discriminatory or exclusionary’ behaviour in their workplace since the start of 2019.
- Negative experiences were more pronounced among those with multiple marginalised characteristics².

¹ law (CILEX members), accountancy, engineering, health and safety, facilities management, human resources, insurance, management, procurement and public relations

² Marginalised characteristics definition:

- marginalised gender identity (women, non-binary, trans, other marginalised gender identities)
- minoritised ethnic group, faith or identity (Black, Asian, mixed or other ethnicities and/or non-Christian religions)
- marginalised sexual orientation (lesbian, gay, bisexual, queer or other non-heterosexual orientation)
- physical and/or mental health condition and/or neurodivergence
- lower socioeconomic background

- Widespread scepticism that ambitious EDI goals are being translated into meaningful actions.
- Access and entry routes into many professions remain challenging for people from minority backgrounds.
- Many professionals feel excluded from informal networks and opportunities to develop their careers.
- 53% have considered leaving their employer or profession due to EDI concerns (feeling undervalued or having limited scope to progress).

12. CRL specific findings include:

- The majority of the 631 CILEX research participants were Female, with 2 or 3+ other characteristics
- Compared to the majority of other organisations, CILEX participants disagreed:
 - that their unique personal attributes, characteristics, and background are valued within the profession and
 - that the profession is inclusive regardless of socioeconomic background or caring responsibilities.
- They had encountered barriers on joining the profession including:
 - worries about affordability of training
 - concerns about the university attended or not gaining a university degree
 - a lack of social/professional networks with people already in the profession
 - worries about “fitting in” due to being a minority in the profession – for example, on the basis of gender, ethnicity, or social class
 - impact of childcare responsibilities on career progression.
- Amongst the professions, more CRL participants had considered leaving the profession or their organisation mainly because of:
 - unequal pay and/or benefits
 - burnout or unmanageable workload
- Other issues raised included mental wellbeing and feeling under pressure to work longer hours.
- **Positively:**
 - Participants acknowledged some improvements in the diversity profile of new entrants, but still felt that the law sector was dominated by males of white ethnicity from middle/upper class backgrounds.

- Access into law via the CILEX route was seen to have improved inclusivity in the sector. Employers increasingly recognising benefits of hiring individuals qualifying via the CILEX route as it offers:
 - a more diverse range of knowledge and
 - professionals who can empathise with the communities they serve.
- The intention now is to produce a plan to address and implement within CRL specific actions arising from the Buzzwords research within the next 6 months.

Part Three: Latest information from the Legal Services Board (LSB) on EDI expectations

13. The LSB has been developing its policy approach on EDI for the past three years. The LSB's current expectations on EDI are at 14 and 15 of the [Regulatory Performance Assessment Framework Sourcebook](#). CRL reported against these for the first time in 2023 and supported by our [Mapping Document](#).
14. In its [July 2023 Board](#) paper, the LSB signalled its expectation that regulation act as a catalyst to increase the pace of change on EDI. It considered possible scope for regulatory interventions to address structural challenges in the sector.
15. The LSB has not yet consulted on an EDI statement of policy or renewed guidance to replace [current guidance](#). We had anticipated this before the end of 2023.
16. The LSB carried out two pieces of research Q4 2023 – Q2 2024. CRL supported these as reported in the Director of Governance papers during Q4 2023 – Q2 2024. In August the [LSB](#) released two research reports.
17. An interactive [map](#)³ and [report](#) identify specific stages in lawyers' careers where barriers can prevent some groups of people from progressing and prevent the sector from reflecting the society it serves. These barriers include:
 - Elitist assumptions about the profession, which can stop some people from applying to join it or from seeking more senior roles.
 - Devaluing non-traditional routes into the profession, which limits careers of chartered legal executives and apprentices, for example.
 - Bullying and harassment.
 - Workplace cultures of long hours, which make it difficult for parents and those with caring responsibilities to progress or can lead to burnout and mental health challenges.
 - Unfair work allocation which prevents some people from experiencing more complex and challenging cases.

³ a visual simplification of complex structural, cultural, and personal issues - designed to assist focused action to improve EDI and wellbeing.

- Recruitment processes that give undue weight to presentation and ‘polish.’

18. A [study on the diversity of barristers, solicitors and chartered legal executives at different stages along the career path to joining the judiciary](#). Conducted on behalf of the Judicial Diversity Forum and funded by the Ministry of Justice, the research identifies points along the pathway when some lawyers’ journeys are cut short, and they do not join the judiciary. The [key findings of the report](#) show that:

- Senior barristers and senior solicitors alike are more likely to be male, while barristers are more likely than solicitors to be recommended for judicial posts
- Legal professionals who are female and from an ethnic minority are significantly less likely to become KCs, white men dominate barristers’ and solicitors’ senior ranks, and current judges are more likely to be white men
- Ethnic minorities, which are generally underrepresented among judges, are overrepresented among judicial applicants but are less likely to be shortlisted and recommended than white applicants
- Lawyers who attended fee-paying and independent schools are more likely than state school alumni to be shortlisted and recommended for the judiciary.

19. The LSB:

a) stated that it will:

- continue to work in partnership with sector stakeholders to identify opportunities to collectively deliver on our shared vision of a fair, healthy, diverse and inclusive legal profession; and
- aim to conduct more targeted engagement on the research findings, and possible next steps which can collectively be taken to tackle a shared challenge to equality, diversity, inclusion and wellbeing in the legal profession later in 2024.

b) identified next steps:

- review of its EDI guidance to regulators and
- consideration of how regulation can enable and promote increased diversity in the legal services profession.

Part four: Proposed activity for CRL for EDI in Q4 2024 and Q1-3 2025

20. Details of the priorities for Q4 2024 and Q1-3 2025 are detailed in the table below.

21. We have planned work through to Q3 2025 when we will reassess our plans for implementation of the strategy. At that point we should have seen the LSB policy proposals/guidance and have a clearer understanding of the situation with CILEX.

22. In Q4 2024 and Q1-3 2025 we will:

AS AN EMPLOYER:

- We will carry out a further survey in 2024 to collect and publish diversity monitoring data about our staff and the people who carry out work for CILEx Regulation which include the Board, panels and committees.
- We will continue to provide EDI training for our staff both at induction and annually, with other training available to our various panels, committees, and our Board.

AS A REGULATOR:

❖ **Analyse the data**

- We will collect, analyse and report on regulated individuals and firms diversity data and develop our work on understanding and monitoring progression
- We will analyse the data from the leavers survey 2024 for emerging insights

❖ **Work with our regulated individuals to make them aware of best practice in EDI**

We will develop and publish information for our regulated individuals to:

- make them aware of initiatives and practices that might be available to support them in their practice and empower them to progress their career, and
- requirements of legal regulators of behaviour within their regulated communities

❖ **Developing and consulting on a refreshed EDI strategy aligned to the new corporate strategy**

❖ **Produce an action plan in response to the Beyond Buzzwords report**

AS A PARTNER:

❖ **Respond to the LSB's consultation on an EDI policy / guidance**

We will provide constructive feedback to the LSB, using our insights and knowledge of our regulated community.

❖ **Improve our understanding of the potential differential impact on diverse consumers of legal services**

We will participate in cross-regulator research into digitally excluded consumers of legal services to better understand the types and diverse characteristics of consumers that are digitally excluded to better inform our understanding of their needs and how these might be met by the professionals that we regulate:

	EDI Objectives	Action Programme	Time frame
	Progression in the Profession		
	Improve the ability of aspiring lawyers to enter and progress in the profession based on merit	Develop approach and commence work to collect appropriate data and create analysis mechanism for understanding and monitoring progression.	Q4 2024 – Q3 2025
		Continue the work to provide regulated individuals with an understanding of what they can expect as best EDI practice from employers and empower them to communicate about this with their employers by: <ul style="list-style-type: none"> • using Bridge Group materials • finding what other regulators publish to inform, and require of, regulated employers • preparing materials to communicate information • carrying out varied comms to publish and inform regulated individuals 	Q4 2024 – Q3 2025
		Prepare response to LSB consultation on EDI policy approach and guidance	Q4 2024/2025
	Data Collection and Analysis		
	Use data effectively to set goals to measure impact, chart progress and evaluate the effectiveness of equality actions	Carry out collection of diversity data, analysis, prepare appropriate report and publish for: <ul style="list-style-type: none"> • CRL's staff/Board/panel, • regulated individuals and firms. 	Q4 2024/Q1 2025 Q2/Q3 2025
		Analyse leavers survey 2024 and report to Board. Carry out leavers survey 2025.	Q1 2025 Q2/3 2025
	Improving Access to Legal Services (link with Consumer Action Programme)		
	Identify and work to resolve barriers faced by consumers from diverse backgrounds to improve access to legal services (linked to other planned research	Continue with the collaborative research into digitally excluded consumers of legal services with BSB, ICAEW and CLC. Draft report / report for publication. Develop next steps from findings.	Q4 2024/Q1 2025 Q2/3 2025

21. The Board is asked to **APPROVE** the proposed workstreams for Q4 2024 and Q1-Q3 2025.