

## Firm diversity data Q&A

Updated 9 August 2023

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### **Which questions have you changed in 2023 and why?**

We have made one change to the role categories to gain a better understanding of diversity at senior levels.

We have split the 'Solicitor partner (sole practitioner, member or director)' into two separate categories:

- Full equity solicitor partners
- Salaried or partial equity solicitor partners

We have made a slight change to the wording of our question on parental education to align with the [Social Mobility Commission guidance](https://socialmobilityworks.org/toolkit/measurement/) [https://socialmobilityworks.org/toolkit/measurement/] published in November 2020.

The question now reads: 'Did either of your parents attend university and gain a degree (eg BA/BSc or equivalent) by the time you were 18?'

### **How did you decide on the wording of your questions about sex and gender identity?**

We collect information about sex using the question 'What is your sex?' and provide options to answer 'male, female, other preferred description' and 'prefer not to say'. We do not require people to answer this question in accordance with their legal sex.

We based this decision on research undertaken by the Office of National Statistics (ONS) in preparation for the 2021 Census and after listening to a range of voices on the matter. We appreciate there are many strongly held views on these issues. We understand why the ONS uses a binary sex question which requires people to select male or female as per their legal documents. We felt a more inclusive approach was appropriate for us.

We collect information about gender identity using the question 'Is the gender you identify with the same as your sex registered at birth?' and provide options to answer 'yes, no' and 'prefer not to say'. We have aligned the gender identity question with the wording used in the 2021 Census.

For the firm diversity data collection exercise we do not provide an opportunity for firms to report on how people describe their gender

identity. We do collect this information on mySRA and recommend that firms collect this information for themselves.

### **Does this apply to in-house lawyers?**

No. The requirement to collect, report and publish diversity data only applies to law firms regulated by us.

### **Do sole practitioners and small law firms need to collect and report diversity data?**

Yes, all firms, regardless of size, must collect and report their diversity data. If someone is concerned about disclosing personal information there is an option to select 'prefer not to say' for all questions.

### **What if someone works for more than one firm?**

If they work for more than one firm they must only complete one questionnaire.

This should be for the firm where they do the majority of their work and spend most of their time. If they work for a number of firms on an equal basis they should complete the questionnaire for the one they have been working for the longest.

### **Should consultants be included in the diversity data collection for our firm?**

Yes, but only those who are contracted for three months or longer with you.

It does not matter whether they are paid through invoices or through the payroll. Consultants should be included within the appropriate role category as if they were employees.

### **Are a firm's corporate partners or other regulated entities such as a nominee or trustee firm covered?**

Yes, if they are regulated by us. You can link them to the main firm to form a group. This means you only need to collect and report one set of diversity data for all firms in the group.

### **We would like to outsource the collection exercise. Is this acceptable?**

Yes, there are a number of companies who offer this service. Please remember that you will still need to report your firm diversity data to us.



## **I have already included my own diversity data in the My Profile section of mySRA. Why do I have to provide it again?**

Both the data you provide in mySRA and your law firm are important in helping us understand and promote diversity in the profession.

The information you provide in mySRA is personal to you and cannot be entered for you by your firm. We use this information for reporting, research and evaluation and it helps us improve how we regulate, making sure we are fair and inclusive in how we develop and apply our regulatory processes.

The data we collect from your firm covers everyone at the firm (not just solicitors) and is reported to us anonymously. We use this to create a detailed picture of diversity in law firms. But we cannot use it to monitor the diversity of a particular group within the profession.

## **Are we required to publish our diversity data if people could be identified?**

No, but there may be ways that you can present a summary of the data which could minimise this risk. See our [publishing guidance for more information](https://higher-rights.sra.org.uk/solicitors/resources/equality-diversity/your-data/#Collection_5) [https://higher-rights.sra.org.uk/solicitors/resources/equality-diversity/your-data/#Collection\_5]

## **Do we need to apply for an exemption or waiver from the publication requirement if we decide we cannot publish our diversity data?**

No, if you cannot publish some or all of your diversity data you do not need to apply for any exemption or waiver.

You may wish to record your decision so that you can tell us why if we ask you about this.

## **What action will you take if a firm does not comply with the requirements?**

This is a regulatory requirement and we may take action if you do not do this. This means your firm could be issued a [fixed penalty fine](https://higher-rights.sra.org.uk/sra/news/financial-penalties/) [https://higher-rights.sra.org.uk/sra/news/financial-penalties/] for non-compliance with this regulatory request.

## **What happens if someone at my firm refuses to respond to the diversity questionnaire?**



You must give people an opportunity to respond but you cannot compel anyone to provide their diversity information. There is a 'prefer not to say' option for every question.

To encourage people to respond you should explain the purpose of the survey and reassure them about confidentiality.

### **Is this a regulatory requirement?**

Yes. The requirement to collect, report and publish diversity data is set out in the [Code of Conduct for Firms](https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/#rule-1). [https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/#rule-1] It is an important part of upholding [SRA Principle 6](https://higher-rights.sra.org.uk/solicitors/standards-regulations/principles/1) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/principles/1] which is to 'act in a way that encourages equality, diversity and inclusion'.

Monitoring the diversity of people working in your firm will help you assess whether your firm is diverse. And whether you could do more to encourage equality, diversity and inclusion.

You can compare your firm's data with the diversity of other firms like yours using our [firm diversity tool](https://higher-rights.sra.org.uk/solicitors/resources/equality-diversity/law-firm-diversity-tool/) [https://higher-rights.sra.org.uk/solicitors/resources/equality-diversity/law-firm-diversity-tool/].

### **Where can I get more advice about equality, diversity and inclusion?**

For more advice about equality, diversity and inclusion please see:

- [SRA Principle 6](https://higher-rights.sra.org.uk/solicitors/standards-regulations/principles/) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/principles/]
- [Rule 1 of the Code of Conduct for Firms](https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/#rule-1) [https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/#rule-1]
- [Guidance on the SRA's approach to equality, diversity and inclusion](https://higher-rights.sra.org.uk/solicitors/guidance/sra-approach-equality-diversity-inclusion/) [https://higher-rights.sra.org.uk/solicitors/guidance/sra-approach-equality-diversity-inclusion/]
- [Further resources for encouraging equality, diversity and inclusion](https://higher-rights.sra.org.uk/solicitors/resources/equality-diversity/equality-diversity-inclusion/) [https://higher-rights.sra.org.uk/solicitors/resources/equality-diversity/equality-diversity-inclusion/]