

# Diversity **Report** **2019**



## Introduction

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In 2019 we carried out the second diversity data collection across the whole of our regulated community. We gathered diversity data for a wide range of indicators including job role, age, gender, disability, ethnicity, religion or belief, sexual orientation, socio-economic background, and caring responsibilities.

We carry out diversity data collections to increase our understanding of the diversity makeup of our regulated members, identify issues and observe changes in diversity over time.

## Our aims

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When analysing the data, we were keen to understand more about our current key areas of focus which are social mobility and female parity of opportunity, which were identified by CILEx Regulation's Board as focus areas following the 2017 survey findings. Following our 2017 diversity report, we again looked at data relating to Black, Asian and Minority Ethnic (BAME) responses and individuals identifying with a disability.

In 2019 we captured qualitative information for the first time by including a free-text box in the questionnaire. More than 700 people took the time to feedback their experiences and observations about inclusion, equality and diversity within their professional lives. We were delighted by this response which reflects the importance of diversity issues to our regulated community and gives us a deeper insight into the challenges being faced.

## Executive summary

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- The 2019 survey results reaffirmed the findings from the 2017 survey with no significant changes
- We achieved a higher response rate of 40% up from 26% in 2017. Although there was a slight change in demographic of those who took the survey compared with 2017, this did not affect the comparability of data between the two years
- The 2019 survey reaffirmed inequality for females, particularly data relating to child-care and comments about inflexible working
- There is an indication that individuals from more advantaged socio-economic backgrounds do better by joining CILEx in higher grades and achieving greater career progression
- We recommend developing further analysis from a broader perspective:
  - a) across the legal profession (potentially led by LSB via State of the Nation or Regulator Forums EDI Group)
  - b) comparison to other professions to see if the findings are similar or whether the law has any differences.

## Overall responses

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Our aim was to improve on the number of responses we achieved in our 2017 collection. Through an extremely successful engagement campaign, we increased the response rate by 14% with 8,346 people completing the questionnaire, which is 40% of our regulated members. In 2019 we implemented a new CRM which in due course will better capture diversity data for our regulated community and build up a richer picture of our membership. We thank everyone who helped us achieve this excellent result. While the response rate was significantly higher, there were also a larger number of 'blank' and 'prefer not to say' responses across all questions than in 2017.

In 2019, there was a 4.3% increase in respondents to the survey who were over the age of 45 and a 3.7% increase in those who had been in CILEx membership for over 6 years compared with 2017.

## CILEx Membership

CILEx offers several grades of membership. An individual can enter membership at any grade (student, affiliate, associate, or graduate) along the route to becoming an authorised person as a Chartered Legal Executive or CILEx Practitioner. Chartered Legal Executives are also known as Fellows and we will refer to Fellows in this report. Individuals cannot join CILEx directly as Fellows because they are required to spend one year in the graduate grade before they can apply for Fellowship.

## Key focus areas

### Female parity of opportunity



Table 1 shows the gender split of CILEx members. This has remained constant, with 21.8% male and 78.1% female respondents in both the 2019 and 2017 surveys. This split is in line with the membership data at the time of each data collection and provides confidence when looking at the following factors which provide evidence about female parity of opportunity.

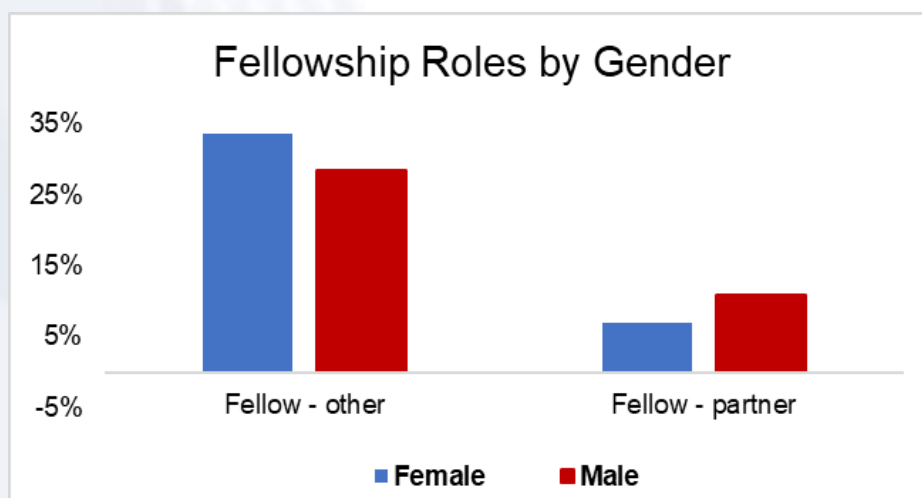
Gender	2017 Survey	2017 Membership	2019 Survey	2019 Membership
Female	78.1%	74.5%	78.1%	75.0%
Male	21.8%	25.0%	21.8%	24.2%
Other	0.1%	0.5%	0.1%	0.8%

Table 1: Gender split of respondents in 2017 and 2019 compared with membership data

The 2019 results also show there was a significantly higher percentage (35.4%) of females with childcare responsibilities than males (23.7%). Although more females (14.3%) than males (12.3%) had other caring responsibilities, the figures were much closer.

Graph 1 shows that 33.6% of female respondents were in the highest grade of membership, Chartered Legal Executives (Fellow - other), compared with 28.5% of male respondents. However, males had better progressed their careers than females.

Only 6.9% of females had progressed to partner whereas 10.8% of males had achieved partnership. A smaller percentage of females, 4.9%, owned a share in their firm compared with 11.9% of males.



Graph 1 Gender split by roles

**Findings**

- significantly more females had child caring responsibilities than males
- more females had progressed to the Fellow grade than males, but a higher proportion of males had attained partnership than females
- a lower proportion of females had ownership in their firm compared with males

**Regulated members told us**

- many employers do not offer flexible working hours and a lot of women experience difficulties securing working hours to fit around childcare or secure a reasonable work-life balance
- ♦ there are prejudicial attitudes towards women, reduced opportunities and pay for women especially with childcare responsibilities or of child-bearing age
- there is inequality of career progression for females compared with males, with senior roles most often occupied by men

## Social mobility



We looked at a range of indicators which provide information about social mobility

**Impact of lawyer as a parent**

We asked if respondents had a lawyer parent or guardian. Living in a family where a wage earner is a lawyer indicates the possibility of higher household income and greater opportunities. It is more likely that there is a focus on education, university attendance, aspiration to law as a career, and assistance with entry to a firm and promotion to ownership.

Individuals join CILEx at different grades between student and the highest starting grade of graduate. Entrance at the graduate grade requires a law degree and vocational qualifications to become a solicitor or barrister, which is equivalent to completion of all the CILEx exams.

Looking at the percentage of people who started in each grade, of those who joined CILEx in the graduate grade, 4.6% had a lawyer as a parent. Of respondents who started in the lower grades of student 2.7%, affiliate 2.7%, and associate 2.9% had a parent who was a lawyer. This suggests that having a parent/guardian as a lawyer may have some effect on a person's likelihood of joining CILEx at the highest entry grade.

**Impact of school attended**

Table 2 shows that there has been no change in the type of school respondents mainly attended between the ages of 11 and 18 since the 2017 survey.

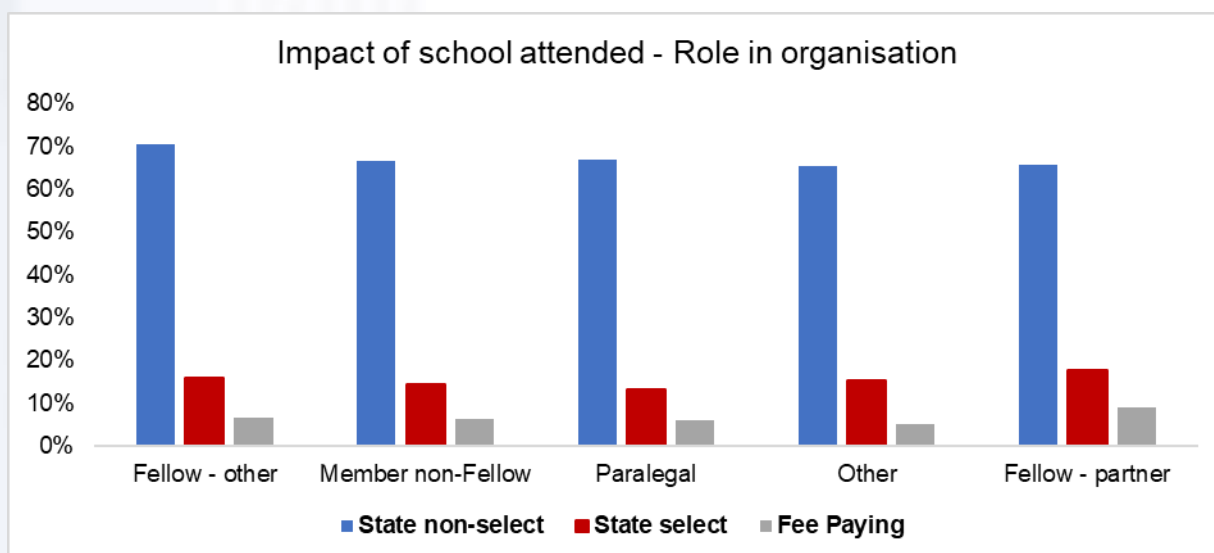
Type of School	2017	2019
State (non-selected)	70.8%	70.6%
State (selected)	15.9%	15.6%
Fee-paying	6.7%	6.7%
Outside the UK	6.7%	7.0%

Table 2: Type of school mainly attended

The relationship between school attended and the role respondents had in their firms is shown in Graph 2.

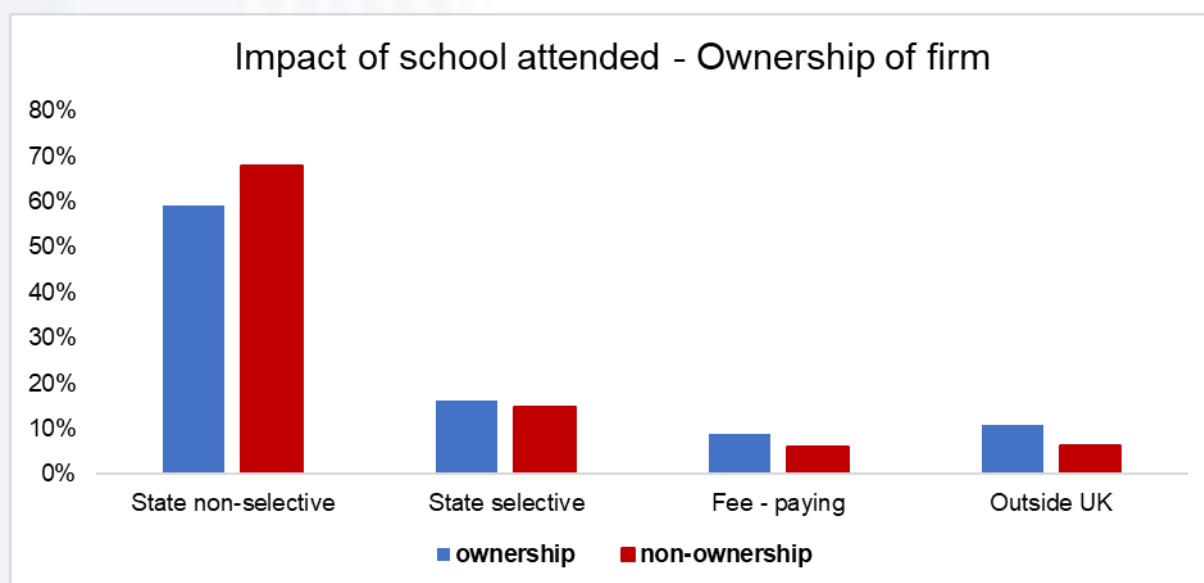
The data suggests that attending a fee-paying or a state-selective school is an advantage to joining CILEx at a higher grade. It is also a benefit to progression through the CILEx grades, within a firm and to attaining a share in ownership of a firm.

Of respondents who had attained Fellowship and partner status, 9.0% had been to a fee-paying school compared with 65.8% who attended non-selective state schools. Of respondent who had attained Fellowship but were not partners, 6.6% had attended a fee-paying school compared with 70.6% who attended non-selective state schools.



Graph 2: Impact of school attended on role in firm

Graph 3 shows the relationship between school attended and share in firm ownership. Respondents who attended a fee-paying school were more likely to have a share in the ownership of their organisation (8.9%) than not to have an ownership share (6.2%). This compares with individuals who went to a non-selective state school where ownership was 59.3% and non-ownership was 68.0%.

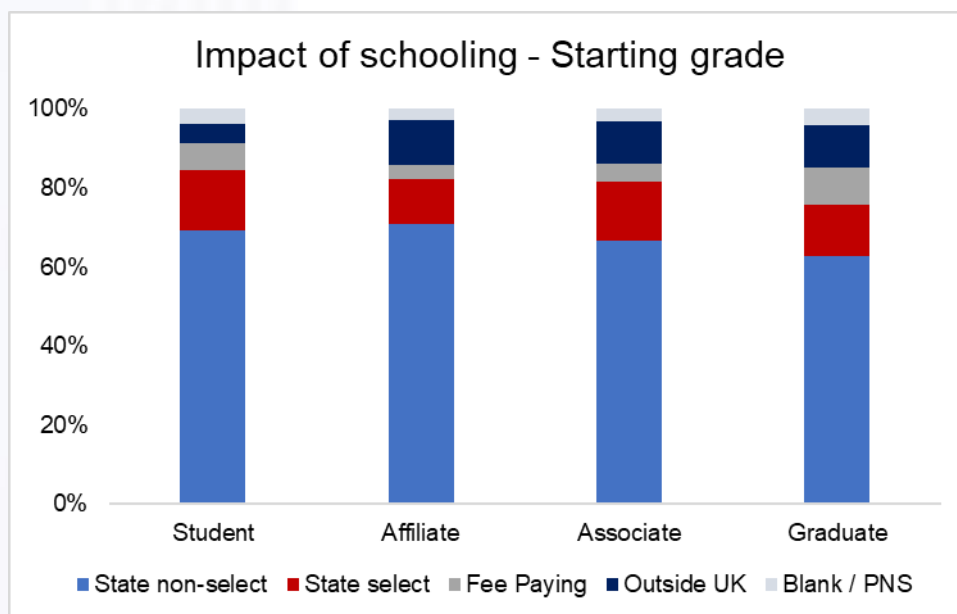


Graph 3: Impact of school attended on ownership of firm

Graph 4 shows the relationship between school attended and respondents' starting membership grade. More privately educated respondents entered membership at the higher graduate grade (9.3%) compared with student (6.6%), affiliate (3.5%) and associate (4.5%).

A broadly similar percentage of state school respondents started in each membership grade, with student 69.3%, affiliate 70.8%, associate 66.7% and graduate at a slightly lower level of 62.9%.

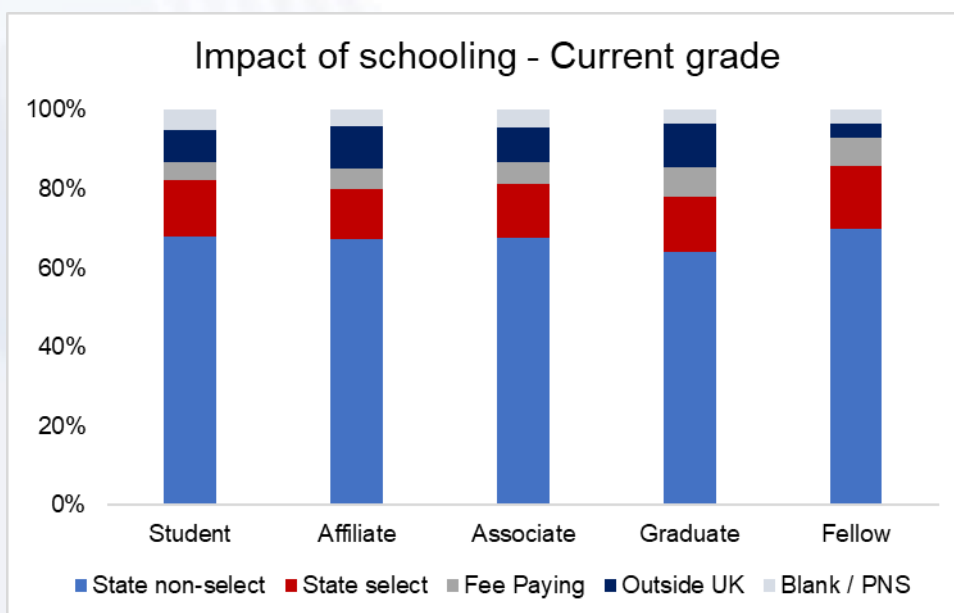
Respondents educated outside the UK were twice as likely to start in grades above student than in the student grade.



Graph 4: Impact of schooling on starting grade of membership

The relationship between school attended and respondents' current membership grade is shown at Graph 5.

Looking at the current grade, there was a similar percentage of non-selective state school respondents across all grades. A higher percentage, about 7.3%, of fee-paying school respondents were in both of the higher grades of graduate and Fellow compared with about 5.0% in each of the lower grades. Of state-select school respondents, the highest percentage were Fellows (16.0%), compared with affiliate (12.7%) and about 13.9% across the other three grades.



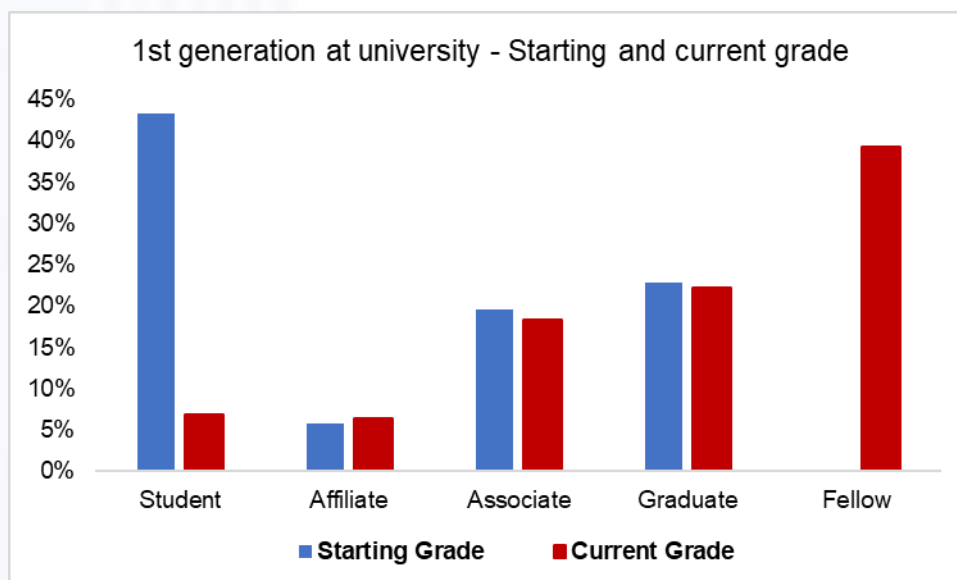
Graph 5: Impact of schooling on current grade of membership



## First generation to attend university

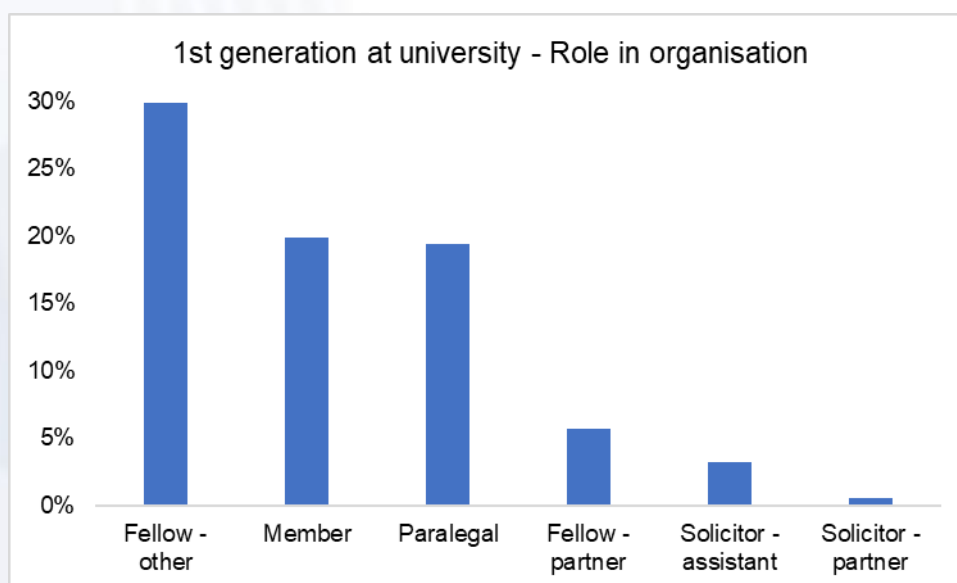
Of all survey respondents, 29.2% said they were amongst the first generation in their family to go to university.

Graph 6 looks at the percentage of individuals who were first generation to go to university and the main starting grade and current grade. Of those who were amongst the first generation to go to university, 43.3% started in the student grade, compared with 22.9% who joined at graduate level. Over a third (39.2%) have now reached Fellowship.



Graph 6: Respondents who were first generation at university by main starting and current grade

Graph 7 shows the respondents who were first generation to go to university by the higher roles they could attain. It can be seen that these respondents have made good progress within CILEx membership with 5.7% achieving partnership as Fellows, 3.2% becoming dual qualified as a Fellow/solicitor and 0.5% achieving solicitor-partnership.



Graph 7: Respondents who were first generation at university by role in organisation

## Findings

The data suggests that:

- ⇒ professional parent/guardian such as a lawyer may be an advantage to entering CILEx membership at a higher grade
- ⇒ attendance at a fee-paying/state selective school is an advantage to:
  - \* progression to partnership compared with attendance at state schools
  - \* securing a share in firm ownership
  - \* progressing through the membership grades
  - \* starting in a higher CILEx membership grade

## Regulated members told us

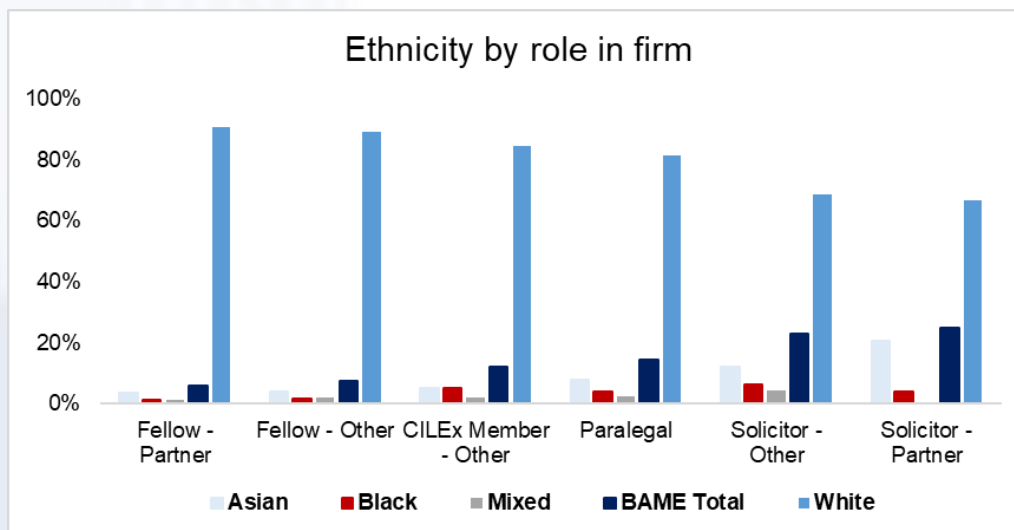
- ◆ people from less traditional backgrounds often view law as an elitist profession and one which is not for them
- ◆ they were keen to further their careers, but had been overlooked by employers who had promoted people from backgrounds traditionally associated with legal careers and university educated individuals were especially favoured for progression
- ◆ that although social mobility had been a hurdle, it had been overcome with hard work and determination
- ◆ that social mobility had improved during recent years

## Black, Asian and minority ethnic (BAME)



The percentage of respondents who were BAME was 10.9%.

Looking at roles in firms in graph 15, of Fellows-other, 7.4% were BAME and 89.2% were white. Of Fellow-partners 6.0% were BAME and 90.7% were white. Of Paralegals, 14.5% were BAME and 81.5% were white.



Graph 8: Ethnicity by role in firm

It can be seen from Tables 3a and 3b over the page, that BAME respondents were most likely to join CILEx at graduate grade (26.3%), whereas white respondents were least likely to join at graduate grade (71.1%). Graduate grade is the highest entry grade of CILEx membership. However, only 8.2% of respondents who are currently Fellows are BAME whereas 89.4% of current Fellows are white.



Grade	Starting Grade BAME	Starting Grade White
Student	6.8%	91.0%
Affiliate	12.4%	84.9%
Associate	18.8%	78.7%
Graduate	26.3%	71.1%
Fellow	-	-

Grade	Current Grade BAME	Current Grade White
Student	10.5%	86.9%
Affiliate	12.8%	84.9%
Associate	12.2%	85.6%
Graduate	21.0%	76.6%
Fellow	8.2%	89.4%

Table 3b: Ethnicity by current grade

## Findings

- ⇒ Of BAME, fewer respondent Fellows had progressed to partnership than white Fellows
- ⇒ BAME individuals were more likely to join CILEx in the graduate grade compared to white individuals.

## Respondents told us

- ◆ For BAME compared with white colleagues:
  - \* there is inequality of opportunity
  - \* progression is reduced or slower
  - \* there is underrepresentation in senior roles
- ◆ conscious and unconscious bias towards BAME individuals exists
- ◆ inappropriate language is sometimes used towards BAME people
- ◆ socialising opportunities are not inclusive, failing to provide for cultural or religious needs
- ◆ of supportive workplaces with initiatives in place to promote inclusivity, including BAME groups

## Disability

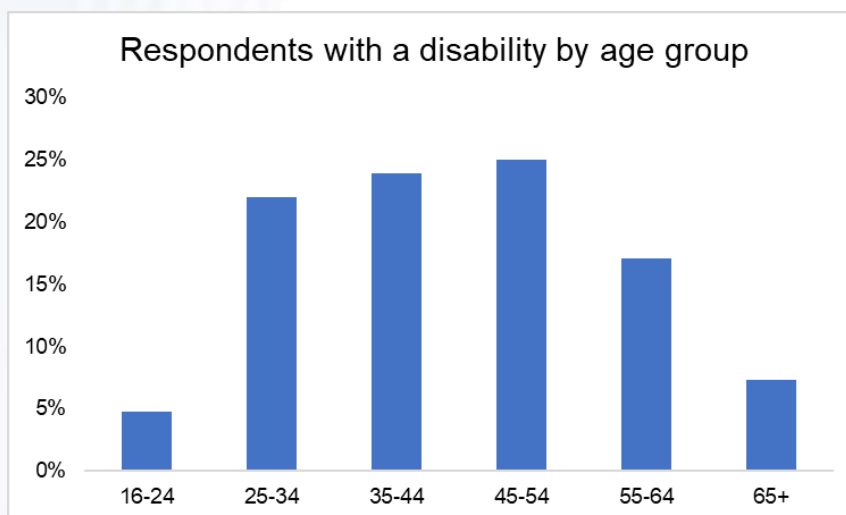


Following on from the findings in the 2017 report, we looked again at disability because of our focus on protected characteristics. Disability is defined by the Equality Act 2010 as someone who has a mental or physical impairment that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.

In 2019, 470 respondents declared a disability which was 5.6% of all respondents. This was a decrease from 7.0% in 2017. It is worth noting that in 2019, 7.7% gave 'prefer not to say' (PNS) as a response or left the question blank which reduces the value of the data.

A Department for work and pensions survey found that the percentage of working-age adults who report having a disability is 19% and that those with a disability who are in work is 10%. This comparison suggests that CILEx membership may be underreporting disability.

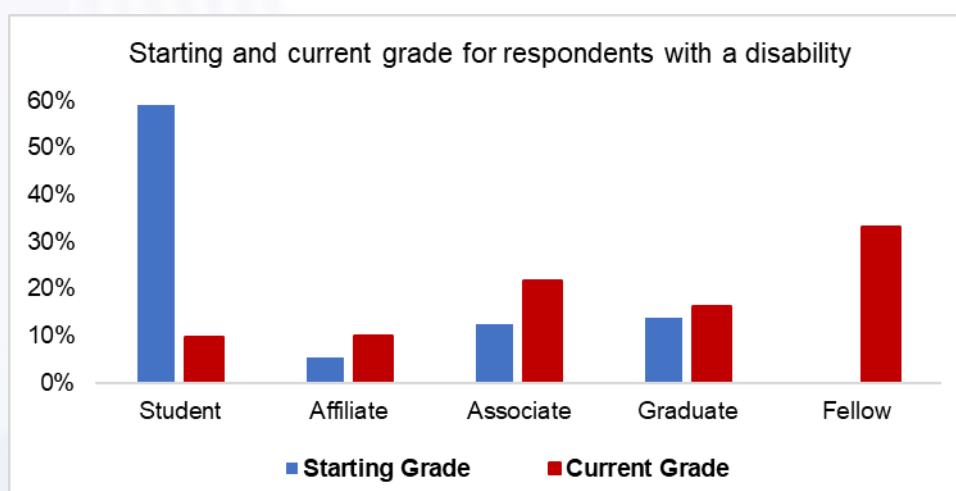
Graph 9 shows respondents with a disability by age group. A quarter (26.7%) of those with a disability were under the age of 35 which is very similar to the figure for 2017.



Graph 9: Respondents with a disability and age group 2019

Graph 10 looks at starting and current grades for respondents with a disability. People can join CILEx in grades student to graduate, but not Fellow.

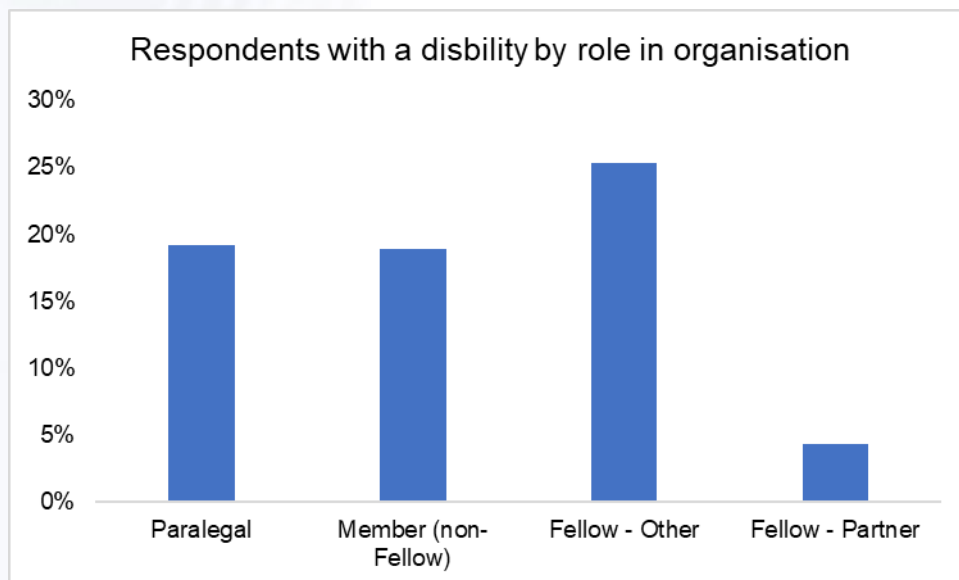
Over half (59.1%) of respondents with a disability started in the student grade compared with 9.8% who are currently in the student grade. Of respondents with a disability, 33.2% are currently Fellows, although we do not know at what stage in their career progression to Fellow they developed a disability.



Graph 10: Respondents with a disability by starting and current grade

Graph 11 shows the role attained by respondents with a disability. While 25.3% of respondents with a disability had attained Fellowship but not partnership, only 4.3% had gone on to attain partnership.

Again, we do not know at what stage in their career progression to Fellow they developed a disability.



Graph 11: Respondents with a disability by role in firm

## Findings

The data suggests:

- ⇒ underreporting of disability by regulated members
- ⇒ under representation of disabled people amongst CILEx members compared with national data for working age people
- ⇒ disability may impact on progression within CILEx grades of membership

## Regulated members told us

- ◆ they have struggled to secure employment because of their disability
- ◆ recruitment processes can fail to provide reasonable adjustments
- ◆ of inflexible, unfair and discriminatory workplace practices
- ◆ lack of understanding by employers and colleagues can lead to exclusion at work, particularly where a disability is not visible
- ◆ of fears of stigma associated with mental health problems
- ◆ about the contrast in working life after becoming disabled
- ◆ about difficult physical access to courts
- ◆ repeatedly of their need to be proactive in securing necessary adjustments, even with inclusive employers
- ◆ they had to work harder than colleagues to prove themselves
- ◆ they had worked with talented people with disabilities in the public sector, but had not had disabled colleagues in private practice
- ◆ encouragingly:
  - \* of flexible employers who had willingly made reasonable adjustments
  - \* about local authorities proactively providing creative adaptations

## Diversity work since the 2017 data collection

Following on from the 2017 diversity report, we commissioned external research to investigate potential barriers to BAME progression from Graduate to Chartered Legal Executive (Fellow). Owing to the relatively small total sample of rejected applicants from which to draw results, the research was unable to gather meaningful data from which statistically significant conclusions could be made. However, it was identified that unsuccessful applicants for Fellowship felt that the process was not discriminatory based on protected characteristics.

## Actions

We continue our aim to increase the quantity of diversity data we collect. We intend to achieve this through improved collection methods and engagement with our regulated community to raise awareness. We will continue to work with CILEx to support the positive impact CILEx has on social mobility and female parity of progression.

## Conclusion



The success of the 2019 data collection has substantially increased the diversity data available to us. We have been able to gain greater insight into the diversity profile of our regulated community and potential problem areas. Many of the comments from our regulated community resonate with the findings from analysing the data. This affirms the appropriateness of the current areas of focus which are social mobility and female parity of opportunity. We will also continue to closely monitor BAME progression within CILEx.

We continue to believe that a strong legal workforce is formed when talented people, regardless of their diversity characteristics, enter, remain working in the legal sector, and are supported, retained and promoted within it. The legal profession needs to be made up of capable lawyers who reflect the communities they serve, bring diverse opinions and genuine understanding of their clients' circumstances. It is also becoming clear through research that there is a commercial advantage to having an inclusive workforce.

We will continue to work with CILEx to attract people from a diverse range of backgrounds into a legal career and remove barriers to progressing their legal careers. We also recommend developing further analysis from a broader perspective :

- a) across the legal profession (potentially led by LSB via State of the Nation or Regulator Forums EDI Group)
- b) comparison to other professions to see if the findings are similar or whether the law has any differences

**The 2019 diversity data was collected between 4 July and 16 August 2019.**