

Meeting: Legal Services Board

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Item: Paper (23) 27

Title: EDI Lived Experiences Research Presentation

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Status: Official

Introduction: Purpose of the paper

1. The LSB has concluded an in-depth, qualitative research project that aimed to better understand the nature and impact of counter-inclusive practices on legal professionals. We gained rich insights from interviews with 30 professionals about their experiences in the last three years which, taken together with existing evidence on the barriers to inclusion, will inform our policy development.
2. We will consider how regulators should respond to the findings as we draft an EDI statement of policy to be consulted on later this year, which will set clear expectations for regulators.

Recommendation(s)

- a) The Board is invited to **note** and **discuss** the research key findings in Annex A.

Timing

3. The research is expected to be published in late April, with a spotlight event to further engage the sector in the findings to take place in June.

Background

4. Our State of Legal Services 2020 report concluded that progress in improving diversity and inclusion in the legal services sector has been too slow. After reviewing the existing evidence base on the barriers to an inclusive profession, we identified a need to commission our own study to better unpick the practices that undermine progress, the potential drivers of counter-inclusive practices, and impacts of these on professionals, consumers and the wider sector.

5. The research was carried out by independent market research company Solutions Strategy Research Facilitation Ltd (Solutions Research Ltd), who specialise in exploring lived experiences and human stories, including understanding barriers and individuals' needs. Solutions Research sourced participants with a range of experiences and held online one-to-one and small group interviews.
6. The research explored participants experiences of counter-inclusive practices in the profession in the last three years, including the impact on their personal and professional lives. It gathered participants' thoughts on ways to address these practices and examples of inclusive practice. It explored experiences across three career stages:
 - Getting (Back) In: Application processes and entry requirements.
 - Being In: Everyday work practices, policies and culture.
 - Getting On: Practices relating to pay, reward or progression.
7. Counter-inclusive practices were defined to participants as 'conduct which intentionally or unintentionally has the effect of narrowing or denying opportunity to people because of their background or characteristics'. This includes everything from not receiving feedback on an unsuccessful interview, to not being able to access flexible working, to being unclear about the criteria for a promotion.
8. Qualitative in-depth interviews with legal professionals were conducted online between October 2022 and January 2023. A total of 30 individuals participated, including those applying, in training, solicitors, barristers and other legal professionals. The sample included a mix of gender identity, sexuality, ethnic background, religious beliefs, socio-economic background, presence of health conditions, neurodiversity and disability.
9. Recruitment for the interviews was challenging which led us to extend the timelines to take part from late 2022 to early 2023. We hypothesise that this may relate to a number of factors including:
 - a fear among some of speaking out about the remaining barriers to inclusion – which we saw evidence of in the findings
 - professionals having limited time to take part in research studies
 - a feeling among some that sharing any negative experiences of the profession may not lead to meaningful change
 - a lack of awareness about the LSB and our research (e.g., the challenge of reaching those outside of diversity networks or who do not follow the LSB on social media).
10. We recognise that it is challenging to persuade people who have had negative experiences to speak openly. Speaking out takes time away from completing work and achieving billable hours. Those who consider speaking out may also feel that they are more likely to face negative repercussions than see positive change. There may be greater willingness to disclose these experiences to organisations with whom professionals have an existing relationship, such as their representative body, and we will continue to consider the wealth of research

produced by other bodies as well as identity opportunities for collaborative research projects.

11. Early findings from this study were presented at our October 2022 Reshaping Legal Services conference and we received positive feedback on the insights provided by Solutions Research in this session.

Analysis

12. The key findings are provided in Annex A.
13. We aim to achieve a diverse and inclusive legal profession in which the opportunity to build a successful career in law is available to everyone regardless of background. There are both ethical and commercial imperatives to address barriers to a diverse and inclusive profession.
14. While this sample clearly does not represent the profession as a whole and cannot tell us how widespread these practices are, the findings provide us with rich and in-depth accounts of lived experiences. Despite the variation in the attributes of the participants to the research, there is a remarkable similarity in the experiences which point to out-dated policies and practices which exclude on the basis of difference. They illustrate the challenges and the potential need for regulation to change practices and influence cultures that undermine inclusion.
15. The findings of the research will help to identify what more regulators should do to enhance the pace of change and achieve meaningful progress towards a truly diverse profession. We will reflect our analysis on this in a statement of policy on EDI which we aim to consult on later this year and finalise in 2024.

Next steps

16. Following publication of the research, we plan to hold a spotlight event with a panel of speakers to engage the sector in discussion of the action that is needed to effect meaningful change and to further enrich our findings.
17. We will continue to strengthen our relationships with the various EDI networks and interest groups in the sector to inform our work, as well as seek to engage more with the wider sector on this theme; building on the success of our inaugural conference, EDI will feature on the agenda for our next conference.

Risks and mitigations	
Financial:	N/A
Legal:	We have included limited reference to participants' characteristics, and where relevant checked any quotes included with participants, to address risks of identification and ensure compliance with GDPR.
Communications and engagement:	We aim to socialise the findings of the research with a range of stakeholders, including regulators, EDI interest groups and leaders in the legal profession. Our research is

	a small-scale qualitative study and we will present the findings in this context as illustrative of some of the remaining barriers to EDI.
Equality and diversity:	We consider the evidence gathered in this research has strengthened our understanding of practices impacting groups that remain under-represented at all levels of the profession and will now consider what regulatory solutions can effect meaningful change.
Resource:	N/A
Environmental:	N/A

Annexes

Annex A – The lived experiences of legal professionals: Barriers to getting in, being in and getting on.

Freedom of Information Act 2000 (Fol)		
Para ref	Fol exemption and summary	Expires
Annex A	S22 - Future publication	27/04/23