



## Barriers to progress

A crisis of culture: the legal sector risks losing talented lawyers who don't fit the traditional mould, says CILEX Chair Professor **Chris Bones**

A recent survey of over 2,000 CILEX lawyers found that they face discrimination and unfair treatment by fellow professionals and particularly their employers. Despite their qualifications and experience, many felt they were treated with a lack of respect and that their employers considered them to be lesser lawyers than their solicitor counterparts. 81% believed the rest of the profession looks down on them (see <https://bit.ly/3l4gKXp>)

The findings came only days after hard hitting surveys from LawCare and the Bar Council that found legal professionals were experiencing widespread problems with mental health, discrimination, bullying and harassment (see *Life in the Law 2020/21*, LawCare, September 2021; Bar Council's *2021 Working Lives Survey*, September 2021).

Clearly there is a problem in the profession, a crisis of culture that is not serving CILEX lawyers or other legal professionals well and ultimately is detrimental to the services the legal sector provides. We need to see real change, particularly if we are going to increase diversity across the sector and become more representative of the society we serve.

CILEX's report showed that the barriers that all CILEX members face are compounded further if they are female, ethnic minority, or went to a non-selective state school.

Almost half of ethnic minority respondents believe they have experienced discrimination in their careers. Just 34% of ethnic minority CILEX lawyers and 49% of white CILEX lawyers thought their employers sought to promote people from diverse backgrounds into leadership positions.

Most CILEX lawyers qualify by fitting in

study around work. For so many, university education was not an option and without the possibility of evening or weekend study it would have been hard to progress in the profession. They bring fresh perspectives, skills and years of work experience, yet it appears many are not getting the support they need to maximise their potential.

The findings make for uncomfortable reading when you consider that three-quarters of responding CILEX members were women, 17% from an ethnic minority background and 70% from a non-selective state school. Too many legal sector employers appear to have a problem with employees who don't fit the mould.

### Career development

The vast majority of respondents to our survey felt that CILEX lawyers were passed over for promotion. 70% believe they are paid less than others for doing exactly the same work and only 54% considered that everyone where they worked, including CILEX lawyers, could become a partner.

The survey showed a lack of support from employers for career development and leadership training. Many view the law as an 'old boys' club' with too many restrictive practices and barriers to entrance and progression. This reflects the Social Mobility Commission's findings that the privately educated still dominate the profession and work by the Bridge Group that found 53% of partners at leading law firms in England attended independent schools.

There are of course many good employers out there that are qualification-route blind, do not seek only to recruit those in their own image, and appoint, promote and

reward entirely on the basis of capability and merit. Over 1,000 CILEX Lawyers are partners in firms that do just that. I want to see lawyers rewarded and promoted on the basis of outcomes, not their title, become the norm and for more and more firms to reap the benefits of investing in all their lawyers regardless of their background.

Harnessing that talent and ambition will see those firms attract and retain good lawyers, help them to grow organically and build a more diverse workforce.

### Levelling up

Faced with the evidence from our survey, it is now time to stop talking and start encouraging action across employers of all types to re-set targets and aspirations for the legal sector and to engage actively in a sustained programme of 'levelling up'.

How can we encourage and celebrate work environments that nurture, develop and reward equally for work of equal value, establishing performance-based pay policies as the norm for legal employers rather than those relating to title?

Changing an ingrained culture is a challenge but one that needs to be addressed urgently if we are to turn the tide on a growing crisis of management that is leaving many in the profession stressed, demoralised and unable to reach their full potential.

Individual employers can only do so much—an industry-wide problem requires top level focus—so we are writing to the Law Society and the Bar Council, as the other two major professional membership bodies, suggesting we meet and discuss how the issue of poor management practice across the sector can be properly tackled.

I would like to see an employment standard for legal services that outlines best practice and defines positive behaviours and processes firms should have in place to create a work environment where every employee thrives. Those which meet the externally benchmarked standards would become sought after employers and set a blueprint for others to follow.

As someone with a background in industry, it strikes me that that the law, more than other sectors of our economy, is still operating within the mores of an outdated class structure that was never kind to those who don't fit the traditional mould of what a professional is expected to be. If we want a legal sector and a justice system that represents the society it serves then as a sector, together, we will need to take class out of our profession and replace it with respect for professional standards associated with outcomes not with title.

**Professor Chris Bones**, chair of CILEX (the Chartered Institute of Legal Executives).