

# The lived experiences of legal professionals: Barriers to getting in, being in and getting on

## Qualitative Research Debrief

### SUMMARY REPORT

May 2023

# The research task

## Purpose

The aim is to better understand the nature and impact of counter-inclusive practices on legal professionals to inform future research and policy activity on equality, diversity and inclusion.

## Objectives

- To explore participant **experiences** of counter-inclusive practices in the workplace **in the last three years**.
- To explore the **impact** on work, career and personal lives.
- To gather participant thoughts on **ways to address** these practices and examples of inclusive practice.

## Methodology

Qualitative depth interviews with legal professionals were conducted via Teams 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 condition, neurodiversity and disability. Participants had all experienced counter-inclusive practices in the last 3 years and were recruited via professional networks and a social media campaign.

# Counter-inclusive practices: terminology and definition

**Conduct which intentionally or unintentionally has the effect of narrowing or denying opportunities to people because of their background or characteristics**

Stimulus shown to participants

*"I think counter inclusive is much more broadly encompassing [than 'exclusionary' as a term] and neutral as a way of wording things because it doesn't attribute any sort of motivation to what is objectively happening.... [counter-inclusive practice is] the idea of narrowing so that the opportunity is theoretically there but actually is much more difficult to access ...you just know full well it's not going to come your way. It's almost like a difference I suppose between knowing and proving you've been discriminated against. We all have a sense of when it's happened but sometimes you just can't show that." (male, LGBTQ+)*

*"I had a realisation as a result of that term [in research letter], that it was about organisations and systems rather than discrimination." (female, caring responsibilities)*

The majority of participants had not heard the phrase and definition of 'counter-inclusive practices' before taking part in the research.

The use of the phrase 'counter-inclusive practices' was often welcomed as it:

- was clear and easy to understand
- has a definition that resonates
- captured unintentional practices
- captured more subtle practices

There were some criticisms of how useful this phrase is as:

- existing terms, such as discrimination, already describe some practices
- it may be too 'fluffy' and avoid calling it out for what it is (discrimination)
- it needs to go further than just 'conduct'
- it impacts more than just opportunities - it's your experience and how you feel within a situation
- it could be wider and include bias and preconceived ideas

# Experiences shared covered three main stages:

## Getting (Back) In

Experiences during application to legal roles came up frequently. Practices in this area tended to be more structural and driven by organisations rather than by individuals.

## Being In

Working practices not necessarily related to career development or progression were raised. It includes company policies and culture, as well as specific practices and individual conduct.

## Getting On

Less frequently covered were practices relating to pay, reward or progression opportunities once qualified. This may be due to individuals experiencing exclusion earlier in their career which impacts on getting to progression opportunities.

Examples included conscious and overt practices but also unintentional or subtle acts of exclusion.

*"I've had someone say to me that I couldn't possibly have a first class degree because I have X diagnosis." (female, disabled person)*

*"They made it difficult for me to go to my hospital appointments, said I had to use my annual leave, so I started cancelling appointments because I didn't think it was worth taking time off work for." (female, disabled person)*

*"I've heard senior lawyers who have said 'don't want to hear about that nonsense' when discussion turned to use of pronouns." (female, Muslim)*

# Summary of practices discussed:

Participants' experiences and why they considered these practices to be counter-inclusive are explored in the following slides.

	Getting (back) in	Being in	Getting on
Assumptions	<ul style="list-style-type: none"> <li>Academic attainment still used as entry criteria for those with years of experience, including career changes and those from non-traditional routes into law</li> <li>Only accepting applicants from specific universities (through drop-down lists)</li> <li>Recruitment agencies not putting individuals forward for or showing them particular roles</li> </ul>	<ul style="list-style-type: none"> <li>Failure to make the physical workspace accessible</li> <li>Being mistaken for a client based on appearance</li> <li>Being misgendered based on appearance</li> </ul>	<ul style="list-style-type: none"> <li>Legal executives being seen as less qualified than other candidates</li> <li>Discouraging people to take exams based on perceptions of who can handle both work and study</li> </ul>
Processes	<ul style="list-style-type: none"> <li>Requirement to demonstrate (unpaid) work experience when supporting self financially or having caring commitments</li> <li>Candidates not being able to access reasonable adjustments for their interview</li> <li>A lack of information about what the interview process involves to know what adjustments are needed</li> <li>Lack of feedback when unsuccessful</li> </ul>	<ul style="list-style-type: none"> <li>Having to take medical appointments as annual leave and deprioritising them</li> <li>Rejecting requests to work flexibly/ from home to manage a health condition as other colleagues want to do the same</li> <li>Antiquated dress codes</li> <li>Unclear processes to request reasonable adjustments</li> </ul>	<ul style="list-style-type: none"> <li>Lack of transparency about promotion and pay rise processes</li> <li>Lack of transparency about if those in the same role are paid the same</li> <li>Questioning if work is allocated to people based on their characteristics</li> </ul>
Culture	<ul style="list-style-type: none"> <li>Those from certain backgrounds being asked non-standard interview questions about a characteristic e.g. drawing attention to their disability</li> <li>Signals that a characteristic is a barrier to getting a role e.g. lack of eye contact or comments about not 'fitting' the culture</li> </ul>	<ul style="list-style-type: none"> <li>Expectations to work long hours as part of the billable hours culture</li> <li>Planning socials around drinking/ always arranging selective activities</li> <li>Socialising at work, and building rapport with senior colleagues, being centred around certain topics e.g. sport</li> <li>Being talked down to due to your job title or gender</li> </ul>	<ul style="list-style-type: none"> <li>A sense it is more about who you know rather than your abilities</li> <li>Being taboo to talk about pay to determine if your pay is fair</li> <li>Giving better opportunities to people who can facilitate more face-to-face meetings</li> </ul>

# Is the legal profession counter-inclusive by nature?

Factors such as a culture of working long hours to achieve certain billable hours, needing to be perceived as the 'right' sort of person clients will expect to work with, a lack of access to HR resource in some chambers or smaller firms, lack of flexibility in working practices and working in outdated and inaccessible physical environments, sets the tone of the profession.

The audience interviewed tended to see inclusion as a continuing problem within the legal profession (all had experienced issues personally) and wanted to see more widespread initiatives.

*"You would get looks by people if you were applying for jobs in [legal firm] and networking events... they don't really approve of your accent, and you shouldn't be there as you should be from a certain place or area to be there." (female, non-fee-paying school)*

*"In another firm I had challenges about wearing a headscarf. They said I could wear it in the office but asked me to take it off if I met a client, saying it would mean they could relate to me more. It was about representing the firm 'correctly'." (mixed ethnic background, Muslim)*

*"Billable hour targets have the potential to regularly conflict with the requirement to act in the client's best interest... Billable hours can be a significant reason as to why people do not feel included in the work place." (mixed ethnic background)*

*"I was working until 10pm and on weekends. I said OK at the time but that I would need a break or I will get ill. They started to get hostile when I talked about reasonable adjustments. I put in writing my suggestion for reasonable adjustments, with my aim to have a reduction in billable hours as was unmanageable for me. I was unwell for months due to the pressure. In response I got a letter asking me to a performance meeting, which I asked if [charity] could attend and then they told me on the 'phone it was a reasonable adjustment meeting but they wouldn't put that in writing." (disabled person)*

*"There is a sense of disillusionment with 'traditional' law firms. Wonder how many others like me end up self-employed?" (female, non-fee paying school)*



# Old ways persist

**Experiences shared drive perceptions that the culture of the legal profession is dictated by those who have traditionally dominated it.**

Groups who remain under-represented in the profession reported experiencing similar barriers to inclusion; they considered that what they were not (i.e., the traditionally dominant groups in terms of gender, educational background and socioeconomic status, for example) informed their experiences.

Not fitting this profile, or aspects of this profile is seen as a barrier to getting into, feeling part of and succeeding within the legal profession, and manifests itself as both participants feeling different in themselves as well as being actively 'othered'.

*"It is a huge issue, for me personally it's probably one of the professions that haven't moved on enough. We celebrate having over 100 years of women being able to be lawyers, but they still aren't treated equally, let alone ethnic minorities, people with disabilities, there is so much that needs to be done especially at the senior end of the profession, those prejudices are still there. It all needs to change"* (female, any other white background)

*"The firm saw me as a burden. Anything which strayed outside the rigid way of doing things was a problem. It was definitely an age and gender issue, was run by men and anything that took time away from billable hours made you a liability."* (female, non-fee paying school)

*"People on the panels generally come from better backgrounds, tend to be older white men. They can't fathom what it has taken someone to be there without the same support, the same financial support, that they had."* (non-fee paying school)

*"I was a legal executive and was discounted at work and thought of as second class. There was a clear case of favoritism in the office... had less qualified men promoted over me many times."* (Female, health condition)

# Intersectionality matters but is hard to pinpoint

## Being younger and female particularly impacted participants' likelihood to experience barriers to inclusion.

While age and gender were key factors, all 30 participants from a range of backgrounds and intersectional groups had personal experiences of counter-inclusive practices – either things that had happened to them or they had witnessed. Their experiences of counter-inclusive practices were widespread and recent.

Participants provided examples of practices that were **clearly driven by the existence of a specific characteristic, others are more indirect** – which can make it difficult for participants to identify links between practices and protected characteristics.

Many participants within the research had multiple protected characteristics, which adds to the complexity in identifying what 'characteristic' or set of characteristics is driving the counter-inclusive practice.

*"The culture was very laddish, young and macho. They talked about getting gym membership as a perk but not including juniors or secretaries. They didn't think about who might not want to or be able to go to a gym."* (female, mixed ethnic background)

*"It isn't uncommon to be the only female the higher up the ladder you go, even in family law. There is definitely a tendency for clerks to put women on family law cases."* (female)

*"You often find people saying 'I'm not sexist but'... but there is that unconscious bias and I think that needs to be tackled mainly. I think the intentional practices aren't there are any more, maybe we've come a long way in that sense but the unintentional still is."* (female, any other white background)

*"There is a definite culture of talking about football and 'male topics' which you just join in on or you don't get involved."* (LGBTQ+)

*"Social events were harder to participate in, as it is often that people go out after work at 6.30pm and I finish earlier, or they play sport, and I can't do that"* (mixed ethnic background, caring responsibilities)



# Barriers are systemic

**Policies and processes do not sufficiently support those from groups currently under-represented in the profession.** Examples cited by participants went beyond the behaviour of individuals to organisation-wide practices, considering in particular barriers to entry and being able to perform at their best in their day-to-day work.

These ranged from obvious and seemingly intentionally counter-inclusive practices (e.g. refusing requests for reasonable adjustments and flexible working), and other more subtle and potentially unintentional examples (e.g. not giving feedback on pupillage applications or providing information on pay bands).

Problems around progression tended to surround a lack of transparency in internal promotions and unclear decision making driving a sense of inequality in treatment.

Some participants raised questions over how work was allocated in chambers and that this could be counter-inclusive if based on characteristics such as ethnicity or gender. (e.g. Black barristers put on criminal cases and female barristers put on family).

Pay was conspicuous by its absence in discussions about inclusive and counter-inclusive practices.

*"Recruitment portals that have drop down menus but my option isn't there. That is a problem. For example, if your university isn't in the drop down list there is no option to put something else." (female, career break)*

*"They said [progression] was determined by how many years qualified. But then it was going to happen in 3 years time, but they said that every year. It wasn't clear what you need to do to get to the next level, a total mystery. There was no transparency. The information seemed to be conveyed to select people. And even if you did tick all the boxes, it still seemed to depend on who you were managed by." (female, non fee paying school)*

*"It is very taboo to tell anyone what you earn, which I think is because people are not earning the same. I've never seen pay bands published. While pay rises happen it is another mystery." (female, non-fee paying school)*

# An exclusive profession

**Experiences suggest the profession misses opportunities to bring in a diverse range of talent through its approaches to recruitment.** Experiences during application to legal roles featured highly in the research. This included access to training contracts, pupillage, junior solicitor roles post training contract, moving roles or reapplying after time out / parental leave, moving sideways and career changers looking to move into a legal role.

Participants who lacked contacts in the profession and guaranteed access to work experience, had not attended specific universities or who were joining the profession from another career felt this hindered their applications. There were additional barriers for those who lack time and financial resources to demonstrate work experience – such as those who must work to fund qualifications, are already working full time, from lower social economic backgrounds, with caring responsibilities or those living with a disability.

Some participants identified inappropriate questions and other signals in interviews that suggest a characteristic is a direct barrier to getting the role, such as being asked questions about their characteristic that suggests they are going to be 'a problem'.

*“When at school I had no idea how to become a lawyer, I had no family or social contacts that I could ask and the careers advisor told me I couldn't study law. So I tried to get work experience by going to solicitors in the high street and giving them my CV. I didn't know there was a difference between them and big law firms. I didn't know about work experience programmes.” (non-fee paying school, female)*

*“It took me about six months to get a job after I'd finished my Law degree and I think that was down to my disability as well; I went for interviews and they'd say I hadn't got any experience, which was true, but I also got the impression that there were also other people with no experience, and when they started asking, 'How many sick days will you have?' .... I just knew I wasn't going to get it.” (female, disabled person)*

*“There is no flexibility for working while studying. To attend work experience, interviews or network I had to take unpaid annual leave. And there is only so much of that I could do to survive. Having lots of unpaid internships and experience in other 'extra' things like debates and charity networks has become the 'norm' but if you are not having to work to support yourself it's an unfair advantage to have these.” (female, non-fee paying school)*

*“Some Chambers you don't qualify if not AAA or A in certain subjects. If you are 10 years on from A-levels then that is a nonsense. By the time I applied I had spent time as a paralegal and practiced law in two countries. If you have done a non-traditional route there are lots of positives they could leverage but they don't see that.” (non-fee paying school)*

# Survive not thrive

**Participants typically opted to leave jobs where they had negative experiences to make a sideways move and some found themselves caught in a loop of tackling counter-inclusive workplaces.**

Carrying this additional burden when navigating job opportunities impacted the likelihood they could progress – the priority was finding a place where they could just be themselves.

Few participants had decided to leave the profession completely, although some said they had considered this.

Occasionally, participants had stepped into new professions but often these were related to law or allowed individuals to use their legal knowledge or qualifications.

Some participants had moved to self-employment (as solicitors) as a way to remain in law.

*“Eventually I just handed in my notice. I had to leave a job I loved.” (female, health condition)*

*“After that happened I called in sick. I had never had a day off until then. Nobody asked me why, it was never mentioned. I looked for another job from that day. It wasn't until I handed in my notice, well a while after that just before I left, that I told them why. I was afraid to talk to them because they had essentially said it was on me to resolve.” (female, neurodivergent)*

*“I now select very carefully where I apply, as I want to work somewhere that welcomes my previous experience and factors it in.” (male, career changer)*

*“As I've got older and more confident, I will ask questions in interviews to see what they would be like to work with. It's a two-way street now.” (female, Muslim)*

*“I have almost left the profession several times. I do know many women who have had similar experiences who have left and I do think we are losing talented people because these practices are not being addressed.” (female, caring responsibilities)*

*“Doing law is all I have ever wanted to do, I don't want to walk away.” (female)*

# Presenteeism continues

**Experiences suggest the profession could better embrace the lessons from the Covid-19 pandemic about how employees can work in a way that allows them to be their best.**

Those who live with health conditions or have caring responsibilities shared positive experiences in the Covid-19 pandemic where individuals were able to be productive yet also better manage their health or responsibilities outside work when working from home.

The shift back to the office highlighted for some individuals the additional issues that the office environment and/or daily commute created that in some way hindered their productivity or quality of their day to day. For some, it even had a negative impact on their health.

*"I started to notice issues when we went from home working to working in the office. The big open plan office was way too much. There aren't facilities there, no soundproofed side rooms. In a review my supervisor said everyone was struggling to change and that my issues were not specific and discounted my needs. Tried to explain that verbal instructions were much harder for me, and it was a big problem. That was the end of conversation and felt shut down by that and had to work a lot later than everyone else to keep up."*  
(female, neurodivergent)

*"When we went back to the office (post covid) the commute was making me exhausted... My [healthcare practitioner] said it was not sustainable for me to travel every day. The firm got an occupational health report which was fairly conclusive that I needed access to home working. I ended up in a HR meeting where they told me they would not allow me home working - "floodgates", they said if they gave it to me they would have to give it to everyone else and it wouldn't be fair. I couldn't believe my ears. I would have been happy for them to share my diagnosis and the exceptional circumstances with the rest of the team."* (disabled person)

# Equality not equity?

**Negative experiences could be informed by the idea that equality, rather than equity, is all that workplaces can offer.** A common response was to highlight that there is a need for a mindset shift across the industry, to have more open and enquiring conversations about inclusion (and diversity) and to accept that equity of opportunity means there will be differences in experiences of support.

However, the idea of equity of opportunity was an area participants could struggle to accept due to demanding acknowledgement of difference.

It was also common for individuals to say that the legal profession was 'set in their ways' or that they felt those in the most senior roles did not want to change so change would not happen.

For example, requests to work flexibly, including from home, might be declined on the basis that a firm could not accommodate the requests from everyone, even where employees required access to different ways of working to perform at their best – such as to manage a health condition.

*"There has to be an appetite for change within the profession and a willingness to accept that different people are going to require different levels of assistance to succeed" (disabled person)*

*"I wanted to increase my days once my youngest started school but they wouldn't let me because I wasn't bringing in enough money. It was a vicious circle as I worked 3 days a week so I couldn't bring in the type or volume of business that they were asking of me. When you are part time you are looked over for bonuses." (female, caring responsibilities)*

*"I didn't want to be treated differently. But in the end I had to accept that was what needed to happen. Once I was able to talk about the impact my condition was having on my ability to do specific types of work I realised I was essentially asking for positive discrimination." (disabled person)*



# All talk, no action?

**Participants' experiences suggested that the profession pays lip service to EDI, but there is a lack of action or appetite to pursue meaningful change.** Participants pointed to a range of practices throughout this study which ran counter to the profession's intent to achieve greater diversity.

Many highlighted growing momentum in the industry around EDI initiatives, and shared examples of inclusive practices that they had experienced or observed across the industry.

However, they also highlighted what they saw as token gestures or virtue signaling – such as images on websites, references to cultural events, or being a member of groups or schemes e.g., Stonewall, Disability Confident – rather than action being taken to support inclusive practices within firms.

Participants described as being left with the ownership of EDI policies and agendas rather than senior leadership in their firms.

*"A lot of law firms talk the talk on their websites but when it comes down to actually being in the firm, they're not as inclusive/supportive as they make out to be, I'm talking generally here, I think a lot of firms are paying lip service because talking about it on their websites, but when you look into it, there's not many people with disabilities actually working there."* (female, disabled person)

*"I booked to attend (recruitment event) and was asked at sign up whether there were reasonable adjustments so told them I had a wheelchair. But when got there they had made no accommodation to enable me to be there... I wasn't able to really access the room or be at the table. The first talk was about their inclusivity and I wondered if I had missed something. It was uncomfortable. I didn't feel able to go and get a drink as it was do tricky to get in the room the first time."* (disabled person)

*"They promote inclusion like they do sustainability, it is very top line e.g. green moss in reception to be eco-friendly."* (black person)

# A hierarchy of characteristics

**There can be a perception that the profession is prioritising progress on representation for some groups above others.**

Some participants discussed a perceived greater focus on certain agendas in the EDI space – predominantly it was felt that there was a focus on women in the law signaled by the existence of cross-industry networks and internal working groups promoting gender equality.

Other areas which were felt to draw attention were those raised by individuals with differences that were more “glamorous” and/or less likely to create fear of the unknown – such as tattoos.

Characteristics felt to be less of a focus or less likely to be covered by organisations were disabilities, diagnosed mental health conditions, transitioning gender identity, ethnic backgrounds and religious beliefs.

Some participants living with a disability felt that recent attention on ADHD and Autism spectrum disorders was driven by these conditions being felt to not impact on an individual's ability to complete their billable hours and that attention on these conditions was at the expense of physical disabilities and auto-immune conditions.

*“I suspect there is a 'hierarchy' of protected characteristics; I don't necessarily mean that in terms of their importance but, for instance, women make up more than 50% of the population. Whereas, for trans people, I think it's 0.5% or something... in terms of the actual groundswell pushing for change, that's going to be significantly greater [for characteristics with a larger minority], so you're going to get progress on things like maternity, gender pay gap etc., because there's a very loud calling.” (male, LGBTQ+)*

*“Race, LGBT, religion are all well represented by the firm. They do 'listening exercises' but disability they will not do. They talk about mental health but what they talk about is wellbeing. I think recently there has been a lot of attention when companies do focus on disability on ADHD and Autism because they don't have to worry about their billable hours. But there needs to be more representation and education of all types of disabilities, especially for auto-immune and physical disability.” (disabled person)*

# Help or hindrance?

**There is a suspicion that some measures intended to address the under-representation of particular groups in the profession could be used to exclude them.**

For example, some participants suspected that disclosing disability at application stage had led to negative experiences including not being invited for interview or not getting through interview stage. Several participants had performed their own 'tests', reporting greater chances of being invited to interview when they did not disclose their disability versus when they did.

Recruitment agents can be criticised for reinforcing the stereotypes of typical legal professionals, which excludes people from different backgrounds or with different characteristics. Participants shared examples of agents refusing to put individuals forward for roles or not showing them certain roles (i.e., making decisions on a candidate's behalf without consultation; this was highlighted by those with disabilities, career changers, after career breaks, and individuals seeking part time work).

*"I took the approach to declare everything, including my religion, disability, even my age, as I want to find the place they fits me. And if you don't declare it then you aren't protected. But if you do declare then you are seen as different, you can try to say it doesn't impact but that isn't always understood or believed. I now tend to hide it (dyslexia) during application phase but reveal when I have got the job." (Muslim, non-fee paying school)*

*"I'd be classified as a diverse candidate... dyslexic, and first in family to university. But even where the job advert states a guaranteed interview for disabled candidates, and they state the criteria and you meet it, this isn't always honoured. When contacting to get feedback as to why, one firm told me it wasn't their policy to give feedback." (female, neurodivergent)*

*"When I got that role I didn't disclose my [health condition, I didn't want to run the risk they would balk. It was when I stopped telling people I had [health condition] that I started getting interviews." (female, health condition)*

*"Many senior females are told by recruitment agents they should be going for Professional Support Lawyer roles. I was pushed to PSL roles all the time. But I like client facing, I'm good at it and enjoy it... recruitment agents wouldn't put me forward for one role as I was asking to go 4 days a week, or 5 days with 1 at home. They said there was no point as it wont get you anywhere. I stood up to them, so they put me forwards and I got an interview." (female, career break)*

# Noone wins in the end

Participants shared how counter-inclusive practices have impacted on their wellbeing, their productivity at work, and their career development.

They often used strong language when asked about how they felt when counter-inclusive practices happened:

hurtful  
scared uncomfortable  
horrific degraded disheartened  
inadequate flattened angry  
traumatised exhausted  
silly sad demoralised  
depressed frustrated

If individuals had physical health conditions, this would often be exacerbated by the stress they felt while experiencing counter-inclusive practices – for example, flare ups of their health condition. Even where individuals did not have long term conditions, there were still reports of negative impacts on their health due to stress.

Personal  
impact

Professional  
impact

Impact on the  
profession

"I've been having migraines for at least 2/3 years now because of these experiences; **it's me who has to pay** for them and find a way to resolve them, while the profession just gets away with continuing to behave this way." (female, other white background)

"I felt a bit silly because when you first start noticing it you go, no I'm imagining it. It started to impact me. At first I thought it was me. I thought I needed to do more. So, I was staying later and later, doing more and more work." (female, mixed ethnic background)

"I felt like I had been **flattened** and that I shouldn't be a lawyer. I was completely exhausted, scared, angry and sad about what happened." (female, disabled person)

"When it happens, I tend to withdraw otherwise it is just **exhausting** to deal with." (LGBTQ+)

"I was **traumatised**. It came out of the blue." (female, multiple ethnic background)

# Damage to the profession

## **Counter-inclusive practices reflect negatively on the profession as a whole.**

There was a widespread belief that the legal profession needs to reflect and represent the public at large which means greater awareness and understanding of all perspectives and life choices.

The lack of diversity in recruitment criteria and true inclusion within the profession is seen to 'isolate' the profession making it not achieve this goal.

There were concerns that experiencing counter-inclusive practices impacted on delivering the best outcomes for their clients.

Counter-inclusive practices can also reflect negatively on the instigator of the practice, or organisation. Where senior representatives were aware of incidents or practices but deflected or minimised the experience this was particularly damaging to the company's reputation as an employer.

*"What's the point of being a lawyer... it just feels that unless something changes I'm going to experience this all the time, and either I develop a thick enough skin to deal with it... but what do I say to my clients 'oh you might not have the desired outcome because of who I am', and that's going to impact on the type of work I get as well." (female, any other white background)*

*"The fundamental principle is that you are supposed to be being judged by your peers, and that is one of the principles, its supposed to be. Built on the concept that you are being judged by people like you and that's not what is happening in practice, or people working in law do not represent people who use large parts of the legal system.... I'm not saying everyone I represent needs to be like me, but when you have a whole profession that is mirroring society then you get that shared understanding of other peoples experience." (disabled person)*

*"It holds the profession back; I've seen myself how clients like having someone who they can identify with... In order to promote justice we need to have a diverse profession or it wont' work." (female, any other white background)*



# Fear to speak out

**Despite these impacts, participants were reluctant to speak out about their experiences for fear of the consequences on their career.** Participants shared a variety of fears (particularly felt by those in the early years of their career):

- Having to draw attention to your 'difference'
- Fear of being seen as a problem
- Fear that HR will not be on your side
- Fear that it could jeopardise references
- Lack of confidence to speak out when in a junior role as do not feel they have credibility within the profession
- Unwillingness to be the one to highlight the issues / tackle problems

The fact that behaviours are not always obviously 'counter inclusive' and can be quite subtle, contributes to the difficulty in raising them; it can take a while for a pattern to build up in people's minds

*"Do I want to become the patron saint for lost causes in an organisation when I could just go somewhere else where I feel like I'm not going to experience them... there will be people that raise things. Depends what it is, you know, like if it was overt... maybe you do want to raise it, or if it's a case of changing a policy, if you think the policies aren't good enough that's fine. But if there's a level of hostility or a particular practice that is so pervasive that you're not going to be able to change, then I think people just sort of move on."* (male, LGBTQ+)

*"When I did talk to HR they didn't react in an 'I'm listening to you' way. They asked me if I wanted more money."* (female, multiple ethnic background)

*"HR was a [relation] of the managing partner. When I did raise issues I would get eye rolls and was made to feel like I was causing a fuss. They talked to me like I was clueless, was a lack of respect."* (female, health condition)

*"I had to talk about the impact my condition was having on my ability to do different types of work, I had to access counselling to be able to talk about that. And it took a while to accept that I had to ask to be treated differently even though I don't want to be treated differently."* (female, health condition)

# Cultural and structural change

Moving forward, participants wanted a mindset and **culture shift** in the profession to one where difference is valued and is seen as valuable to attract and retain a diverse range of talent.

They also called for **structural changes** to have practices and policies which supported inclusion, from centering inclusion in performance objectives to encouraging the publication of more data on pay gaps.

*"I want to feel valued, respected, heard in an environment that is truly diverse and inclusive" (female, any other white background)*

*"The idea that people are valued for their difference and really encouraged to see that as a strength, rather than something that they have to moderate to fit the overall cookie cutter, is something that I think is the difference between being diverse in a very literal sense and being inclusive in terms of actually bringing that to work" (male, LGBTQ+)*

## Some ideas for law firms/chambers

### Getting (Back) In

- Anonymised applications, competency based assessment
- Inclusive job descriptions e.g., explicitly state welcome applications from disabled people
- Broaden outreach work not just lower socio economic backgrounds
- Communicate reasonable adjustment process and examples
- Re evaluate minimum entry criteria
- Initiatives such as Bridging the Bar

### Being In, Getting On

- Proactively asking everyone what they need to do their best (when starting role)
- Encourage all to be involved (or make compulsory) in EDI initiatives so it isn't just those who may benefit who drive this forwards
- Openness create ways to listen to individuals, have structures which ask if there are issues
- EDI training is a focus and links to objectives around inclusive practice
- Mentoring within and across organisations, including reverse mentoring

# Regulation is a force for change

**While the majority of participants thought that regulators had a role, they weren't always able to articulate what that might look like in practice.**

Some felt that regulators needed to be strong in their actions and be more forceful in driving the agenda. This included setting standard requirements on inclusion and making this part of audits of law firms – for example showing evidence of requests and responses to reasonable adjustments or having work allocation data.

Occasionally it was felt inclusion should be an area where targets are set and penalties applied if these were not reached.

Some raised concerns about individuals using their status as a legal professional on social media to communicate personal agendas – e.g., anti-trans rights – and called for this to be regulated.

Occasionally participants raised questions over the reputation of regulators like the LSB and felt that they needed a more assertive approach to drive change.

*"I think that's an important point, you can't afford to be forgiving, the whole thing about counter inclusive, call it for what it is... I don't mean to be aggressive but call it out for what it is, you don't need to wrap it up in cotton wool...you just call it for what it is, the evidence is out there." (disabled person)*

*"There needs to be greater regulation of people who use their status as lawyers to give credence to their personal opinions on Twitter, but it could also be speaking at an event or whatever. I don't think it should be immune from personal consequence just because it wasn't done on work time." (male, LGBTQ+)*

*"Their image is a closed off image, they have to work on their image, to say 'We're more inclusive...Unfortunately, Law is seen as a traditional profession and they're quite traditional, not with the times. They need to change their image, which will take a long time, to set the standard for the profession" (non fee paying school)*

*"The relationship between the profession and the regulators isn't good. There is distrust of the regulators." (female, lower SEG background)*

# Main findings

- Experiences shared drive perceptions that **the culture of the legal profession is dictated by those who have traditionally dominated it**. Policies and processes do not sufficiently support those from groups currently under-represented in the profession.
- Experiences suggest **the profession misses opportunities to bring in a diverse range of talent** through its approaches to recruitment, and with participants typically opting to leave jobs to make a sideways move then many individuals from under-represented groups survive rather than thrive.
- Negative experiences could be informed by the idea that equality, rather than equity, is all that workplaces can offer which drove a demand for the industry to **have more open and enquiring conversations about inclusion (and diversity) and to accept that equity of opportunity means there will be differences** in experiences of support.
- Participants shared how **counter-inclusive practices have impacted on their wellbeing, productivity, and career development, and that these practices reflect negatively on the profession**. Despite these impacts, participants were reluctant to speak out about their experiences for fear of the consequences on their career.
- Moving forward, **participants wanted a mindset and culture shift in the profession** to one where difference is valued and is seen as valuable to attract and retain a diverse range of talent. They **also called for structural changes** to have practices and policies which supported inclusion.