

News release

SRA publishes data on representation in enforcement work

14 December 2020

We have published our second annual report covering our enforcement activities over the previous year. The report forms part of the wider suite of 2018/19 reporting, which covers all aspects of our operational work.

[The Upholding Professional Standards report](https://rules.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/upholding-professional-standards/) [https://rules.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/upholding-professional-standards/] provides a summary of how we handled more than 9,500 reports and 3,600 investigations during 2018/19. It highlights activity on issues such as sexual harassment, the use of non-disclosure agreements, and money laundering.

The report includes a review of the diversity characteristics of solicitors involved in our enforcement processes during the year. This includes those reported to, investigated by, or with action taken against them by us or Solicitors Disciplinary Tribunal (SDT).

The review was based on information from reports and investigations relating to named individuals on whom we held corresponding diversity data for gender, age, ethnicity and disability. Key findings include:

- 26% of concerns raised with us related to Black, Asian and minority ethnic solicitors, while 18% of the overall solicitor population is Black, Asian and minority. This figure rose to 32% in cases that we decided to investigate.
- 67% of concerns raised with us related to men, whereas 49% of the overall solicitor population is male. This figure rose to 73% in cases that we decided to investigate.
- Cases concluded by us or at the SDT for ethnicity were in line with the representation seen at the investigation stage, with a further uplift to 85% for findings against men at the tribunal.
- The data available for disability was very limited which made meaningful analysis difficult.

Anna Bradley, Chair of the SRA said: “We are committed to transparently reporting the details of our operational work and I am pleased that this year we have been able to include the profile of people in our enforcement processes. This again shows an over-representation of Black, Asian and minority ethnic solicitors, and men, in both the concerns raised with us and then investigated, when compared to the diversity of the profession as a whole.



“We must look at what is happening here. We have made significant changes to our enforcement processes and reformed our regulation over the last few years, but the picture remains the same and it is unclear why that is the case. Since 2007 we have held three independent reviews into our processes to make sure they are fair and free from bias and none found any evidence of issues with our processes. Notwithstanding this, we will look again at our decision making.

“Importantly we think it is now time to also examine why we are seeing so many more concerns about Black, Asian and minority solicitors reported to us than should be the case in the light of the profile of the profession. It is a picture seen across many regulators; some of the potential factors may be wider societal issues and others may be particular to the legal sector. So we will commission independent research in this complex area, reaching out to the profession, key groups and expert voices as we shape this work.”

In terms of age, the review found that the proportion of solicitors involved through all stages of our enforcement processes was lower than in the overall population for those aged under 45, and higher for those over this age. While we reviewed data relating to disability, reliably recording trends in this area was difficult due to the relatively small number of solicitors - less than 1% - who declare that they have a disability.

We previously commissioned a series of external reviews looking into the issue of over-representation of Black, Asian and minority solicitors within our enforcement work.

The most recent of which, the [Independent Comparative Case Review of 2014](https://rules.sra.org.uk/globalassets/documents/sra/equality-diversity/independent-comparative-case-review-iccr-gus-john.pdf?version=4a1ac5), [https://rules.sra.org.uk/globalassets/documents/sra/equality-diversity/independent-comparative-case-review-iccr-gus-john.pdf?version=4a1ac5] concluded that there was no evidence of discrimination but made a number of recommendations for us. It also suggested some potential factors that may be influencing the over-representation, including where Black, Asian and minority solicitors work and the types of practice they undertake. Since that report we have undertaken a major programme of reform work, which we have outlined in [a report](https://rules.sra.org.uk/sra/how-we-work/archive/reports/iccr-response/). [https://rules.sra.org.uk/sra/how-we-work/archive/reports/iccr-response/]

To help better understand and potentially address issues arising from its diversity data review, we have committed to a range of follow-up activities. This includes:

- commissioning independent research into the factors which may be driving the overrepresentation of Black, Asian and minority solicitors in the reports we receive
- undertaking a review of our decision-making processes to ensure the ongoing fairness of its assessment processes



- working to increase the number of individuals who disclose diversity characteristics to us
- ongoing publication of diversity monitoring information
- continuing to build on our wider work to promote and support diversity in the profession and to support the small firms where many Black, Asian and minority solicitors work.

2018/19 was a year of transition for us as we introduced our new Standards and Regulations and a new enforcement strategy.

Alongside the Upholding Professional Standards report, we have also published a wider suite of 2018/19 annual reports:

- [Authorisation](https://rules.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/authorisation/) [https://rules.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/authorisation/]
- [Anti-money Laundering](https://rules.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/anti-money-laundering/) [https://rules.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/anti-money-laundering/]
- [Client Protection](https://rules.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/client-protection/) [https://rules.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/client-protection/]
- [Education and Training](https://rules.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/education-and-training/) [https://rules.sra.org.uk/sra/how-we-work/archive/reports/2018-19-review/education-and-training/]

These topic-specific reports replace our previous single Annual Review document, providing digital-first, easy-access information.