



Diversity Data from 2020/21 Practising Certificate (PC) Renewal

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Ethnicity

Overview

- The most recent Scottish census was conducted in 2011, meaning that the data is now ten years old. It is likely that Scotland is a more diverse country than the census suggests.
- The profession is largely white and likely more white than the Scottish population as a whole. The last census did not have a 'Prefer not to say' option, whilst more than 7% of our members selected that option. Therefore, the solicitor population figures reported below for each ethnic group are likely to be a little smaller than in reality they are.
- The profession is becoming more diverse. There is a significant increase in the number of solicitors from a Black, Asian and Minority Ethnic (BAME)¹ background when under the age of 30. Data that we have from LLB providers and DPLP providers suggest that this trend may well continue, but progress may not be uniform across people from different communities.

Table A: Scottish census 2011 vs solicitor population 2020/21

Ethnic group	Scottish census 2011	Solicitor population 2020/21 (difference with Scottish 2011 census)
White Scottish / White British	91.83%	86.47% (-5.36%)
Prefer not to say	N/A	7.13%
Other	N/A	1.48%
White Irish	1.02%	1.24% (+0.22%)
Pakistani British, Pakistani Scottish or Pakistani	0.93%	0.95% (+0.02%)
Mixed or multiple ethnic groups	0.37%	0.74% (+0.37%)
Asian British, Asian Scottish or Asian	0.40%	0.43% (+0.03%)
Polish	1.16%	0.30% (-0.86%)
Jewish	N/A	0.29%
Indian British, Indian Scottish or Indian	0.62%	0.29% (-0.33%)
Chinese British, Chinese Scottish or Chinese	0.64%	0.26% (-0.38%)
Sikh	N/A	0.16%
African British, African Scottish or African	0.55%	0.13% (-0.42%)
Bangladeshi British, Bangladeshi Scottish or Bangladeshi	0.07%	0.06% (0.01%)
Arab British, Arab Scottish or Arab	0.18%	0.05% (0.13%)
African – not specified	0.01%	0.01%
Black British, Black Scottish or Black	0.04%	0.01% (-0.03%)
Caribbean, Caribbean Scottish or Caribbean British	0.01%	0 (-0.01%)
Gypsy / Traveller	0.08%	0 (-0.08%)
Roma	N/A	0

¹ We are aware that BAME is seen by some to be an unhelpful acronym and that it can exclude some of the most marginalised and disadvantaged groups in society, including white minorities, such as Gypsy/Traveller and Roma people. We use the term with this commentary in mind and would be open to any conversations for better, more inclusive catch-all terminology. Further reading can be found here: <https://www.bbc.co.uk/news/uk-politics-43831279> and here: <https://civildservice.blog.gov.uk/2019/07/08/please-dont-call-me-bame-or-bme/>

Notes and observations

- To a large extent, we used the criteria outlined at the Scottish census of 2011. We did make a number of predictions about categories that may be added to the 2021 census, given discussion papers by Scottish Government and representations to it. These additions were Jewish, Sikh and Roma. In each case, had they not been added, it is potentially the case that people from those backgrounds would have chosen 'Other'.
- The write-in responses to the 'Other' category suggests that the profession is more diverse than the headlines percentages above. Some used the category to explain their white ethnicity e.g. White – Spanish, White – Serbian, White – European, Scots – Italian.

Other members used this option to explain a mixed or multiple ethnic background, but did not select that option e.g. Black African and White British; British-Filipino; White – British & Mauritian.

Others wrote in an ethnicity that could have been selected (e.g. Traveller, Polish), whilst others wrote in ethnicities that were not available (e.g. Turkish, Persian etc).

- The overall BAME population in the profession as 3.38%. Given that we know that some BAME members will have selected 'Prefer not to say' and, also, that some people from BAME backgrounds selected 'Other', it is accurate to say that at least 3.38% of our membership are from a BAME background.
- The census notes that the overall white population of Scotland in 2011 was 96.02%. Our own number was significantly lower at 88.01%. This is likely down to the options of 'Prefer not to say' and 'Other'.
- Most projections suggest that the BAME population of Scotland will grow over the next ten years. It is clear that work needs to be done to ensure the solicitor profession does not fall behind.
- When we look at the under-30 population, nearly 7% (6.9%) are from a BAME background.

Table B: Profile of the Profession 2018 vs PC renewal

Overarching groups	Profile of the Profession 2018	% total solicitor population	% aged under 30
White – Scottish, British, Irish, Gypsy/Traveller, Polish	96%	88.01%	91.38%
BAME	4%	3.38%	6.9%
Prefer not to say/did not say	N/A	7.13%	2.01%
Other	N/A	1.48%	1.57%

Notes and observations

- *Profile of the Profession* was an entirely optional survey that did not have a 'Prefer not to say' option, thereby forcing people to choose. It was though – by its nature – a self-selecting number. Around 2,800 members completed the *Profile of the Profession*, which represented, once you remove Accredited Paralegals, around 20% of the membership. By comparison, almost 9,400 members completed the diversity data at PC renewal, representing 80% of the membership.
- We always cautioned that the numbers for *Profile of the Profession* were likely higher than reality. The reasoning for this was that we knew younger members took the survey disproportionately and that this younger demographic were more likely to be from a BAME

background. It may also be the case that people from BAME backgrounds were more likely than their white counterparts to undertake the survey.

Table C: Total solicitor population vs age analysis

Ethnic group	% total solicitor population	% aged 30 and under
White Scottish / White British	86.47%	89%
Prefer not to say	7.13%	2.91%
Other	1.48%	1.57%
White Irish	1.24%	0.99%
Pakistani British, Pakistani Scottish or Pakistani	0.95%	1.40%
Mixed or multiple ethnic groups	0.74%	1.05%
Asian British, Asian Scottish or Asian	0.43%	0.70%
Polish	0.30%	0.81%
Jewish	0.29%	0.23%
Indian British, Indian Scottish or Indian	0.29%	0.35%
Chinese	0.26%	0.47%
Sikh	0.16%	0.17%
African British, African Scottish or African	0.13%	-
Bangladeshi British, Bangladeshi Scottish or Bangladeshi	0.06%	0.17%
Arab British, Arab Scottish or Arab	0.05%	0.12%
African – not specified	0.01%	-
Black British, Black Scottish or Black	0.01%	0.06%

Notes and observations

- Younger members are more comfortable stating their ethnicity. Only 2.91% of those aged 30 and under preferred not to say, compared with 7.13% of the profession as a whole.
- Of those aged 30 and under, at least 6.9% of members are from a BAME background. Again, some who selected 'Other' or 'Prefer not to say' will likely be from a BAME background.

Table D: Job role by ethnicity – combined categories

	Employee (incl. in-house)	Associate	Partner	Consultant
White – all	58.2%	10.12%	29.5%	2.11%
BAME – all	71%	7.7%	18.7%	2.2%
Other	69%	9.4%	17.3%	3.6%
Prefer not to say	39%	8.57%	48.3%	3.69%

Notes and observations

- The above table shows the proportion of people, by ethnic group, who hold a particular job role within the profession. For example, 18.7% of all BAME lawyers are partners.
- People from BAME backgrounds appear to be less likely to be partners than their white peers. There are likely numerous reasons for this variance. Some of the variance may be attributable by the data that older members of the profession are more likely to be partners and consultants, and the older populations within the profession are more likely to be white. Conversely, younger populations are less likely to be partners and more likely to be BAME.
- The data we gathered does not show us at what types of firms or in what areas of law individuals are working. Therefore, we cannot comment on whether BAME solicitors are less likely, as likely or more likely to be a partner at a particular size of firm. Research being undertaken by the Racial Inclusion Group may be helpful in aiding understanding here.
- Our data at PC renewal suggested that at least 18.7% of BAME members of the profession are partners in private practice. As of 30 June 2021, 26.2% of all solicitors are partners in private practice.

Table E: Percentage of ethnic minority members who hold a particular role

	Employee (incl. in-house)	Associate	Partner	Consultant
BAME % of each role (Comparison with BAME total – 3.38%)	4.1% (+0.72)	2.57% (0.81%)	2.03% (-1.35%)	3.30% (-0.08%)

Notes and observations

- Whereas Table D shows the proportion of people, by ethnic group, who hold a particular job role within the profession, Table E looks at the roles themselves and what percentage of those roles are held by BAME people. For example, of all the partners in Scotland, 2.03% are from a BAME background.

Table F: Ethnicity in-house population vs total solicitor population

	Total solicitor population	In-house population
White Scottish / White British	86.47%	87.34%
Prefer not to say	7.13%	5.69%
Other	1.48%	1.90%
White Irish	1.24%	1.34%
Pakistani British, Pakistani, Pakistani	0.95%	0.95%
Mixed or multiple ethnic groups	0.74%	1.21%
Asian British, Asian Scottish or Asian	0.43%	0.39%
Polish	0.30%	0.22%
Indian British, Indian Scottish or Indian	0.29%	0.30%
Jewish	0.29%	0.09%
Chinese British, Chinese Scottish or Chinese	0.26%	0.13%
Sikh	0.16%	0.13%
African British, African Scottish or African	0.13%	0.17%
Bangladeshi British, Bangladeshi Scottish or Bangladeshi	0.06%	0.04%
Arab British, Arab Scottish or Arab	0.05%	0.04%
Black British, Black Scottish or Black	0.01%	0.01%
African – not specified	0.01%	0.04%

Table G: In-house by ethnicity – collapsed categories

	In-house
White – all	88.9% (+0.89%)
BAME – all	3.49% (+0.11%)
Other	1.89% (+0.41%)
Prefer not to say	5.68% (-1.45%)

Notes and observations

- In broad terms, the in-house BAME population is very similar to the total solicitor population. However, again, there ought to be a note of caution, as some of the population sizes within the in-house profession are very small.

Table H: Gender and ethnicity – collapsed categories

	Women (overall population)	Men (overall population)	Women under 30	Men under 30
BAME	61.7%	38.24%	72%	28%
White	56.7%	43.3%	68%	32%
Other	60%	40%	62%	38%
Prefer not to say	31%	69%	38%	62%
Total	55%	45%	67%	33%

Notes and observations

- The feminisation of the profession appears to be continuing. This is not a surprise, as each year around 66% of newly admitted members are female. It seems the professions' difficulties in attracting men is even more acute when considering young men from a BAME background.

Disability

Of the 9,387 members who answered the question on disability, 455 noted that they had an impairment (4.8%). Again, this should be as viewed as at least 4.8%, because nearly 8% of respondents selected 'Prefer not to say'.

This aligns with our general understanding of the profession garnered from the *Profile of the Profession* in 2018, where 5% of members noted a disability.

Table I: Overview of disability vs *Profile of the Profession*

Impairment (with more than ten members reporting or 0.1%)	Number of members (%)	Number recorded in <i>Profile of the Profession</i>, where comparable
Other	130 (1.4%)	
Deafness or partial hearing loss	113 (1.2%)	17
Learning difficulty	64 (0.7%)	12
Blindness or partial sight loss	32 (0.3%)	<10
Mobility impairment	30 (0.3%)	-
Ambulatory impairment	19 (0.2%)	-
Manual dexterity impairment	17 (0.2%)	-

Notes and observations

- Around 9% of members selected 'Prefer not to say', 2% higher than members who chose 'Prefer not to say' for ethnicity.
- When asking about disability during the *Profile of the Profession*, we used a different range of categories. We have changed to a more inclusive list on advice gained from Inclusion Scotland, Scotland's national disabled people's organisation.
- Some members noted when selecting 'Other' that they had numerous impairments, so each of the above options is likely higher e.g. a member may have noted they have blindness or partial sight loss and also deafness or partial hearing loss.
- We do not know if solicitors indicating that they have certain impairments have disclosed this at work and asked for/received reasonable adjustments.

Religion

Table J: Scottish census 2011 vs solicitor population 2020/21 and solicitor population aged under 30

	Scottish census 2011	% solicitor population	% aged 30 and under
Christianity	53.8%	37.55% (-16.25%)	33.7%
- Church of Scotland	32.4%	19.25% (-13.10%)	11.22%
- Roman Catholic	15.9%	13.41% (-2.5%)	15%
- Other Christian	5.5%	4.71% (-0.7%)	3.7%
Islam	1.4%	1.33% (-0.01%)	2.1%
Hinduism	0.3%	0.05% (-0.25%)	-
Buddhism	0.2%	0.13% (-0.07%)	-
Sikhism	0.2%	0.26%	0.29%
Judaism	0.1%	0.42% (+0.3%)	0.11%
No religion	36.7%	46.50% (+9.80%)	59.98%
- None	-	38.62%	47.7%
- Atheist	-	5.33%	8.08%
- Agnostic	-	2.81%	4.2%
Other	0.3%	0.77% (+0.47%_)	0.3%
Religion not stated/prefer not to say	7%	12.83% (5.8%)	7.03%

Notes and observations

- It should be remembered that the census is now nearly ten years old and the wider population is becoming more secular. Given this, it is perhaps unsurprising that so many members have reported having no religion (9.80% higher than the census) and, for those under the age of 30, that trend is even stronger.
- We largely followed the Scottish census here, although offered options for no religion (None, Atheist, Agnostic). We did speak to a number of stakeholder groups about whether we should offer additional options for some religions (e.g. branches of Islam) and the advice we received was that this was not best practice.

Sexual orientation

The 2011 Scottish census did not include questions on sexual orientation. A postal survey was completed in 2011 where 4,400 forms were sent to members of the public. In that exercise, 2.2% of the population replied with a non-heterosexual option (i.e. lesbian/gay, bisexual, other). We are aware that sexuality will be included in the next Scottish census. Our only recent comparator is our own *Profile of the Profession* research from 2018.

Table K: *Profile of the Profession* vs PC renewal

	Profile of the Profession	PC renewal
Heterosexual / Straight	91%	85.54%
Prefer not to say	4%	10.76%
Gay man	5%	1.83%
Gay woman / lesbian		0.64%
Bisexual		0.73%
Other	N/A	0.49%
LGBTQ+ total	5%	3.20%

Notes and observations

- The LGBTQ+ category options were merged in *Profile of the Profession*, as that had been the standard practice in previous profiles due to the fact that low numbers of people in certain categories may have inadvertently led to identification of an individual. The combined LGBTQ+ categories at PC renewal is at least 3.20% (Gay man, gay woman/lesbian and bisexual combined). Whilst some free text responses to the 'Other, please specify' option likely do add to this figure (e.g. queer, Pansexual, non-binary), other responses did not do so.
- Comments above regarding ethnicity may also hold for sexual orientation in that LGBTQ+ members may be more likely than their heterosexual counterparts to fill in an optional equality survey.
- Over 10% of respondents chose 'Prefer not to say', which is 3% higher than those that chose the same option when answering on ethnicity.

Table L: Total solicitor population vs those aged under 30

	PC renewal	Aged 30 and under
Heterosexual / Straight	85.54%	87.73% (+2.19)
Prefer not to say	10.76%	6.34% (-4.42)
Gay man	1.83%	2.73% (+0.9)
Gay woman / lesbian	0.64%	1.05% (+0.41)
Bisexual	0.73%	2.03% (+0.3)
Other	0.49%	0.12% (-0.37)

Notes and observations

- Those under the age of 30 are much more willing to share their sexual orientation anonymously.

Socio-economic status

Profile of the Profession has given us some indication of the socio-economic background of the profession previously. The data garnered at PC renewal gives us significantly more.

Measuring socio-economic background is notoriously difficult. We were guided by recommendations by the UK Civil Service², which suggests asking eight questions. The team behind the PC renewal project noted this was too many (indeed, more than all of the other characteristics combined) and decided to focus on two:

- Schooling
- Parental/carer occupation at the age of about 14-years-old

Schooling

The first question was: '*Which type of school did you mainly attend?*'. We note that, whilst it is possible for someone to have attended numerous types of schools, this would impact a relatively small number of people hence 'mainly'. The options were as follows:

- Attended school outside the UK
- Independent or fee-paying school – bursary
- Independent or fee-paying school – no bursary
- State-run or state-funded school – selective on academic, faith or other grounds
- State-run or state-funded school – non-selective
- Other
- Prefer not to say

Table M: Schooling overview

Schooling	% total solicitor population	% aged 30 and under
State run (non-selective)	55.1%	62.01%
State run (selective)	11.6%	9.8%
Independent (no bursary)	16.8%	17.5%
Independent (bursary)	3.34%	1.9%
Attended school outside UK	1.9%	2.55%
Prefer not to say	10.9%	5.9%
Other	0.3%	0.3%

Table N: School types collapsed

Schooling	% total solicitor population	% aged 30 and under
State	66.7%	71.8%
Independent	20.2%	19.4%
Outside UK	1.9%	2.6 %
Prefer not to say	10.9%	5.9%
Other	0.3%	0.3%

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/768371/Measuring_Socio-economic_Background_in_your_Workforce_recommended_measures_for_use_by_employers.pdf

Notes and observations

- It seems that the profession is becoming more state-educated, but it is still not reflective of the wider population.
- As with most characteristics, there is a clear move away from 'Prefer not to say' in younger age groups. Similarly, solicitors aged 30 and under are more likely to have been state educated, so it seems that progress is occurring, albeit slowly.
- It is difficult to compare the current percentages of pupils attending private or state school, as the size (and influence) of the private sector may have waxed and waned over time. We are comparing a snapshot figure (4%³) with a tapestry of 40+ years of solicitor admissions. Even with that in mind, it is clear the profession is disproportionately privately educated and that is true (if less so) of newer members .
- As noted in [Fair Access to the Legal Profession](#), a six-month piece of research we published in 2014, the profession is – to an extent – an inheritor of inequality. Whilst the report is now seven years old, the section on schooling remains largely true⁴ . To a very large extent, inequality and any attainment gaps in school age populations and universities necessarily impact the Society's membership and there is only so much that our members, and the Society itself, can do in this space.
- By way of comparison, at the 2016 intake of Scottish Parliamentary elections MSPs, 20% of MSPs had attended private school⁵. This fell to 18% at the 2021 intake⁶.

Table O: School types collapsed: *Profile of the Profession vs PC Renewal*

Schooling	Profile of the Profession 2018	% total solicitor population	% aged 30 and under
State	74%	66.7%	71.8 %
Independent	20.7%	20.2%	19.4%
Outside UK	1.2%	1.9 %	2.6 %
Prefer not to say	0.8%	10.9%	5.9%
Other	0.4%	0.3%	0.3 %

Table P: Solicitor population as a whole vs percentage of partners who attended a type of school

	% total solicitor population	% of partners who attended the type of school (variance)
State	66.7%	61% (-5.7%)
Independent	20.2%	21% (0.8%)
Prefer not to say	10.9%	15.90% (+5%)
Outside UK	1.9%	1.01% (0.89%)
Other	0.3%	0.42% (+0.12%)

³ <http://www.scis.org.uk/facts-and-figures/>

⁴ <https://www.lawscot.org.uk/media/6187/fair-access-for-publication-300114.pdf> pg 17.

⁵ <https://www.heraldscotland.com/news/14540706.revealed-msps-five-times-more-likely-to-be-privately-educated-than-average-scot/>

⁶ <https://www.thetimes.co.uk/article/msps-four-times-as-likely-to-have-been-educated-at-private-school-nvnh0ck65>

Table Q: Current role by school attended

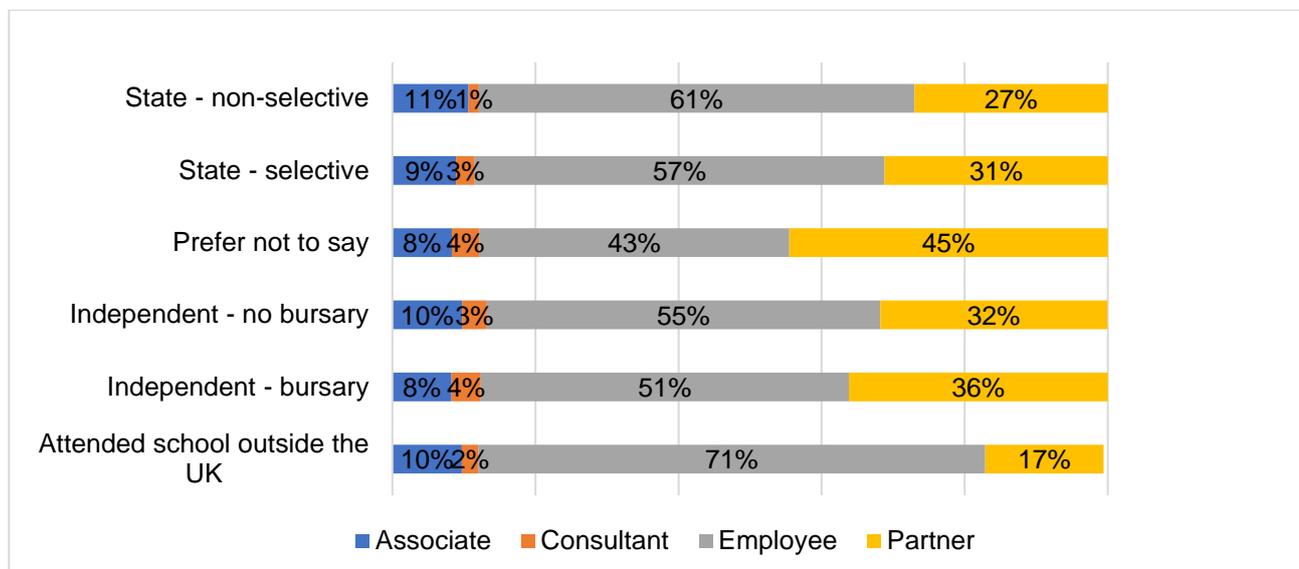


Table R: Percentage of members who went to a type of school who are now partners

	% of type of schooling who are now partners
State (non-selective)	27%
State (selective)	31%
Independent (no bursary)	32%
Independent (bursary)	36%
Prefer not to say	45%

Notes and observations

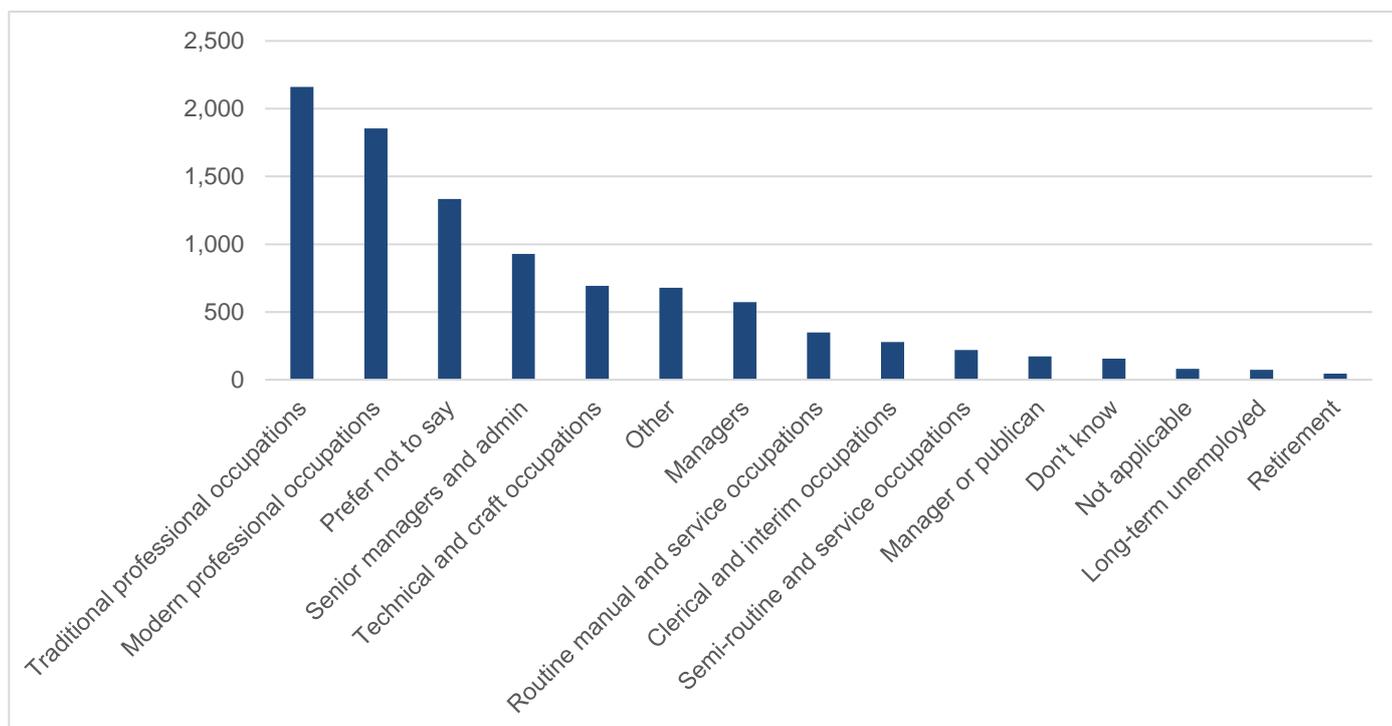
- Without guessing the backgrounds of ‘*Prefer not to say*’, the other four main categories of schooling are broadly similar in terms of percentages of people who are now partners in private practice (ranging from 27% to 36%) and the two biggest groups – independent (no bursary) and state school (non-selective) – are only 4% apart.
- However, we do not know from these tables:
 - i. how long it took these partners to become partners e.g. are those who are privately educated more likely to progress quickly
 - ii. what sort of firm they are at
 - iii. or whether or not they are equity or salary partners.
- The partner population aged 31 and under is tiny (<10).
- As *Profile of the Profession* was totally anonymised and optional, this likely encouraged people to pick an option. Few people are going to fill in an entirely optional, lengthy survey and pick ‘*Prefer not to say*’. This may explain the significant difference between the 0.8% of picking ‘*Prefer not to say*’ in *Profile of the Profession* and the 10.85% at PC renewal.
- Again, younger members were far more likely to fill in *Profile of the Profession*, whereas compliance with the PC renewal form seems more spread across the board. Only 2.1% of *Profile of the Profession* respondents were aged 65+ and only 15% of respondents were aged 55 and over.

Parental occupation

To assist us with our understanding of the socio-economic status of the profession, we also chose to look at the occupation of the main or highest earner in a person's household when they were aged around 14 years old. The following options were given (again, we used the UK Civil Service options as the basis for this question):

- **Clerical and intermediate occupations** e.g. secretary, PA, clerical worker, call centre agent, nursery nurse
- **Manager or publican**
- **Middle manager or junior manager** e.g. office manager, retail manager, bank manager, restaurant manager, warehouse manager
- **Modern professional occupations** e.g. teacher/lecturer, nurse, physiotherapist, social worker, welfare officer, artist, musician, police officer (sergeant or above), software designer
- **Other**
- **Retired**
- **Routine manual and service occupations** e.g. HGV driver, van driver, cleaner, porter, packer, sewing machinist, messenger, labourer, waiting staff/bar staff
- **Semi-routine manual and service occupations** e.g. postal worker, machine operative, caretaker, farm worker, catering assistant, receptionist, sales assistant
- **Senior managers and administrators usually responsible for planning, organising and co-ordinating work and/or finance** e.g. finance manager, chief executive
- **Technical and craft occupations** e.g. motor mechanic, fitter, plumber, printer, tool maker, electrician, gardener, train driver
- **Traditional professional occupations** e.g. accountant, solicitor, medical practitioner, scientist, civil/mechanical engineer
- **Long-term unemployed** (claimed Jobseeker's Allowance or earlier unemployment benefit for more than a year)
- **Not applicable**
- **Don't know**
- **Prefer not to say**

Table S: Number of respondents by parental occupation



The Office of National Statistics suggests collapsing these varied categories into three broader categories to aid with analysis. These are: (a) Higher managerial, administrative and professional occupations (b) Intermediate occupations (c) Routine and manual occupations.

This does not include the retired, long-term unemployed, other, don't know and prefer not to say.

Table T: Parental occupations – collapsed categories

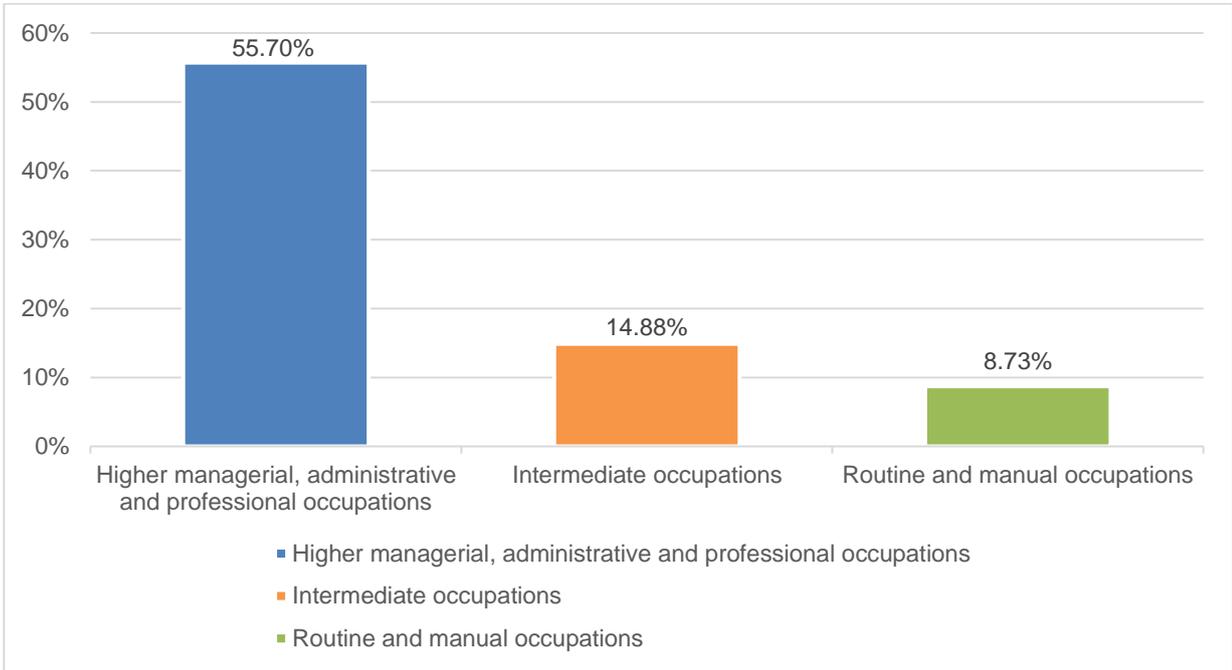
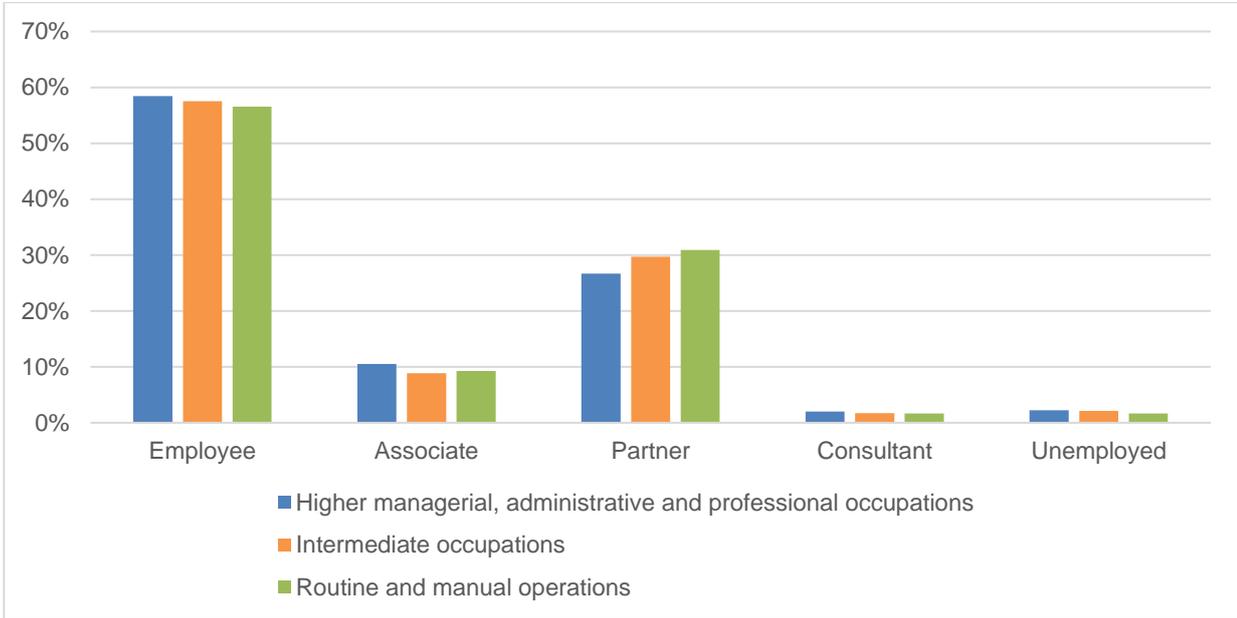


Table U: Collapsed parental occupational backgrounds vs job title



Notes and observations

- The above tables seem to demonstrate that, once in the profession, parental background is not an inhibitor to development. However, there is a suggestion that those whose parents are from the grouping that comprises 'Higher managerial, administrative and professional occupations' are significantly more likely to commence to become lawyers in the first place.