

## Guidance

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#### The SRA's approach to equality, diversity and inclusion

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### Status

This guidance is to help you understand your obligations and how to comply with them. We will have regard to it when exercising our regulatory functions.

### Who is this guidance for?

This guidance is for all firms and individuals we regulate.

This guidance relates to [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 states:

You act in a way that encourages equality, diversity and inclusion.

### Purpose of this guidance

To help you understand your obligations on equality<sup>1</sup>, diversity<sup>2</sup> and inclusion<sup>3</sup> (EDI) we outline what your responsibilities are, why this is important and what is expected of you.

### Scope

This guidance covers how you:

- run your firm and the services you provide
- interact with the people you work with, including your employees
- meet the diverse needs of your clients and others.

The following requirement in both the [SRA Code of Conduct for Solicitors, RELs and RFLs](https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/1) (<https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/1>) and [SRA Code of Conduct for Firms](https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/1) (<https://higher-rights.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/1>) is also covered in this guidance.

You do not unfairly discriminate by allowing your personal views to affect your professional relationships and the way in which you provide your services.

EDI is important for many reasons, including:

- The effective administration of justice, as a diversity of views and approaches, whether in law firms or in the judiciary, supports an independent justice system and maintains the rule of law.
- Improving access to services as some people may be more likely to seek legal help from solicitors with whom they share some social or cultural characteristics.
- Allowing the most talented people to become solicitors and progress in their careers which helps to maintain high standards.

Principle 6 is not the only Principle which will be considered when looking at concerns relating to EDI. For example, these may well also undermine "public trust and confidence in the solicitors' profession and in legal services provided by authorised persons" (Principle 2).

Meeting our Principles will not only benefit you and your firm, but also your clients. For example, having diverse employees with a range of expertise and experiences shows people that your firm is likely to understand their community and concerns, increasing access to justice.

### Your obligations

We expect you to take the necessary steps to run your business or carry out your role in a way that encourages equality of opportunity and respect for diversity. We expect you to be inclusive in your approach to everything you do.

You must comply with the law. The Equality Act 2010 sets out requirements against the following protected characteristics:

- age
- disability
- gender reassignment

- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

You have a legal obligation to provide [reasonable adjustments](https://higher-rights.sra.org.uk/sra/equality-diversity/diversity-policies/policy/reasonable-adjustment-policy/) <sup>4</sup> to disabled clients and employees to make sure they are not at a substantial disadvantage compared to those who are not disabled. Importantly, you must not pass on the costs of providing these adjustments to others. It is good practice to also provide reasonable adjustments to others you engage with as part of your work. For example, by making any necessary reasonable adjustments for a parent or carer of a witness who is aged 16 or under.

You have a responsibility to encourage diversity at all levels of the workforce. Encouraging a diverse profession is a responsibility we share with everyone working in the profession. This is a regulatory objective set out in the Legal Services Act (2007), "encouraging an independent, strong, diverse and effective legal profession".

You must [collect, report and publish data](https://higher-rights.sra.org.uk/solicitors/resources-archived/diversity-toolkit/your-data/) about the diversity of your workforce. The Legal Services Board (LSB) issued [guidance to regulators on diversity data collection](http://www.legalservicesboard.org.uk/what_we_do/regulation/pdf/2017/S162_Guidance_For_Regulators_On_Encouraging_A_Diverse_Profession/) across the legal workforce and the promotion of the transparency of this data at entity level.

You are responsible for upholding the reputation of the profession in your professional and personal life and for treating people fairly and with dignity and respect. You are responsible for making sure your personal views are not imposed on and do not have a negative impact on others. This includes expressing extreme personal, moral or political opinions on social media platforms.

It is good practice for firms to put in place appropriate policies and procedures relating to equality, diversity and inclusion which are proportionate to the size of your firm.

We expect you to be fair and inclusive in your interactions with people you meet and deal with through the course of your work. This includes your relationship with courts, barristers, medical experts and other people you procure services from.

You are required to have a complaints procedure in place and to make sure complaints - including those of discrimination, harassment and victimisation - are dealt with promptly, fairly, openly and effectively.

## What is expected of you?

While legislation sets minimum legal obligations - that your firm takes steps to remove potential discrimination, harassment and victimisation - your regulatory obligations extend beyond strict compliance with the law. An inclusive approach adds value to an organisation and is increasingly recognised as a commercial imperative for business.

Whether you are a manager or an employee, you have a role to play in implementing EDI policies and procedures and in achieving fair outcomes. You must act with integrity and honesty and in a way, which is fair, inclusive and transparent.

Your approach to EDI should include everyone, including those who may face disadvantage because of their socio-economic background or their caring responsibilities.

You have a duty to take positive steps for disabled employees and clients, so they have fair and equitable access to opportunities and can participate in services provided by the firm. It is important to provide information, guidance and support on disability, mental health and wellbeing to address issues or concerns in this area. You can set out expectations about client care in the information you provide.

You may also find our [EDI resources and information](https://higher-rights.sra.org.uk/solicitors/resources-archived/diversity-toolkit/) useful.

## You may wish to:

### Produce a statement

You can put in place a simple but comprehensive policy statement about EDI for your workforce, clients and the people you deal with. This is likely to include information about your commitment to the principles of EDI as well as setting out any legislative requirements. Such a statement normally states that you have a workplace culture which does not tolerate harassment.

### Monitor and analyse the diversity of your staff and clients

This can help you understand the needs of your staff and clients. It can help highlight areas for improvement and demonstrate your commitment to EDI. You can then think about any possible changes needed and have in place protocols with regards to data protection, anonymity and confidentiality.

You can use this data to help put in place initiatives to support diversity. For example, to support and increase the representation of female and Black, Asian and minority ethnic solicitors at senior levels. By using your diversity information, you can monitor your recruitment pipeline and recruits.

#### **Draft and implement a policy**

An EDI policy will help to articulate support in this area. It provides visibility and reassurance and lets everyone know this is something you take seriously. A policy will outline your approach to recruitment, retention and progression and as well as explain to your clients your approach to encourage equality of opportunity and respect for diversity.

#### **Attract the best staff**

Have in place a recruitment policy and fair process for promotions to maximise the chances of getting and retaining the best people for each role. Recruiting a diverse workforce increases employee wellbeing, reduces recruitment costs and increases productivity. A diverse workforce will better understand the needs of diverse clients.

#### **Senior leadership**

As a senior leader, you have a responsibility to encourage EDI, which builds trust, engagement and loyalty. This responsibility extends to identifying and removing barriers, for example in recruitment, promotion and progression.

#### **Further guidance**

See our case studies on [unfair discrimination](https://higher-rights.sra.org.uk/solicitors/guidance/unfair-discrimination/) and [sexual harassment](https://higher-rights.sra.org.uk/solicitors/guidance/sexual-harassment/).

#### **Further help**

If you require further assistance, please contact the [Professional Ethics helpline](https://higher-rights.sra.org.uk/home/contact-us/).

#### **Notes**

1. Equality is about making sure there is a level playing field and people are treated fairly.
2. Diversity is about encouraging and valuing people with a broad range of different backgrounds, knowledge, skills, and experiences.
3. Inclusion is about accepting people for who they are and encouraging everyone to participate and contribute.
4. If you fail to make a reasonable adjustment when you are under a duty to do so, the Equality Act 2010 treats that as discrimination.
5. The business case for diversity: [www.sra.org.uk/risk/resources/risk-business-case-diversity/](http://www.sra.org.uk/risk/resources/risk-business-case-diversity/)