

EDI Strategy Annual Report 2023

Introduction

by Jonathan Rees, Chair CILEx Regulation (CRL)

When we launched CRL's EDI Strategy in 2022, I said that for us, promoting EDI is not an optional extra. We are proud of the diversity of those we regulate, and want to do all we can to make a difference both for them and for consumers. Reflecting on our work in 2023, I am pleased to reaffirm that EDI remains at the heart of all we do as an employer, as a regulator, and as a partner with others working on legal issues. Equality, diversity and inclusion (EDI) is one of our three strategic priorities for 2022-24.

We launched our EDI Strategy at our EDI roundtable event in March 2022 together with Seema Kennedy OBE of Levelling Up Law, and a wide range of others active in the legal sphere. The discussions focused on barriers to progression for all legal professionals and the potential for improved legal services for consumers. There are no easy solutions, nor will glib soundbites help. What we need is sustained and patient cross-sector partnerships as we seek to tackle deep-rooted barriers and cultures. So, what have we done?

Progress

We introduced questions about EDI and wellbeing into our annual staff survey (with a response rate of 95%) to help us understand their views on our commitment to be an inclusive employer and to enable us to make continuous improvements. All staff continue to receive EDI training at induction and annually.

With other regulators CRL signed the [statement](#) on counter-inclusive culture published by the Legal Services Board in June 2022. The statement acknowledges that while there have been some improvements in diversity and inclusion, much more work is needed. It is still harder to progress to senior levels as a lawyer if you are, for example, a woman, from a minority ethnic background, a disabled person, LGBTQ+, or are from a lower socio-economic background.

We have continued learning from the experience of others. We agree with the message given by the Bridge Group at the LSB's conference 'Reshaping Legal Services' in October 2022 of the need to move beyond the collection of EDI data to the adoption of a range of EDI initiatives to be adopted at a local level: work experience, contextual recruitment, review of work allocation and reverse mentoring. We engaged with the Socio-economic diversity taskforce led by the City of London setting its ambition for 50% of its senior leaders to come from a working class or intermediate backgrounds challenging the sector to make significant progress towards this goal by 2030. From CRL's point of view one of the most interesting observations from the Taskforce was that as a whole the legal sector is much less resistant to the collection of EDI data.

Inevitably, CILEX's announcement of its proposal to de-delegate CRL as the regulator of CILEX members has created uncertainty for the profession. It is to the

credit of our staff that despite this disruptive backdrop within a relatively short period CRL has made significant progress in the realisation of its EDI strategy.

Differential impacts of our enforcement processes

We included the diversity data for the members of our disciplinary panels in our [Enforcement Annual Report](#) and have provided diversity data about the individuals subject to its enforcement and disciplinary processes. The available data showed potential differential outcomes across certain groups, particularly in respect of case resolution rates and outcomes. We have committed to further work to increase the response rate so we have a better insight into the EDI factors surrounding the enforcement processes.

We already have good representation across a range of protected characteristics in our decision-making panels. We are committed to maintaining this diversity as well as developing our understanding as to what actions we need to take to provide fully balanced decision-making panels. Indeed one of the reasons we question CILEX's proposals to redelegate our role to the SRA is that we will lose the expertise and diversity of the broad cross-section who serve on our Panels.

We believe that diverse decision-making panels, where panels are made up of people with a range of diversity characteristics, experience and understanding can improve outcomes for members from diverse backgrounds,

Implementation of EDI policies

Because of the uncertainty about the future of their businesses we have not progressed EDI work with our regulated firms as we would have wished, but that remains our ambition once the future shape of regulatory arrangements is settled.

Nonetheless, working with a consortium across twelve professions we have participated in a research and data collection project to improve understanding of the challenges and opportunities associated with inclusion to inform evidence-based solutions. Drawing on research with over 7,000 members and students of professional membership and regulatory bodies across the UK, this report (due to be published shortly) will provide a fresh look at how recent efforts to promote EDI have been experienced, across and between these professions. This will provide CRL with an opportunity to learn from the experiences of those operating in other sectors and see what it can do better.

CRL is also participating in a study led by the Bar Standards Board which will help support the efforts of legal regulators to ensure digitally excluded consumers can still access and receive high quality legal services and identify innovations legal service providers can undertake to that end.

Supporting our regulated individuals to progress their legal career

In July 2022 the CRL Board approved a working definition of progression to enable us to start tracking the careers of CILEX professionals. Much of our work in the latter part of 2022 and early 2023 focused on preparation for collection of data for our [Diversity Data Survey Report 2023](#). This was the fourth all member diversity

data collection and the second time data has been collected from the member database. Working collaboratively with CILEX we introduced social mobility questions recommended by the Judicial Diversity Forum. Data was drawn from 16,757 members - nearly four times the data available compared with the 2017 survey. A campaign to encourage members to provide complete information further improved the quality of data and reduced “prefer not to say” (PNS) for some diversity characteristics. This provides us with increasing confidence in trends and insights reported from our analysis of the data.

Key insights we identified:

- At Chartered Legal Executive grade, males continue to advance their careers further than females
- The CILEX route into a legal career continues to be a popular choice for individuals from less affluent backgrounds
- The membership age profile of those authorised continues to move upwards
- There appears to be an under declaration of disability for CILEX members
- At Chartered Legal Executive grade, Black, Asian and minority ethnic members are not progressing their careers in the same way as White members
- It appears that individuals from some ethnic minority backgrounds use the CILEX education and training pathway as a route to qualification as a solicitor.

We launched our leavers’ survey. The first set of results confirmed that perceptions about how other lawyers viewed the status of CILEX lawyers continued to be a matter of concern for respondents.

Conclusion

We will continue:

- with our work to establish a benchmark for the diversity characteristics of our regulated community tracking changes over time,
- to define and better understand progression of our regulated individuals compared with the wider legal workforce,
- to publish our diversity data survey report every two years.
- to build the evidence base and tackle deep-rooted structural issues.

We remain committed to working with other regulators to develop a fuller understanding of what progression looks like within firms and other work settings. Improving EDI for the regulated community and consumers is a long-distance race not a sprint. We will continue to view progress as a strategic priority because it is the right thing to do.