

**Enforcement**  
**Section 2: Equality, Diversity  
and Inclusion**  
**Annual Report 2022**

## Introduction

In 2022 CILEx Regulation (CRL) continued its work to improve its understanding of the diversity composition of:

- the individuals subject to its enforcement and disciplinary processes, and
- those decision makers within the enforcement function.

CRL has expanded its monitoring and reporting of Equality, Diversity and Inclusion (EDI) to include all protected characteristics under the Equality Act 2010, excluding pregnancy and maternity, as well as socio-economic background and caring responsibilities. This should enable CRL to gain further insight into what impact, if any, its enforcement, and disciplinary processes have on those who share particular protected characteristics, or socio-economic backgrounds, particularly in terms of overrepresentation, differential outcomes, and case resolution rates.

There are five key points of analysis across this report:

1. The diversity composition of decision makers within the enforcement function compared with the CILEX membership, to better understand how diverse and inclusive CRL's decision making authority is, and whether the different backgrounds that make up the regulated community are represented and reflected at decision-making level.
2. The diversity composition of all individuals who were the subject of a live case (prior conduct and misconduct<sup>1</sup>) at any point during 2022. Where possible, CRL has compared this against CILEX membership diversity data to identify any potential overrepresentation of individuals who share particular protected characteristics and/or socio-economic backgrounds.
3. The diversity composition of the 303 resolved prior conduct cases and the 57 misconduct cases that received an initial outcome in 2022 and whether the breakdown is proportionate to the total live cases.
4. The percentage of total live cases resolved in each group across all diversity categories to determine whether there is a similar rate of resolution across groups.
5. A breakdown of outcomes to identify any trends across diversity groups. For prior conduct cases, the outcomes are focused on decisions made by the Professional Conduct Panel (PCP)<sup>2</sup>. This is because, enforcement staff currently have limited powers in respect of prior conduct, in that they can only approve a prior conduct declaration or refer the case to the PCP. Whilst enforcement staff can decide which cases are dealt with first, which impacts on case resolution rates, they have very little discretion over the types of cases that get referred to the PCP, or the final outcome. For misconduct, the outcomes are focused on the 57 misconduct cases that received an initial outcome following an Officer (Delegated) decision in 2022.

This report for Equality, Diversity and Inclusion related to Enforcement activities is split into the following sections:

- Source of data
- Diversity profile of the Disciplinary Panels
- Prior conduct cases – EDI Analysis
- Professional Conduct Panel (PCP) Decisions - Prior conduct
- Misconduct – EDI Analysis
- Panel Decisions

<sup>1</sup> There were a total of 429 live prior conduct cases in 2022, and 176 misconduct cases. Out of these, 303 prior conduct cases were resolved, and 57 misconduct cases received an initial outcome following an officer decision.

<sup>2</sup> Of the 303 prior conduct cases that were resolved in 2022, 65 were referred to the PCP.

## Source of data

Since the end of 2020, it has been mandatory for all individuals to complete a diversity profile questionnaire when applying for and renewing their CILEX membership each year. The data they provide is collected and analysed every 2 years as part of CRL's wider equality and diversity monitoring and reporting.

Whilst completion of the profile questionnaire is now compulsory, individuals are not obliged to disclose their diversity data within it and some individuals may no longer be a member of CILEX. Many of the completed diversity forms returned a "Prefer Not to Say" (PNS) or Unknown/ Not Recorded (NR) answer to the EDI questions asked. As such, there is a large percentage of unavailable diversity data, which prevents firm conclusions from being drawn.

The last set of membership diversity data can be found in our 2021 Diversity Report<sup>3</sup>. There was however a decrease in CILEX membership of approximately 7% between December 2021 and December 2022, therefore the EDI composition of the membership may have altered since the last report. We will have a better understanding of the scale of any changes once we complete the next membership diversity analysis in 2023.

For enforcement purposes, diversity data for all individuals who are the subject of a prior conduct and/ or misconduct conduct case at any point during the year is collected from membership and application records on an anonymous basis and analysed. This data was last collected at the time of this report and includes individuals who may no longer be regulated by CRL.

Since 2021, CRL has also improved the way it reports on 2 categories within socio-economic background: schooling and university attendance. In 2021, CRL captured data in respect of schooling between ages 11 to 18, and whether the individual was the first generation to attend university. CRL now asks about schooling between the ages of 11 and 16 and whether the individual has gained a university degree.

Any comparisons between enforcement diversity data and the 2021 membership diversity data should therefore be made with caution and no firm conclusions drawn, particularly when considering any potential over or under representation of certain groups within enforcement cases and among decision makers.

Separately, CRL collects and monitors diversity data of all CILEX Regulation staff and members of the independent disciplinary panels, currently on a triennial basis. This data was last collected and analysed in July/August 2021.

CRL explored the possibility of including Enforcement Team staff members in the EDI analysis of decision makers in 2022. However, it has not been possible to isolate the Enforcement staff data from all staff data due to the way the data was collected. There has also been a significant change in staffing since 2021, therefore the analysis of decision makers remains focused on disciplinary panel members for 2022.

In 2023 CRL will review the way it collects data and reports on the diversity of all decision makers with a view to securing more contemporaneous staff and panel diversity data for 2024 and beyond.

<sup>3</sup> [Diversity-Report-2021.pdf \(cilexregulation.org.uk\)](https://cilexregulation.org.uk/Diversity-Report-2021.pdf)

## Diversity profile of the Disciplinary Panels

The charts below show the diversity composition of the panel members who sat on the Professional Conduct Panel (PCP), Disciplinary Tribunal (DT) and Appeals Panel (AP) in 2021. It should be noted that two PCP panel members departed at the end of 2021, therefore the diversity data relating to the PCP should be read with caution. The composition of the DT and AP panel members remained unchanged in 2022. The data is reported in percentages only to avoid identification of the small number of individuals who sit on our panels and to allow a better comparison against the CILEX membership.

### Protected Characteristics

Gender	PCP	DT	AP	CILEX Membership 2021
Female	62.5%	44.4%	83.3%	76.9%
Male	25%	33.3%	16.6%	22.3%
Other		-	-	0.1%
PNS/Not recorded	12.5%	22.2%	-	0.8%

Age	PCP	DT	AP	CILEX Membership 2021
<35	-	-	-	35.3%
35-44	-	-	50%	27.2%
45-54	25%	22.2%	33.3%	20.4%
55 -64	37.5%	44.4%	-	12.2%
65+	12.5%	11.1%	16.6%	2.9%
Prefer not to say	12.5%	-	-	-
Not recorded	12.5%	22.2%	-	1.7%

Ethnicity	PCP	DT	AP	CILEX Membership 2021
White	62.5%	66.6%	66.6%	84.4%
Asian or Asian British	25.0%	-	16.6%	7%
Black or Black British	-	11.1%	16.6%	3.5% <sup>4</sup>
Mixed	-	-	-	2.4%
Other	-	-	-	0.3%
PNS/Not recorded	12.5%	22.2%	-	2.4%

<sup>4</sup> Note the 5.5% figure on page 4 of the diversity report should state 3.5%

Disability	PCP	DT	AP	CILEX Membership 2021
Yes	37.5%	22.2%	-	4.4%
No	37.5%	55.5%	100%	90.3%
PNS/ Not recorded	25%	22.2%	-	5.3%

Sexual Orientation	PCP	DT	AP	CILEX Membership 2021
Gay/Lesbian	-	-	17%	1.7%
Heterosexual	87.5%	78%	83%	88.4%
Bisexual	-	-	-	1.2%
Other	-	-	-	0.3%
PNS / Not recorded	12.5%	22%	-	8.4%

Religion	PCP	DT	AP	CILEX Membership 2021
Christian	50%	55.5%	50%	52%
No religion or belief/ atheist	25%	22.2%	33.3%	38%
Muslim	-	-	-	6%
Hindu	-	-	16.6%	2%
Sikh	12.5%	-	-	1%
Jewish	-	-	-	1%
Other	-	-	-	2%
PNS/Not recorded	12.5%	22.2%	-	-

Marital Status	PCP	DT	AP	CILEX Membership 2021
Single	12.5%	11.1%	-	36.9%
Married/ Civil Partnership	62.5%	44.4%	66.6%	45.9%
Separated	-	11.1%	-	1.4%
Divorced/ CP legally ended	-	11.1%	16.6%	5.1%
Widowed	-	-	-	0.8%
PNS/ Not recorded	25%	22.2%	16.6%	10%

## Socio-economic background

Schooling between ages 11-18	PCP	DT	AP	CILEX Membership 2021
UK state-run or state-funded school (non-selective)	50%	22.2%	83.3%	73.3%
UK state-run or state-funded school (selective)	37.5%	55.5%	16.6%	12%
Fee paying	-	-	-	6.4%
School outside the UK	-	-	-	5.4%
Other	-	-	-	2.8%
Not recorded	12.5%	22.2%	-	0.1%

1 <sup>st</sup> generation to attend university	PCP	DT	AP	CILEX Membership 2021
Yes	50%	66.6%	100%	29.9%
No	12.5%	11.1%	-	21.3%
Did not attend university	25%	-	-	43.4%
PNS/Not recorded	12.5%	22.2%	-	5.5%

Primary carer for child(ren) under 18	PCP	DT	AP	CILEX Membership 2021
Yes	12.5%	22.2%	66.6%	33.3%
No	75%	55.5%	33.3%	62.3%
PNS/Not recorded	12.5%	22.2%	-	4.4%

Carer for family members, friends, neighbours, or others	PCP	DT	AP	CILEX Membership 2021
No	62.5%	55.5%	50%	74.9%
Yes, 1 – 19 hours a week	12.5%	22.2%	50%	14.4%
Yes, 20 - 49 hours a week	-	-	-	1.4%
Yes, 50 or more hours a week	12.5%	-	-	0.9%
PNS/Not recorded	12.5%	22.2%	-	8.4%

The gender, age and ethnicity data for disciplinary panels remains unchanged since the 2021 Enforcement Annual report. 2022 is the first time CRL has reported on wider EDI categories including disability, religion, sexual orientation, and marital status, as well as socio-economic factors such as schooling, university attendance, marital status, childcare and other caring responsibilities. In 2021 CRL did not include gender reassignment as its own separate category and will be reporting further on this in the next round of data collection and analysis.

In the meantime, the figures broadly indicate that, compared with the CILEX membership, there may be an underrepresentation of panel members from a white ethnic background across all three disciplinary panels, as well as an underrepresentation of females within the Disciplinary Tribunal. The majority of panel members are over the age of 55, whilst the largest age group within CILEX membership are those aged under 35. CRL recognises that the level of experience required to sit on a panel may be a contributing factor to the apparent age disparity.

The data also suggests an overrepresentation across all three panels in respect of selective schooling and university attendance compared with the CILEX membership, the majority of whom indicated in 2021 that they had not attended university. That said, the percentage of panel members with incomplete diversity data is too high to draw any firm conclusions.

CRL will work with the panels in 2023 onwards to improve the collection of diversity data and reiterate the importance of its EDI monitoring and analysis. It will seek to understand how it can resolve any concerns they may have around disclosing diversity data. Where a clear underrepresentation is identified in respect of decision makers, CRL will consider how it might encourage applications and appointments from underrepresented groups as part of its recruitment strategy.



## Prior Conduct cases—EDI Analysis

### Background and findings

The charts and tables below show the EDI composition of the 429 prior conduct cases that were “live” at any point in 2022. These cases were in respect of prior conduct declarations made by 386 individuals (39 with multiple cases), including applicants for CILEx membership and existing CILEX members and practitioners.

Of the 429 live prior conduct cases, 303 were resolved in 2022 following a determination by either enforcement staff or the PCP.

The following charts show the breakdown of the 429 prior conduct cases that were live in 2022 by diversity category, and the diversity breakdown of the 303 cases that were resolved. For ease of reference, data relating to socio-economic background is reported in tables.

The figures indicate that the EDI composition of cases that were resolved were broadly proportionate to the live cases. The remainder of this section will therefore focus on:

- Identifying any potential overrepresentation of individuals who share particular protected characteristics and/ or socioeconomic backgrounds when compared to the CILEX membership; and
- Case resolution rates across groups.

Some of the charts and tables below suggest that there may be some overrepresentation of particular groups within enforcement cases. Further data is needed to establish whether this is truly the case and if so, understand the reasons for this. Individuals declare prior conduct according to the requirements of the Enforcement Rules. As such, the composition of total live cases is largely beyond CRL’s control. Understanding the reasons behind any overrepresentation will help determine whether anything can be done by CRL to improve the position.

The data also suggests that there may be a disparity in case resolution rates across certain groups. Further data collection and analysis is also needed to confirm this and establish the reasons for it.

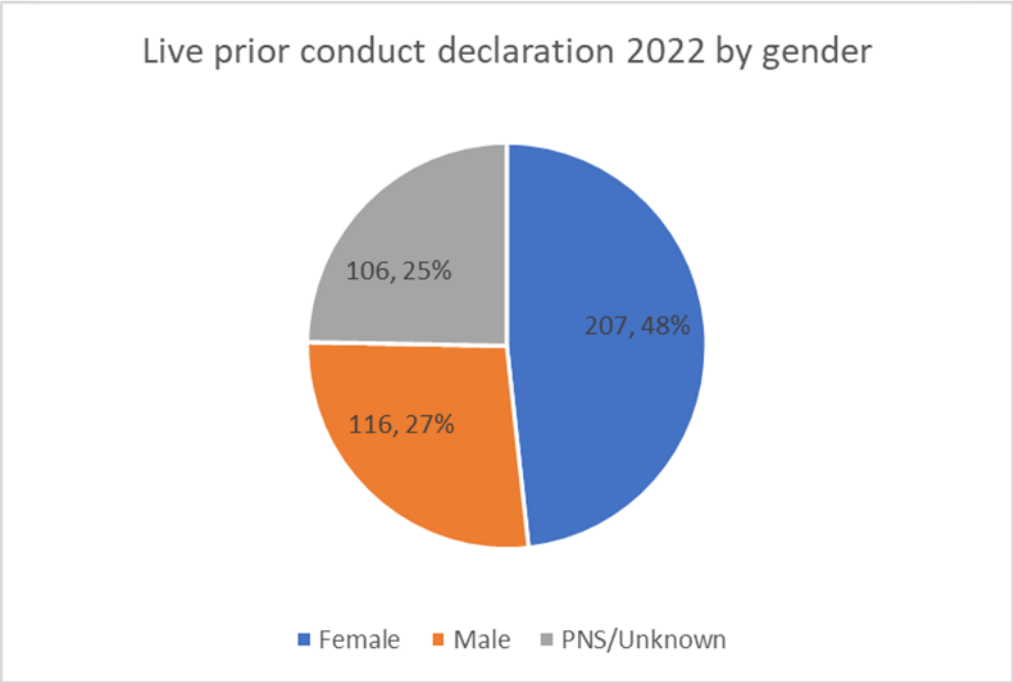
Enforcement staff decide which cases to progress to resolution, either through a delegated decision, or a referral to the PCP. They do not readily have access to EDI data belonging to the case subjects. Cases are typically progressed on a first in, first out basis, although declarations made as part of applications for membership or authorisation, including renewals, may be prioritised. There may be an explanation for any disparity in case resolution rates in the proportion of cases that make up such applications and the diversity composition of the applicants.

The progression of cases is also dependent on the type and seriousness of the conduct declared, the case subjects’ response and engagement levels, including their willingness and ability to provide sufficient information about their prior conduct to enable the case to be determined.

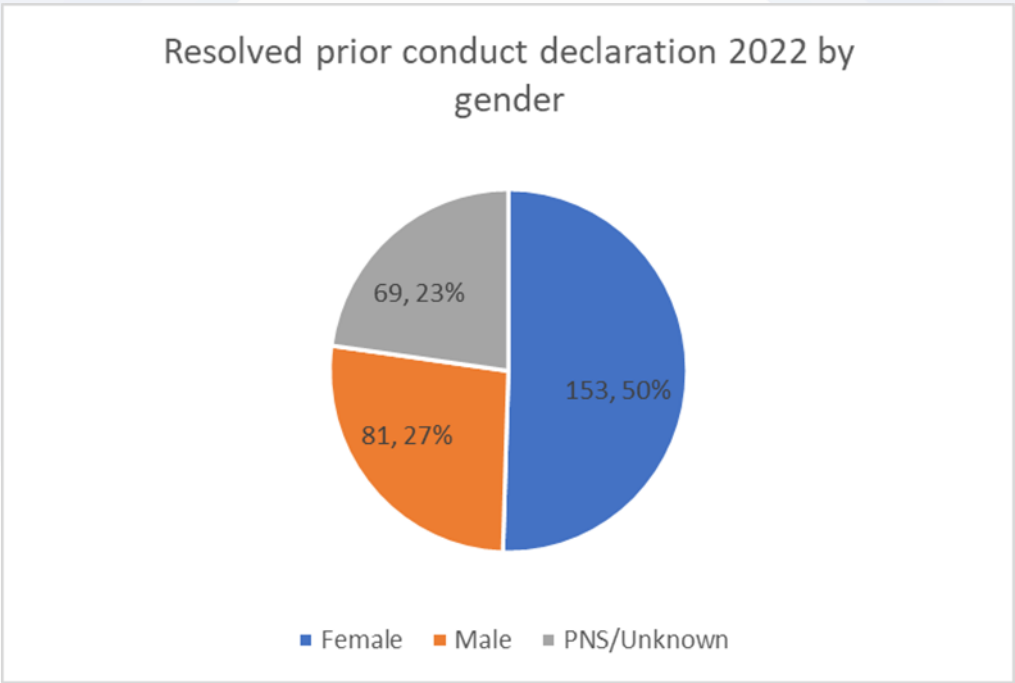
## Gender

Of the 429 prior conduct cases that were live in 2022, 25% related to individuals who had not recorded their gender by the end of 2022.

Of the remaining cases, 27% were in respect of declarations made by individuals identifying as male, and 48% were in respect of declarations made by individuals identifying as female. The data suggests a possible overrepresentation of males within our prior conduct cases when compared with the 22.3% of males that made up the CILEX membership in 2021, but with such a large proportion of unrecorded care is needed in drawing any firm conclusion.



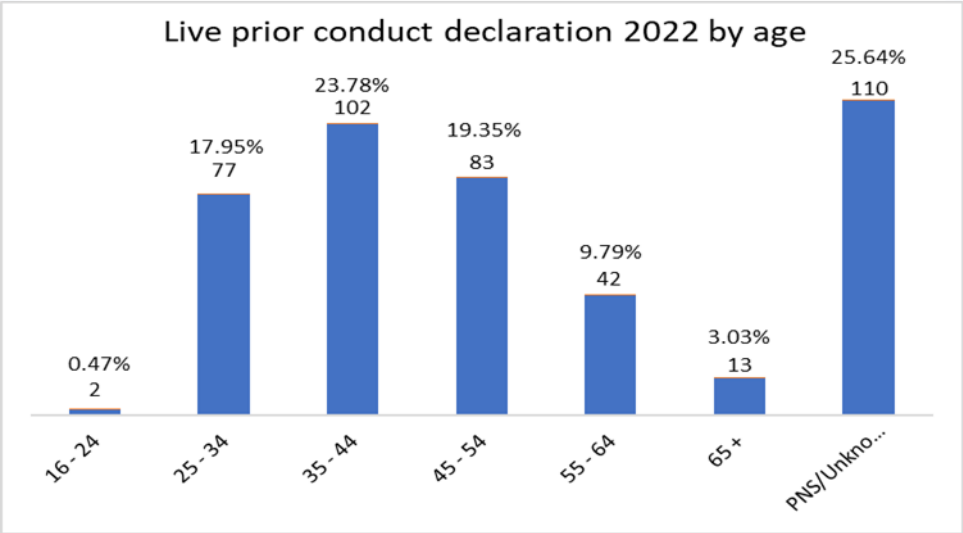
The following chart shows a similar gender breakdown of the 303 resolved compared with the live cases; however, a slightly lower percentage of prior conduct cases involving males were resolved (69.8% of 115), compared with cases involving females (73.9% of 210).



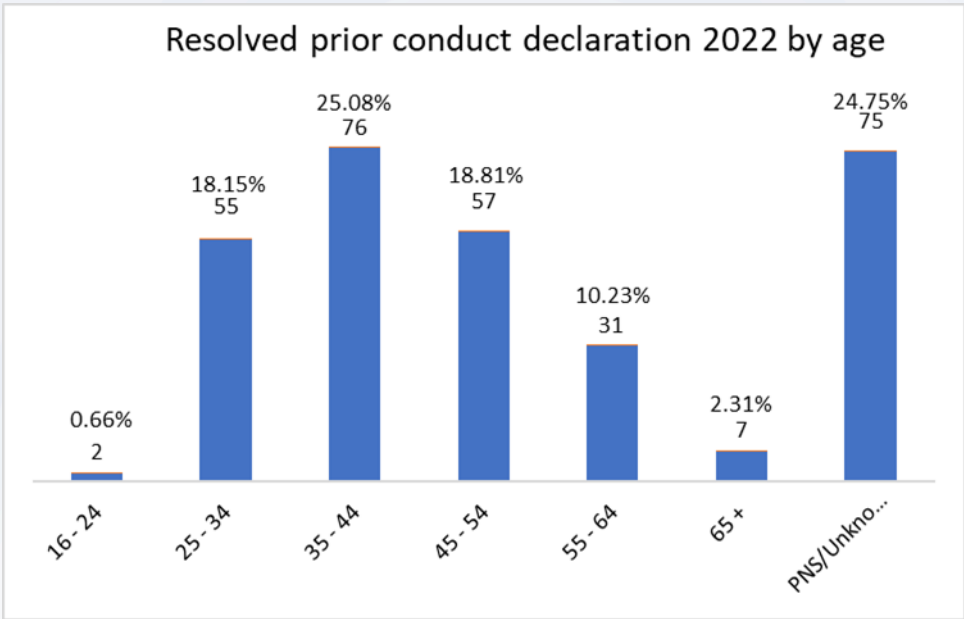


## Age Groups

Similarly, more than a quarter of the prior conduct cases that were live in 2022 could not be linked to a specific age group. The majority of the remaining cases (23.78%) were in respect of declarations made by those aged 35-45, closely followed by those aged 45-54 and 25-34. There was no overrepresentation of any age group within the live prior conduct cases when compared with the CILEX membership, apart from cases involving those aged over 65. However, the rate of any potential over representation of those aged over 65 (0.1%) is very small and does not highlight any significant concern.



The charts show a broadly similar breakdown of resolved prior conduct cases by age, when compared with live cases.

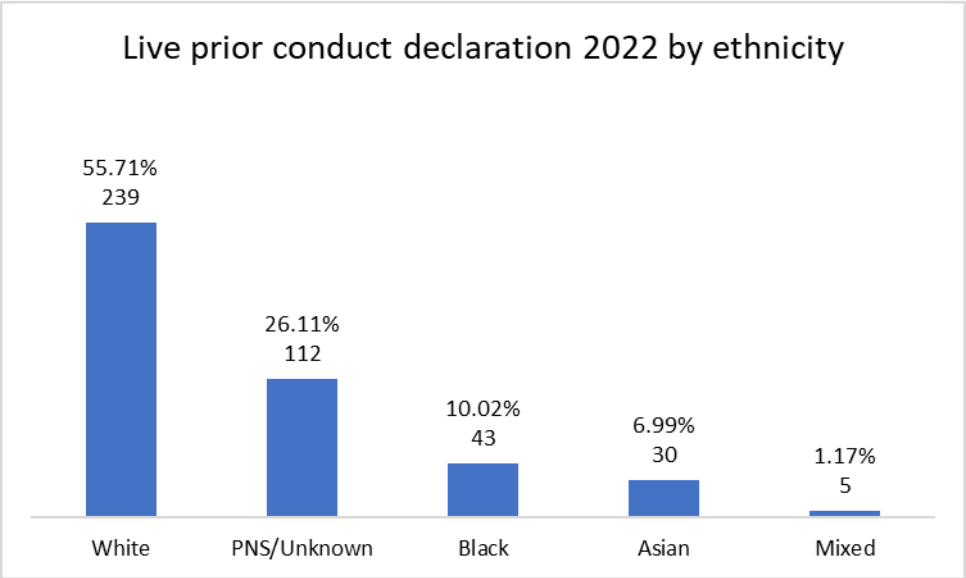


When we consider how prior conduct cases involving those aged between 16 to 64 were resolved in 2022 there were some variations: 16 to 24 (100%); 25 to 34 (71.4%); 35 to 44 (74.5%); 45 to 54 (68.7%); 55 to 64 (73.8%) However, only 53.8% of the 13 live cases involving individuals aged over 65 were resolved. We will be looking at the reasons for this anomaly.

## Ethnicity

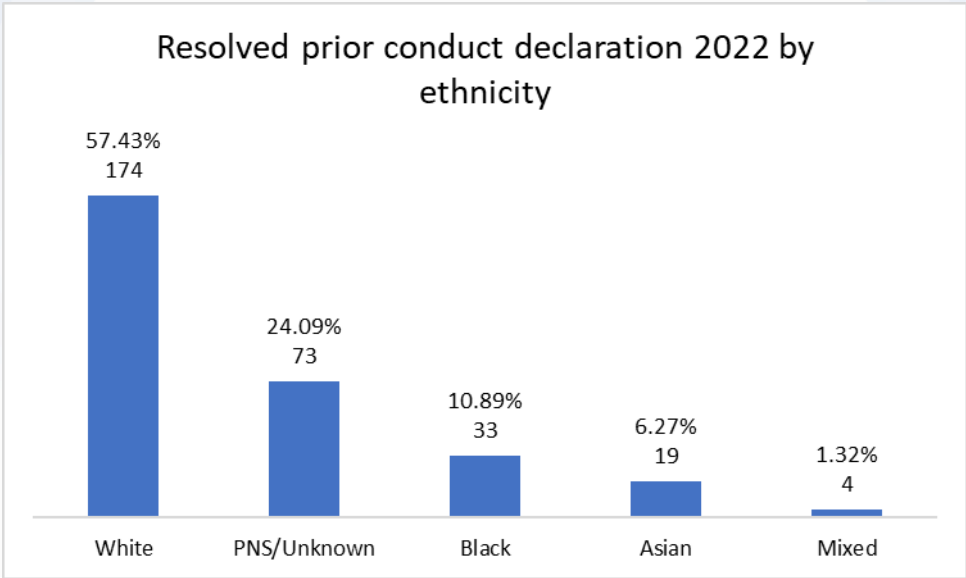
As with the previous diversity categories, a large percentage of ethnicity data has not been provided to enable a firm conclusion to be reached.

The remaining data suggests a potential overrepresentation of individuals who identified as being of black ethnicity, when compared to the 2021 composition of the CILEX membership.



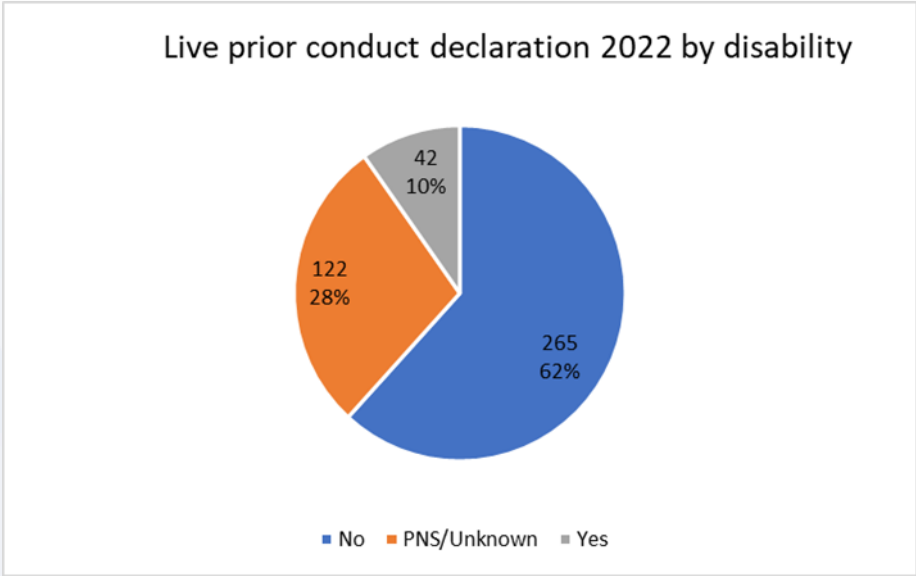
Whilst the charts show a broadly similar breakdown of resolved prior conduct cases by ethnicity, when compared with live cases, there appears to have been a lower rate of resolution of cases involving individuals of Asian ethnicity, compared with other ethnicities. Resolution rates may be influenced by factors such as the age of the case, the type of conduct declared and engagement levels for example. Further data collection and analysis is needed to establish whether there is a clear disparity in resolution rates given the high percentage of unavailable data, and if so, the reasons for this.

80% of the cases involving those who identified as being from a mixed ethnic background; 76.7% of the cases involving declaration by individuals who identified as being from a black ethnic background, and 72.8% of the cases involving individuals who identified as being from a white ethnic background were resolved in 2022. In contrast only 60% of the cases involving declarations by those identifying as Asian were resolved.

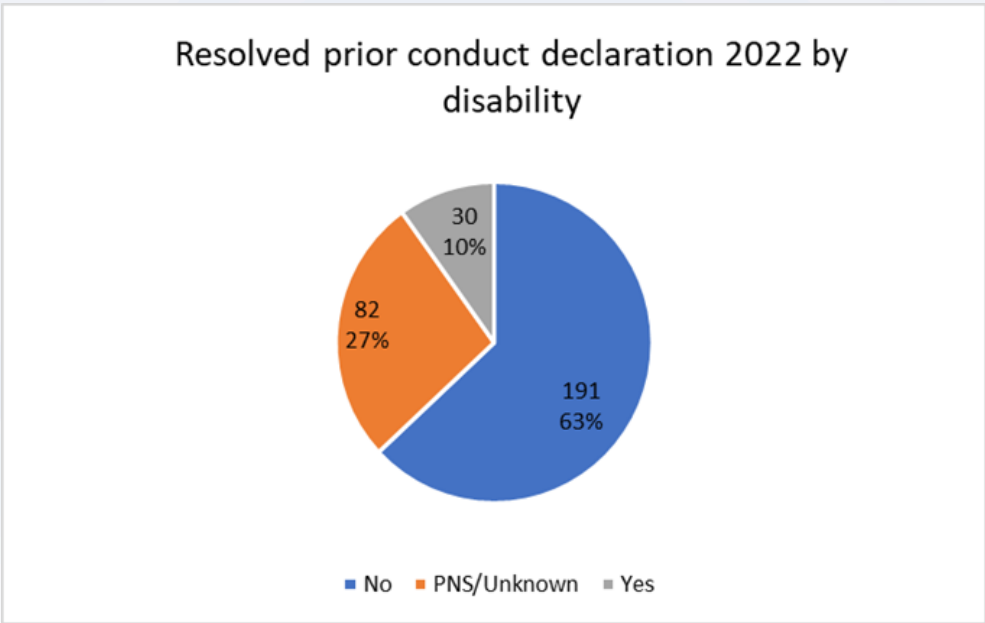


## Disability

Most prior conduct cases were in respect of individuals who indicated in their CILEX membership record or application that they did not have a disability. However, 10% of cases involved individuals who indicated that they did have a disability, compared with 4.4% of the CILEX membership. Further data and analysis are needed to determine whether there is an overrepresentation of individuals with a disability, given the high percentage of unrecorded disability data.



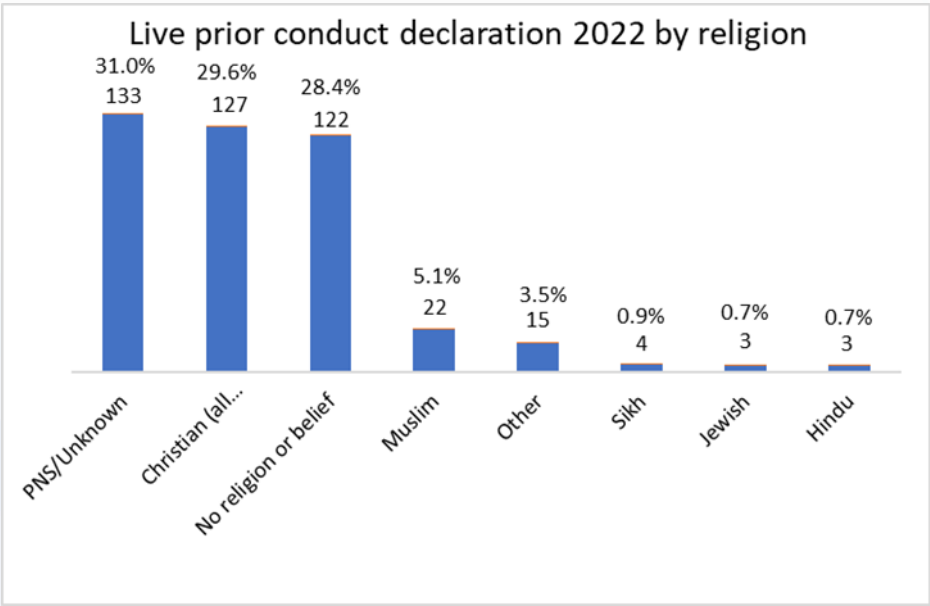
This chart shows almost the same breakdown of resolved prior conduct cases by disability, when compared with live cases, as well as a similar rate of resolution. A total of 71.4 % of cases involving those who indicted that they had a disability were resolved in 2022, compared with 72.1% of cases involving those who did not have disability.



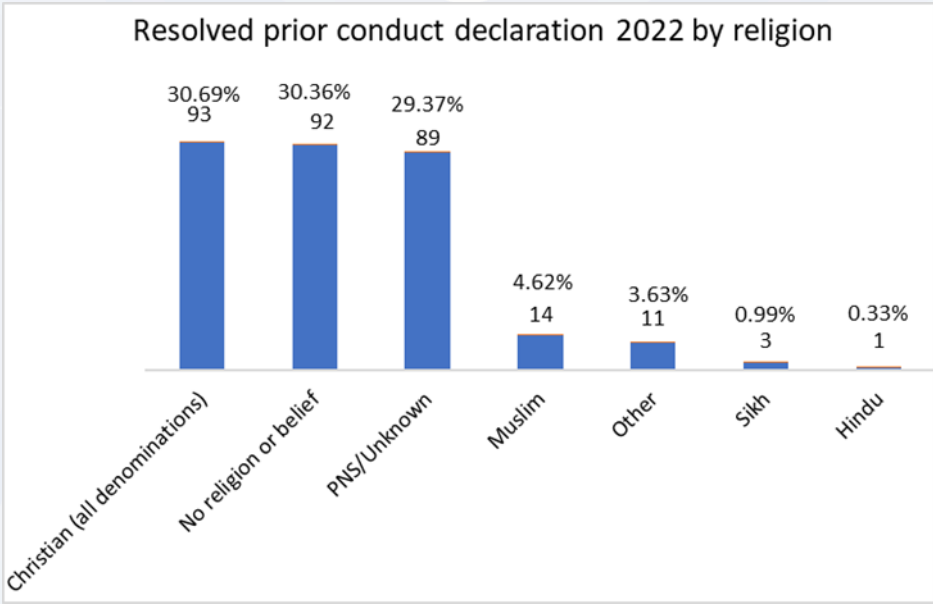
There is no other evidence within the remaining data to suggest that individuals with a disability were disproportionately impacted by our disciplinary processes.

## Religion

Except for cases involving individuals who identified their religion as “Other”, there was no overrepresentation of any particular religious background within the prior conduct cases that were live in 2022 when compared with the 2021 membership data.



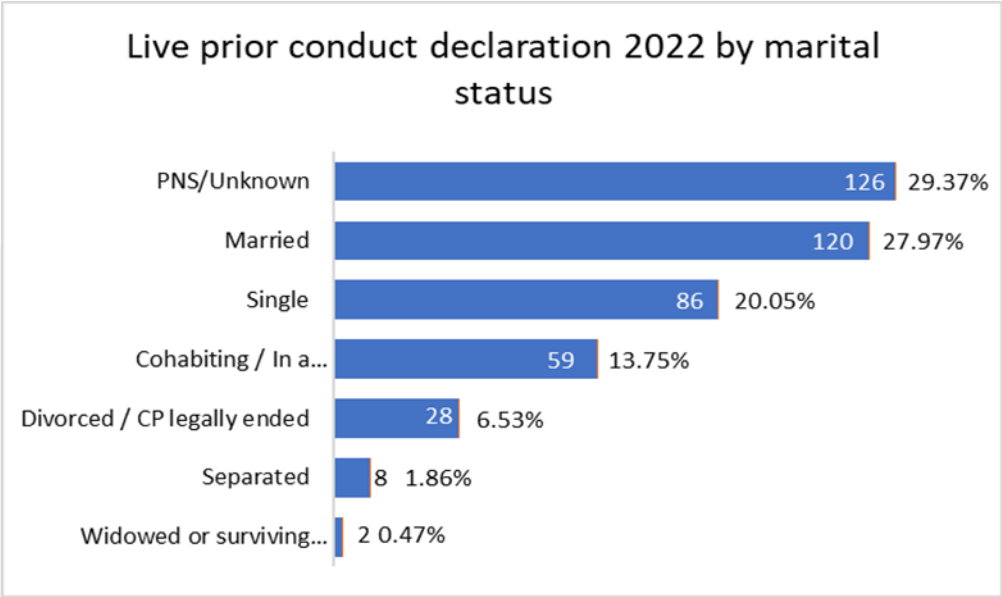
The breakdown of resolved prior conduct cases by religion is broadly similar to the live cases.



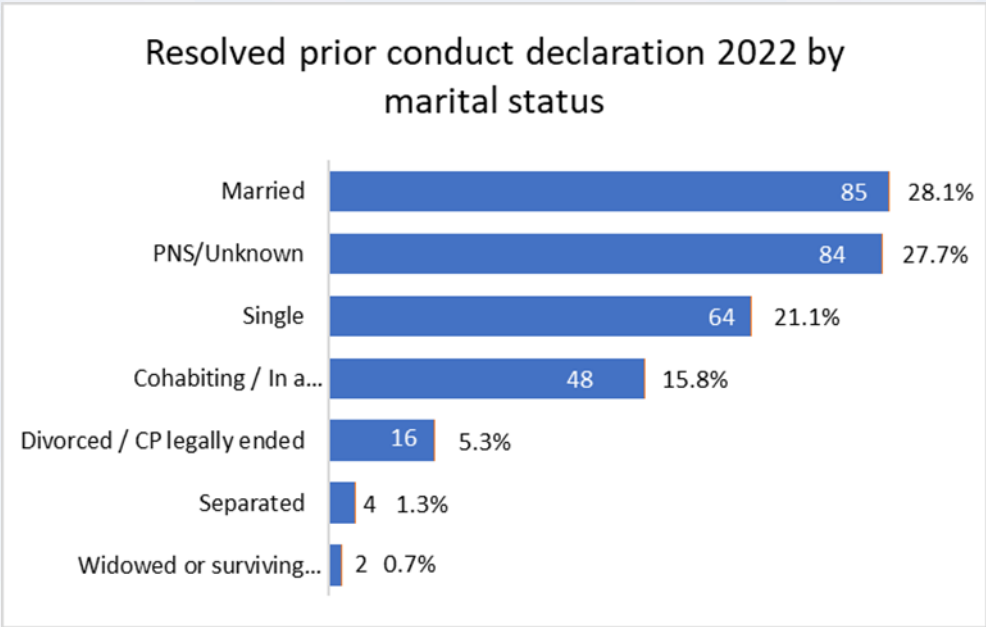
None of the cases involving individuals from a Jewish background and only 33% of the cases involving individuals from a Sikh background were resolved. The rate of resolution was at 63-75% of all cases in each remaining religious category. However, the relatively small number of cases involving individuals from Jewish and Sikh backgrounds, together with the large percentage of unavailable religious background data make it difficult to draw any firm conclusions. There is no indication from any other data that these groups are disproportionately impacted by our disciplinary processes.

## Marital Status

The following data shows a small potential overrepresentation of separated and divorced individuals within the total live cases, when compared with the CILEX membership. The “cohabiting/ in a relationship” category is new and will be compared against the membership data in 2023 and beyond.



The breakdown of resolved prior conduct cases by marital status is broadly similar to the breakdown of the total live cases. In terms of case resolution rates, 100% of all live cases involving widows were resolved, followed by 81% of cases involving cohabiting individuals; 74% of cases involving single individuals; 67% of cases involving married individuals; 57% of cases involving divorced individuals and 50% of cases involving separated individuals.



Although this indicates a potential adverse experience for divorced and separated individuals, as above, no firm conclusions can be drawn due to the relatively small number of cases and large percentage of unavailable marital status data.

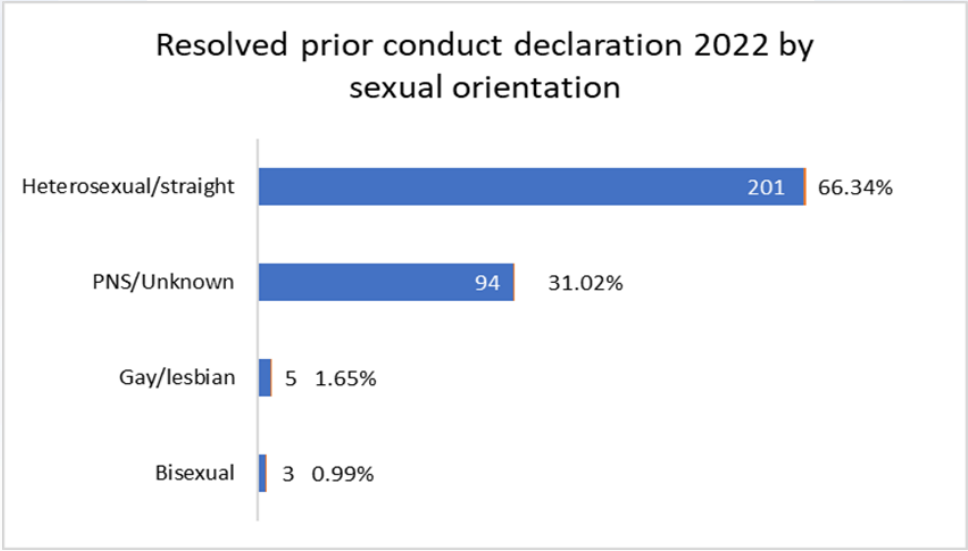
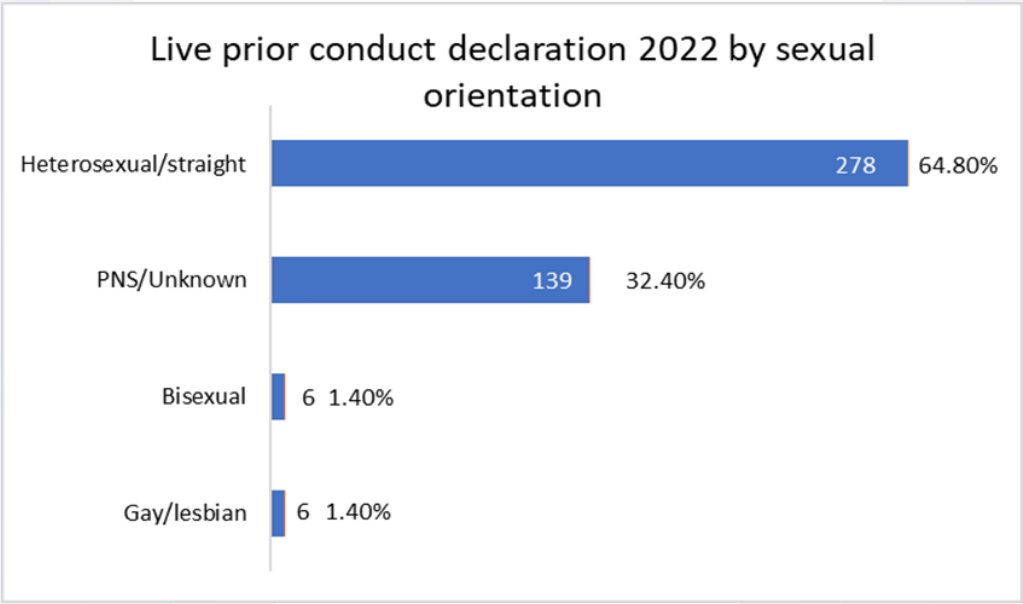
# Sexual Orientation and Gender Reassignment

The four charts below contain a breakdown of the total live prior conduct cases and resolved prior conduct cases by sexual orientation and gender reassignment.

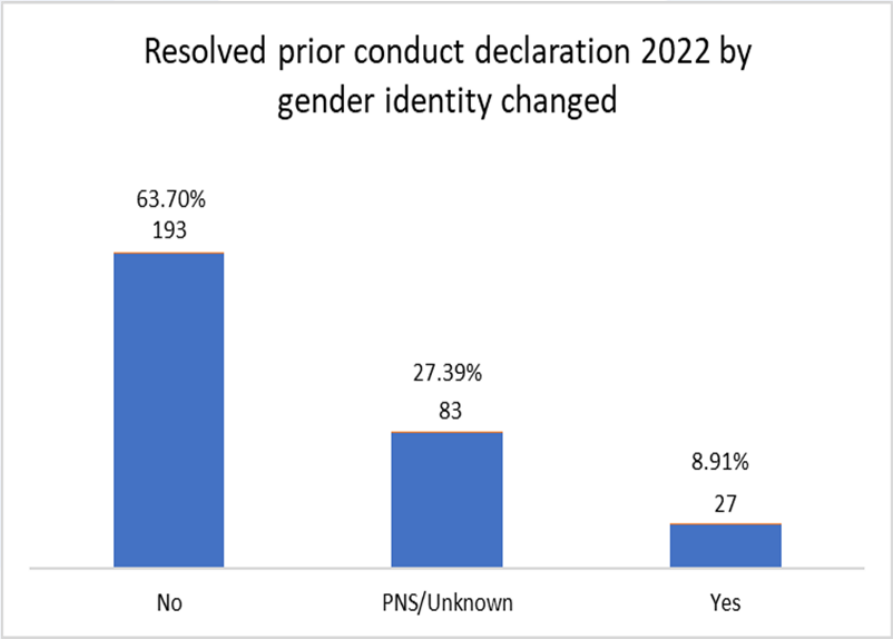
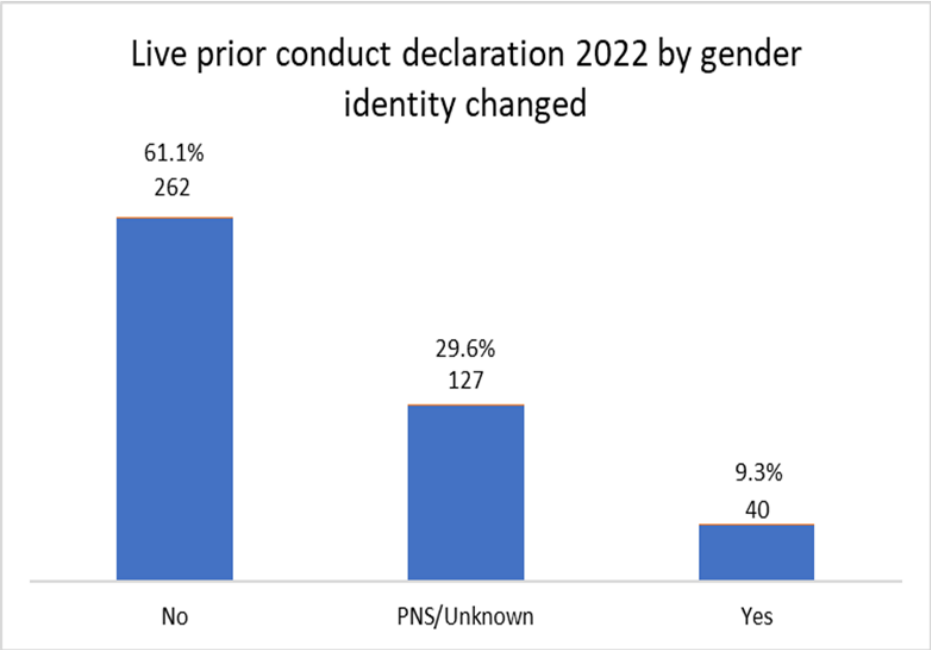
There are no remarkable findings in respect of any overrepresentation when compared with the CILEx membership as a whole. The breakdown of resolved cases by sexual orientation and gender reassignment is broadly similar to the total live cases in each EDI category.

In terms of case resolution rates, 50% of cases involving individuals who identified as bisexual were resolved, compared with 72% of cases involving individuals who identified as heterosexual/straight and 38% of cases involving individuals who identified as gay/ lesbian.

67.5% of all cases involving individuals who indicated that their gender identity was different to the one assigned to them at birth were resolved, compared with 73.6% of cases involving individuals who indicated that their gender identity had not changed.







## Socio-economic factors

The tables below contain a breakdown of the total live prior conduct cases and a breakdown of all resolved cases by four different socio-economic factors. The last column in each table shows the percentage of total live cases involving individuals from each socio-economic group that were resolved.

Schooling between ages 11-16	Live Prior Conduct Declarations (429)	Resolved Prior Conduct Declarations (303)	Percentage of total live cases that were resolved
UK state-run or state-funded school (non-selective)	49.0% (210)	50.5% (153)	72.9%
UK state-run or state-funded school (selective)	10.5% (45)	10.2% (31)	68.9%
Independent/ fee paying	2.3% (10)	2.6% (8)	80.0%
School outside the UK	6.3% (27)	6.6% (20)	74.1%
Independent or fee-paying school with means tested bursary	0.9% (4)	0.7% (2)	50%
PNS/Unknown/Not recorded	31.0% (132)	29.4% (89)	67.4%

Primary carer for child under 18	Live Prior Conduct Declarations (429)	Resolved Prior Conduct Declarations (303)	Percentage of total live cases that were resolved
Yes	28.2% (121)	29.7% (90)	74.4.1%
No	44.8% (192)	44.2% (134)	69.8%
PNS/Unknown/Not recorded	27.0% (116)	26.1% (79)	68.1%

Caring responsibilities	Live Prior Conduct Declarations (429)	Resolved Prior Conduct Declarations (303)	Percentage of total live cases that were resolved
No	50.8% (218)	52.1% (158)	72.5%
Yes, 1 – 19 hours a week	15.2% (65)	14.9% (45)	69.2%
Yes, 20 - 49 hours a week	2.8% (12)	2.6% (8)	66.7%
Yes, 50 or more hours a week	1.4% (6)	2.0% (6)	100%
PNS/Not recorded	29.8% (128)	28.4% (86)	67.2%

Gained University degree	Live Prior Conduct Declarations (429)	Resolved Prior Conduct Declarations (303)	Percentage of total live cases that were resolved
Yes	29.8% (128)	31.7% (96)	75.0%
No	31.0% (133)	30.7% (93)	69.9%
PNS/Unknown/Not recorded	39.2% (168)	37.6% (114)	67.8%

CRL has not been able to identify any potential overrepresentation of individuals who attended particular types of schools, when compared with the CILEX membership in 2021. This is because the CILEX membership diversity data from 2021 relates to schooling between the ages of 11 to 18, whereas CRL's EDI monitoring now focuses on schooling between the ages of 11 to 16.

Similarly, no comparisons have been drawn in respect of university attendance as CRL now focuses on whether a degree was gained. There was no overrepresentation in respect of childcare responsibilities and a slight overrepresentation of those who spent 20 hours or more per week caring for others, when compared with the CILEX membership as a whole.

The composition of the total live prior conduct cases was broadly similar to the composition of the resolved cases across all four socio-economic categories.

In terms of case resolution rates, cases involving individuals who attended independent / fee paying schools without a means- tested bursary were resolved at a slightly higher rate, as were cases involving those who had gained a university degree and those who had no caring responsibilities.

## Professional Conduct Panel Decisions—Prior conduct

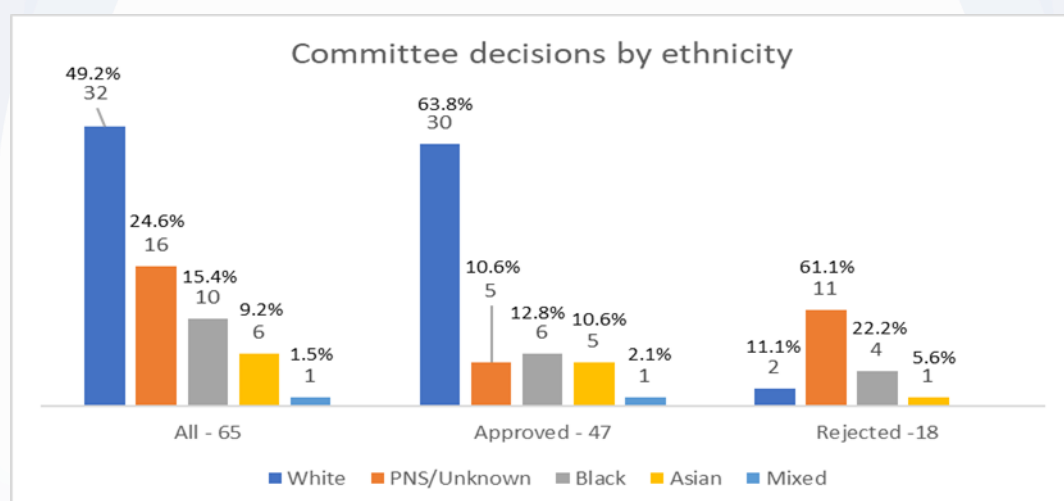
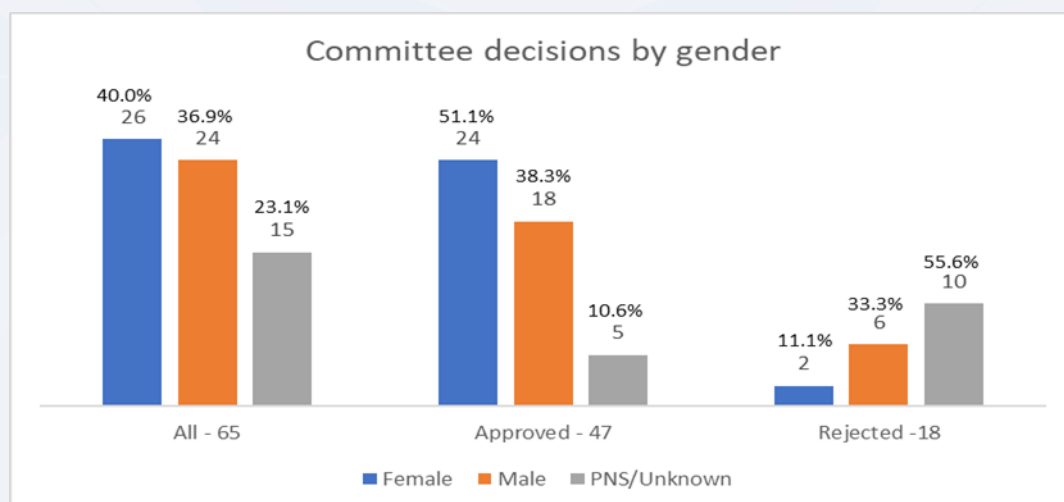
The charts below show the diversity composition of the 65 prior conduct cases that were determined by the Professional Conduct Panel. Of these cases, 47 were approved and 18 rejected.

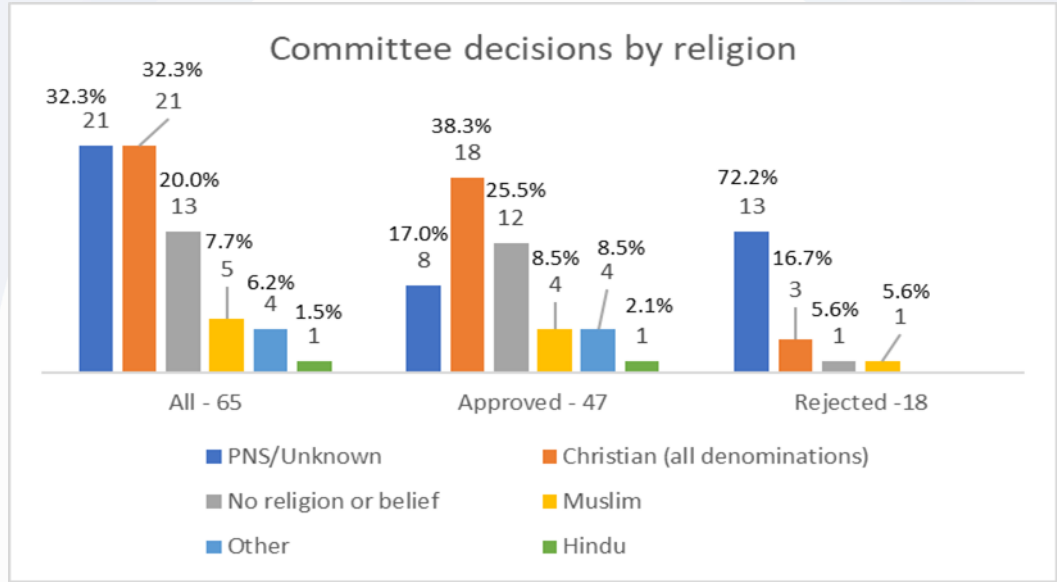
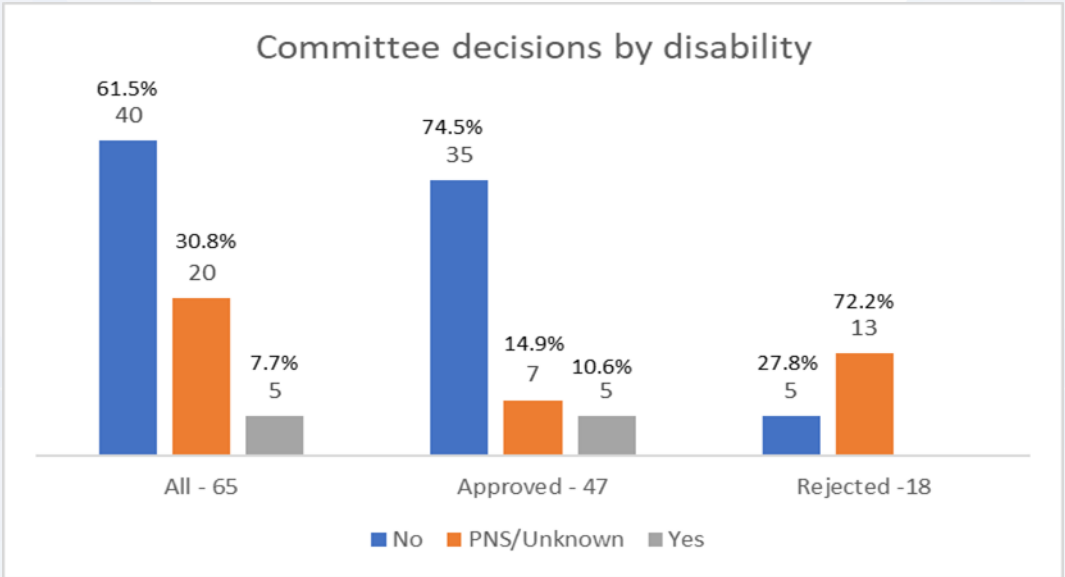
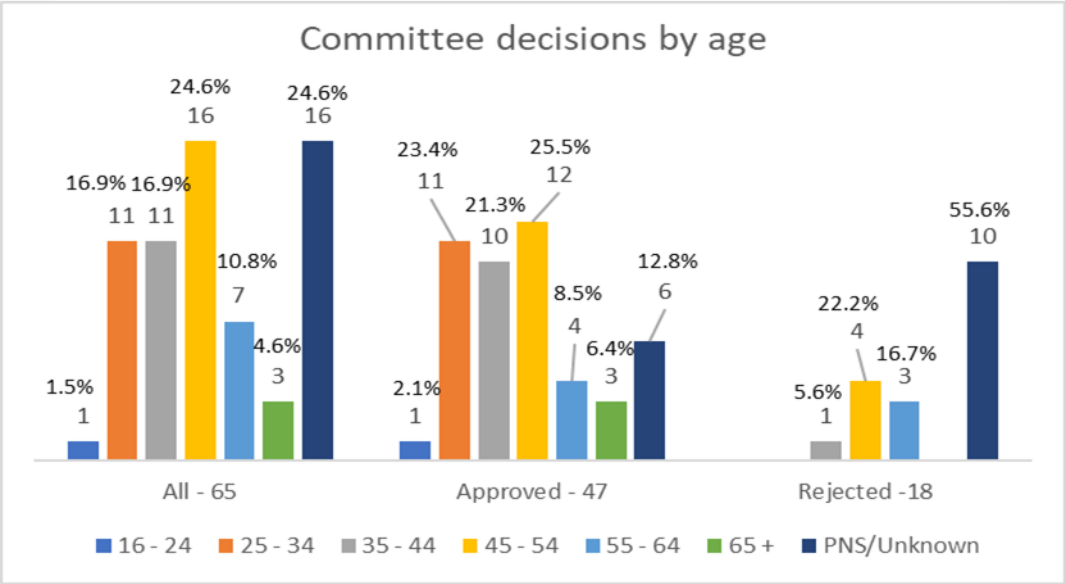
Rejected cases are applications for CILEX membership or authorisation that were rejected by the PCP due to prior conduct. Approved cases include those cases where the PCP either issued a sanction and membership continued or found that the prior conduct did not affect the case subject's suitability. The prior conduct case recording system does not capture sanction data separately.

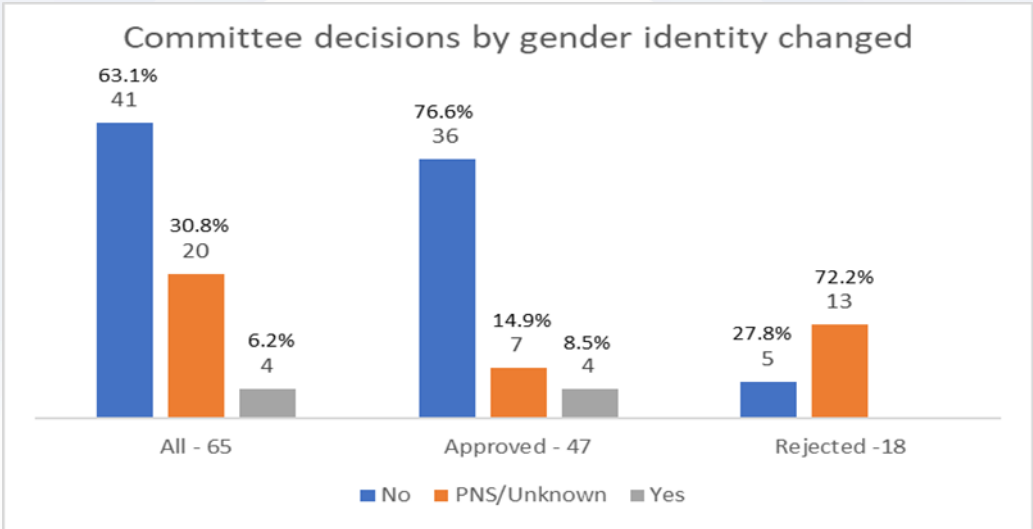
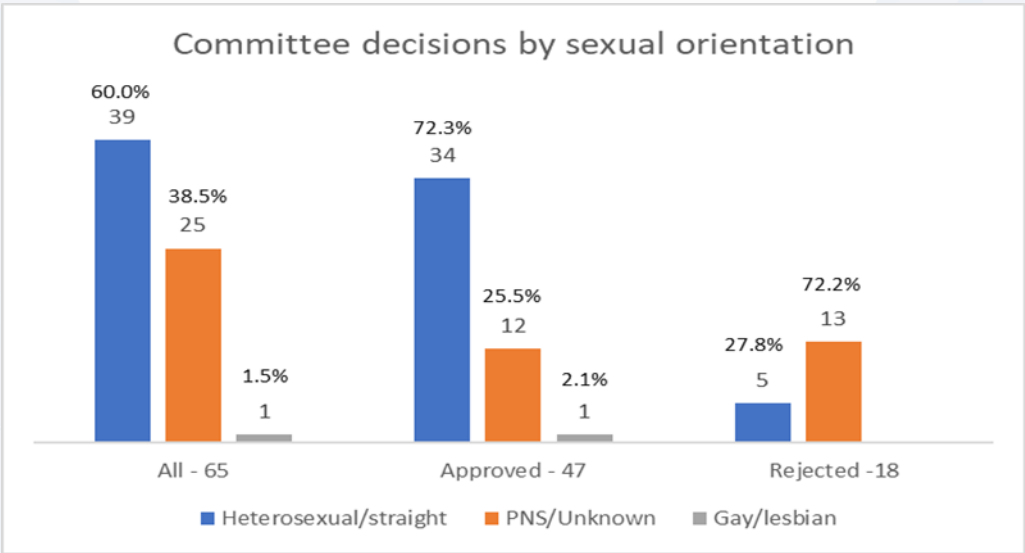
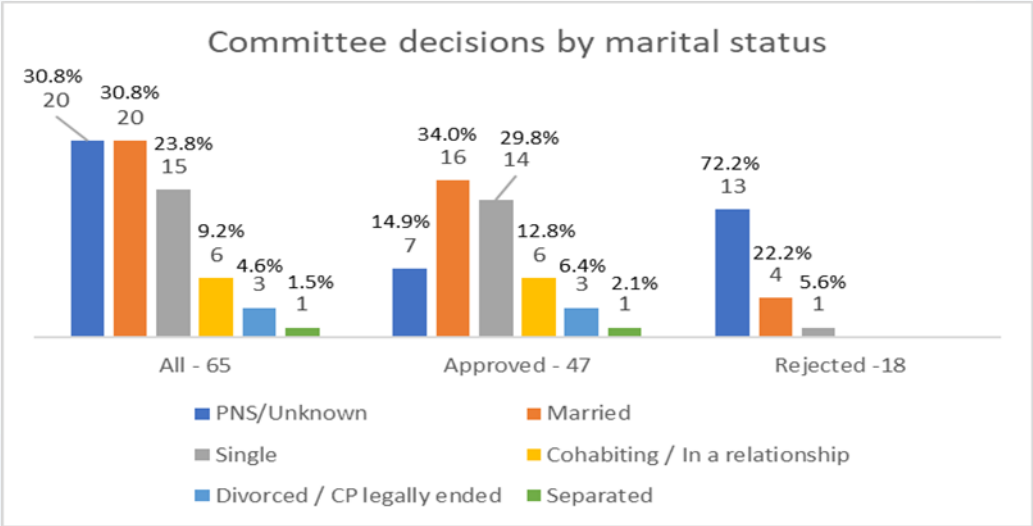
The majority of the 65 cases referred to the PCP involved individuals who identified as female. More cases involving females were approved by the PCP, compared with cases involving males. 92.3% of the 26 cases involving females were approved, compared with 75% of the 24 cases involving males. We do not at present anonymise PCP reports and individuals may attend PCP meetings at the Panel's request, therefore whilst the PCP may have had an idea of the case subjects' gender at the time of making a decision, like the other categories, the percentage of unavailable gender data is too high to draw any firm conclusions as to whether cases involving males were subject to more adverse outcomes, compared with those involving females.

The majority of cases referred to the PCP involved individuals from a white ethnic background. Of these, 93.8% (30) were approved. 83.3% (5) of the 6 cases involving individuals from an Asian background and 60% (6) of the 10 cases involving individuals from a black ethnic background were resolved.

In addition, a lower percentage of cases involving individuals in the 45–54 age group, and 55–64 age group were approved, compared with other age groups, as were cases involving individuals who identified as married. There were no remarkable findings in respect of disability, religion, sexual orientation, or gender reassignment.







The tables below show the composition of the cases determined by the PCP by CRL's four socio-economic markers. The left column shows the EDI breakdown of the 65 cases that were referred to the PCP, and the right columns show the socio-economic breakdown of those cases that were approved and rejected by the PCP, as well as the percentage of total cases in every group within each socio-economic category that were resolved.

Cases involving individuals who attended school outside the UK made up 8.5% of the 47 approved cases, the same percentage as cases involving individuals who attended a selective state school. However, a lower percentage of total cases involving the former (57%) were approved, compared with 100% of cases involving the latter. No remarkable findings in respect of university degree gained.

The data also suggests that a lower percentage of cases involving those with primary childcare and other caring responsibilities were approved, compared with those who did not have any caring responsibilities. However, as with the above categories, there is a large percentage of unavailable socio-economic data and as such, no firm conclusions can be drawn.

Schooling between ages 11-16					
Total Cases Referred to PCP (65)		Approved cases 72.3% (47)		Rejected cases 27.7% (18)	
UK state-run or state-funded school (non-selective)	46.2% (30)	59.6% (28)	93% approved	11.1% (2)	7% rejected
UK state-run or state-funded school (selective)	6.2% (4)	8.5% (4)	100% approved	-	
Independent/ Fee paying	3.1% (2)	4.3% (2)	100% approved	-	
School outside the UK	10.8% (7)	8.5% (4)	57% approved	16.7% (3)	43% rejected
PNS/Not recorded	33.8% (22)	19.1% (9)	40.9% approved	72.2% (13)	62% rejected

Gained university degree					
Total Cases Referred to PCP (65)		Approved cases 72.3% (47)		Rejected cases 27.7% (18)	
Yes	36.9% (24)	44.7% (21)	87.5% approved	16.7% (3)	12.5% rejected
No	24.6% (16)	31.9% (15)	94% approved	5.6% (1)	6% rejected
PNS/Not recorded	38.5% (25)	23.4% (11)	44% approved	77.8% (14)	56% rejected

Primary carer for child(ren) under 18					
Total Cases Referred to PCP (65)		Approved cases 72.3% (47)		Rejected cases 27.7% (18)	
Yes	29.2% (190)	31.9% (15)	79% approved	22.2% (4)	21% rejected
No	40% (260)	53.2% (25)	96% approved	5.6% (1)	4% rejected
PNS/Not recorded	30.8% (20)	14.9% (7)	35% approved	72.2% (13)	65% rejected

Carer for family members, friends, neighbours, or others					
Total Cases Referred to PCP (65)		Approved cases 72.3% (47)		Rejected cases 27.7% (18)	
No	44.6% (29)	59.6% (28)	96.6% approved	5.6% (1)	3.4% rejected
Yes, 1 – 19 hours a week	16.9% (11)	14.9% (7)	64% approved	22.2% (4)	36% rejected
Yes, 20-49 hours a week	1.5% (1)	2.1% (1)	100% approved	-	-
Yes, 50 or more hours a week	1.5% (1)	2.1% (1)	100% approved	-	-
PNS/Not recorded	35.4% (23)	21.3% (10)	43% approved	72.2% (13)	57% rejected



## Misconduct—EDI Analysis

The tables below show the diversity breakdown of the 176 misconduct cases that were live during 2022, together with a breakdown of Officer decisions. This includes all cases that were opened in 2022, or earlier if they were either determined or still being considered in 2022. The diversity data relating to the 1 case that went to the DT has been recorded under PNS/ Not Recorded (NR) in order to limit the risk of disclosing of the Respondent's personal data.

### Ethnicity

Ethnicity		White	Asian	Black	Mixed	Other	PNS/ NR
CILEX Membership 2021		84.4%	7%	3.5%	2.4%	0.3%	2.4%
All Misconduct cases (176)		69.9% (123)	8.5% (15)	6.8% (12)	1.7% (3)	0.6% (1)	12.5% (22)
All Officer (Delegated) Decisions (57)		66.7% (38)	7.0% (4)	8.8% (4)	-	-	17.5% (11)
Percentage of misconduct cases that had an Officer		30.9%	26.7%	33.3%	0	0	50.0%
Breakdown of Delegated Decisions	Complaint rejected (52 of 57)	71.2% (37)	7.7% (4)	3.8% (2)	-	-	17.3% (9)
	Determination by Consent (2 of 57)) 3.5%	50.0% (1)	-	-	-	-	50.0% (1)
	Refer to PCP (2 of 57)) 3.5%	-	-	100.% (2)	-	-	-
	Refer to Disciplinary Tribunal (1 of 57) 1.8%	-	-	-	-	-	100% (1)

In terms of ethnicity, the figures above indicate that individuals who identify as Black and Asian may be overrepresented in the total misconduct cases that were live in 2022, compared with the CILEX membership, whilst a lower percentage of cases involving those from an Asian background were decided. In terms of outcomes, 71.2% of all rejected cases were in respect of individuals who identified as white. More serious action was taken in respect of cases involving individuals who identified as black by way of a lower rejection rate and a higher rate referral to the PCP.

### Gender

Gender		Female	Male	Other	PNS/NR
CILEX Membership 2021		76.9%	22.3%	0.1%	0.8%
All Misconduct cases (176)		51.1% (90)	39.2% (69)	-	9.7% (17)
All Officer (Delegated) Decisions (57)		54.3% (31)	29.8% (17)	-	15.8% (9)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		34.4%	24.6%	-	52.9%
Breakdown of Delegated Decisions	Complaint rejected (52 of 57) 91.2%	57.7% (30)	28.8% (15)	-	13.5% (7)
	Determination by Consent (2 of 57)) 3.5%	50.0% (1)	-	-	50.0% (1)
	Refer to PCP (2 of 57)) 3.5%	-	100% (2)	-	-
	Refer to Disciplinary Tribunal (1 of 57) 1.8%	-	-	-	100% (1)

The table above indicates that whilst there were more misconduct cases against females, there was no overrepresentation of this group as they made up a larger proportion of the CILEX membership in 2021. In contrast, there may have been an overrepresentation of individuals identifying as male of 39.2% of all misconduct cases were against males, despite this gender group comprising only 22.3% of the CILEX membership in 2021. A higher percentage of cases against females received an officer decision in 2022 (35.2%). In terms of outcomes, most of the cases that were rejected were in respect of females (57.7%). More serious action was taken in respect of cases involving those identifying as male, by way of a lower rejection rate and higher rate of referral to the PCP.

## Age

Age		16-24	25-34	35-44	45-54	55-64	65+	PNS/ NR
CILEX Membership 2021		35.3%		27.2%	20.4%	12.2%	2.9%	1.7%
All Misconduct cases (176)		1.1% (2)	14.8% (26)	30.7% (54)	23.9% (42)	11.4% (20)	7.4% (13)	10.8% (19)
All Officer (Delegated) Decisions (57)		1.8% (1)	10.5% (6)	29.8% (17)	19.3% (11)	17.5% (10)	5.3% (3)	15.8% (9)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		50.0%	23.1%	31.5%	26.2%	50.0%	23.1%	44.4%
Breakdown of Delegated Decisions	Complaint rejected (52 of 57) 91.2%	1.9% (1)	11.5% (6)	26.9% (14)	21.2% (11)	19.2% (10)	5.8% (3)	13.5% (7)
	Determination by Consent (2 of 57) 3.5%	-	-	50.0% (1)	-	-	-	50.0% (1)
	Refer to PCP (2 of 57) 3.5%	-	-	100.0% (2)	-	-	-	-
	Refer to Disciplinary Tribunal (1 of 57) 1.8%	-	-	-	-	-	-	100% (1)

The data indicates a potential overrepresentation individuals aged over 35 within all live misconduct cases in 2022, compared with the CILEX membership, with the largest potential overrepresentation being amongst the over 65s. Cases involving individuals aged between 25 and 54 were decided at a lower rate, compared with other age groups. In terms of outcomes, although cases involving those aged 35-44 made up most rejections (26.9%), they resulted the most serious outcomes: a referral to the PCP for determination of a case to answer, and a Determination by Consent (DBC), resulting in a sanction.

## Disability

Disability		Yes	No	PNS/ NR
CILEX Membership 2021		4.4%	90.3%	5.3%
All Misconduct cases (176)		10.2% (18)	65.9% (116)	23.9% (42)
All Officer (Delegated) Decisions (57)		8.8% (5)	63.2% (36)	28.1% (16)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		27.8%	31.0%	38.1%
Breakdown of Delegated Decisions	Complaint rejected (52) 91.2%	9.6% (5)	67.3% (35)	23.1% (12)
	Determination by Consent (2) 3.5%	-	-	100.0% (2)
	Refer to PCP (2) 3.5%	-	50.0% (1)	50.0% (1)
	Refer to Disciplinary Tribunal (1) 1.8%	-	-	100% (1)

There is an additional suggestion that individuals with one or more disabilities may be overrepresented within misconduct cases, despite only making up 4.4% of the CILEX membership in 2021. A slightly lower percentage of cases involving individuals who indicated they had a disability were also decided in 2022. Although these cases made up a lower percentage of all rejected cases, the most serious outcomes were in respect of cases against individuals who indicated that they did not have a disability, and those who did not disclose their disability status.

## Religion

Religion		Christian	NRB/ Atheist	Muslim	Hindu	Sikh	Jewish	Other	PNS/ NR
CILEX Membership 2021		52%	38%	6%	2%	1%	1%	2%	-
All Misconduct cases (176)		35.8% (63)	26.1% (46)	4.0% (7)	0.6% (1)	2.3% (4)	-	2.8% (5)	28.4% (50)
All Officer (Delegated) Decisions (57)		49.1% (28)	21.1% (12)	0	1.8% (1)	-	-	0	28.1% (16)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		44.4%	26.1%	-	100%	-	-	-	32.0%
Break-down of Delegated Decisions	Complaint rejected (52) 91.23%	51.9% (27)	23.1% (12)	-	1.9% (1)	-	-	-	23.1% (12)
	Determination by Consent (2) 3.51%		-	-	-	-	-	-	100% (2)
	Refer to PCP (2) 3.51%	50.0% (1)	-	-	-	-	-	-	50.0% (1)
	Refer to Disciplinary Tribunal (1) 1.75%	-	-	-	-	-	-	-	100% (1)

In terms of religion, the figures indicate that individuals who identify as Sikh may have been overrepresented in the total misconduct cases that were live in 2022, compared with the CILEX membership in 2021.

No cases involving individuals who identified their religion as Muslim, Sikh and Other were decided in 2022, compared with 45.3% of cases involving those identifying as Christian and 26.1% of cases involving those who were atheist or had no religion or belief (NRB).

## Marital Status, Sexual Orientation and Gender Reassignment

Aside from a potential overrepresentation of individuals who identified as bisexual and divorcees within misconduct cases when compared with the CILEX membership, there were no other remarkable findings in respect of sexuality, marital status, and gender reassignment.

Sexual Orientation		Gay/Lesbian	Heterosexual/ straight	Bisexual	Other	PNS/ NR
CILEX Membership 2021		1.7%	88.4%	1.2%	0.3%	8.4%
All Misconduct cases (176)		-	69.3% (122)	1.7% (3)	-	29.0% (51)
All Officer (Delegated) Decisions (57)		-	66.7% (38)	3.5% (2)	-	29.8% (17)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		-	31.1%	66.7%	-	33.3%
Breakdown of Delegated Decisions	Complaint rejected (52) 91.2%		73.1% (38)	3.8% (2)	-	23.1% (12)
	Determination by Consent (2) 3.5%	-	-	-	-	100% (2)
	Refer to PCP (2) 3.51%	-		-	-	100% (2)
	Refer to Disciplinary Tribunal (1) 1.8%	-	-	-	-	100% (1)

Marital status		Single	In a relationship/ cohabiting	Married / Civil Partnership	Divorced/ CP legally ended	Separated	Widowed	PNS/ NR
CILEX Membership 2021		36.9%	45.9%		5.1%	1.4%	0.8%	10%
All Misconduct cases (176)		17.0% (30)	8.0% (14)	40.3% (71)	8.0% (14)	1.1% (2)	0.6% (1)	25.0% (44)
All Officer (Delegated) Decisions (57)		21.1% (12)	5.3% (3)	36.8% (21)	12.3% (7)	-	1.8% (1)	22.8% (13)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		40.0%	21.4	30%	50%	0	100%	29.5%
Break-down of Delegated Decisions	Complaint rejected (52) 91.2%	21.2% (11)	5.8% (3)	40.4% (21)	13.5% (7)	-	1.9% (1)	17.3% (9)
	Determination by Consent (2) 3.5%	-	-	-	-	-	-	100% (2)
	Refer to PCP (2) 3.5%	50% (1)	-	-	-	-	-	50% (1)
	Refer to Disciplinary Tribunal (1) 1.8%	-	-	-	-	-	-	100% (1)

Gender Reassignment		Yes	No	PNS/ NR
CILEX Membership 2021		N/A	N/A	N/A
All Misconduct cases (176)		10.8% (19)	63.6% (112)	25.6% (45)
All Officer (Delegated) Decisions (57)		10.5% (6)	64.9% (37)	24.6% (14)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		31.6%	33.0%	31.1%
Breakdown of Delegated Decisions	Complaint rejected (52) 91.2%	11.5% (6)	67.3% (35)	21.2% (11)
	Determination by Consent (2) 3.5%	-	50.0% (1)	50.0% (1)
	Refer to PCP (2) 3.5%	-	50.0% (1)	50.0% (1)
	Refer to Disciplinary Tribunal (1) 1.8%	-	-	100% (1)

## Socio-economic factors

No comparison has been drawn with the CILEX membership data in respect of school attendance and university degree attainment as different parameters were used in 2021. There were no remarkable findings in respect of overrepresentation in misconduct cases based on childcare and other caring responsibilities.

The composition of decided cases was broadly similar to the total cases across all four socio-economic markers.

Cases against individuals who attended a non-selective state school received the lowest percentage of officer decisions overall at 26.3%. There were no other significant findings in respect of officer decisions and outcome severity across the socio-economic markers.

Schooling between ages 11-16		UK state-run or state-funded school (non-selective)	UK state-run or state-funded school (selective)	Independent/ Fee Paying	Outside UK	Other	PNS/ NR
CILEX Membership 2021 (schooling between ages 11-18)		73.3%	12%	6.4%	5.4%	2.8%	0.1%
All Misconduct cases (176)		44.9% (79)	11.4% (20)	5.7% (10)	4.0% (7)	-	34.1% (60)
All Officer (Delegated) Decisions (57)		35.1% (20)	15.8% (9)	7.1% (4)	7.0% (4)	-	35.1% (20)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		25.3%	45%	40%	57.1%	-	33.3%
Breakdown of Delegated Decisions	Complaint rejected (52) 91.2%	38.5% (20)	17.3% (9)	5.8% (3)	7.7% (4)	-	30.8% (16)
	Determination by Consent (2) 3.5%	-	-	50% (1)	-	-	50.0% (1)
	Refer to PCP (2) 3.5%	-	-	-	-	-	100.0% (2)
	Refer to Disciplinary Tribunal (1) 1.8%	-	-	-	-	-	100% (1)

Gained university degree		Yes	No / Did not attend	PNS/ NR
CILEX Membership 2021 (Attended University)		29.9%	64.7%	5.5%
All Misconduct cases 2022 (176)		26.7% (47)	30.1% (53)	43.2% (76)
All Officer (Delegated) Decisions (57)		26.3% (15)	35.1% (20)	38.6% (22)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		31.9%	37.7%	28.9%
Breakdown of Officer (Delegated) Decisions (%&)	Complaint rejected (52) 91.2%	25.0% (13)	38.5% (20)	36.5% (19)
	Determination by Consent (2) 3.5%	50.0% (1)	-	50.0% (1)
	Refer to PCP (2) 3.5%	50.0% (1)	-	50.0% (1)
	Refer to Disciplinary Tribunal (1) 1.8%	-	-	100% (1)

Primary carer for child(ren) under 18		Yes	No	PNS/ NR
CILEX Membership 2021		33.3%	62.3%	4.4%
All Misconduct cases 2022 (176)		34.6% (61)	43.8% (77)	21.6% (38)
All Officer (Delegated) Decisions (57)		31.6% (18)	42.1% (24)	26.3% (15)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		29.5%	31.7%	39.5%
Breakdown of Officer (Delegated) Decisions (57)	Complaint rejected (52) 91.2%	34.6% (18)	42.3% (22)	23.1% (12)
	Determination by Consent (2) 3.5%	-	50.0% (1)	50.0% (1)
	Refer to PCP (2) 3.5%	-	50.0% (1)	50.0% (1)
	Refer to Disciplinary Tribunal (1) 1.8%	-	-	100% (1)

Carer for family members, friends, neighbours, or others		No	Yes, 1 – 19 hours a week	Yes, 20 – 49 hours a week	Yes, 50 or more hours a week	PNS/ NR
CILEX Membership 2021		74.9%	14.4%	1.4%	0.9%	8.4%
All Misconduct cases (176)		57.9% (102)	16.5% (29)	1.7% (3)	0.6% (1)	23.3% (41)
All Officer (Delegated) Decisions (57)		54.4% (31)	19.3% (11)	-	1.8% (1)	24.6% (14)
Percentage of misconduct cases that had an Officer (Delegated) Decision.		30.4%	37.9%	0	100%	34.1%
Breakdown of Officer (Delegated) Decisions (57)	Complaint rejected (52) 91.2%	57.7% (30)	19.2% (10)	-	1.9% (1)	21.2% (11)
	Determination by Consent (2) 3.5%	50.0% (1)	-	-	-	50.0% (1)
	Refer to PCP (2) 3.5%	-	50.0% (1)	-	-	50.0% (1)
	Refer to Disciplinary Tribunal (1) 1.8%	-	-	-	-	100% (1)

## Panel Decisions

### PCP Decisions

The diversity data for PCP decisions made in 2022 is reflected in the delegated decisions made by Enforcement staff.

A total of 10 misconduct cases were referred to the PCP in 2022 comprising 2 misconduct cases for determination of a case to answer, 2 DBCs for approval, 5 rejections for review and 1 delegated decision for noting – a direct referral to the DT.

Of the cases referred, the PCP determined there was a case to answer and made a referral to the DT, both DBCs were approved, and the 5 rejections upheld. The delegated decision to refer a case directly to the DT was noted. As such, there is no distinction to be made in the EDI composition of these.

### DT and AP Decisions

Only one case was heard at the DT in 2022. CRL has not reported on the EDI composition of this case separately to avoid disclosing personal data of the individual Respondent. No Appeal cases were requested or heard in 2022.

### Sanctions

There were three sanctions issued in 2022 in respect of the 2 DBCs and 1 DT referral, all of which were exclusions. As such, the EDI breakdown of these sanctions is also reflected in the officer decisions above.



## Conclusion

Equality, Diversity and Inclusion remains a key strategic objective for CRL and improving the way that equality and diversity data is recorded, monitored and reported on is important for transparency and accountability purposes.

This work has begun to highlight potential areas of concern. The available data indicates potential differential outcomes across certain groups, particularly in respect of case resolution rates and outcomes. Although the number of disciplinary cases CRL deals with each year are not large enough to draw firm conclusions, the small samples above do indicate that more work is needed around data collection and analysis to gain better insight into the EDI factors surrounding the enforcement processes as there is a large percentage of unavailable diversity data due to non-disclosure.

In 2022 CRL began to monitor factors that may contribute to explaining any differential outcomes in misconduct cases, such as the nature and circumstances of the conduct being considered, the level of engagement and co-operation by the member.

In 2023 CRL will be expanding this to include risk factors that contribute to case escalation and case progression. More work is also needed to:

- understand the reasons behind the high rates of non-disclosure of EDI data and encourage greater participation by CILEX members and applicants, as well as decision makers, in EDI analysis and research.
- Seek to ensure more contemporaneous membership EDI data for comparative purposes.
- Encourage the use of feedback forms to gain further insight into the experiences of individuals subject to enforcement and disciplinary processes.
- Seek to better understand the link between case resolution rates and timescales by monitoring the percentage of cases resolved within the published timescales according to EDI category.
- Understand from stakeholders how data might be presented more effectively.