

Dear **Law Firms and legal services providers**,

The tragedy of George Floyd's murder at the hands of those who are meant to protect and to serve and the ensuing outpouring across the world has led to a surge of "courageous conversations" in the workplace.

As the primary voice of black solicitors across the UK, the **Black Solicitors Network** (BSN) encourages those conversations but we also, importantly, challenge firms and organisations to "walk the talk", to turn positive intentions into positive action and create a level playing field for all.

By penning this letter, we are speaking to the pervasive racial disparities and inequalities as they relate to the black legal community, being those of African or African/Caribbean heritage.

The BSN has been advocating for change since its inception in 1995. Redressing racial inequalities that still pervade our legal profession can only be achieved if firms build accountability into their diversity initiatives. Recruitment, retention and promotion must be the core strategies of these diversity initiatives. Such positive actions require a change in organisational culture and that change can only occur if senior management is willing to take the tangible steps needed to create a truly inclusive and diverse legal workforce.

We are calling on law firms and other legal services providers (including in-house legal teams) to take up the mantle of change by anchoring your efforts around the following **action points**:

1 Metrics, targets and accountability

- Data collection is critical in developing an effective race and ethnicity strategy. Black lawyers make up 3% of the profession which is reflective of the workforce in England, Scotland and Wales (*SRA¹: 2020*). What proportion of your legal staff is represented by black lawyers at the trainee, associate, counsel and partner levels?
- implement systems and processes that measure and monitor racial diversity through the employee life-cycle from recruitment to promotion, attrition (for example by conducting exit interviews) and remuneration, including ethnicity pay gap reporting;
- establish a comprehensive race and ethnicity action plan that addresses racial disparities and inequalities, implement data-driven targets for recruiting and progressing black talent and report internally and externally against these annually as an objective measure and driver of change; and
- in-house legal teams are urged to utilise their power as the purchaser of external legal services to demand of their law firm advisers representation on their mandates that is racially diverse and require law firms to actively and demonstrably invest in the recruitment, retention and promotion of black lawyers.

¹ The Solicitors Regulation Authority

2 Retention

The attrition levels for black lawyers particularly in the step up from trainee to associate (and progression) is higher than for any other group². To help combat this problem, we advocate implementing initiatives and measures (including, without limitation, equality of opportunity and access to 'stretch' and high-profile assignments, client opportunities, secondments and mentoring/career coaching programmes) to tackle this persistent retention issue at the early and mid-level phase of their career trajectory. In so doing, you build the pipeline of talent for promotion to senior roles within the organisation.

3 Promotion

A 2017 SRA report³ on diversity in the sector revealed that black, Asian and minority ethnic (BAME) individuals are less likely to be partners in large firms. Those of African/African Caribbean origin experience the greatest disadvantage, comprising just 1% of partners in large firms. In fact, The Times recently reported that, among the 756 UK partners at the five Magic Circle firms, only 5 are black⁴. To shift the needle on black representation at the top of our profession, organisations must demonstrate a clear commitment to, and investment in, black talent management, sponsorship and progression as a key part of their business and growth strategy that is embedded throughout the organisation at all levels. It is time for the majority in leadership positions to actively and intentionally advocate for the talented minority when we are not in the room!

There is no lack of talent in the black legal community and stating otherwise supports the systemic bias which paralyses the diversity and inclusion initiatives in the legal industry.

4 Organisational culture – inclusive leadership

- Do not underestimate the traumatic and profound impact of George Floyd's murder, the ensuing outpouring and years of racial inequalities on your black employees' wellbeing. Reach out and connect with them, check-in to see if they are ok and in need of support – be a listening ear and show your commitment and support. Many are not ok!
- Baroness McGregor-Smith (2017) commissioned a review of obstacles faced by BAME employees at work, which stated, '*There is discrimination and bias at every stage of an individual's career, and even before it begins. From networks to recruitment and then in the workforce, it is there.*' It is critical that law firms and other institutions ensure a level playing field in equality of opportunity and advancement. Implement tools with appropriate accountability to ensure that the process of interviews, evaluations/appraisals, work allocation, pay and promotion (and the criteria behind them) is open, transparent, fair and free from bias;

² See also [BSN's Diversity League Table/10 Year-study 2017](#)

³ Mapping advantages and disadvantages: Diversity in the legal profession in England and Wales (October 2017)

⁴ The Times, 18 June 2020: Law firms failing in diversity targets

- call out bias and micro-aggressions when they arise and uphold a zero-tolerance policy for discriminatory behaviour, such as racist bullying and harassment (whether covert or overt). Introduce mandatory anti-bias, anti-racism and inclusion training for all staff; and
- place leaders and managers at the centre of these efforts and strategy and hold all leaders to account for progress on racial diversity. Embed racial diversity objectives and goals into the appraisal of, and reward for, senior leaders' performance.

5 External diversity engagement / social impact

- Support, work with and engage established external diversity organisations that are aligned with your values and support your racial diversity strategy;
- work with local state schools to provide insights on the life of a lawyer, raise their aspirations and employability by providing work experience opportunities to black pupils;
- provide bursary or scholarship programmes to support the pipeline of black candidates from underprivileged backgrounds into the legal profession; and
- establish and commit to pro bono initiatives that support access to justice for underrepresented racial groups.

Conclusion

There is a compelling moral and business case for embracing these measures: Baroness McGregor-Smith in her 2017 report on Race in the Workplace states: '*If BME talent is fully utilised the economy could receive a £24bn boost which represents 1.3% of GDP*'.

We believe this is a moment of opportunity to create sustainable and meaningful change for our profession. The journey towards institutional change is not an easy one - it starts with the will to want to see change and then being that change. The time for action and change is now!

We support the dismantling of structural and systemic barriers to the recruitment, retention and progression of aspiring and existing black lawyers in the profession and the transformation of organisational cultures. For more information about the work of BSN, visit www.blacksolicitorsnetwork.co.uk or contact us at executive@blacksolicitorsnetwork.org.

Yours faithfully,

Black Solicitors Network (including BSN City Group, BSN North and BSN Midlands)

22 June 2020

The [Black Solicitors Network](http://www.blacksolicitorsnetwork.org) is an award winning, not-for-profit organisation with a 25-year record of promoting the interests of black solicitors, providing vital network support to its members and mentoring the next generation of black lawyers as well as informing and influencing diversity and inclusion best practice across the legal profession.