

# Recruitment, retention and progression

16 September 2024

It is important to consider all stages of recruitment, retention and progression with diversity in mind, and the challenges specific groups might face. To help law firms and other employers promote diversity and inclusion in their workplaces, we have set out some resources about each of these areas below.

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## **Recruitment**

Our [law firm diversity tool](https://media.sra.org.uk/solicitors/resources/diversity-toolkit/law-firm-diversity-tool/) [https://media.sra.org.uk/solicitors/resources/diversity-toolkit/law-firm-diversity-tool/] allows firms to compare their diversity data with that of similar firms. This can help you identify if there is any underrepresentation for particular groups within your firm which should prompt a review of your approach.

It is important to monitor the diversity of recruitment pools and successful candidates. This can help track the retention and progression of different groups through the employee life-cycle at your firm. InterLaw Diversity Forum have put together some [best practice on diversity monitoring](https://www.interlawdiversityforum.org/best-practice-on-diversity-monitoring/) [https://www.interlawdiversityforum.org/best-practice-on-diversity-monitoring/].

Below we have set out a few questions about the recruitment process that firms and other employers may want to consider.

### **Where do you advertise your vacancies?**

If you only advertise in publications or websites that do not have a very diverse audience, this could affect the diversity of people applying for positions. You could consider working with recruitment agencies who specialise in diverse recruitment.

Our [research](https://media.sra.org.uk/sra/research-publications/potential-causes-differential-outcomes-legal-professional-assessments/) [https://media.sra.org.uk/sra/research-publications/potential-causes-differential-outcomes-legal-professional-assessments/] on the potential causes of differential outcomes in professional assessments by ethnicity, identified the perception that the legal sector is unwelcoming to people of non-White ethnic backgrounds, which can have a negative effect on student outcomes. For this reason, it is important that as a sector we make a concentrated effort to make sure every candidate knows that they are welcome to apply if they have the right skills, regardless of their background.



## **Which schools, colleges and universities do you have contact with?**

Employers that only engage with 'elite' educational establishments are likely to see a lack of diversity in the students applying to work for them. Students who attended state schools are significantly under-represented at some universities. In 2023/4, [only 6.5%](https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics) of children were attending independent schools. However, at the University of Oxford, privately educated students [made up 32.4%](https://www.ox.ac.uk/about/facts-and-figures/admissions-statistics/undergraduate-students/current/school-type) of its admissions in 2023.

If you offer work experience at your firm, you may want to consider who has access to this opportunity.

- Is there an official application process that is advertised widely, or is this only on an ad hoc basis for students who have a relative working at your firm?
- Can you offer any subsidies such as travel costs to students who might not otherwise be able to take up the opportunity?

## **Do you set recruitment targets?**

Recruitment targets can be a way to ensure everybody at your firm is proactive in recruiting from a diverse pool of people. They can set tangible goals, with a timeframe that makes sure these goals are continuously prioritised. For example, at the SRA we developed a [workforce senior ethnicity inclusion action plan](https://media.sra.org.uk/sra/research-publications/ethnicity-inclusion/), which includes, among other actions, doubling the number of Black, Asian and minority ethnic staff within our senior team by the end of 2026.

Leigh Day [made headlines](https://www.lawgazette.co.uk/news-focus/news-focus-thinking-positive-on-race/5101527.article) in 2019 for campaign adverts that were specifically targeting Black candidates. This kind of positive action is covered in the Equality Act 2010 where 'it is not unlawful to take measures aimed at alleviating disadvantage or under-representation with regard to those with protected characteristics such as age or race'.

## **Have you considered the language used in your job adverts/ descriptions to make sure it is inclusive?**

It is important to think carefully and critically about the language you use so that you don't discourage diverse applicants. For example, it is [best practice to use gender-neutral language](https://www.interlawdiversityforum.org/guide-to-gender-neutral-drafting) wherever practicable. You could consider using an AI tool specifically designed to remove bias in job adverts.



It's also necessary to consider the skills and experience candidates will need to perform the role. Where possible, you should exclude factors which might limit the range of people who can apply. For example, expecting somebody to do public-speaking during the interview process where that skill isn't relevant to the role, which could discourage someone with social anxiety.

### **By what criteria do you judge your applicants?**

You should consider whether you need to insist on certain A-level grades, and whether you recognise other equivalent qualifications. Traditional achievements or markers of success like A-Level grades are being considered as '[misplaced heuristics of competence](https://legalservicesboard.org.uk/wp-content/uploads/2024/08/Mapping-Systemic-Barriers-to-EDI-in-the-Legal-Professions-Final-1.pdf)' [\[https://legalservicesboard.org.uk/wp-content/uploads/2024/08/Mapping-Systemic-Barriers-to-EDI-in-the-Legal-Professions-Final-1.pdf\]](https://legalservicesboard.org.uk/wp-content/uploads/2024/08/Mapping-Systemic-Barriers-to-EDI-in-the-Legal-Professions-Final-1.pdf). Attainment of these markers is more of a measure of a candidate's access to opportunities because of their socio-economic status, than a measure of their potential or ability.

Results in the Solicitors Qualifying Exam can be used as a consistent, single test, whatever their other educational background, and so can help remove a reliance on Russell Group universities or A-Level grades.

Contextual recruitment can help you select the most able candidates. This is where recruiters consider the context of a candidate's achievements, taking into account external factors that may have influenced a candidate's grades or experience.

This is particularly useful when employers are faced with a large number of candidates with the same high level of qualifications or experience. Many employers are using contextual recruitment software to aid them with this.

### **Are you aware of your unconscious biases?**

Everyone makes decisions unconsciously informed by stereotypes sometimes. For example, [research](https://journals.sagepub.com/doi/full/10.1177/0038038520966947) [\[https://journals.sagepub.com/doi/full/10.1177/0038038520966947\]](https://journals.sagepub.com/doi/full/10.1177/0038038520966947) has shown that many employers are unintentionally less likely to invite applicants to interview if their name is traditionally associated with a Black, Asian or minority ethnic background.

Training on unconscious bias can make a recruitment processes fairer. Free resources are available, such as Business in the Community's [Reducing Intersectional Bias in Recruitment](https://www.bitc.org.uk/toolkit/reducing-intersectional-bias-in-recruitment-toolkit/) [\[https://www.bitc.org.uk/toolkit/reducing-intersectional-bias-in-recruitment-toolkit/\]](https://www.bitc.org.uk/toolkit/reducing-intersectional-bias-in-recruitment-toolkit/) toolkit. 'CV blind' recruitment can help you judge candidates on merit without making assumptions.



Making best use of this kind of training involves self-reflecting outside of the bounds of the training and considering how you could address any unconscious biases. Receiving unconscious bias training cannot be the only tool in combating discriminatory behaviour.

There are other tools you can put in place to reduce unconscious bias. For example, having diverse recruitment panels and standardised questions for different skills you would like candidates to demonstrate across different job roles.

### **How do you support all candidates during interviews?**

Provision of reasonable adjustments is a legal requirement, so it is important that candidates are made aware that they are able to request these for interviews, and what the procedure is for doing so during your recruitment process.

There are other considerations you could think about at this stage of the recruitment process. How do you tackle accent bias? Is this ever a consideration of your diverse recruitment panels? Have you examined both the positives and the risks of psychometric testing on gaining diverse candidates?

Employers are now often using the phrase 'potential not polish' when it comes to recruitment. How do you support candidates who may not know the unspoken rules of interviews, for example, 'dressing for an interview' or using the STAR technique? These unspoken rules particularly affect those of a lower socioeconomic background, or candidates who are not from the UK. The Social Mobility commission has [put together a toolkit](https://socialmobility.independent-commission.uk/resources/financial-and-professional-services-toolkit/) [\[https://socialmobility.independent-commission.uk/resources/financial-and-professional-services-toolkit/\]](https://socialmobility.independent-commission.uk/resources/financial-and-professional-services-toolkit/) for supporting diverse candidates.

You may wish to consider providing all candidates information on the interview process at your workplace, including materials to help prepare for your style of interview.

### **How do you decide on initial salaries and might this disadvantage certain groups?**

There has been a lot of research into the gender pay gap in the legal profession. A transparent approach to recognition and reward packages for staff, which is applied consistently, can help staff understand what they have to do to secure a pay rise. If you base initial salary on a person's previous salary, and their individual negotiating power, you may be introducing unfairness and reinforcing existing pay discrepancies, based on gender or ethnicity. At the SRA, we have also begun [publishing our ethnicity pay gap](https://media.sra.org.uk/sra/research-publications/ethnicity-pay-gap-report-2023/) [\[https://media.sra.org.uk/sra/research-publications/ethnicity-pay-gap-report-2023/\]](https://media.sra.org.uk/sra/research-publications/ethnicity-pay-gap-report-2023/) along with our [gender pay gap](#)



[\[https://media.sra.org.uk/sra/research-publications/gender-pay-gap-report-2023/\]](https://media.sra.org.uk/sra/research-publications/gender-pay-gap-report-2023/). This could be one way to show commitment to tackling this trend.

## **Practical examples of implementation**

### **Getting involved with the Social Mobility Business Partnership or other similar programmes**

The [Social Mobility Business Partnership \[https://smbp.org.uk/\]](https://smbp.org.uk/) (SMBP) is a charity that works with organisations in the legal and business sectors to provide a work insight programme for 16-18 years olds from lower socio-economic backgrounds. Contributing organisations provide an insight into their work and what it's like to work for them. SMBP now runs across the UK and alumni of the programme have access to a range of resources such as CV-writing workshops. (Dentons UK and Middle East LLP and the SRA)

You could also get involved with something like the [10,000 black interns programme \[https://10000internsfoundation.com/our-programmes/\]](https://10000internsfoundation.com/our-programmes/) for example, that offers paid 6-week+ internships to its successful applicants. There are 15 law firms that form part of the 10KBI Legal Collaboration Network, who work together to provide additional skills training for the interns.

### **Removing reliance on traditional testing and qualification criteria**

Ashurst LLP has transitioned to 'gamified testing' to reduce unconscious bias in its application processes. These assessments merge established psychometric tests with gaming features for a more engaging test experience. This has provided a broader perspective for evaluating applicants using scores as a filter, rather than relying entirely on a polished application. Gamified testing also helps recognise individuals who might be otherwise missed based on application forms alone. Candidates have provided feedback that the experience is less stressful than traditional assessments. Ashurst will be evaluating the long-term impact on this change, particularly on candidate quality, improved diversity outcomes and a reduction in bias.

CIPD (The Chartered Institute of Personnel and Development) have put together [some guidance \[https://www.cipd.org/uk/knowledge/guides/inclusive-employers/\]](https://www.cipd.org/uk/knowledge/guides/inclusive-employers/) on building an inclusive recruitment process.

## **Retention**

Retaining staff is fundamental to any business structure. Workplaces that have lower staff turnover can be more attractive to prospective staff as it speaks positively about their workplace culture. Having long-term staff also increases an employer's productivity and quality of work done due to experience, and it can reduce financial costs from turnover and needing to re-recruit. Therefore, it is important for employers to make



retention an attractive option to all staff, including those from diverse backgrounds.

It is also important for workplaces to monitor retention by different diversity characteristics, to inform where more intervention is needed. For example, if there is an overrepresentation in the number of female leavers from a firm, it could indicate that the firm would benefit from looking more closely at the experiences of its female staff.

### **Do you have a positive workplace culture?**

Employers who have a positive workplace culture can see improvements in teamwork, raised morale, increased productivity and efficiency, and enhanced retention of the workforce. Inclusive workplace culture can be encouraged by:

- Facilitating staff to develop staff networks around diversity characteristics
- Senior staff consistently and explicitly advocating for the inclusion of diverse groups
- Creating a bullying and harassment policy that explicitly outlines your stance around discrimination towards different groups
- A no-blame culture and an open, speak-up environment
- Rewarding staff or teams for their positive contributions towards workplace culture
- Providing opportunities for staff to feedback on policy changes that affect them
- Supportive collaborative teams and opportunities for social connection

Our [guidance following our workplace culture review](https://media.sra.org.uk/solicitors/guidance/workplace-environment/)

[\[https://media.sra.org.uk/solicitors/guidance/workplace-environment/\]](https://media.sra.org.uk/solicitors/guidance/workplace-environment/) provides good practice and recommendations on creating a positive workplace culture.

### **Do your staff have a good work/ life balance?**

A positive workplace culture also needs to be supported by a good work/ life balance. If staff are unable to continue in their role because it impacts too much on personal life commitments, this could impact retention. Having a good work/ life balance can increase productivity in the long-term as staff are less likely to experience burnout, have better mental health and therefore produce better quality work. They are also less likely to make mistakes that could lead them or their firm into breaches of our standards and regulations.

Traditionally, the legal industry has been well-known for having a poor work/ life balance. Many lawyers have left firm positions for in-house roles or legal consultancy because of this. [Research by Law Care](https://www.lawcare.org.uk/life-in-the-law/) [\[https://www.lawcare.org.uk/life-in-the-law/\]](https://www.lawcare.org.uk/life-in-the-law/) shows that higher levels of burnout



are seen across all disadvantaged groups in comparison to their counterparts. So, it is particularly important to keep diversity in mind when trying to address burnout.

Billable hours are a common theme that causes individuals to work excessively and leads to burnout. This particularly impacts upon people with disabilities and those with caring responsibilities who may struggle to work longer hours. Having this model can also disincentivise individuals to work on non-chargeable activities as well, even when they could lead to an overall better working experience. Undervaluing this work could lead to a decrease in the quality of service relationships with clients, according to [research \[http://legallydisabled.com/wp-content/uploads/2020/01/Legally-Disabled-full-report-FINAL.pdf\]](http://legallydisabled.com/wp-content/uploads/2020/01/Legally-Disabled-full-report-FINAL.pdf) by Legally Disabled.

Like a lot of organisations, many law firms have tried to address this with hybrid working models and flexible working. A good work/ life balance can be supported by:

- Following the statutory requirements regarding the right to request flexible working
- Being aware of the benefits of offering flexible working
- Viewing a good work/ life balance as a positive and making this clear to staff
- Encouraging senior leadership to model good work/ life balance, including taking their annual leave and not excessively working over contracted hours
- Discussing work/ life balance as part of supervision or performance reviews

The Law Society have collated [success story case studies \[https://www.lawsociety.org.uk/topics/hr-and-people-management/flexible-working-in-practice\]](https://www.lawsociety.org.uk/topics/hr-and-people-management/flexible-working-in-practice) from law firms who have offered flexible working to their staff.

### **Have you considered the unspoken rules of your workplace?**

Everyone comes into the workplace with a different set of experiences. Employers should be aware of the 'unspoken rules' of being in an office environment, of which not everyone will be familiar with. Not all schools teach some of these 'soft' skills, and it can be overwhelming for staff new to these environments when everybody else seems to already know the rules.

It can also be difficult to pick up on unspoken cultural norms of the workplace for people who struggle to read social cues. For example, you might tell staff their working hours are between 9 and 5, but you don't make explicit that you expect them to login early to be ready to start by 9 or even that many staff routinely work much longer hours.

Some areas you may want to include in your induction process include:





- Acronyms/ initialisms you use at your workplace and what they mean
- Your personal review process and what staff need to do to prepare for it (ie do managers have regular 121s, do you have documentation you expect staff to fill in prior to meetings?)
- Office etiquette and corporate image/ reputation (ie if you expect staff attending social events after work to remove their lanyards or other items identifying them as staff of your company, have you explained why?)
- Advice on how staff can advocate for themselves and the support offered at your workplace if they wanted to raise a grievance
- Governance structures at your workplace

### **Do you have a values model?**

Many organisations are moving to having organisational values. Values provide a sense of corporate identity, can attract like-minded people, influence behaviour, help in decision-making processes and shape the workplace culture. However, this only comes true where those values are real and genuinely implemented by a workforce. To be successful, this should involve both leadership modelling the values, but also opportunities for other staff to be recognised for embodying them. Our [workplace culture thematic review](https://media.sra.org.uk/sra/research-publications/workplace-culture-thematic-review/) [https://media.sra.org.uk/sra/research-publications/workplace-culture-thematic-review/] showed that values were one way in which a firm could be categorised as having a positive workplace culture.

### **How do you support your staff's career ambitions?**

Cultivating a workplace culture where staff feel empowered to share their career ambitions is imperative to retention. This will allow you to provide support to your staff to upskill where necessary and become a better asset to your organisation. Staff should also be invited to provide feedback on development opportunities, so that your workplace is able to continuously improve. Additionally, it will allow you to communicate how your staff can achieve their career ambitions within your organisation, where otherwise they may not know this is possible.

### **Practical examples of implementation**

#### **Staff networks**

Facilitating staff to be able to develop staff networks around diversity characteristics can take multiple forms. Generally, the most effective are where there is buy-in from senior leaders, and staff feel empowered to spend some amount of their time on network activities. For example, senior leader 'sponsors' of a network can show your workplace is committed to championing these causes. Or you could create an Allies





programme where all staff have an allotted amount of time per month to use on learning more about people from different backgrounds. The Law Society also hosts a range of [networks](https://www.lawsociety.org.uk/membership/communities) [\[https://www.lawsociety.org.uk/membership/communities\]](https://www.lawsociety.org.uk/membership/communities) for lawyers from different diverse backgrounds.

## **Progression**

Everyone deserves to feel that it is possible for them to progress in their career, and that there are not insurmountable barriers that prevent them from doing so. Without clear and objective systems for assessing performance and promoting staff however, managers may assess different people in different ways, giving some an unfair advantage.

Yet again, it is important to monitor diversity data by seniority. You may wish to consider setting diversity targets at different levels in your organisation to make sure good practice developing the talent pipeline at recruitment stages is being carried through all career stages.

Some initial questions you may want to consider when addressing gaps in progression are:

- Do you have clear criteria for assessing performance?
- Have you thought about whether these criteria might favour some people over others?
- Have you provided training to your managers to raise awareness of unconscious bias?

## **What factors could be creating bias in progression?**

**Research** [\[https://danielle-li.github.io/assets/docs/PotentialAndTheGenderPromotionGap.pdf\]](https://danielle-li.github.io/assets/docs/PotentialAndTheGenderPromotionGap.pdf) has shown that employers that use 'potential and performance' metrics to decide who should be given promotions, consistently rate their female employees as having less 'potential', even when they are high 'performers'. Having a high 'potential' rating correlated with promotions- even when 'performance' was less optimal. Quantifying what 'potential' looks like at your workplace, or removing it as a metric completely, can help you remove the chance of unconscious bias influencing promotion opportunities.

## **How do you find out where the barriers to progression are?**

Often, it is difficult to anticipate barriers that may exist for certain groups. Engaging with your staff base to understand the concerns that they have around progression can be very useful. For example, using anonymous staff surveys with diversity questions included can be a good way to encourage honest feedback on how your workplace manages progression.



Another way of doing this is reverse-mentoring. Reverse-mentoring switches the usual direction of mentoring, and instead the more junior staff member mentors someone more senior. Employers who can create a space in their workplace where staff feel empowered to voice barriers they have faced, will find it easier to remove those barriers.

### **What programmes do you have in place to encourage progression of diverse groups?**

It is important that staff from all backgrounds feel empowered to put themselves forward for promotions or apply for new roles. A sponsorship programme can be a way to empower staff to progress within a workplace. Senior staff from similar backgrounds provide insight and mentorship to junior colleagues. This can be a way of actively using the representation you already have at senior levels to make sure this is maintained and improved.

### **Is progression at your firm desirable and attainable to all groups?**

Some staff may not find the financial incentive of progression worth it if the role is incompatible with other parts of their life or identity. For example, those with caring responsibilities may not put themselves up for promotion if progression sets an expectation on them that they will come into the office more often. Certain disabilities or health conditions might make it impossible to dramatically increase working hours if this is expected of senior staff. Some questions you might want to consider are:

- Do you expect senior leaders/ partners to consistently work longer than their contracted hours, particularly in comparison to other staff?
- Do you reward and recognise contributions other than just long hours, eg contributions to firm's workplace culture, when deciding on promotions?
- Have you examined the practices at your firm that are 'how they've always been', and considered whether they're still appropriate?

For example, having all your social events in drinking establishments, or being non-negotiable about which days you expect staff to put in extra hours which could fall on a given group's religious day of rest.

### **Practical examples of implementation**

#### **Sponsorship programmes**

Dentons UK and Middle East LLP have a sponsorship programme called QualiFLY, that offers paralegals and those in other legal roles within the firm to become Newly Qualified Solicitors through a two-year internal

sponsorship. This route supports participants financially and developmentally as they study for the SQE, and provides an opportunity for qualification to those who otherwise would have been unable to access this.