Potential causes of differential outcomes by ethnicity in legal professional assessments

3 June 2024

Research summary

[https://publications.sra.org.uk/differences-in-outcomes-by-ethnicity-in-legal-professional-assessments-research-summary/]

Read the summary report [https://publications.sra.org.uk/differences-in-outcomes-by-ethnicity-in-legal-professional-assessments-research-summary/]

Background

There is a widely acknowledged and long-standing difference in legal qualification outcomes by ethnicity. Our annual education and training monitoring reports [/sra/how-we-work/archive/reports/education-training-authorisation-monitoring-activity/] show this difference and it is also evident in other sectors, countries and stages of education.

To investigate this further, we commissioned the University of Exeter to:

- look at what causes these different outcomes
- increase our understanding about the factors that are driving these differences
- identify ways to help to improve outcomes for all students.

The legal assessments considered in this research were those that pre-date the Solicitors Qualifying Examination (SQE), such as the Legal Practice Course (LPC) and the Graduate Diploma in Law (GDL).

However, not unexpectedly, we are also seeing a difference in outcomes in the SQE, and we are monitoring this by diversity characteristics. Our quality assurance processes include reviewing how we make sure that the examination itself is fair and free from bias, and we have a detailed evaluation programme for the SQE [/sra/research-publications/evaluating-sqe/]. We will take on board the findings from this research as we continue with our evaluation programme.

The research

The interdisciplinary study was carried out by the University of Exeter, with academics from law, business and psychology. The research team used a wide range of methods to maximise the validity and robustness of the findings, including:

- A thorough literature review [/sra/research-publications/ethnicity-attainment-gap-legal-professional-assessments/] , which was published in June 2023. This identified some gaps in past research and informed the rest of the project, which importantly captured the experiences of those most affected.
- More than 1,200 survey responses from law degree and LPC students.
- 59 interviews with:
    - law students and recently qualified solicitors
    - educators teaching law degrees and professional qualifications
    - those holding senior positions in law firms, or working with law firms, most of whom were solicitors.
- Analysis of data on education outcomes:
    - at different stages of schooling into university
    - in other professions.
- Engagement with an external reference group with a broad range of expertise, including voices of those with lived experience.

Key findings

This is a complex issue and, as expected, the research team did not find a simple or single cause or solution to the issue. Most past research focused only on one aspect of the potential causes but we were determined to explore all the relevant factors and understand how they overlapped and affected candidates through their legal education and journey into the profession.

The findings have confirmed the complexity and breadth of the potential causes that were identified through the literature review. The research also provides evidence of how potential causes combine to impact education outcomes (including in legal professional assessments).

The research report highlights a wide range of possible ways to address the differential outcomes for minority ethnic students. Including many ongoing initiatives that we and others can learn from.

An overview of the findings by theme are set out below.

Social and economic background

- Students' socioeconomic background affects their early education options and experiences. Those who achieved better education outcomes tended to be from families with the financial resources and time to support their studies as well as knowledge of the education system and professional requirements.
- The literature review found that being part of a minority group increased the likelihood of experiencing discrimination and bias. This research then found that minority ethnic students have often experienced racism and teachers' low expectations of their capabilities. These students had developed coping strategies to deal with this, which can take energy away from studying.
- These experiences and resources impact students' confidence, self-esteem and exam preparedness, eg respondents from independent schools had higher confidence and more opportunities to practise exam skills.

School and university outcomes

- The Department for Education's data show that differential education outcomes can be seen early, particularly for Black pupils taking A-levels.
- These patterns can also be seen for all minority ethnic groups at university with 60% of Black students and 70% of Asian students achieving a first or upper second-class (2.1) degree, compared to 79% of White students.
- This research found that those who achieved better professional education outcomes tended to have fewer challenges in education before university. Such experiences were influenced by factors including location, peers and the support received from teachers.

Fitting in and support

- Students' confidence, the support they receive and how much they feel that they belong or fit has a significant effect on their outcomes.
- Lack of representation and diversity of staff and curriculum in legal education can impact students' feeling of belonging and/or that they 'fit' within law.
- It can also lead to microaggressions and bias in the classroom from academic staff, impacting minority ethnic students' learning.
- The interviews showed that the large student numbers in many law schools impacts how well educators know their students and their names, and their capacity to provide support where needed.

Access to legal work experience

- Having legal work or training opportunities, and/or paid education sponsorship, eases students' financial pressures and provides a support network and networking opportunities. All of these were found to benefit students' confidence and self-belief which, in turn, impacts their outcomes.
- The research showed that while 24% of Asian and 26% of Black LPC students' employers paid for their course, it was 45% for White LPC students. The interviews found that getting legal work or paid training is currently an easier process for those already with contacts in the profession.
- Recruitment processes that rely on A-level results, without looking at the context in which students received those grades (such as the school attended and their personal circumstances), were more likely to lead to White students being recruited. This was evident in the literature review and interviews and was found to perpetuate the status quo of diversity and representation in the profession and in education outcomes.
- The research showed 43% of Asian and 45% of Black LPC students had a legal role secured for when they completed their LPC, compared with 66% of White students.

Collective responsibility

- Collaborative action is needed to address differential outcomes.
- Law firms, education providers, representative groups and individual academics are implementing individual initiatives that are helping small numbers of students. However, the impact is limited because all are working at small-scale and/or in isolation.
- Some initiatives working well include making classroom environments more inclusive, having more professional role models, using contextual recruitment and having alternative routes through legal education and for work experiences, such as apprenticeships.

Suggested actions and discussion points

Collaboration is a key element in improving future education outcomes, as the complexity of the causes cannot be remedied by one set of actions or one set of stakeholders. The actions noted in the report are therefore a useful set of discussion points for stakeholders to consider when deciding what they should do.

These actions focus on areas where there is the potential to improve factors such as representation, feelings of fit and belonging, and the support available to minority ethnic students and exam candidates.

When deciding what to do, it is important to:

- avoid blanket assumptions about minority ethnic individuals and their circumstances
- consider the specific needs of the groups or individuals being supported and empowered.

As highlighted in the report, some existing initiatives implemented by the stakeholder groups are already taking forward many of these ideas. We can all learn from the experiences of those who delivered and/or participated in these initiatives.

The research also provided recommendations for specific groups or organisations:

Legal education providers

Providers can learn from their own and/or others' existing actions and go further to:

1. Increase understanding of the need and ways to support minority ethnic students.
2. Ensure greater diversity among teaching staff, senior leadership and decision-makers.
3. Ensure that senior management at educational institutions take responsibility for reducing differential outcomes.
4. Provide more resources for practical help to increase academic skills, such as assessment preparation.
5. Enable greater collaboration with law firms for paid work experience opportunities, practical help with lawyer skills, including soft skills, networking, and cultural capital.

Law firms

Firms can learn from their own and/or others' existing actions and go further to:

1. Have safe spaces and inclusive cultures for all staff and trainees.
2. Use contextual recruitment, especially for roles involving funded preparatory courses for legal professional assessments.
3. Measure recruitment and retention performance against appropriate diversity targets for all levels.
4. Provide focused mentorship and sponsorship to minority ethnic staff and trainees.

The SRA

The SRA can continue and expand activity in:

1. Playing a leading role as a change agent in progressing diversity across the profession, eg showcasing good practice and convening stakeholders.
2. Monitoring diversity data and initiatives across the profession and education.
3. Sharing relevant diversity research with stakeholders to support evidence-based practice.
4. Providing information about qualifying as a solicitor.
5. Increasing the SRA's ethnic diversity at leadership levels.

The sector

Overall, we can all consider whether and how to:

1. Improve regulation of professional legal education: ie by changing the regulatory remits so that there is more scope for the SRA's involvement in educational matters.
2. Improve access to and quality of legal career advice, including on the accessibility of legal careers – eg multiple routes into the profession.
3. Regular reviews of policies and practices.

Next steps

We will develop and finalise a collaborative action plan that is informed by the research findings and by working with others across the sector.

We will also invite people and organisations to reflect on and share views on the research before agreeing a collective way forward. To achieve this, we plan to bring together law firms, education providers and representative groups later this year to agree how we can work together to address the issues identified in the report.

We note the importance of representation, assessment preparation and the value of paid work experience and networking opportunities. Therefore, our action plan will likely include updating and more widely publicising our:

- law firm diversity data tool [/solicitors/resources-archived/diversity-toolkit/law-firm-diversity-tool/] , so that the current diversity of the profession is more visible to those in education and the profession
- information about qualifying as a solicitor [/become-solicitor/admission/pathways-qualification/]
- apprenticeship [/become-solicitor/sqe/solicitor-apprenticeships/] information for aspiring solicitors and employers
- SQE assessment information [https://sqe.sra.org.uk/exam-arrangements/assessment-information] which includes the assessment specification and sample questions for both SQE1 and SQE2. Along with information on what to expect on the assessment days [https://sqe.sra.org.uk/exam-

arrangements/the-assessment-day] and how to get a range of help and support [https://sqe.sra.org.uk/help] .

Our Corporate Strategy for 2023-26 highlights that one of our aims for the SQE is to open up access to the profession to aspiring solicitors from every background. Findings from this will help inform our SQE evaluation programme [/sra/research-publications/evaluating-sqe/] , phase three of which is starting this year.

We publish the SQE results data [https://sqe.sra.org.uk/exam-arrangements/sqe-reports] . In due course, our SQE data collection (and publication) will allow us and others to examine a larger body of data, across a single assessment that is centrally marked. Over time, this will allow us to develop a more nuanced understanding about the results by various diversity characteristics.

And we will progress our action plan to significantly improve ethnic diversity [/sra/research-publications/ethnicity-inclusion/] at senior levels in the SRA.

Full research report and findings (University of Exeter)

Open all [#]

Authors

Professor Greta Bosch (University of Exeter), Professor Ruth Sealy (University of Exeter), Professor Konstantinos Alexandris Polomarkakis (Royal Holloway University of London), Dr Damilola Makanju (University of Exeter), and Associate Professor Rebecca Helm (University of Exeter Evidence-Based Justice Lab)

With the research assistance of Dr Christopher Begeny and Mr Christopher Brown

Executive summary

This is the final report of the research commissioned by the Solicitors Regulation Authority (SRA) to better understand the reasons behind differential outcomes by ethnicity in legal professional assessments.

The SRA's annual education and training monitoring reports show persistent differences in outcomes in the Legal Practice Course (LPC) and Common Professional Examination (also known as the Graduate Diploma in Law) qualification routes for solicitors. The difference is also evident in the new Solicitors Qualifying Examination (SQE) data.

Differential outcomes by ethnicity are a long-standing problem, affecting all levels of education and a range of professional assessments, not limited to the legal sector.

Aims and objectives

The overarching research question that the whole project sought to address was: 'What are the potential causes of differential outcomes in legal professional assessments?'

More specifically, the project sought to:

- investigate key factors that could explain why differential outcomes exist across ethnic groups;
- establish the nature of the relationship(s) among these factors;
- distinguish, to the extent that this was possible, those that are of a more general educational nature, from those that may be unique to the legal context.

Research approach and methods

This is the final report of the project. It consolidates the findings of two years of research, including:

- systematic literature review (SLR): Desk research on what prior academic studies tell us about the issue, with a starting pool of 6,285 academic journal articles written since 2010. This review forms the backbone of the Workstream 1 report [/sra/research-publications/ethnicity-attainment-gap-legal-professional-assessments/] ;

- comparative sector data: Looking at publicly available data and publications considering other professional assessments and levels of education, to further contextualise differential outcomes in legal professional assessments;
- new quantitative data: Survey data on aspiring solicitors at undergraduate (UG) and legal professional qualifications levels (UG students and LPC Candidates). These data form the backbone of the Workstream 2 report on Quantitative Data Insights [/globalassets/documents/sra/research/quantitative-data-insights-report.pdf] ;
- new qualitative data: Interviews to understand the experiences and attitudes of legal educators (Educators), senior individuals within or working with law firms (Seniors), and minority ethnic candidates, aspiring to take or who recently had taken legal qualification exams (Candidates). These data form the backbone of the Workstream 2 report on Quantitative Data Insights.

Some participants mentioned the SQE in interviews. However, since a separate, independent and in-depth evaluation of the SQE will be commissioned by the SRA, findings and actions relating to the SQE specifically were outside the remit of this commissioned research. An independent evaluation of the SQE is being commissioned this year and likely to be published next year, for phase three of the the SRA's evaluation framework [/sra/research-publications/evaluating-sqe/] .

Findings

The cumulative findings of the research are grouped under four key causal explanations underlying differential outcomes by ethnicity, which we elaborate below. The first three represent clear time periods or contexts relevant to our research question:

1. Background (including family and pre-school to pre-university education).
2. Legal education (including UG, postgraduate (PG), and professional qualifications).
3. Legal profession.

And we found a fourth explanation, which did not relate to a particular time period:

4. Overarching factors (including confidence, sense of belonging and self-efficacy).

Looking at recent official data, fewer differences in outcomes by ethnicity were observed in early years of education. These became more pronounced at A-levels and even more so beyond that.

The research noted that the patterns of differential outcomes in professional assessments in medicine and law were similar. It also noted the scarcity of data on differential outcomes by ethnicity in relation to assessments for other professions.

Overall, even though differential outcomes can generally be attributed to more cross-cutting factors, such as education and background context, there are factors specific to the legal context that play an important role alongside those. Some of these specific factors are:

- the lack of representation of minority ethnic solicitors in parts of the sector, especially in senior roles;
- the increased difficulties of getting funded support for legal professional education and/or assessments from law firms for future candidates from some backgrounds.

It is also important to note that various strands of research for this project brought up issues associated with terminology and categorisation. Grouping data on minority ethnic groups together, sometimes arbitrarily, can obscure nuances for certain minority ethnic groups, preventing the identification of important factors specific to them. Categorisation issues also feed into the available data.

Although available data are better than for some other professions, some interviewees called for more detailed data and further data disaggregation in relation to legal professional assessments.

Limitations

As with much research, the original data generated through our research had limitations that should be considered in interpreting the data. Full considerations are included in the Qualitative Interview and Quantitative Data Insights Reports [/globalassets/documents/sra/research/qualitative-interview-insights-report.pdf] respectively.

One important limitation to note is that the participants in our research are not necessarily representative of all participants who sit the LPC. Our sample did not have proper representation

of participants who were relatively low achieving on the LPC. Moreover, we did not interview any candidates who had failed the LPC.

There were also limitations from the relatively small sample size in our surveys, compared to the overall numbers in UG and professional legal courses. This means that our raw findings should be read in conjunction with the available figures for the performance of the totality of the student population.

We attempted to confront issues around categorisation in our surveys by collecting information on participants' ethnicity, which resulted in having up to 20 different ethnicities in the data. However, due to the low sample size of the survey data, for analysis the participants had to be grouped under broader categories, which we acknowledge may mask important differences.

Background context

Background context refers both to environmental circumstances and education prior to university.

Environmental circumstances, such as socioeconomic status (SES) and family context were identified in the SLR and in our interviews as causal factors of differential outcomes. They also exemplify the intersectional character of the issue (intersectionality, as defined in the report for Workstream 1, is concurrently holding multiple and overlapping marginalised identities, and the implications that flow from that). Minority ethnic interviewed Candidates experienced ethnicity-based differences early on in their lives, regarding their education and other related factors.

Our survey also highlighted some potential differences in environmental circumstances based on ethnicity, eg minority ethnic participants were more likely to have received free school meals than their white peers. However, it should be noted that these differences were not consistent between different ethnic groups.

Moreover, several other differences expected on the basis of prior research were not found in our sample. This could potentially be attributed to self-selection bias among the survey respondents, resulting in an unrepresentative sample.

Prior education experience was also identified in the SLR as an important standalone influential factor to differential outcomes. The characteristics of the school someone attended, and their pre-university experience affect a range of aspects: skills, social and cultural capital (ie having the knowledge, skills and ideas that are valued in a group or society), confidence and motivation.

These aspects intersect with, and impact, the overarching factors that may explain differential outcomes, such as someone's self-esteem and remaining persistence. We define the concept of 'remaining persistence' as a person's willingness to keep pursuing or persisting in actions to achieve a specific goal in legal education and profession (referred to simply as 'persistence' in socio-cognitive career theory (SCCT); Brown and Lent, 2019). That is, prior experiences can impact someone's reserves to keep pursuing their education and professional goals.

Importantly, our survey data showed differential outcomes between different ethnic groups (with white students demonstrating the best outcomes) in our sample even at General Certificate of Secondary Education (GCSE) level.

Interviewees touched on the lasting impact of negative early education experiences in later stages of their education and career. And we can see this impact in our online surveys which showed lower levels of:

- a sense of belonging and positive relationships, for Mixed ethnicity, Asian, and Black Candidates;
- academic press, referring to ''normative emphasis on academic success and conformity to specific standards of achievement'' (Lee & Smith, 1999), for Black Candidates;
- academic motivation, referring to 'students' general interest, engagement, and enjoyment in learning and school' (Anderson-Butcher et al., 2012, p. 187), for Asian and Black Candidates

than their white peers in early education (ie their education prior to university).

It is worth noting that this study identifies lower levels of the above factors among specific ethnicities (as indicated above). But this does not imply that these factors are inherent in certain ethnicities. Instead, as we go on to show, the challenges that some people experience, often because of their ethnicity, cause differences in levels.

Legal education context

A range of potentially influential factors for differential outcomes arise in the context of legal education:

- Lack of tailored support as an outcome of the huge expansion of student numbers in law degrees (the 'massification' of legal education). This was viewed as an obstacle to addressing any disparities that exist because of the background context. Addressing disparities early on in a degree is crucial, as this period can prove influential for skill development and success in law firm recruitment.

- Financial constraints were identified in both the surveys and interviews as an ongoing concern for candidates, especially given the high costs of training for and sitting or resitting legal professional assessments. Having to take up non-legal but paid employment takes time away from studying. Moreover, worries about money while not having a funded LPC can influence self-esteem, outcome expectations, and remaining persistence, in turn potentially impacting outcomes.

  To put this in context, our survey showed that, compared to white Candidates, Asian and Black Candidates were less likely to obtain sponsorship from an employer on the LPC. Moreover, Black Candidates were the most likely to have family or friends financially supporting their LPC, while Asian Candidates were the most likely to self-fund.

- Lack of representation and diversity of staff and curriculum in legal education can impact students' feeling of belonging and/or that they 'fit' within law. It can also lead to microaggressions and bias in the classroom from academic staff, impacting minority ethnic students' learning. Microaggressions are also present in interactions between students, feeding into overarching factors of exclusion, belonging and remaining persistence. Asian, Black, and Mixed ethnicity participants in our LPC and UG surveys, reported higher levels of discrimination and lower levels of representation, and that the curriculum does not match their realities and/or experiences ('curriculum fit'), compared with white Candidates.

These factors often cut across UG and PG/professional legal education. They also intersect with factors that tend to arise earlier in one's life/education cycle. For example, Advanced level qualifications' (A-levels) performance (a factor related to background context) is important for entry to university, but also for accessing law firm schemes that cover preparatory courses and maintenance.

Legal profession context

The legal profession can also impact on differential outcomes in various ways, despite no obvious direct influence on legal education and assessment and despite being at the end of several years of potentially negative influences on minority ethnic individuals.

The lack of representation and diversity in the senior levels of the profession, in particular in the larger firms, together with perceptions of elitism and inaccessibility, can negatively influence minority ethnic students' and candidates' belief that they could succeed or simply 'fit' in with the legal profession. Indeed, our survey data confirmed lower ratings of representation of people 'like them' in the legal profession and lower ratings of identification with the legal profession for Asian, Black, and Mixed ethnicity Candidates.

Hiring practices based on restrictive definitions of merit can accentuate the impact of differential outcomes in later stages of one's life, beyond influencing candidates' beliefs about their potential. For example, A-Level results influence recruitment for training contract opportunities that cover preparatory courses for legal professional assessments (eg LPC sponsorship).

The lack of universal financial support during the preparatory stage for legal professional assessments may influence outcomes. Our interviewees noted this could especially affect outcomes for those from 'nontraditional backgrounds', ie those that tend to be underrepresented in the law firms that provide such support. From our survey sample, Asian, Black, and Mixed ethnicity Candidates were less likely to have legal employment lined up for when they completed their LPC compared to their white peers, a factor that may also impact their motivation for doing well in legal professional assessments.

Overarching factors

The preceding contexts are key for better understanding and locating some potentially multilevel causal explanations for differential outcomes. At the same time, a series of causal factors, which cut across these contexts, can also be identified (such as lower sense of belonging, reduced confidence and remaining persistence, etc). For example, minority ethnic individuals educated in the UK might have experienced years of microaggressions, lowered expectations and alienation, resulting in a lower sense of belonging. The latter is exacerbated by a lack of representation, diversity and role models in both legal education and the profession.

The negative experiences all create a sense of doubt in the students' or candidates' perceptions of their own capabilities, which can cause a reduction in their confidence and ambition as seen in the interviews. In addition, when comparing Asian to white LPC Candidates, the survey data reveal that lower levels of remaining persistence partly explain lower academic outcomes, and specifically explain the relationships between the following factors and lower outcomes:

- a more adverse background context (in terms of lower contextual support);
- less favourable perception of how they see themselves in the legal profession (in terms of lower perceived status, not feeling like a typical solicitor (lower prototypicality) and a feeling that others perceive that the competence of people with their identity is lower (higher identity threat);
- more negative social interactions in legal education (in terms of lower curriculum fit, not 'fitting in' with their academic life (lower complementary fit) in law school, and higher discrimination and vulnerability to stereotypes).

These negative experiences do not necessarily stop students or candidates from pursuing legal education or from trying to qualify, but certainly create additional hurdles throughout this journey. As such, they partly explain some differential outcomes. It is worth clarifying that while this study may identify lower levels of remaining persistence among specific ethnicities, it does not imply that ethnicity is a determinant of persistence.

Experiences of initiatives to address the differential outcomes

The interviews revealed some successful initiatives that our interviewees suggested contributed to addressing differential outcomes. Quite a few of these referred to types of initiatives identified in the SLR and in our comparative research but applied to and discussed in the legal context. The initiatives can be categorised as:

1. Initiatives to increase accessibility and aspirations: outreach schemes and paid work experience.
2. Initiatives aimed at individual support for students, at the start and throughout their higher education journey and into legal qualifications.
3. Initiatives to address affirming cultures in Higher Education (HE): inclusive classrooms and professional role models.
4. Initiatives regarding inclusive curriculum and diverse assessments.
5. Recruitment initiatives, including contextual recruitment, use of targets and alternative routes such as solicitor apprenticeships.
6. Data-driven initiatives at the firm level to improve recruitment, retention and inclusivity.

Expert-suggested actions

This two-year project aimed to identify some of the underlying causes for differential outcomes on the basis of ethnicity in legal professional assessments. Based on the information gathered and analysis conducted, we have identified some challenges faced by many minority ethnic students and candidates.

Reflecting on the findings of the whole project, and drawing on our expertise, we identified a series of potential actionable insights for the key stakeholders involved most closely with legal professional assessments. These stakeholders include:

- those with responsibility for the provision and delivery of legal education at all levels;
- law firms;
- the SRA as the regulator of solicitors in England and Wales.

The suggested actionable insights have the potential to improve factors such as representation, feelings of fit and the support available to minority ethnic students and candidates.

Some causes and challenges will be easier to fix than others, and the research has not identified neat solutions. Instead, we have grouped together ideas for key stakeholders to consider. We acknowledge that some existing initiatives implemented by the stakeholder groups are already taking forward these ideas. The main report highlights many of these existing initiatives and discusses the benefits seen from these in addressing differential outcomes, along with the specifics about how the potential actions could be implemented.

More generally, it is important to reiterate that being nuanced about the specifics of the groups or individuals being researched and/or supported is essential, in order to avoid blanket assumptions about minority ethnic individuals and their circumstances.

For those with responsibility for the provision and delivery of legal education

Consider how all providers can learn from their own and/or others' existing actions and go further to:

1. Increase understanding of the need and ways to support minority ethnic students.
2. Ensure greater diversity among teaching staff, senior leadership and decision-makers.
3. Ensure that senior management at educational institutions take responsibility for reducing differential outcomes.
4. Provide more resources for practical help to increase academic skills, such as assessment preparation.
5. Enable greater collaboration with law firms for paid work experience opportunities, practical help with lawyer skills, including soft skills, networking, and cultural capital.

For law firms

Consider how all firms can learn from their own and/or others' existing actions and go further to:

1. Have safe spaces and inclusive cultures for all staff and trainees.
2. Use contextual recruitment, especially for roles involving funded preparatory courses for legal professional assessments.
3. Measure recruitment and retention performance against appropriate diversity targets for all levels.
4. Provide focused mentorship and sponsorship to minority ethnic staff and trainees.

For the SRA

Consider continuing and expanding activity in:

1. Playing a leading role as a change agent in progressing diversity across the profession, eg showcasing good practice and convening stakeholders.
2. Monitoring diversity data and initiatives across the profession and education.
3. Sharing relevant diversity research with stakeholders to support evidence-based practice.
4. Providing information about qualifying as a solicitor.
5. Increasing the SRA's ethnic diversity at leadership levels.

For the sector

Consider whether and how to:

1. Improve regulation of professional legal education: ie by changing the regulatory remits so that there is more scope for the SRA's involvement in educational matters.
2. Improve access to and quality of legal career advice, including on the accessibility of legal careers – eg multiple routes into the profession.
3. Regular reviews of policies and practices.

Introduction to the research context

The annual education and training monitoring reports [/sra/research-publications/topic/education-training/] of the Solicitors Regulation Authority (SRA) show the existence of differential outcomes across ethnic groups in the legal professional assessments to qualify as solicitor in England and Wales.

Data drawn from the Legal Practice Course (LPC) and Common Professional Examination (also known as the Graduate Diploma in Law), the mainstream routes to qualification before the

introduction of the Solicitors Qualifying Examination (SQE), confirm that the issue has been long-standing. They also show differences across all types of outcomes (grade band awarded, pass rates and the proportion of students that defer (delay starting or progressing with a course), or are referred (where students can retake the assessment because they did not pass)).

Early indications from the SQE confirm the existence of differential outcomes on the basis of ethnicity in the new assessment also, which form part of the SRA's evaluation of the SQE. Such differential outcomes, therefore, seem to be long-standing and persistent.

The differential outcomes for LPC results are also discrete among different ethnic groups, as shown in Figure 1. For example, white students are more likely to have a distinction (the highest grade) result; Asian and Black students are more likely to have a referred result (did not pass but can retake the assessment); and Black and Mixed ethnicity students are more likely to have withdrawn (stop taking the course).

Figure 1: 2020/21 LPC results by ethnicity

n = 15,037

Source: SRA, 2022, Education and training authorisation and monitoring activity September 2020 - August 2021 [/sra/research-publications/education-training-monitoring-2020-21/]

While disappointing, the issue of differential outcomes is not unique to legal professional assessments for solicitors' qualification. The Bar Standards Board (BSB) published in 2022 a research report on differential outcomes on the Bar Professional Training Course. Other professions, like medicine, have also undertaken research to trace and better understand the differential outcomes evident in their respective professional assessments. These build on a rich body of data and literature describing differential outcomes by ethnicity across the different levels of education, from pre-school to university. Differential outcomes exist across the education journey and into professional assessments.

There have been numerous discussions of differential outcomes by ethnicity at school and/or university level. However, there has been less interest in the context of professional assessments (at least in the UK), except for the medical profession.

In addition, despite research on the causes of differential outcomes in education, differential outcomes by ethnicity have only slightly improved over time for the most part. Moreover, in certain professional assessments outside the legal and medical sectors, there is a shortage of publicly available data to even check whether differential outcomes exist.

Finally, even though there are data that show the extent of differential outcomes in legal professional assessments, at the moment there is not a developed body of research around the key factors that explain such outcomes.

Research aims

Against this backdrop, the SRA commissioned this research. The overarching research question for the whole project was: What are the potential causes of differential outcomes in legal professional assessments?

More specifically, the project sought to:

- investigate key factors that could explain why differential outcomes exist across ethnic groups;
- establish the nature of the relationship(s) among these factors;
- identify, to the extent that this was possible, those that are of a more general educational nature, from those that may be unique to the legal context.

Research methods

Varied methods were used to answer the research questions across two workstreams:

- Systematic literature review (SLR): Desk research on what prior academic studies tell us about the issue, with a starting pool of 6,285 academic journal articles written since 2010

(forming the backbone of the [Workstream 1 report](/sra/research-publications/ethnicity-attainment-gap-legal-professional-assessments/) [/sra/research-publications/ethnicity-attainment-gap-legal-professional-assessments/]).

The second workstream consisted of:

- Comparative sector data: Comparative data research by looking at publicly available data and publications, considering other professional assessments and levels of education, to further contextualise differential outcomes in legal professional assessments.
- New quantitative data: Collecting survey data on aspiring solicitors at undergraduate (UG), postgraduate (PG), and professional legal qualifications levels (LPC Candidates) (for further detail, see Quantitative Data Insights Report). While the LPC is a PG-level course, our other PG sample included students on other PG law courses and past LPC students. However, this PG sample size was too small to conduct a full analysis, so we focus our reporting on the UG and LPC samples.
- New qualitative data: Interviews to understand the experiences and attitudes of legal educators, senior individuals within and working with law firms, and minority ethnic candidates (for further detail, see [Qualitative Interview Insights Report](/globalassets/documents/sra/research/qualitative-interview-insights-report.pdf) [/globalassets/documents/sra/research/qualitative-interview-insights-report.pdf]).

Across the four sources of data considered in this final report there were three clear time periods or contexts relevant to our research question, which initially became evident during the SLR stage:

1. Background (including early and pre-university education);
2. Legal education (including UG, PG, and professional qualifications);
3. The legal profession.

In addition, each also had some overarching factors that could explain differential outcomes.

The data sources each use different language and terminologies. The language in the interview data comes from 'invivo', meaning from words the interviewees used. While the language from the survey data generally comes from previously used verified academic scales and measures.

When describing and analysing each source of data we defer to the language used in the data. Therefore, to aid the reader, below, we list these to show how they overlap.

1. Background context (including early and pre-university education)

The SLR and comparative data refer to research and data on preschool and school education.

The interviews consider schooling, socioeconomic status (SES), and broadly family background.

The survey data refer to prior attainment (GCSE, A-Levels), early education, type of secondary school, and SES.

They all also consider broader background contexts such as level of English, financial and familial support and knowledge of the profession.

2. Legal education context (including undergraduate, postgraduate, and professional qualifications)

The SLR and comparative data discuss college (particularly US studies), university and law school (meaning PG level in US studies), and legal qualifications.

The interview data covering this period include:

- the transition to the university environment, including any induction;
- the impact of personal finances;
- the 'massification of higher education' (referring to the huge expansion of student numbers in law degrees) and institutional constraints caused by this;
- staff-student interactions and expectations;
- the lack of representation or diverse staff and the impact this has on teaching;
- and the curriculum and forms of assessment at UG and PG levels.

The survey data refer to:

- learning experiences;

- social interaction;
- academic aspects of law identity;
- and funding sources (eg of the LPC courses).

3. Legal profession context

The SLR and comparative data describe professional and employment contexts.

The interviews focus on perceptions of:

- organisational inaccessibility and the lack of representation;
- the role of training contracts;
- hiring practices.

The survey data focus on professional aspects of law identity (ie the extent to which students see themselves as potential members of the legal profession) and future employment.

4. Overarching factors

One of the issues associated with much of the academic literature reviewed in the SLR was that it focused on single factors, often only at the individual level. This is problematic when trying to find answers to complex and multilevel issues such as that of differential outcomes. However, synthesising the individual findings allowed us to interpret and propose a number of overarching themes as explanations.

The interviews reveal some clear overarching themes around exclusion, including:

- lack of belonging;
- lack of confidence in their ability to succeed;
- identity shifting or identity work – related to the extent to which individuals see themselves as members of the legal profession.

The survey data evidence the influence of remaining persistence. Remaining persistence, referred to simply as 'persistence' in socio-cognitive career theory (SCCT) studies (Brown and Lent, 2019) is a socio-cognitive factor associated with differential outcomes through its interaction with other contributory factors.

The rest of the report is structured as follows:

1. An overview of existing research on the topic, including comparisons with the Bar, other professions and earlier stages of education.
2. Discussion of the empirical findings of the research, focusing on the causes of differential outcomes. The discussion also touches on issues with the terminology used and available data, as well as on successful initiatives to address the issue.
3. Drawing on material from the empirical findings of the project, the report concludes by putting forward some potential expert-suggested and evidence-based interventions for further consideration by the stakeholders involved.

Findings from existing research and comparisons with other professions

As the starting point of answering the research questions of the project, the research team undertook an SLR [/sra/research-publications/ethnicity-attainment-gap-legal-professional-assessments/] . This investigated what the academic and selected 'grey' (ie highly relevant practitioner-focused reports or articles, published by professional or public-sector bodies) literature contributes to our knowledge of differential outcomes in legal professional assessments.

Following a filtering process on the basis of inclusion and exclusion criteria (see Appendix methodology in the Workstream 1 report [/sra/research-publications/ethnicity-attainment-gap-legal-professional-assessments/]), the SLR analysed 215 articles from law and management and organisational studies academic literature and 43 practitioner-focused reports published since 2010. It included global data on education performance, as well as data on the profession, putting legal professional assessments into a wider context.

Its findings were grouped into four topics, which emerged from the review process as being relevant to the research question:

- Challenges of terminology (eg difficulties presented by varied terminology used; and that minority ethnic groups are often grouped together, obscuring potential important differences).
- Background context, including socioeconomic (eg education systems; income; language competence; and neighbourhood and family) and educational factors (eg curriculum design; relationships between staff and students; social, economic and cultural capital; and psychosocial and identity issues).
- Professional and employment contexts (eg perceptions of the legal profession; barriers to entry; overlooking impact of factors other than merit; continuing influence of social class, privilege and whiteness; and negative lived experiences).
- Interventions at education, professional or institutional levels.

These were complemented by six overarching themes in the literature, which cut across several of the broad topics above. The overarching themes brought together factors that can explain the disadvantages that minority ethnic individuals face in different contexts, and which contribute to differential outcomes. These were:

- Social and cognitive factors in education and career, including self-efficacy beliefs and outcome expectations.
- Implications of holding minority status, including experiences of rejection and discrimination.
- Implications of holding multiple marginalised identities (known as intersectionality).
- The normalisation and privilege of whiteness and maleness/masculinity in dominant culture, as well as practices that indicate low representation, low participation and disadvantage for individuals who do not have these characteristics.
- The need for minority ethnic individuals to employ coping strategies to manage their marginalised identities, meaning putting extra effort to achieve positive outcomes in academic and professional settings.
- Lack of integration and unsupportive climates for marginalised identities in academic and professional settings.

The SLR findings confirmed that differential outcomes start early, many years prior to sitting any legal professional assessments. They also pointed to potential contributory factors that exist in professional contexts other than law. Drawing on that, and to provide some added context and showcase the reach of the problem, we looked at various sources of data covering the following:

- Educational outcomes at different stages of schooling using data from the Department for Education (DfE), Universities UK (UUK) and the Office for Students (OfS).
- Bar Standards Board (BSB) reporting on barristers' professional assessments.
- Other professions with assessments for qualifications.

Early years to university education data

Statistics from the DfE show differential outcomes on the basis of ethnicity, although these vary between levels of education, as shown in Figure 2. For example, using the benchmark measures described below:

- Chinese pupils consistently demonstrate the highest levels of achievement out of all ethnic groups at each key stage of schooling, from early years all the way to A-Level.
- Mixed ethnicity and white pupils' achievement very closely mirror that of the national average. Both groups demonstrate above average achievement up to Key Stage 1 (KS1). Mixed ethnicity pupils do better than white pupils at Key Stage 2 (KS2) and GCSE level. Both groups perform about the same at A-Level.
- Asian pupils demonstrated above average achievement at KS1, KS2, and GCSE level, but below average achievement at A-Level, including below that of Mixed ethnicity or white pupils (except for Indian pupils, who performed above average at A-Level).
- Black pupils' achievement is not noticeably lower than other groups to begin with. In fact, it is higher than average at KS2, but drops below average at GCSE level and then plummets to the lowest level out of all other groups by quite a margin at A-Level.

Figure 2: Percentage of pupils at state-funded schools achieving benchmark grades up to A-Level, by ethnic group (academic years vary, see 'Sources' below).

Note. *=Gypsy/Irish Traveller communities excluded due to small sample size.

Sources:

- Early years' (EY) data relevant for school year 2018/19. Source: Department for Education, 2020, Early years foundation stage profile results: 2018 to 2019 [http://www.gov.uk/government/statistics/early-years-foundation-stage-profile-results-2018-to-2019]
- Key Stage 1 (KS1) data relevant for school year 2021/22. Source: Department for Education, 2023, Key stage 1 and phonics screening check attainment [http://www.explore-education-statistics.service.gov.uk/find-statistics/key-stage-1-and-phonics-screening-check-attainment]
- Key Stage 2 (KS2) data relevant for school year 2021/22. Source: Department for Education, 2023, School results for 10 to 11 year olds [http://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/7-to-11-years-old/school-results-for-10-to-11-year-olds/latest]
- GCSE data relevant for school year 200/21.Source: Department for Education, 2024, Key stage 4 performance [http://www.explore-education-statistics.service.gov.uk/find-statistics/key-stage-4-performance-revised#dataDownloads-1]
- A-Level data relevant for school year 2020/21. Source: Department for Education, 2023, Students getting 3 A grades or better at A level [http://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/a-levels-apprenticeships-further-education/students-aged-16-to-18-achieving-3-a-grades-or-better-at-a-level/latest#data-sources]

Benchmark measures used by the above sources:

- EY: Percentage of 4- to 5-year-olds who met the 'expected standard' of development in reception year.
- KS1: Percentage of 5- to 7-year-olds at state-funded schools in England who met the 'expected standard' in phonics, science, reading, writing, and arithmetic.
- KS2: Percentage of 10- to 11-year-olds at state-funded schools in England who met the 'expected standard' in reading, writing, arithmetic, and GPS (Grammar, Punctuation, and Spelling).
- GCSE: Percentage of pupils at state-funded schools in England who got a grade 5 or above in both GCSE English and Maths.
- A-Level: Percentage of pupils aged 16 to 18 in England getting at least 3 A grades at A-Level.

The transition to and experience of A-Levels seems to be somewhat distinct from earlier stages given the discrete outcomes. However, it is worth noting that the data in Figure 2 are based on alternative methodologies for awarding A-Levels and GCSEs due to the impact of the Covid pandemic (ie teacher assessed grades). This is a period understood to have 'grade inflation'.

Differential outcomes for minority ethnic groups are further exacerbated at university, as shown in Table 1. Here fewer graduates from every minority ethnic group or subgroup (ranging from 60.4 percent for Black, to 69.6 percent for Asian and to 76.7 percent for Mixed ethnicity) achieved a First or upper second-class degree compared to their white peers (78.8 percent). This was particularly prominent for those that were awarded a First-class degree.

According to UUK and National Union of Students survey results, several key contributing factors may have a bearing influence on degree outcomes, namely:

- institutional culture;
- ethnic diversity among staff;
- inclusive curriculum content and design;
- sense of belonging;
- prior attainment;
- information, advice, and guidance;
- financial considerations;
- and preparedness for higher education.

Statistics (OfS, Higher Education Statistics Agency) also show how ethnicity intersects with other factors (eg gender, religion, domicile, SES, etc) contributing to differential outcomes.

Table 1: Percentage of UK domiciled undergraduates earning a First and upper-second class degree, by ethnic group, academic year 2021/22

Ethnicity	1st	2.1	Total share (%)	Group total	Cohort total
White	34.30%	44.50%	78.80%	197,760	251,150
Black	16.70%	43.70%	60.40%	14,940	24,730
Asian	25.60%	44%	69.60%	30,685	44,015
Mixed	30%	46.70%	76.70%	11,850	15,455

Source: Higher Education Statistics Agency (HESA), 2023, Table 26 - UK domiciled first degree qualifiers by classification of first degree, religious belief, sex, age group, disability marker and ethnicity marker 2014/15 to 2021/22 [http://www.hesa.ac.uk/data-and-analysis/students/table-26]

Legal professional education data

Moving on to the legal profession, a recent report by the BSB (July 2022) based on proprietary data, found ethnicity a highly significant predictor of performance on the Bar professional training course modules. This corroborated similar findings from an earlier BSB report (2019).

The authors found that, even when controlling for other variables, candidates from Asian, Black, Mixed ethnicity, or other minority ethnic backgrounds were all predicted to perform worse (ie have lower mean scores) than white candidates on the centralised assessments. These comprise the following three modules: Civil Litigation, Criminal Litigation, and Professional Ethics. Alongside ethnicity, other variables that were highly significant predictors of outcomes were prior attainment and UG institution attended, highlighting again the intersectional nature of potentially influential factors of differential outcomes.

Data from other professions confirm the existence of differential outcomes but also the issue's intersectional character. Although specific data on professional assessments from other professions were scarce, medicine was the sole exception, with a comparatively rich body of work on the topic. For example, the General Medical Council (GMC) reported on:

- the Membership of the Royal Colleges faculty exam data;
- the Annual Review of Competency Progression data from PG training bodies;
- recruitment outcomes of year two foundation trainees (F2) in specialty training.

It found lower pass rates in specialty exams for UK graduates of Black/Black British heritage (62 percent), Asian (68 percent) and mixed heritage trainees (74 percent) compared with their white peers (79 percent). It is not within the scope of this work to go into a detailed discussion of the research in medical professional assessments in this report, but it drew parallels with the findings from this research. The similarity of findings across medicine and law, can support calls (noted later) for stronger stakeholder cooperation and exchange of best practice to tackle differential outcomes in professional assessments.

Considering the SLR alongside the comparative data analysed, our findings helped identify gaps and informed the design and specifics of the empirical research in Workstream 2. Identified gaps included:

- lived experience of minority ethnic candidates of legal professional assessments;
- multilevel approaches to potential causes of differential outcomes;
- how any potential causes manifest themselves in legal professional assessments, including the influence of the legal profession.

Findings from empirical research (new quantitative data and new qualitative data)

In order to address the gaps in past research, described above, both qualitative and quantitative empirical work was undertaken. For instance, the aim was to take into account the lived experience of minority ethnic individuals, and thus enable improvements to be made. The combination of both qualitative and quantitative methodologies meant that our insights on the issue of differential outcomes by ethnicity have both generalisability and depth, enabling us to evaluate how potentially influential factors may work together to impact outcomes.

Our qualitative empirical work involved a total of 59 semi structured interviews with:

- Minority ethnic individuals who had recently undertaken, were preparing for or were planning to pursue PG professional courses to qualify as solicitors (18 'Candidates').
- Educators involved with legal education at the UG, PG, or preparatory courses for legal qualifications level (20 'Educators'). This group is a mix of majority and minority ethnicity.
- Individuals holding senior positions within law firms or working in close partnership with them (21 'Seniors'). This group is a mix of majority and minority ethnicity.

The quantitative empirical work involved survey responses from aspiring solicitors from any ethnicity, in particular:

- 700 UG law students (the 'UG sample') planning to qualify as solicitors;
- 510 Candidates on an LPC course (the 'LPC sample') during the calendar year of 2023. A subset of 160 participants also provided their final LPC grade after completion of the LPC (others had not completed the LPC by the relevant time or chose not to provide us with their final grades).

Despite the limitations of our sample as set out below, there were differential outcomes in both the UG and LPC samples, including those collected at a later point in relation to their final LPC results. Although not always statistically significant (something that could be attributed to the size limitations of the sample), the fact we do see differential outcomes is key to the validity of our sample and results.

Below, we combine the discussion of these two empirical strands of work that formed part of Workstream 2 of the project. Full details of the findings and more details on the participants/sample from each empirical piece can be found in the Qualitative Interview Insights Report [/globalassets/documents/sra/research/qualitative-interview-insights-report.pdf] and the Quantitative Data Insights Report [/globalassets/documents/sra/research/quantitative-data-insights-report.pdf] .

Challenges with terminology and data

Before delving into the discussion of the causes as they emerged from the empirical part of the research, it is worth touching briefly on challenges of terminology and data collection. There were challenges in:

- framing the factors underlying the differential outcomes;
- available data;
- collecting, and drawing conclusions, from our own data.

The findings described in this report should be interpreted in light of these challenges and limitations, which may also serve as the basis for future work in this area.

Problematic terminology and categorisation

The SLR and our interviews highlighted issues with categorisation when examining differential outcomes. The SLR showed that work tends to focus on a binary distinction between one of the minority ethnicities and the white majority ethnicity, which can overlook experiences of individuals from other minority ethnic groups (see Workstream 1 report [/sra/research-publications/ethnicity-attainment-gap-legal-professional-assessments/] , section 2.1).

Similarly, in the interviews, the Candidates and Educators contested the use of the term 'Black and minority ethnic' as being too broad to be useful, risking oversimplifying the issue. They also highlighted the inconsistencies that lead to classifications on the basis of skin colour for some, and on the basis of their and/or their families' country or subcontinent of origin for others. These are perceived as problematic by students. Similar concerns were raised in a GMC Report (2018). Relatedly, the categorisation of subgroups, whose experiences may differ, into broad ethnic groups (eg Black, Asian, white, Mixed and Other ethnicity) may prevent the identification of factors that are important for particular groups.

Our interview data also highlighted problems with terminology, specifically in terms of the use of the term 'attainment gap' which is commonly used to refer to differential outcomes, especially in the UK. Some of the Educators and Seniors we interviewed were not comfortable using the term, as they felt that it individualises what they saw as a systemic problem. A suggested alternative term that was perceived by some as better capturing the complexity of the problem was 'awarding gap', which is common in the US literature. It was also noted how terminology that avoids the use of the term 'gap' altogether might be more effective in communications with students. We therefore decided to use the term 'differential outcomes'.

Limitations in publicly available data

Compared to other professions, the better availability of data on performance in legal professional assessments by ethnicity and other protected characteristics is welcome. However, our interview data revealed that there were still some criticisms in relation to the data that are available. There were calls from both Educators and Seniors to further disaggregate minority ethnic outcomes in legal qualifications data. More precisely, they called for disaggregated data:

- between and within ethnic groups;

- on those internationally or UK-educated at school level;
- on type of UK school;
- on those for whom English is a second language.

Each of these aspects was believed to have differing potential impacts on outcomes and aggregating data into one group was not seen as meaningful.

Some Educators and Seniors raised the issue that small sample sizes within organisations are often given as a reason for a lack of disaggregated data. Their response was that this should not be an 'an excuse to ignore the issue' but that institutions or organisations should seek more data from interviews or focus groups. Regarding the LPC, it was also suggested that it is important to look at differential outcomes between the different providers.

Overall, being nuanced about the specifics of the group that is being examined is essential, in order to avoid blanket assumptions about minority ethnic students and their circumstances. Better and more nuanced data would also help inform interventions to address the issues.

Limitations of empirical data generated in this project

Both our interview and survey work had limitations that should be considered in interpreting the data. Full consideration of the limitations of each stream of empirical work is provided in the separate reports.

One important limitation to note is that participants in both of our empirical methods are not necessarily representative of all participants who sit the LPC. This reality was particularly evident in participants reporting their LPC results. Comparing those data to LPC data held by the SRA (from the academic sessions of 2013 to 2014 and from 2015 to 2021) suggests that our sample did not have proper representation of participants who were relatively low achieving on the LPC. Moreover, we did not interview any Candidates who had failed the LPC.

There were also limitations from the relatively small survey sample size, compared to the overall numbers in UG and professional legal courses. This means that our raw findings should be read in conjunction with the available figures for the performance of the totality of the student population.

Finally, it is worth noting that in the survey findings below we report only those that reached the conventional academic threshold for statistical significance ($p < 0.05$). That is, we only report the findings where the likelihood is 95% or higher that the difference observed is not just a result of chance.

We also attempted to confront issues around categorisation in our survey work by collecting information on participants' own definitions of their ethnicity, which resulted in having up to 20 different ethnicities in the data. However, due to the low sample size of the survey data, for analysis participants had to be grouped under the commonly used broad categories of:

- White (English, Welsh, Scottish, Northern Irish or British, Irish and any other white background);
- Mixed ethnicity (white and Black Caribbean, white and Black, white and Asian and any other Mixed or multiple background);
- Asian (Indian, Pakistani, Bangladeshi, Chinese and any other Asian background);
- Black (Caribbean, African background and any other Black, Black British or Caribbean background);
- Other ethnicity (Arab and any other ethnic group).

These broad category groupings were pragmatic for statistical analysis but are extremely problematic in terms of understanding the differences that may exist within the groupings. By extension, this is also problematic for understanding the causes of the differential outcomes for specific ethnic groups. This is partly addressed by our use of interviews, which provided rich data about specific experiences. Future work could try to further isolate experiences of specific ethnic subgroups where possible, recognising that the complex factors underlying differential outcomes may differ for different groups.

Causes

Four key causal explanations underlying differential outcomes emerged from our research. The first three represent causes linked to clear time periods or contexts relevant to the research

question. The fourth includes overarching factors explaining differential outcomes that cut across these periods/contexts and reflect the intersectional dimensions of differential outcomes by ethnicity.

The collected data reveal the complexity of the issues. Therefore, there is a need to take a socio-cognitive (two-way interactions between the individual and their social environment), multilevel and lifecycle approach to understanding differential outcomes. Such an approach is also intended to avoid the pitfall of falling back on more 'acceptable' explanations for differential outcomes (such as poor schooling), rather than addressing harder issues. The latter include privilege or the 'myth of meritocracy' ([described in the SLR report](/sra/research-publications/ethnicity-attainment-gap-legal-professional-assessments/]) present within legal education and/or the profession, or other issues related to the support, administration and/or regulation of legal professional assessments.

Background context: Family background, SES and schooling

Environmental circumstances, and particularly family background, schooling, and socioeconomic status (SES) manifest themselves in every context of students' and candidates' lives. These feed into their human, social, cultural and financial capitals, ie the range of resources available to them.

The SLR showed there is a series of environmental factors that may have an impact on differential outcomes, such as:

- parental income;
- parental education and class background;
- parental language proficiency;
- geographical location;
- neighbourhood poverty;
- family priorities;
- a country's economic context;
- macro educational policies.

Our SLR findings also noted, however, that research often focuses on one or two of these factors, rather than taking an intersectional or multilevel approach. Academically, such approaches are more complex and likely to lead to less clarity in findings but are more likely to present a more holistic understanding of such complex issues.

Overall, our interviews and survey data explored most of the background factors listed above from the SLR (except for a country's economic context and macro educational policies). These confirmed some key differences in background context based on ethnicity that have the potential to feed through into differential outcomes.

Drawing on data from our interviews, Candidates growing up in the UK tended to experience early and school-level differences based on their ethnicity. Often, they became more aware of SES and family background differences later, particularly as they transitioned away from their local environments. Educators touched on most of the environmental circumstances that came up in the SLR and explained how ethnicity and family background intersect to influence school-level outcomes. Seniors tended to focus on the impact of type of school attended, seemingly conflating ethnicity and class. Both groups assumed environmental circumstances to be causal factors of differential outcomes. And Candidates and Educators singled out family support, the school and teacher input, and how the schooling is experienced by minority ethnic individuals as important standalone influential factors.

Our survey data also highlighted potential disadvantages relating to some background factors for minority ethnic participants, described below. For instance, the UG and LPC samples demonstrated lower levels of contextual support (ie financial and familial support for their legal education) in minority ethnic participants. However, there were several variables where expected differences were not observed, perhaps due to a lack of representativeness in our samples, discussed above. In addition, findings were inconsistent between the two samples. That is, other predicted differences which might adversely impact further and higher (tertiary) education (eg lower English proficiency, lower social connectedness in early education, lower parental involvement) were only demonstrated in the LPC sample. In this sample, there was a more pronounced negative background context for Asian participants than in other minority groups.

Family background and support

In terms of family support, the survey data suggest that compared to white LPC participants, Asian participants had lower parental involvement (ie lower perceptions of the interest and engagement of their parents in their academic activities during early schooling). This may be linked to English proficiency, as Asian compared to white LPC participants' parents had lower English proficiency. Educators also pointed to this, for example, without English proficiency, a parent may not be able to engage with and help a child with homework.

At later stages in schooling, survey data suggested that Asian and Black compared to white LPC participants reported having less contextual support. This indicates less assistance and encouragement from family and friends, for example, received in their decision to pursue a legal education and career. However, Candidate interview data presented a mixed picture on this. Some Candidates (particularly with an international background) felt very supported in, and even positively pushed towards, their decision to study law. Others distinguished between emotional support or encouragement, and practical support in terms of managing the process to university.

SES background

SES is a factor frequently mentioned in research regarding educational outcomes, as seen in the SLR. It was also often brought up during our interviews. In our survey we asked whether the participant had received free meals during their school education and to self-report on their social class, which is subjective. Responses in these questions of the survey were inconclusive; they either were affected by constraints related to the small sample size or were not in accordance with predictions.

The inconclusive responses in self-reporting may point to the unrepresentativeness of our sample and may not apply to the broader population. They may also call into question the reliability of self-reported measures of social class. However, previous research would suggest subjective social class is a reliable predictor of outcomes because in many ways one's subjective perception fundamentally impacts perceptions, behaviours, stress levels, and so on. Accordingly, this may explain why our minority ethnic LPC sample performed well in their legal professional assessments.

School experiences

During our interviews, it was viewed that schooling itself often placed minority ethnic students at a disadvantage at the start of university. More specifically, Educator and Senior interviewees highlighted that schooling, including the type of school attended, or even its location, could influence a range of social and cultural skills which increase the likelihood of performing better in legal professional assessments. This also feeds into candidates' confidence, which links to some of the overarching factors discussed later (eg self-esteem and remaining persistence). Some of the Candidates that were interviewed corroborated this by reflecting how negative experiences from early education may influence their behaviour and interactions at later stages of their education and beyond.

The survey asked participants about their focus on academic learning, their academic motivation, and their social connectedness (ie sense of belonging and positive relationships) in school, to elicit information about their early education experience (ie their education experience prior to entering university). These may feed into each other; for example, if a child feels less connected in school, this may impact on their 'academic motivation'. Academic motivation is a concept usually referring to pre-university education experiences, that is: 'students' general interest, engagement, and enjoyment in learning and school' (Anderson-Butcher et al., 2012, p. 187).

In our survey, Black LPC Candidates compared to white LPC Candidates had lower levels of academic motivation, as well as of 'academic press' in pre-university education, (a concept that refers to 'normative emphasis on academic success and conformity to specific standards of achievement'; Lee & Smith, 1999, p. 912). Moreover, all minority ethnic LPC Candidates compared to white LPC Candidates had lower levels of academic motivation in early education, which, as we explain below, is affected by their education experiences.

Finally, Black and Mixed ethnicity LPC Candidates had lower social connectedness ratings compared to white LPC candidates. Our interviewees stressed that the above factors should be taken into account as part of an intersectional approach to the issue. And they are all related, as our SLR found that the social interactions between teachers, students and peers are critical to successful learning.

It is worth repeating that this study identifies lower levels of academic motivation and/or academic press among specific ethnicities, but these factors do not imply that ethnicity is a determinant of academic motivation and academic press. This is because these factors are affected by external events and interactions, including teachers' expectations and behaviour, and experiences of discrimination from peers.

Simply put, there are unique intersections of challenges that feed into later stages of one's education and beginning of professional life. These would inevitably vary from one minority ethnic candidate to the next. Altogether, however, these findings show marked disadvantages for minority ethnic participants in terms of important factors in early education (ie lower levels of academic press, academic motivation and social connectedness). This finding suggests that they may have more challenges leading into tertiary and then professional education.

Legal education context

Legal education has naturally been identified as an important context in which a range of potentially influential factors arises (eg learning experiences, representation, institutional support, interactions with teaching staff and colleagues, fit, discrimination, etc). The empirical data identified these factors at all levels and types of legal education, be it at UG or PG level, and regarding academic or professional assessments.

Although it is acknowledged that a significant percentage of candidates in legal professional assessments do not have a UG degree in law, the remit of the research could not be expanded to empirically examine the UG experience in other disciplines. The discussion below only distinguishes the level or context when relevant.

Entry

The influence of background factors mentioned in the previous section means that students enter university with skills and knowledge disparities, including in law courses. For example, differential outcomes in A-Levels, coupled with inaccurate A-Level predictions, can impact entry to university. Performance in these also impacts recruitment by law firms, including for schemes that financially cover preparatory courses for legal professional assessments alongside financial maintenance.

Similarly, factors prevalent during and prior to UG studies can have a knock-on impact on the professional course level. According to our survey data, Black LPC Candidates had significantly lower UG degree outcomes compared to their white peers. This indicates that Black LPC Candidates have entered the preparatory stage for legal professional assessments as lower-achieving students compared to their white counterparts.

Support

All Educator interviewees expressed concerns about how students from lower entry or nontraditional routes and backgrounds ('traditional' having been described as white, middle-class and privately educated) were supported at university. Indeed, AdvanceHE data show how minority ethnic students are far less likely to get an upper second-class or First-class degree compared to their white peers, even when they enter with the same A-Levels (2019). Despite the hive of activity and support that most universities now claim is available, Educators were clear that there is a difference between making support available and creating an environment where those who need it feel confident to access the relevant support.

The increase in student numbers studying law ('massified' legal education) has led some of the Educators we interviewed to note how they no longer have the time or resources to support all those falling behind. They also observed that, for minority ethnic students, the positive impact of additional support often does not materialise until later in the degree course, by which point training contracts or other law firm opportunities have passed them by. Seniors from nontraditional backgrounds expressed opinions doubting that minority ethnic students could be successful in today's massified legal education environment, given the lack of individualised support and potential debt incurred to study law.

Although the interviewed Educators provided us with a series of ideas on how to support individuals and to make cultural and institutional-level changes, they also felt constrained by a lack of time and resources to instigate radical changes. As Educators work relatively independently, they can, and some do, implement their own ideas. Candidates we interviewed also spoke of some meaningful actions and support from individual Educators. However, usually

such actions would be in the Educators' own modules or courses. While they may well help individuals, this leads to inconsistencies across modules, courses and institutions.

Financial constraints

Financial constraints were highlighted by all interviewee groups as potentially impacting performance both at UG degree level and in legal professional assessments. Simply put by Educators and Candidates, time and energy devoted to paid work takes away from that devoted to studies, thus impacting outcomes.

On a similar note, by taking up non-legal jobs, these students tend to pass up (often unpaid) opportunities in the legal sector and/or not target the big law firms which tend to offer training contracts. As Seniors stated, this situation does not assist in the development of skills relevant to legal assessments, or in network building that might end up in sponsorships for legal professional assessments' preparatory courses.

Our survey data showed that Black LPC Candidates were more likely to undertake paid work during their studies compared to other ethnicities, indicating greater financial challenges for them. Having said that, in our UG sample, white participants were more likely to undertake paid work, despite generally self-reporting as being in a higher social class than other ethnicities.

In the realm of legal professional assessments, the SLR touched on the costs of preparatory courses and how they act as a barrier. Going a step further, the costs of training for and/or resitting legal professional assessments is also a barrier. Funding opportunities in the form of sponsorships may exist, but these are largely allocated based on 'merit', which can be problematic as merit is usually measured by past performance. The LPC survey data showed that white Candidates were more likely to obtain LPC sponsorship from an employer compared to Asian and Black Candidates.

Costs of courses for legal professional assessments may also impact on the choice of course provider. Given the existence of an informal hierarchy of LPC providers, with those associated with large law firms coming on top, if cost drives choice, and there are variable standards among them, this could impact candidates' performance (Legal Education and Training Review 2013a and b).

Representation and diversity

The SLR as well as our interviewees noted issues with a lack of minority ethnic representation among staff at all levels of legal education, despite a diverse student cohort. Some Educators we interviewed felt this was particularly prominent in professional preparatory courses, where the teaching staff mainly hail from practice, and tend to be white and middle-class.

Not only does the diversity of staff have an impact on representation and the feeling of belonging, but also on the way students are taught, mainly due to unconscious bias, as noted by both Educator and Candidates interviewees. Our interviewees also observed how minority ethnic staff are often not in leadership or strategic positions, making them feel silenced. Similarly, our survey data showed lower ratings of representation of people 'like them' for Asian, Black and Mixed ethnicity participants compared to white participants. These findings suggest that Asian and Black UG students had fewer role models or acquaintances with a legal background to learn and draw motivation from for their legal education and professional journeys.

The impact of a lack of representation and diversity is also reflected in the classroom. For example, Educators observed the dissonance between what students are taught and what they may experience and the additional challenges these contradictions may pose to students endeavouring to 'fit in with the law' (ie, in the legal profession). Correspondingly, our survey data captured appraisals of participants' fit with their academic life (complementary fit) and their social life (supplementary fit) during their legal education.

In both UG and LPC samples, Asian participants reported lower levels of 'complementary fit' compared to white participants, indicating a feeling of a poorer fit with their academic environment, which does not match their needs and goals in legal education. Asian and Mixed ethnicity UG students reported lower levels of 'supplementary fit' compared to white students, indicating a feeling of a poorer fit with their social environment in legal education, which does not match their social needs and goals.

The SLR, as well as some interviewees, noted how minority ethnic and other marginalised voices are missing from the curriculum (indicating lower 'curriculum fit' as described below) and called for its 'decolonisation'. In this sense, decolonisation refers to acknowledging and (re-)examining the curriculum with regard to colonial influences. At the same time, it refers to redesigning the curriculum with the aim of eliminating racial hierarchies and creating a sense of belonging in academia for all. Educators also noted how international students might feel alienated by the examples used in assessments and/or in class, which at times are only familiar to those coming from or living many years in the UK. As an Educator put it:

'We are studying something that's been designed by predominately white people to serve predominantly white people over hundreds of years and so there's that element that feels a bit exclusive just in terms of its structures and knowledge base.' (Educator)

Our survey data also show instances where the curriculum does not match the realities and/or experiences of minority ethnic students' and Candidates' identities (curriculum fit). For example, Asian and Black UG students and LPC Candidates, and Mixed ethnicity UG students evidenced lower ratings of curriculum fit compared to their white counterparts.

Assessment strategies

Different strands of our research touched on the influence of assessment strategies on differential outcomes. More generally, our survey data looked at UG and LPC respondents' perceptions of, and actual, previous accomplishments in assessments related to legal education, including in the context of assessments ('performance accomplishments'). In both the LPC and UG samples, Asian Candidates had lower ratings of the extent to which they performed well on law assessments compared to white participants. The ratings also suggest that white participants' self-evaluation of how well they had done on legal assessments was higher than that of Asian participants.

Coupled with prior schooling, the SLR and some Educators noted how certain assessment methods might disadvantage certain groups, not only in legal education. For example, several Educators said that disparities in outcomes across multiple nontraditional groups reduced during the years impacted by Covid-lockdowns, when open-book online assessments became the norm. This is increasingly being borne out by recent research in the HE sector, some of which was included in the SLR.

It is believed that timed conditions, closed-book and in-person exams might disadvantage certain students who have not been given as much practice and support as others to deal with the pressure of these types of exams throughout their education journey. During our interviews, it was noted that the type of school a child attends (independent vs state, selective vs nonselective) as being likely to impact their performance. For example, independent schools are more likely to have debating societies, which are good practice for oral assessments; and these schools are more likely to teach their pupils from a young age how to write an exam answer to suit the marking criteria. Candidate interviewees also reflected on their lived experience to discuss how, particularly for low socioeconomic status (SES) and/or minority ethnic children, low expectations from teachers can have negative impacts from an early age.

The relatability of assessment questions was also raised as important for diverse student bodies during the interviews. Interviewees were concerned that the expectations of assessments are such that sometimes for minority ethnic students to succeed, they have to replicate views they do not agree with (eg because they may not reflect their experiences with the particular branch of the law), especially in the context of essay-based assessments. More broadly, referring to LLB and professional courses, Educators noted that the way law education is assessed discourages independent thinking. Opinions were also expressed regarding some assessment methods not being representative of the different roles someone can assume in the legal profession. In other words, some were seen as unrelated to an individual's potential to become a good legal professional.

Very strong opinions were voiced both by Educators and Seniors about the format of legal professional assessments, and the literature in the run up to the launch of the SQE also reflects this (Guth and Dutton 2018; Bailey 2018; Ching et al 2018; Davies 2018; Hall 2018; Bone and Maharg 2019; Maharg and Webb 2019; Bradney 2024). The pedagogical constraints (those referring to the practice of teaching and its methods), which impact on assessment, are often viewed as institutional and with little room to deviate for those teaching on professional courses, such as the LPC. One Educator we interviewed noted in particular how prescribed the assessment methods and order are, preventing institutions and educators from innovating or trying different approaches that could potentially help improve performance for less advantaged groups.

Racialised interactions

Within legal education, but also, HE more broadly, the SLR and our interviews brought up a number of racially based social and behavioural issues related to student-staff and student-student interactions. Impacted by the lack of representation of minority ethnic teaching staff, students also tend to segregate themselves along racial lines, which can lead to environments that alienate them. This, along with the lack of representation and related factors described above, is part of, and a response to, the wider 'disaffirming cultures' experienced by minority ethnic students in education which led many to feel that they do not fit in or are not valued. It was also noted by some Educators that in some professional education providers, students were also separately taught on the basis of having training contracts or not.

The survey results show that the lack of representation in teaching staff may lead to a lower sense of belonging with the law academic community for Mixed ethnicity UG students, for Asian UG students and LPC Candidates, and for Black LPC Candidates compared to their white peers. These survey findings indicate a lack of affiliation with the majority and not feeling socially accepted by staff and/or students in the law academic community, which can lead to racialised interactions.

A lack of understanding of diversity issues amongst staff can lead to stereotyping and lowered expectations of minority ethnic candidates, which past research noted in the SLR tells us can, in turn, impact outcomes. Microaggressions and stereotyping were noted as common by our interviewees, as well as the SLR. Some of the minority ethnic Candidates we interviewed felt discouraged by their tutors, and noted classroom interactions from their LPC, where tutors would mix up minority ethnic students' names, or even not bother to use their (non-Anglo Saxon) name in class. These experiences were not limited to student-staff interactions, as Educators also talked about negative and racialised student interactions they have observed in class. Such experiences feed into a range of overarching factors which are discussed later in the report (eg exclusion, belonging and remaining persistence).

Our survey data mirror the interview findings. In both the LPC and UG samples, Asian, Black, and Mixed ethnicity participants reported having experienced higher levels of discrimination during their legal education compared to those reported by their white peers. These findings suggest that minority ethnic participants may be more likely to face significant day-to-day challenges because of their ethnicity during their legal education, such as unfair or prejudicial treatment.

In addition to discrimination, minority ethnic participants also experienced 'stigma consciousness' (greater sensitivity and awareness to social stigmas about one's identity) and 'stereotype vulnerability' (awareness of negative stereotypes associated with one's identity) in legal education. In both the LPC and UG samples, Asian and Black participants reported higher levels of stigma consciousness and stereotype vulnerability compared to white participants (Mixed ethnicity UG students also reported higher levels of stigma consciousness but not stereotype vulnerability). This indicates a higher susceptibility to underperformance in academic tasks in legal education, due to awareness of social stigmas and negative stereotypes associated with one's identity, as seen in work on 'stereotype threat' (eg Cadaret et al., 2017; Pinel, 1999; Spencer, 1993).

Consequently, minority ethnic participants may have to adopt a wider range of behaviours to navigate potential discrimination and achieve positive outcomes, as seen in some survey findings on 'coping strategies'. Coping strategies refer to a student's effort to engage in behaviours to achieve positive outcomes for their identity in interactions or encounters with others. Asian, Black and Mixed ethnicity UG students, and Asian and Black LPC Candidates reported greater use of coping strategies compared to their white counterparts.

Social and cognitive factors in legal education

Our survey data evidenced differences in important social and cognitive factors in legal education based on ethnicity. Some of these factors had been identified from the SLR as potentially influential to outcomes, such as outcome expectations, remaining persistence, and self-efficacy. However, these differences were not always in line with what was predicted and were not consistent across the LPC and UG samples.

Regarding outcome expectations, in both the LPC and UG samples, Asian participants had lower ratings than their white peers. This indicates less favourable anticipations for positive future outcomes based on the goals they set for their legal education and career.

Similarly, regarding remaining persistence, in both the LPC and UG samples, Asian participants had lower ratings. This indicates less consistent actions executed for the attainment of their goals for legal education and career. It is worth clarifying that this finding does not imply that ethnicity is a determinant of persistence, as the other factors described above impact someone's capacity to keep persisting.

Moreover, Asian participants had lower self-efficacy than white participants in the LPC sample. This indicates less belief in their ability to perform tasks or behaviours that will lead to their goals in legal education and career. These findings show that Asian participants have significant challenges with the important social and cognitive factors that have been directly linked to attainment in previous research noted in the SLR.

Contrary to the findings of the SLR, in the UG sample, Black participants had higher self-efficacy and remaining persistence than white participants. In this cohort, Black participants were more likely to have had legal work experience than other ethnic groups. Altogether, these findings show mixed findings in terms of disadvantages for minority ethnic participants in terms of important social and cognitive factors in legal education.

Legal profession context

The SLR touched on the elitist character of the legal profession, bringing together literature on barriers to entry, career progression and success, and perceptions of the profession by minority ethnic individuals. Although the profession's influence over differential outcomes in legal professional assessments might not be self-evident, given that law firms are 'at the end of the line', some of our Senior interviewees noted that parts of the problem also lay with the profession itself.

The main reasons behind the profession's influential role in differential outcomes are the:

- lack of representation;
- impression it makes among minority ethnic students and candidates;
- hiring practices for positions that give funding for preparatory courses of legal professional assessments.

During the interviews, widespread hiring practices were acknowledged to play a significant part in fewer minority ethnic candidates being awarded training contracts and/or job offers. Hiring starts as early as the first year of an UG degree and is often based on restrictive definitions of merit and without taking account of contextual factors. These practices tend to be the norm in the recruitment for training contracts, or other opportunities (apprenticeships, scholarship schemes) that cover the costs of preparing for legal professional assessments. As a whole, they are especially problematic, considering the importance of funding for candidates, as discussed in the 'financial constraints' sub-section of 'legal education' above. Correspondingly, in our survey data, Asian, Black, and Mixed ethnicity Candidates compared to white Candidates were less likely to have legal employment lined up for when they complete their LPC, indicating less access to training contracts and/or job offers.

Senior interviewees emphasised the perceptions of elitism and inaccessibility associated with the legal profession, and its relationship with ethnicity and social class. That is, belonging to the same class and/or ethnicity as that perceived as the norm is likely to increase the relatability, and therefore accessibility, of the legal profession for aspiring entrants (see section on 'background context' for data on social class from our sample).

These perceptions can stem from Candidates' own experience with the profession, through placement during their studies, as was the case with one of our interviewees. They are also the outcome of a lack of representation across all levels, especially at very senior roles, in firms, coupled with lack of retention of minority ethnic staff. The lack of representation became evident to some prospective candidates through the people they saw law firms sent to career events. Similarly, in our survey data, in both the LPC and UG samples, there were lower ratings of representation of people 'like them' in the profession for Asian, Black and Mixed ethnicity participants compared to white participants.

Representation is closely related to 'prototypicality' (ie an individual's perception of whether one's identity is the ideal or prototype identity in the legal profession). In our survey data, in both the LPC and UG samples, there were lower ratings of themselves as prototypical legal professionals for Asian compared to white participants. This indicates that Asian participants felt that people like them were less 'ideal' professionals in the legal profession compared to white participants.

Likewise, in the UG sample, Black students also had a lower rating of themselves as prototypical legal professionals compared to white students.

Other factors related to representation are identification and someone's social status or value with the legal profession. In our survey data, in both the LPC and UG samples, there were lower ratings of identification for Asian compared to white participants (and, also, lower ratings of identification for Black students compared to white students in the UG sample).

Additionally, in both the LPC and UG samples, there were lower ratings of the status of people 'like them' for Asian, Black, and Mixed ethnic participants compared to white participants (although the difference between Mixed ethnicity and white Candidates was not statistically significant in the LPC sample). These findings indicate that Asian participants felt the legal profession had a more negative or poorer relationship with people 'like them', and that Asian, Black and Mixed ethnicity participants perceived that people like them had a lower social value in the legal profession.

The interviews confirmed the lack of prototypicality and identification with the legal profession. For instance, our interviewees recounted situations showing a lack of cultural awareness, embedded in the organisation structures of firms. These structures made minority ethnic staff feel 'othered' and like 'misfits'. Exacerbating the feeling of 'othered' were microaggressions, that some of our interviewees either experienced or witnessed in the professional context.

A related concept to these situations is 'identity threat' (ie an individual's perception of the evaluation of the perceived competence of their identity in the legal profession). In our survey data, both the LPC and UG samples evidenced higher ratings of identity threat for Asian and Black compared to white participants. This indicates evaluations of people 'like them' having lesser perceived competence in the legal profession. There were also higher ratings of identity threat for Mixed ethnicity students in the UG sample.

Overarching factors

The preceding contexts are key for better understanding and locating some potentially multilevel causal explanations for differential outcomes. At the same time, a series of causal factors, which cut across these contexts, can also be identified (eg exclusion, lower sense of belonging, reduced confidence, remaining persistence, etc). These overarching factors are examined in this section.

Negative legal education experiences increase feelings of exclusion and lack of

An overarching factor present across all aforementioned contexts in our interview data was that of exclusion. For some Candidates, having felt alienated during earlier stages of their education, has ingrained in them the feeling that legal education would also be an alienating experience. Negative experiences during their legal education, contribute to them feeling excluded. Those international students who had not grown up with these challenges expressed shock experiencing them when moving to the UK for their legal education.

This feeling is further compounded by day-to-day interactions in educational and professional settings, which may be marred by biases, microaggressions and others' lack of cultural awareness. Indeed, especially for minority ethnic individuals educated in the UK, who have often experienced years of exclusion, coupled with microaggressions, lowered expectations and alienation, the outcome was a strong sense of a lack of belonging. This was also evidenced from Asian UG students and LPC Candidates, and Black LPC Candidates in the survey. These groups in particular evidenced both a lack of belonging and a lack of representation in their targeted profession. Their negative experiences do not necessarily stop them from pursuing legal education or from trying to qualify, but certainly create additional hurdles throughout this journey.

Negative experiences reduce confidence and ambition

Findings from the interviews illustrate that the negative experiences discussed above, all work to create a sense of doubt in the students' or candidates' own capabilities. This can cause a reduction in confidence and ambition. Examples were given from interviewees about minority ethnic Candidates' low application rate for targeted scholarship schemes and how confidence affects classroom interactions such as whether someone asks their tutors for feedback. Getting regular feedback on work and contributing in the classroom can aid someone's academic development. Going hand-in-hand with a sense of doubt, is a lack of confidence that was named by both Candidates and Educators as possibly causally contributing to differential outcomes.

The lack of confidence can be associated with distinct background context, for instance, we observed higher confidence in students from independent schools. But lack of confidence might also derive from the lack of belonging that minority ethnic candidates tend to experience at various stages.

The need for coping strategies and barriers to maintaining resilience

Candidates that succeeded in their legal education and career told us about the pressure they felt as representing their community. Educators noted, similar to the SLR, that minority ethnic students and candidates might engage in identity shifting and other coping strategies, which can influence socio-cognitive factors that may impact on their performance. The coping strategies are discussed in detail in the Workstream 1 report [/sra/research-publications/ethnicity-attainment-gap-legal-professional-assessments/] . These require effort which diminish a person's energy for studying and interacting socially.

Regarding the survey findings for the overarching factors explaining association with differential outcomes, our data reporting will only discuss the LPC sample for which we obtained actual final attainment grades or scores in a second round of data collection. Given the levels of attrition, sample sizes for the Black and Mixed ethnicity groups that gave their grades dropped to such low numbers that reliable analyses using members of these ethnic groups were not possible. Therefore, the two groups from which analyses could still be most reliably conducted were white and Asian LPC Candidates (as they had sufficiently large sample sizes).

Our survey data enables us to present the results of pathway analysis to help us have an overarching view of how the different variables in the survey worked together (see Figure 3). Specifically, this analysis demonstrates that Asian participants' lower LPC attainment compared to that of white participants was explained as a function of Asian candidates experiencing:

- a more adverse background context (in terms of lower contextual support);
- less favourable perception of how they see themselves in the legal profession (in terms of lower status and prototypicality and higher identity threat);
- more negative social interactions in legal education (in terms of lower curriculum fit, lower complementary fit in the law school, and higher discrimination and stereotype vulnerability).

A pathway analysis demonstrates that the connection between each of these themes and outcomes can be explained by each theme leading to lower remaining persistence, which then is associated with lower LPC results.

The pathway analysis result signifies that:

- for the background context, Asian LPC Candidates' lower contextual support compared to white Candidates relates to lower remaining persistence, which then is associated with lower LPC outcomes;
- for the legal profession context, Asian LPC Candidates' lower perceived social value (ie social status), lower perceived competence (ie higher identity threat) and lower perceived prototypicality (ie being the ideal legal professional) compared to white Candidates relates to lower remaining persistence, which then is associated with lower LPC outcomes;
- for the legal education context, Asian LPC Candidates' increased likelihood to experience discrimination, lower fit with the law school and curriculum and higher vulnerability to stereotypes compared to white LPC Candidates relates to lower remaining persistence, which then is associated with lower LPC outcomes.

It is worth repeating that these findings do not imply that ethnicity is a determinant of persistence. It is also worth recalling that although these were significant differences for these broad groups, there will be differences within the Asian and white groups. Finally, it is worth noting the limitations of the sample, which has prevented any similar pathway consideration for Black and Mixed ethnicity participants.

Ultimately, these findings demonstrate that remaining persistence was a very important socio-cognitive factor in the survey data in explaining how factors that have been implicated in the literature to cause differential ethnic outcomes are related to actual results in legal professional assessments. As a reminder, remaining persistence, or simply 'persistence' in SCCT studies, refers to a person's willingness to keep pursuing or persisting in actions to achieve a specific goal in legal education and profession (Brown and Lent, 2019). Per the above, we found that this may be influenced by various factors in someone's background context, and in their experiences with legal education and the legal profession.

Figure 3: Pathway analysis results for Asian compared to white LPC participants
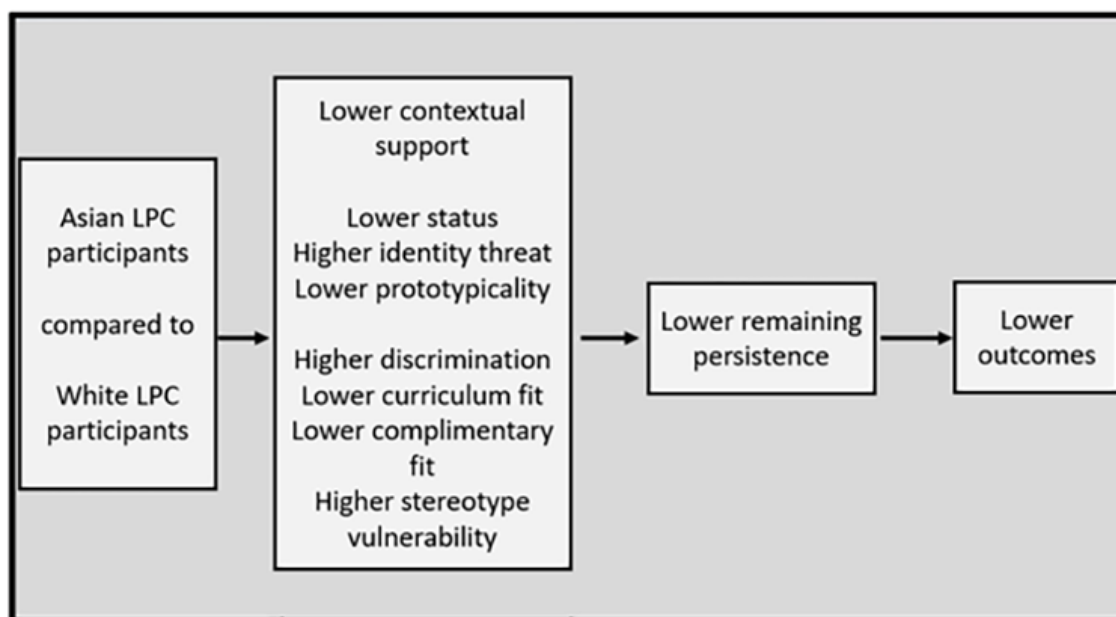
Initiatives to address the differential outcomes

In this section we focus on initiatives that interviewees described to us as already in place and making a difference, and some initial suggestions about what should be done further. They were judged as being a success based on observed or lived experiences, rather than on formal evaluation.

In addition, we include some comments from the LPC survey Candidates. As our study takes a multilevel and lifecycle approach, our interviewees had a lot to say about initiatives already underway and so we divide this section into six subsections:

1. Initiatives to increase accessibility and aspirations: outreach schemes and paid work experience.
2. Initiatives aimed at individual support, at the start and throughout their higher education journey and into legal qualifications.
3. Initiatives to address disaffirming cultures in higher education: inclusive classrooms and professional role models.
4. Initiatives regarding inclusive curriculum and diverse assessments.
5. Recruitment initiatives, including contextual recruitment, use of targets and alternative routes such as the solicitors' apprenticeships.
6. Data-driven initiatives at the firm level to improve recruitment, retention and inclusivity.

1. Initiatives to increase accessibility and aspirations: outreach schemes and paid work experience

Almost all the Senior interviewees discussed outreach schemes they either run themselves or are involved with, such as programmes in state secondary schools, internships, open days, and work experiences at secondary school or first year UG level. In addition, several Seniors mentioned involvement in larger external programmes aimed at getting underrepresented groups to apply to law. They were motivated to participate in such schemes by the potential to attract more underrepresented groups to their own firm, and to be seen to engage with particular communities around raising aspirations.

Candidates spoke of wanting to see more representation from minority ethnic solicitors doing the outreach in schools and universities as a sort of 'proof of concept' that 'someone like me' can succeed. The challenge, noted by some Seniors, is that the very few minority ethnic solicitors in some large firms then get 'trotted out' at every occasion, putting extra pressure on those individuals.

Several Candidates spoke very positively, from experience, about the success and benefits of participating in such pathway schemes at secondary and/or university stage. Candidates stated

they provided knowledge, understanding of, and work opportunities in the legal profession.

Notwithstanding the problems for minority ethnic students and candidates to gain work experience in the legal sector, Educators observed a clear correlation between students who did volunteering, work placements, internships in law and their overall academic performance.

Not all work experiences or internships were paid, some were expenses-only. It was recognised by some that running these as fully paid initiatives makes them more accessible to all. Moreover, while the individual numbers on these programmes may sometimes appear quite small (ie single figures), Seniors believed that proportionally this would make a difference given the current very low base. Apprenticeships were also highlighted as an alternative route offering financial and skills-based support to qualify.

2. Initiatives aimed at individual support, at the start and throughout their higher education journey and into legal qualifications

As described above, law firms and charitable bodies are working on increasing the aspirations of candidates from nontraditional backgrounds to apply for a law degree. This, combined with the universities' programmes of widening participation (WP), has increased the diversity of UG law students, according to Educators. It is important to note that WP programmes are not specifically aimed at minority ethnic students and that by no means are all minority ethnic students entering university on WP contextual grades.

Notwithstanding their entry route to HE, or professional courses, support for nontraditional students was singled out as key for succeeding in assessments. The follow-up LPC survey about LPC Candidates' results allowed some open-text feedback responses on 'factors driving success'. Support from the course provider was listed as the most frequent driver of success by Black and Mixed ethnicity Candidates but was not mentioned at all (as in not considered important) by white Candidates. However, the interviewed Educators' comments were varied about how successful their institutions' initiatives are to support nontraditional students once in HE.

Support types and levels vary by institution on things like induction, monitoring attendance, early interventions, and diagnoses of neurodiversities or mental health issues, but Educators named them all as important institutional-level initiatives. Some universities are working with external organisations such as the recruitment agency RARE (which was praised by several Candidates) to offer the kinds of mentoring and support that others may get from family members:

> 'It's not extra help, it's the same help your counterparts are getting, they just get it from their family and you'll be getting it from [RARE], and that way we're levelling the playing field.' (Senior)

Educators talked a lot about additional work on study skills, raising expectations and a focus on exam/assignment techniques aimed at all students who had not previously received this training. Some Candidates raised this as something they appreciate and want more of, including feedback on grading and one-to-one coaching on how to progress and improve grades. Sometimes this was organised through their institution, but often it was left to individual educators.

One Educator discussed purposefully singling out, for additional academic coaching and support, students who were attending all classes but getting average grades. They also noted that assumptions around the mentoring needs of minority ethnic students should be avoided, ie not all minority ethnic students have the same mentoring needs.

Educators stressed how important it is for internships, placement and work experience schemes targeted at minority ethnic and low SES students to be accompanied by mentoring from a professional within the firm. This is so that students can understand the importance of cultural capital of different law firms and can then develop those skills as needed. Candidates appreciated input on the 'soft skills' such as how to network, how to speak in front of different audiences and how to interview, among others.

Most Educators confirmed that the additional support mechanisms available at UG level disappear at PG/legal qualifications level. Seniors confirmed their firms often step in at legal qualifications level with initiatives to provide additional support for those with training contracts who need it. However, for those without training contracts, this appears to be another disadvantage.

Some, but not all, Seniors spoke of additional support for Candidates, specifically while completing legal qualifications and training. This often involved mentoring/reverse mentoring,

coaching and subject support, financial support and support particularly aimed at Black students. Sometimes it was provided through the external organisation, RARE.

One firm discussed an initiative that takes two junior minority ethnic lawyers and places them in an 'instant network' with eight other individuals of varying levels of seniority. This gives them access to potential mentors, in various groups and levels within the firm. Another Senior described finding ways through mentoring initiatives for minority ethnic trainee solicitors to boost the levels of social and cultural capital, and other soft skills, required to succeed in the legal profession. They implied that more traditional individuals acquired these through their backgrounds and tacit knowledge.

3. Initiatives to address disaffirming cultures in higher education: inclusive classrooms and professional role models

Several of the Educators noted their starting point was initiatives to raise awareness of the current disaffirming cultures, which may alienate minority ethnic students and candidates by not taking into account their experiences. This is because they believed their colleagues lacked real understanding of issues and experiences which sit behind differential outcomes. In the PG setting, one Educator noted their institution runs a development programme for tutors, to ensure their support and pedagogical approaches are up to date, to support an inclusive classroom culture. At the same time, they noted that this was without any actual evaluation of its efficacy.

One initiative that was deemed to be very important by a few Educators, and certainly addresses issues mentioned by several Candidates, is the Say My Name Campaign. One's name is critical to affirmation and combatting a sense of alienation. As one Educator pointed out, a list of phonetic spelling of names is provided on the graduation day register. They wondered why this was not provided to all lecturers on day one. Educators in UG or professional legal education who have implemented this spoke of immediately noticing a difference and an appreciation from students.

Several Educators discussed the importance of representative role models for minority ethnic students. For example, running a legal practice conversation series, and inviting legal professionals who are specifically from minority ethnic backgrounds. They see candidates appreciating that and engaging with the invitee, arguing that this improves candidates' sense of belonging, fit and belief in their future success. Candidates also mentioned the positive impact of seeing themselves represented on such occasions. Candidates also suggested sharing stories of graduate minority ethnic students as role models of success.

4. Initiatives regarding inclusive curriculum and diverse assessments

Educators said that making changes to modules to make them more relatable to a broader range of students was an important initiative for student motivation. Using case examples with more diverse names, religions or ethnicities assigned to various roles, reflected diversity and boosted inclusivity. Some Candidate interviewees discussed institutions' attempts (with varying degrees of success) to 'end whitewashing in teaching' and reflect the multicultural nature of British society.

In addition, Educators highlighted that it is important to create 'a space for students to be able to speak and bring their lived experiences into the module.' This, they have found, has led to increased student engagement. However, Educators pointed out that just focusing on curriculum change is insufficient to remedy the issue of differential outcomes, but it should be undertaken alongside other interventions.

A number of Educators noted the benefits of diversifying assessment methods away from traditional assessments. Additionally, several Educators stated that differential outcomes of Black students decreased at their institution during the pandemic, with the switch from in-person to remote exams. Although none shared data on this in their interviews, they stated that remote exams gave students more time and alleviated the pressure of the exam room.

5. Recruitment initiatives, including contextual recruitment, use of targets and alternative routes such as the solicitors' apprenticeships

All the Seniors spoke about changes to recruitment, targeted specifically at underrepresented ethnic groups. They used the term 'contextual recruitment' and a few specifically mentioned using the RARE Contextual Recruitment tool. Since law firms tend to make training contract offers early in an UG degree course, A-Level grades are usually still the benchmark. Contextual recruitment takes the learning context into account when assessing the achievement levels. Although

universities have been using this approach for a while, it is relatively new for many law firms. Some Seniors commented positively on having a tool that removes the subjectivity in terms of 'interpreting grades'.

Seniors also brought up the challenges of persuading colleagues of the necessity for expanding the recruitment pool. Arguments can be and were made on both 'justice' and 'utility' bases (ie what's fair versus 'the business case'). A few discussed an 'institution neutral' initiative in recruitment, such as removing the focus on which university a candidate attended. This involved removing university and school names from applications. However, it was unclear how helpful that actually was on its own, if the definitions of merit remain the same (eg A-Level grades and certain types of work experience).

Several Seniors talked about the aims of these initiatives to hire 'for potential not for polish', recognising that current definitions of merit can be restrictive. Candidates also spoke of looking for firms that were taking this approach as they felt they had huge potential to be great lawyers, but their life circumstances had not given them the 'polish' that they hoped to learn once employed. Moreover, some Seniors believed that their continued use of online events since Covid had given them a wider outreach in recruitment.

Finally, a couple of the firms had introduced the 'Mansfield Rule', whereby one third of all interviewees should be from underrepresented groups, which they believed was helping them recruit more diverse individuals.

There were varying views on whether to use 'soft/internal target' positive action initiatives for recruitment, but those that had them believed them to be useful. A number of Seniors spoke of using them for training contract recruitment, with a few stating purposeful 'overrepresentation' of minority ethnic candidates, for example 10 to 30 percent of new graduate recruits. The targets' focus was the proportion of minority ethnic trainees, as actual numbers were often less than half a dozen. A few Seniors also referred to varying internal targets across different levels within their firm. Many have had targets for gender proportions for several years, so the expansion of targets for other characteristics was not something novel.

Interestingly, although universities have been using contextual recruitment for some years, there was less talk of, and less comfort with, the idea of targets at the institutional level and none of the Educators mentioned it at a departmental (ie law school) level. Within the sector, the conversation has recently been more focused on the proportion of students from private versus state school amongst the UK's elite universities. Some critiqued the possible use of targets in student recruitment, because of the lack of follow-up support or developmental opportunities (in other words, a focus on diversity but not inclusion). However, one Educator, after pondering on these views, concluded that 'perhaps targets are the only way that you are going to change things enough'.

In addition to changes to their regular recruitment exercise, a few Seniors discussed the 'new' (to them) route to legal qualification via a solicitor apprenticeship. Other firms had their first cohort qualifying this year after six or seven years. This period covers a degree or the equivalent of a degree, the legal qualification, and work experience. One Senior spoke of pulling together a group of 50 City law firms who together will all bring in 100 to 150 solicitor apprentices over the next few years (currently there are about 50):

> 'The biggest equaliser is apprenticeships – earn as you learn. We are going into schools and helping folk think about how the law is for them. If the profession wholeheartedly embraces the apprenticeship scheme, that would make a huge difference. ... We're seeing it's a step into the profession for someone who wouldn't otherwise find it accessible.'

One Senior from a self-ascribed working-class background said they would not have contemplated taking on £50,000 to £100,000 debt in university and legal qualifications fees. Their response suggests how, for some people, the traditional route closed down the possibility of training to be a solicitor. Another Senior was very enthusiastic about apprenticeships specifically as a diversification method:

> 'It really opens up the opportunity of a good career in the City to those who might otherwise not have it, and by virtue of being looked after by the firm. My concern is actually protecting the apprenticeship route for the nontraditional candidates. My concern is that the middle-class white kids will soon realise this is a cheaper way in and will step into those roles, which I think should be protected.'

Educators in professional courses pointed to a positive association between apprenticeships and performance in the SQE (based on what they witnessed in their institutions, and this is also clear from the relevant data). They attributed this at least partly to the learning environment and support of already working at a law firm. They also stressed the financial support provided, and the learning on the job as additional positive aspects, that can help boost performance in legal professional assessments. Other Educators cautioned against a 'one size fits all' approach, noting how apprenticeships may not work for all students or candidates.

6. Data-driven initiatives at the firm level to improve recruitment, retention and inclusivity

A very small number of firms really focused on collecting and responding to diversity data within their firm, rather than generically addressing assumed issues and 'confusing activity for productivity', as can often be the case with diversity initiatives. Questions about the use of data across several firms revealed differences in approaches: whether data was used mostly for accountability or whether it had a learning purpose to drive initiatives. The obvious danger is that if initiatives are not based on good data, they could be trying to tackle the wrong problem.

> 'Diversity issues are emotive and based on values and so we end up building solutions based on our experience and belief rather than facts. This cannot be the basis of strategy.' (Senior)

Every firm in our research stated an interest in increasing nontraditional representation at the recruitment stage. But only a few firms that were strategically using their data realised that where they had been successful for a few years in their recruitment, there was then a retention issue particularly with Black lawyers. For example, one firm found a retention gap of white lawyer tenure of seven years but Black lawyer tenure of 2.6 years and the realisation that 'the key to promotion is getting the first four years right'. Disaggregating data in their firm for different ethnic groups, for example Middle Eastern, East Asian, South Asian, and Black revealed differing issues requiring different inputs.

Another data-based initiative found that Black individuals were disproportionately likely to be the only Black person on the team, whereas analysis showed that 'if they were randomly assigned, you'd be six times more likely to not be the only Black person on the team'.

The data also showed that if the Black new starter was a high/medium achiever, they were disproportionately more likely to leave if they were the only such person on the team. Therefore, the firm was able to take an initiative to ensure such individuals were not so spread out.

Actions

Reflecting on the findings of the whole project (contents of the SLR, recommendations from comparative data, and original data generated through both empirical strands of the research), and drawing on our expertise, we identified a series of actions for the key stakeholders involved most closely with legal professional assessments:

    a. those with responsibility for the provision and delivery of legal education at all levels;
    b. law firms; and
    c. the SRA as the regulator of solicitors in England and Wales.

We recognise that some within these stakeholder groups are already progressing actions similar to those suggested below, some of which are described above and that others can learn from. It would be useful for there to be a wider consideration of, and commitment to, actions that drive forward more widespread progress in addressing differential outcomes.

For those with responsibility for the provision and delivery of legal education

Education and training providers have the most direct influence over students' outcomes. Respondents emphasised the importance of awareness, diversity, accountability, resources, and collaboration in promoting an inclusive legal education environment. They suggested some actions to promote positive experiences and outcomes for minority ethnic students. We have distilled these into the following points, for providers to consider what more they can do to:

    1. Increase understanding of the need and ways to support minority ethnic students.
    2. Ensure greater diversity among teaching staff, senior leadership and decision-makers.

3. Ensure that senior management at education institutions take responsibility for reducing differential outcomes.
4. Provide more resource required to help increase academic skills, such as assessment preparation.
5. Enable greater collaboration with law firms for paid work experience, practical help with lawyer skills including soft skills, networking, and cultural capital.

Firstly, there was an awareness that substantial proportions of university law academics were not sufficiently aware of the problem and its causes. There was a sense of 'first we need to educate ourselves' from the Educators. This would involve giving academics training, time and space to understand issues around diversity paradigms (ie the difference between equality and equity) and cultural competence, and to work with students to co-create change. This was suggested also by Candidates.

Some Candidates suggested that universities still need to be more responsive to minority ethnic students' complaints about discrimination, which should be dealt with urgently. In addition, Candidates suggested specific training for teachers on the impact of their actions on minority students that make them feel excluded, and on better dealing with students for whom English is not their first language.

The above echoes UUK's 2019 recommendation that HE providers engage in dialogue about race and changing cultures at the institutional level (UUK 2019, p. 24). It is also in line with the GMC's (2023) recommendations regarding international medical PG training for qualifications. The GMC suggests not only mentoring, coaching and good induction support for those incoming students but also institutions working at their own intercultural competence.

Citing examples of very deprived secondary schools getting children into Oxford or Cambridge, there was an acceptance amongst Educators that whatever the young person's background 'you can nurture students in a way they can succeed'.

While Educators felt individual academics could do more to engage with the issues, they all recognised the structural issues that might prevent this. For example, what was described by many as the 'massification of higher education', with significantly increased class sizes (now in the hundreds) meaning that law courses are seen as 'a bit of a cash cow'. This suggests a need to increase the staff to student ratios to allow academics to engage more to help transition students 'particularly the ones who genuinely have no mentors, no [academic] background and no support'. Another example was that policies on mitigating or extenuating circumstances, that might affect students' ability to take an assessment or impact their performance in an assessment, could also include the long-term issues that some minority ethnic students face.

Secondly, there are calls for work to increase not only the diversity of academic law staff (faculty), but also of senior leadership teams so that those designing policies and making decisions regarding tackling the issue 'really understand the barriers that students from different ethnic groups are actually facing'. Educators from universities and legal qualification training providers pointed to their own data or to comments made by students that while the campus is more diverse in terms of students, the 'senior leadership generally of the university is broadly white'. Whether perception or reality, this gives the impression that the needs and concerns of minority ethnic students or faculty will be less likely to be considered. This echoes a recommendation from the 2022 UUK report, following their own survey and focus groups, that alongside diversity practices and policies, diversifying senior leadership was an important next step.

Thirdly, there are clear calls for senior management within HE institutions to be more accountable, to monitor and report on data and implement evidence-based practices. For example, consider what has worked previously to increase gender representation. This reflects prior UUK (2019) and GMC (2018) research which recommends making evidence-based decisions on differential outcomes and implementing policies that had been proven to make a difference. In addition, the GMC (2018) emphasises a need for more metrics encompassing environmental and demographic factors to clearly measure outcome data over time, across trainee cohorts and for institutions to grow their evidence base.

There were several suggestions from Educators and Candidates for senior management to listen to minority ethnic students in the conversations about differential outcomes and involve them in developing initiatives. There was also a clear requirement for management to take responsibility to ensure that different groups of students can achieve the same results: 'Stop blaming the student for not going to a nice school or not speaking perfect English.'

There were suggestions that most HE institutions need to be much braver about owning the conversations and potential solutions. It was suggested that while the very top institutions, being most in the spotlight, have taken strong action, those just below were 'very wary and scared' of being bold. They were described as taking 'a knowingly agnostic approach to the permissibility under the Equality Act to take measures which seek to provide equality of outcomes' and appeared scared to 'treat those students more favourably than others', revealing a lack of understanding or acknowledgement of privilege.

This approach contrasts with the recent UUK (2022) action-focused recommendations to:

- put in place greater accountability measures to ensure targets are being met;
- formalise accountability for removing differential outcomes as part of staff appraisals;
- implement dashboards with trained staff to manage outcome data centrally;
- use Race Equality Charter resources to track progress and action plan as needed.

Fourthly, all Educators spoke of the need for more resource to support struggling students, with time being the biggest factor cited by university Educators. Many universities now claim to offer additional academic skills support. As noted earlier, support from the course provider was listed as the most frequent driver of success for Black and Mixed ethnicity Candidates in the open-text feedback of our follow-up LPC survey. A lack of support from the course provider was listed as the most common cause of roadblocks for Asian Candidates and the second most common reason cited by Mixed ethnicity or Black Candidates. Interestingly, support from the course provider did not feature in the top ten barriers nor in the factors driving success for the white LPC Candidates. This would suggest that legal qualification providers should be cognisant of the types and levels of support provided and work together with different minority ethnic groups to understand their utility.

And finally, several Educators and some Candidates and Seniors called for more collaborations between their institutions and firms aimed at either minority ethnic and/or widening participation (WP) students, for example, with paid internships. Educators can teach the students law, but not necessarily the behaviours of a lawyer. One example was given with six UG interns who had gone through a rigorous selection process, based on criteria given by the law firm. The law firm then paid them a living wage and helped with housing costs. The Educator and Seniors involved in the scheme had agreed that the experience at the firm would give the interns training specifically around some of the social and cultural elements of 'polish' that are interpreted as 'merit' at recruitment stages.

Education and training providers could also consider whether they are providing appropriate and adequate preparation and support to their students for law firms' recruitment processes. Collaborating with a variety of law firms and employers of in-house solicitors, to understand the different recruitment processes and tests, could be a way to help a wider range of students to access training contracts, work experience and jobs.

Another benefit of collaborating with a wide range of employers would be to ensure that education and training providers are aware of recent and ongoing Diversity and Inclusion (DNI) activities of law firms and their impact on entry and progression in the profession.

For law firms

Here we draw specifically on the Candidates' voices, when speaking about their current or potential employers. This research found that education outcomes were influenced by law firms' recruitment, progression and inclusion practices and students' perceptions of the profession and their future roles. We have summarised our research participants' suggested interventions below, which are working well in the firms already implementing these. Firms can consider what, or what more, they can do to:

1. Have safe spaces and inclusive cultures for all staff and trainees.
2. Use contextual recruitment, especially for roles involving funded preparatory courses for legal professional assessments.
3. Measure recruitment and retention performance against appropriate diversity targets at all levels to ensure greater diversity in senior leadership.
4. Provide focused mentorship and sponsorship to minority ethnic staff and trainees.

Firstly, Candidate interviewees who were either going through or had completed preparatory courses while on a training contract with a law firm spoke of the need for firms to create 'safe spaces' for minority ethnic individuals to share their lived experiences. This helps to address the

finding that minority ethnic students were more likely than white students to feel unrepresented in, and that they might not 'fit in' to, the profession, which impacted their ambition. Some suggested diversity networks, and most of the law firms whose Seniors we interviewed had these already in place (alternatively called 'affinity groups'). But the higher-level recommendation from this is that the firms' cultures need to be more inclusive (especially if the only space minority ethnic individuals feel safe is within the affinity group). Candidates specifically recommended that firms aim for inclusive environments, which are more accepting of different behavioural styles within a high-performance environment, and which allow junior individuals to make mistakes and therefore learn.

Secondly, we noted earlier the perception that most recruitment processes are merit-based, however, those that are based on past education outcomes will disadvantage those who have had poorer education experiences and maintains the status quo in representation in the profession. Contextual recruitment for apprenticeships and other routes that cover preparatory courses', and often maintenance, costs has been found by the firms using this to offer a more diverse pool of candidates. This reflects the survey and interview data, and the importance placed by Candidates on having their preparation for legal professional assessments funded by their employer.

For the sectors where funding such courses is not the norm, initiatives could be put in place, in cooperation with the relevant stakeholders to fund at least some candidates. And firms could consider whether their hiring practices for training contracts are fully accessible to students with less experience of the profession, ie those who do not have contacts in the profession.

Thirdly, some Candidates discussed the use of targets for either Black or all minority ethnic solicitors in firms, with arguments about firms taking accountability for taking positive action to drive meaningful change. This could address the limited representation in the profession and feelings of fit and chances of 'success' in the profession. And that while recognising an increased level of activity around diversity issues, without targets 'success is unmeasurable'. Some specifically focused on targets for partner level within firms, understanding that cultures will not change simply by bringing in more ethnic diversity at the bottom of the organisation. There was also reference to targets having been used in previous years by law firms to address gender diversity issues.

And fourthly, Candidate interviewees who were already employed by law firms recommended that firms provide more mentorship and sponsorship support for minority ethnic junior solicitors. This can help address the lower feelings of 'fit' and would help to provide connections in law firms that can give guidance and recommend students and trainees to decision-makers for those who do not already have these networks. Mentoring support was recommended from the start of the preparatory courses under training contracts, from an associate lawyer who had recently passed their legal qualifications, for tips and best practice for success. Once working within the firm, Candidates recommended that minority ethnic solicitors are given sponsors, acting as someone 'in their corner' who can vouch for them career-wise, putting them forward for activities beneficial for their career. Firms that already offer this type of support see benefits, and some Seniors noted the benefits of reverse mentoring too.

We did not interview or ask perceptions about in-house solicitors, so cannot indicate the role of employers of in-house solicitors. However, based on the SLR findings, it is evident that policies and processes that increase representation, positive role models and inclusive cultures are beneficial in all working environments.

For the SRA

Given the importance of diversity in the sector (part of the regulatory objectives) and the SRA's commitment to diversity (eg commissioning this research, the objectives of the SQE and its current business plan commitments), the SRA has a key role in enabling change. Therefore, to further progress diversity and potentially improve the legal professional outcomes of students in minority groups, the SRA could consider continuing and expanding activity in:

1. Playing a leading role as a change agent in progressing diversity across the profession, eg showcasing good practice and convening stakeholders.
2. Monitoring diversity data and initiatives across the profession and education.
3. Sharing relevant diversity research with stakeholders to support evidence-based practice.
4. Providing information about qualifying as a solicitor.
5. Increasing the SRA's ethnic diversity at leadership levels.

Firstly, Seniors and Educators proposed a much stronger role for the SRA to lead on DNI issues in the legal field, focused on diversity more generally rather than ethnicity specifically. Both groups of interviewees saw the SRA as instrumental to the structure of the profession, and that if their role was to regulate the profession, it should also be to 'regulate access to the profession ... to ensure it's fair'. This should include being aware of and acting upon data from firms that reveals that, for example, minority ethnic solicitors have much shorter tenures.

Both groups stated their belief that the 'health of the profession' and 'reputation of the sector' were very much in the SRA's remit. Therefore, they felt that the SRA should manage more 'actively as an agent of change', rather than what was currently perceived as 'conscious neutrality', which is perceived when, for example, roundtables on DNI are held but clear action plans for behavioural change are not widely shared.

Interviewees highlighted that law 'needs to be representative of the population for it to sustain faith in itself'. In that regard, there were suggestions of more joined up and collaborative approaches, where the regulators facilitate and/or spearhead initiatives.

> 'I do truly believe that one firm doing something is not going to change the legal profession, but 25 of them doing it with the backing of the regulator, with input from education, does.' (Senior)

It would therefore be useful for the SRA to expand its work on improving the diversity of the profession. This would improve factors that were found to impact outcomes, such as students' law identity and stereotyping. For instance, the SRA's online diversity resources could be expanded and widely shared. And it could take even more of a leading role in working with relevant stakeholders, including regulators and other bodies in other sectors, to progress initiatives and information-sharing that will support and improve students' outcomes.

Secondly, most Senior interviewees were aware of the SRA collecting diversity data, but not of what happens to it, in other words, to what extent was it collated or analysed? It was suggested that the SRA could usefully play a role in keeping on top of the data, looking for patterns and trends and feeding it back to the profession.

We note that the SRA regularly reports on the [diversity data it collects from law firms](/sra/equality-diversity/diversity-profession/diverse-legal-profession/), as well as [diversity data related to SQE results and LPC results](/sra/research-publications/topic/education-training/). Additional steps could be to build a database such as those existing in the medical sector, with comprehensive data available to enable further research on differential outcomes.

In addition, the GMC (2023) publishes disaggregated data annually to track outcomes of PG doctors at the various stages of training. To further the work on understanding the causes behind differential outcomes, surveys similar in content to the ones undertaken as part of this research could be distributed before and after professional assessments. This could help ensure the collection of more comprehensive data that could help address some of the limitations of current research (eg higher chances of capturing data from those failing their assessments). This could be considered as part of their [ongoing monitoring and reporting of the impacts of the SQE](/sra/research-publications/evaluating-sqe/).

University Educators were aware of the HE regulators monitoring university data, and so there were calls for the SRA to monitor the providers of PG legal qualifications in the same way. They suggested that this could involve some sort of requirement for providers to identify differential outcomes, publicly make commitments to close any gaps, and put in place initiatives to address issues. Several of the Seniors were comfortable suggesting 'a system of reward and penalty for hitting certain metrics' as this was culturally more the norm in their organisations than in HE (despite all HE universities now having to produce an Access and Participation Plan 2020 to 2025 for the OfS, with stated objectives and actions).

Questions were raised about the feasibility of the SRA taking on a more prominent role in monitoring and enforcing the above against educational institutions, 'but [with] an absence of any of that sort of oversight in that respect, the introduction of some of it can at least bring the conversations forward if nothing else' (Senior).

All interviewee groups stated a belief that law firms and legal education providers should be held accountable to the SRA for progressing diversity initiatives, policies, and outcomes. For example, some Candidates suggested the SRA should have a role in pushing them to publish data on representation of ethnicities, with their plans to address shortfalls. They felt this could be done on a 'comply or explain' basis (similar to the Financial Reporting Council regulations for public listed

companies) and that this transparency would then allow clients and potential employees to choose not to engage with firms who were underperforming.

Along the same lines, a study of differential outcomes at the Intercollegiate Membership of the Royal Colleges of Surgeons (MRCS) examinations recommended that for interventions to be sustainable, they must have clearly defined outcomes, and be regularly monitored and evaluated for their effectiveness (Ellis et al., 2022). Additional research from the medical profession also called for the GMC (2023) to partner with public bodies and training organisations to share best practices. One such organisation could be the SRA.

We recognise that the SRA has no regulatory remit for education providers and note its plans to publish more SQE results data. And therefore, the action based on these suggestions is a consideration of the role it could take in continuing to monitor the diversity outcomes in the profession and education. And to consider expanding this by providing more disaggregated data where possible and to consider asking law firms to do more to support aspiring solicitors.

Thirdly, there was a suggestion from one Senior that the SRA should be a convenor of, or repository for, research into DNI. They spoke specifically about the SRA mapping the research: 'rather than create more research, it could be about coordinating what is there and taking on that responsibility as the umbrella body'. This Senior was one of a few who were vocal about evidence-based initiatives, conscious that often organisations jump into DNI activities without fully understanding or taking a strategic approach.

Our SLR and comparative research brought together a broad spectrum of past research, which has been a valuable exercise commissioned by the SRA. To continue to collate all academic and other relevant research on an ongoing basis would be useful but there is no evidence that a regulator of one profession is the best organisation to prioritise this. We note that the SRA convenes a research forum with other regulators, and it could consider extending this and also sharing relevant research with other stakeholders.

Additionally, the SRA's law firm diversity data tool [/sra/equality-diversity/diversity-profession/diverse-legal-profession/] could be used to track the diversity of the sector. The data tool can provide additional insights for all relevant stakeholders about progress, as well as any specific areas that require tailored intervention. Annual highlights could be reported, and disseminated widely to ensure those with a DNI remit can come together to address any pressing issues and raise awareness of good practice across firms.

Fourthly, another suggestion raised by a number of Seniors was for the SRA to be more active in the space of advice about routes to legal qualifications and in marketing the profession as accessible. For example, they suggested it could do more to promote more accessible alternatives such as the apprenticeship route. The point was made that people usually seek such career information from professional bodies – examples were given of the Royal Institution of Chartered Surveyors for surveying and the Chartered Institute of Personnel and Development for people management. But 'if you want to go and be a lawyer, well, if you put in 'solicitor' the College of Law and BPP are the first thing that comes up, and it's their careers advice you hit, not the SRA' (Educator). Unease was expressed about private providers filling that gap and that for a balanced view one should go to the regulator.

We recognise that the SRA has no regulatory remit in providing careers advice or in providing education or training. However, the solicitors' professional body, The Law Society, does have online careers resources and the SRA has some online resources for aspiring solicitors [/become-solicitor/sqe/]. As the SRA regulates the SQE, it could consider providing more resources to support SQE candidates, for example, resources to help them better prepare for the examinations which was found to improve outcomes.

Finally, several Educators and Seniors suggested that the SRA might want to consider its own ethnicity diversity, particularly at the leadership levels, to be able to fully understand the issues and come up with viable solutions. The evidence shows that increased diversity would improve students' feeling of belonging which can drive ambition. And it would provide positive role modelling to law firms for their ethnicity diversity too.

The SRA was perceived by some as lacking in the diversity of lived experience, as 'mostly white, mostly middle-class, they are struggling to come up with solutions that would actually work' (Educator). It was suggested that the SRA puts together a small, diverse, change-oriented (as opposed to just activity-focused) task group, with clear objectives stated by the head of the organisation. It has been noted in other actions that driving change by involving multiple

stakeholders would be a big step forward in reducing differential outcomes, so this task group could be considered as part of that work, alongside increasing diversity across the various stakeholders.

There is strong evidence from our research that a lack of representation across the profession and in education providers, especially in senior roles, impacts legal professional education outcomes. Therefore, improving this is key to improving the issue of differential outcomes. And the SRA's role in improving diversity in itself and the profession, and its role in working with others, are important parts of driving change.

For the sector

There were some further suggestions about what could help to improve outcomes for all students. The first would require a shift in the regulation of education providers, which we recognise would be a difficult undertaking for any stakeholder. The second would involve wider collaboration across the various stakeholders in the legal and education sector.

1. Improve regulation of professional legal education: ie by changing the regulatory remits so that there is more scope for the SRA's involvement in educational matters.
2. Improve access to and quality of legal career advice, including on the accessibility of legal careers – eg multiple routes into the profession.
3. Regular reviews of policies and practices.

Firstly, there were suggestions that the SRA should be given regulatory remit to oversee the legal qualification providers, with concerns raised about some providers' driving force being profitability over education. There were questions raised about whose responsibility it is to determine who gets to study law, with a concern that some providers were profiteering from a large overseas market selling qualifications to individuals 'without a realistic chance of securing a training contract'.

Amongst Educators and Seniors there was a lack of clarity as to whether or not there was 'systematic collection of data' about providers by the SRA, and a stipulation that a regulator should 'hold the education systems to account'. While several Seniors were pleased that the SQE is externally monitored and regulated by the SRA, there were suggestions that the SRA should be more closely involved with regulating the preparatory courses for legal qualifications.

> 'If the SRA were saying, we are going to set up a college and you must all pass through this college before you take your SQE, and we can then create the atmosphere to make you all succeed, that would be one thing. But to just leave it to the market to create these courses and charge people, with the promise that they'll get through and they don't get through, that's a problem.' (Educator)

More radical solutions proposed by a small number of Educators and Seniors included the SRA getting more involved with provision of knowledge and/or tutoring for the SQE. While acknowledging it would require some initial investment, there were suggestions regarding online knowledge provision as a leveller: 'I'm not sure why they cannot just produce their own content to put on YouTube, training everyone so that everyone gets a little bit of a similar type of knowledge' (Educator). Similar suggestions were made by the Royal College of Surgeons of England (RCSE), to improve access to RCS materials, detailed information and guidance, irrespective of candidates' financial means.

In line with the aforesaid, and interviewees' suggestions that the SRA should be more closely involved with regulating the preparatory courses for legal qualifications our conclusions are that this would be useful to enhance accessibility, increase accountability of the education system, and address concerns raised about potential profitability over education. However, we recognise that the whole regulatory system would require some change to make it actionable.

Secondly, across the various levels prior to and leading to legal professional assessments, the pertinent stakeholders could come together with collaborative initiatives, initially in the form of pilots, that aim at improving access to and quality of legal career advice, including on the accessibility of legal careers, and setting out all possible routes for qualification.

Finally, as with any intervention or training, it is important to evaluate its success and identify gaps or weaknesses in diversity policies and initiatives (Özbilgin, 2023). There is no one-size-fits-all solution to address organisational diversity (Onyeador, et al., 2021), and sector leaders can adopt best practice from other professions and also tailor practices to the particularities of the

legal sector. In addition, regularly reviewing diversity policies and initiatives signals to employees that the organisation is committed to creating an inclusive environment (Windscheid et al, 2016), which can boost morale and productivity.

In line with the recommendations relating to the MRCS, above, regular monitoring of any intervention in the sector would be beneficial.

Acknowledgment

The research team would like to thank everyone involved in this research project and the production of this report: the Solicitors Regulation Authority (SRA) for their funding, guidance and support, the project's External Reference Group who offered us support and advice, as well as Dr Chris Begeny and Chris Brown for their assistance with the research for this report.

References

Anderson-Butcher, D., Amorose, A., Iachini, A. and Ball, A., 2012. The development of the perceived school experiences scale. Research on Social Work Practice, 22(2), pp.186-194.

AdvanceHE, 2019. Equality + higher education Students statistical report 2019.

Bar Standards Board. 2019. Differential Attainment at BPTC and Pupillage analysis.

Bar Standards Board, 2022. Differential outcomes on the Bar Professional Training Course - 2014-2020.

Bailey, S.H., 2018. Comments on the LSB final Decision Notice 26 March 2018 on the SRA's application for approval for regulatory changes concerning the SQE: Edited by Graham Ferris. The Law Teacher, 52(4), pp.513-518.

Bone, A. and Maharg, P., 2019. Introduction: Legal education assessment in England. Critical Perspectives on the Scholarship of Assessment and

Bosch, G., Sealy, R., Alexandris-Polomarkakis, K., Makanju, D. & Helm, R.K., 2023. The ethnicity attainment gap in legal professional assessments: A systematic literature review and next steps. Interim report for the Solicitors Regulation Authority.

Bradney, A., 2024. The sound of silence: the SRA and the SQE. The Law Teacher, pp.1-4.

Brown, S.D. and Lent, R.W., 2019. Social cognitive career theory at 25: Progress in studying the domain satisfaction and career self-management models. Journal of Career Assessment, 27(4), pp.563-578.

Cadaret, M.C., Hartung, P.J., Subich, L.M. and Weigold, I.K., 2017. Stereotype threat as a barrier to women entering engineering careers. Journal of Vocational Behavior, 99, pp.40-51.

Ching, J., Maharg, P., Sherr, A. and Webb, J., 2018. Legal Education and Training Review: a five-year retro/prospective. The Law Teacher, 52(4), pp.384-396.

Davies, M., 2018. Changes to the training of English and Welsh lawyers: implications for the future of university law schools. The Law Teacher, 52(1), pp.100-125.

Department for Education, 2019. Early years foundation stage profile results in England.

Department for Education, 2023. School results for 10 to 11 year olds.

Department for Education, 2023. Students getting 3 A grades or better at A level.

Department for Education, 2024. Key stage 4 performance.

Ellis, R., Brennan, P.A., Lee, A.J., Scrimgeour, D.S. and Cleland, J., 2022. Differential attainment at MRCS according to gender, ethnicity, age and socioeconomic factors: a retrospective cohort study. Journal of the Royal Society of Medicine, 115(7), pp.257-272.

General Medical Council, 2023. Tackling disadvantage in medical education Analysis of postgraduate outcomes by ethnicity and the interplay with other personal characteristics.

Guth, J. and Dutton, K., 2018. SQE-ezed out: SRA, status and stasis. The Law Teacher, 52(4), pp.425-438.

Hall, E., 2018. Glass houses: how might we decide on a "good enough" assessment to become a solicitor? The Law Teacher, 52(4), pp.453-466.

Higher Education Statistics Agency (HESA), 2023. Higher Education Student Statistics: UK, 2021/22.

Lee, V.E. and Smith, J.B., 1999. Social support and achievement for young adolescents in Chicago: The role of school academic press. American educational research journal, 36(4), pp.907-945.

Maharg, P. and Webb, J., 2019. Of tails and dogs: Standards, standardisation and innovation in assessment. Perspectives on the Scholarship of Assessment and Learning in Law, p.25.

Onyeador, I.N., Hudson, S.K.T. and Lewis Jr, N.A., 2021. Moving beyond implicit bias training: Policy insights for increasing organizational diversity. Policy Insights from the Behavioral and Brain Sciences, 8(1), pp.19-26.

Özbilgin, M.F., 2023. Diversity: A key idea for business and society. Taylor & Francis.

Pinel, E.C., 1999. Stigma consciousness: the psychological legacy of social stereotypes. Journal of personality and social psychology, 76(1), p.114.

Spencer, S.J., 1993. The effect of stereotype vulnerability on women's math performance. University of Michigan.

Universities UK (2022) Closing ethnicity degree awarding gaps: three years on.

Universities UK (2019). Black, Asian And minority ethnic student attainment at UK universities: #CLOSINGTHEGAP

Windscheid, L., Bowes-Sperry, L., Kidder, D.L., Cheung, H.K., Morner, M. and Lievens, F., 2016. Actions speak louder than words: Outsiders' perceptions of diversity mixed messages. Journal of Applied Psychology, 101(9), p.1329.

Downloads

- [Potential causes of differential outcomes in legal professional assessments (PDF 59 pages, 422KB) [/globalassets/documents/sra/research/potential-causes-of-differential-outcomes-in-legal-professional-assessments.pdf]](#)
- [Qualitative interview insights report (PDF 64 pages, 500KB) [/globalassets/documents/sra/research/qualitative-interview-insights-report.pdf]](#)
- [Quantitative data insights report (PDF 63 pages, 1.11MB) [/globalassets/documents/sra/research/quantitative-data-insights-report.pdf]](#)
- [Quantitative data appendices (PDF 136 pages, 1.7MB) [/globalassets/documents/sra/research/quantitative-data-appendices.pdf]](#)