

SOLICITORS DISCIPLINARY
TRIBUNAL

Equality, Diversity and Inclusion Strategy
2020-2023

INDEPENDENT - IMPARTIAL - TRANSPARENT

Solicitors Disciplinary Tribunal

Equality, Diversity and Inclusion Strategy 2020-2023

Introduction

The Solicitors Disciplinary Tribunal (the SDT) is an independent statutory tribunal responsible for appointing and administering disciplinary tribunals for solicitors and others working within the profession who are facing charges of professional misconduct.

The SDT is committed to treating everyone fairly and equally regardless of their background. We aim to promote and safeguard high standards of equality, diversity and inclusion in all of our functions and policies and ensure that no-one we deal with in the course of our business suffers discrimination, bullying, harassment or victimisation for any reason, including any protected characteristic (ie age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sex and sexual orientation).

Our Equality, Diversity and Inclusion Strategy

The purpose of this Equality, Diversity and Inclusion Strategy is to ensure that:

- we create an inclusive culture which values diversity, demonstrated by how we behave towards each other and those we come into contact with;
- diversity and inclusion becomes an integral part of our policies, procedures, working practices and culture;
- the way we operate, our rules and the decisions that Tribunal panels make are proportionate, fair and free from bias;
- we meet our statutory obligations; and
- we play our part in furthering the regulatory objective set out in the Legal Services Act 2007 to encourage an independent, strong, diverse and effective legal profession.

Our Diversity Objectives

In 2019, the SDT published its [Strategic and Operational Plans](#), setting out our overarching objectives and operational priorities for the next 3 years.

Alongside these overarching strategic goals, we have 4 Diversity Objectives:

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1. To develop a better understanding of our regulated community

Understanding the diverse nature of the regulated community of people who may appear at the SDT is key to delivering our aims and objectives with regard to equality, diversity and inclusion. A key part of this objective is ensuring that we have measures in place to understand any differential impact in relation to protected characteristics and disciplinary outcomes.

Our goal is to ensure that the decisions made by the Tribunal are fair and consistent regardless of an individual's personal or professional background. To achieve this we need information from respondents to enable us to monitor consistency of outcomes in relation to protected characteristics.

However, obtaining meaningful diversity data about respondents which would enable us to track outcomes in relation to protected characteristics remains a challenge, because respondents are understandably reluctant to provide us with information about their protected characteristics. This has proved the case regardless of at which stage of the process the data is requested.

Improving diversity data about SDT Respondents

- In order to increase the amount of diversity data gathered from respondents we have developed a more streamlined electronic equality and diversity monitoring questionnaire for respondents which is quicker and simpler to complete. We will focus on ways to develop and promote this further to encourage higher participation levels.
- We will maximise the opportunities presented by the development and implementation of our new case management system to enhance our data gathering capabilities.

Other data

- We have started to capture more general information about respondents in addition to protected characteristics, including practice area, whether they face specific types of allegation and practitioner type, to help us monitor outcomes for people from different practice areas and ensure that sanctions are consistent across the board.
- We will monitor any correlation between whether or not dishonesty is alleged and proved and the sanction imposed - particularly important in ensuring consistency of decision making and identifying any differential impact in relation to protected characteristics and the outcome of SDT proceedings.

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SRA diversity data

- Unlike the SDT, the Solicitors Regulation Authority (SRA), as the regulator of the solicitors profession, holds a significant amount of information about respondents, in terms of both diversity and disciplinary outcomes, and intends to publish this in late 2020. Of particular interest and importance for the SDT will be information in relation to protected characteristics and (a) decisions by the SRA as to whether to submit an Agreed Outcome to the SDT, (b) the outcome of the SDT proceedings and (c) the SRA's Regulatory Settlement Agreements.
- We will continue to evaluate the diversity data from law firms published by the SRA to understand the wider picture of the make-up of law firms across the sector, including the key findings for each of the diversity categories and the comparisons of data between firms of different size and work type.
- If this evaluation and analysis identifies any differential impact in relation to protected characteristics and the outcomes of SDT proceedings, we will consider what steps we can/should take in relation to the findings, bearing in mind that our role is to determine the allegations of misconduct brought before the Tribunal independently, impartially and transparently.

2. To meet our statutory obligations with regard to equality diversity and inclusion

We will meet our statutory responsibilities by complying with the Equality Act 2010 and by protecting our staff, members, parties in cases and everyone else who comes into contact with the SDT from discrimination in the workplace and in wider society.

We will do this by ensuring that:

- our internal policies and procedures comply with current law and reflect acknowledged best practice wherever possible in the context within which we operate;
- all of our staff and members are aware of and adhere to the legal framework surrounding diversity and inclusion, understand the SDT's statutory equality duties, our wider commitment to equality and inclusion and the behaviours we expect;
- all of our service users, including those with protected characteristics and members of vulnerable groups, can access the SDT's services and proceedings without disadvantage;

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- there are clear, well communicated procedures in place explaining how individuals can raise concerns or complaints about their treatment at or by the SDT and that all issues are dealt with fairly and consistently, regardless of who they are from; and
- we review workforce pay and benefits on a regular basis to identify and address any gender disparities.

Public Sector Equality Duty

Although the Public Sector Equality Duty (set out in Section 149 of the Equality Act 2010) does not apply to the exercise of a judicial function by the SDT, and the SDT is not defined as a public authority for the purposes of the Equality Act, we will nevertheless, in the exercise of our administrative functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between people who share a protected characteristic and those who do not; and
- foster good relations between people who share a protected characteristic and those who do not.

3. To develop a more diverse staff team and membership and create an inclusive workplace culture where everyone is treated fairly and equally and is able to contribute to the best of their ability.

We believe that, by reflecting the diverse profile of the solicitors profession and wider population in our own staff and membership, we will have a greater insight into and understanding of the diverse cultural backgrounds, needs and sensitivities of the community to whom we provide a service. This will impact on the Tribunal's decision making capability and help us deliver our diversity objectives.

Representation of diverse groups

- We will monitor the protected characteristics of our members to help us work towards a representative membership which reflect the make-up of the solicitors profession and the wider population of service users, including increasing the representation of any under-represented groups.

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- We will also monitor the diversity of our staff team to ensure it remains representative of diverse groups.
- We will survey the diversity of members and staff in relation to protected characteristics from time to time and will publish the results each year in our [annual report](#).

Fair recruitment and selection

- We will develop recruitment policies, procedures and practices for staff which are fair and objective and which are designed to attract, select and retain the best candidate for the job.
- We will work with the Master of the Rolls' office to ensure that the next recruitment exercises for new Tribunal members is carried out in accordance with the fair selection principles set out in the revised Solicitors Disciplinary Tribunal Appointment Protocol.
- We will publicise vacancies to attract a wide range of people from diverse backgrounds (including social backgrounds) for roles at all levels.
- We will undertake monitoring and analysis of applicants and outcomes at each stage of the recruitment process as an integral part of all future recruitment exercises.
- All those involved in making recruitment and selection decisions will undergo fair selection training.

Fair and inclusive employment policies

- As part of our goal to be an employer of choice and attract, develop and retain diverse talent, we will create a supportive and flexible working environment, where staff feel included and fairly treated, including:
 - continuing to review our employment policies and procedures to ensure they are fair and inclusive to everyone and reflect current legislation and good practice;
 - proactively engaging with the recommendations and opportunities arising from the output of the Investors in People assessment and accreditation process (from summer 2020-2023);
 - balancing remote working capabilities/opportunities with operational requirements so that staff can achieve a satisfactory work life balance which takes account of activities and priorities outside of work;

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- reviewing our performance management and appraisal processes to include behaviours which promote and encourage our diversity objectives;
- promoting a zero tolerance approach to bullying, harassment and discrimination; and
- developing forums where staff can contribute and challenge ideas and decisions.

Leadership capabilities

- We will equip our leaders and managers with the skills to understand and support equality, diversity and inclusion.

Training and Development

- We will provide mandatory equality and diversity training for all Tribunal members, clerks and other staff, including on the requirements of the Equality Act 2010, and on unconscious bias.
- We will develop a new member induction and training programme which places appropriate focus on equality, diversity and inclusion considerations, fair hearing procedures, reasonable adjustments and the requirements of the Equality Act.
- We will ensure staff and members receive training in the particular considerations required when dealing with vulnerable service users.
- We will continue to encourage our staff to take advantage of formal and informal opportunities to learn and develop at work and contribute to the SDT's business goals.

Member Appraisal

We introduced a development-focused appraisal scheme for Tribunal members in 2017, with the next round of appraisals due to commence in 2020. 'Valuing diversity and treating people with respect' is a key area of feedback, including:

- Creating a work environment which respects and includes difference, maintaining an open minded attitude, and recognising and valuing different talents and skills
- Respecting and valuing other people even if you do not agree with their views or actions, and treating people with courtesy and sensitivity whatever their background or role.

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4. To ensure that our processes, rules and procedures are accessible to everyone, including vulnerable and disabled people, and the Tribunal's decisions are fair, proportionate, and free from bias.

The SDT is committed to ensuring that equality considerations form an integral part of its decision making process. We want everyone who comes into contact with the SDT to feel that they have been treated fairly and with respect, and for those people who appear before the SDT to believe that they have been subject to a fair and transparent process.

Information and support for applicants and respondents

- We will increase the understanding of public and the profession of the role of the SDT by developing and improving access to information about our activities and services, using our website and other communication tools.
- We will provide information and guidance for all service users about how to access to the SDT's services and procedures, including those who are vulnerable or who are not members of the legal profession.
- We will develop mechanisms for gathering feedback from service users to inform the decisions we make about policies, procedures and practices.
- We will ensure that the Tribunal's decisions are documented and published in a way which is easily accessible and can be easily understood by members of the public.
- We will, wherever possible, undertake to provide the Tribunal's documented policies, procedures, user guides and decisions in alternative/accessible formats on request.
- We will monitor and review the number and nature of complaints received about the SDT's administrative service, and take account of the lessons we can learn from this.

Equality Analysis

- We will continue to analyse all major SDT policies and procedures to reduce the risk of unlawful discrimination occurring and to explore ways to advance equality of opportunity.
- We will undertake equality impact assessments for all significant policy decisions and projects, as an integral part of project management procedures.

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Accessible courtrooms

- We will maintain fit for purpose courtroom premises which meet the needs of staff and visitors to the Tribunal, including those who are disabled.
- We will give the necessary weight to accessibility and facilities for disabled people when considering accommodation options on expiry/renewal of the Gate House lease in 2022.

Suppliers and contractors

- As part of a review of our suppliers, we will ensure that those we enter into business relationships have appropriate diversity policies in place to demonstrate a commitment to equality and diversity.

Evaluating, monitoring and reviewing progress against our strategy

- We will monitor and publish progress against our diversity objectives as part of our annual report and the information we publish about our strategic and operational objectives.
- We will assess the effect of procedures and practices to identify any unintentional impact on particular groups.
- We will monitor, review and publish diversity data of members and staff.
- We will evaluate SRA data in relation to disciplinary proceedings (as described in Objective 1 above) and will take appropriate steps to address any differential impact.
- We will review this strategy at least annually to ensure that it remains current and takes account of any changing factors in the legal regulatory arena.