



## THE FACULTY OFFICE OF THE ARCHBISHOP OF CANTERBURY

### NOTARIAL DIVERSITY

The Legal Services Act 2007 provides that in discharging their functions, Approved Regulators must comply with and thus promote eight regulatory objectives:

- Protecting and promoting the public interest
- Supporting the constitutional principle of the rule of law
- Improving access to justice
- Protecting and promoting the interests of consumers
- Promoting competition in the provision of legal services
- Encouraging an independent, strong, diverse and effective profession
- Increasing public understanding of the citizen's legal rights and duties
- Promoting and maintaining adherence (by authorised persons) to the professional principles

This article focusses on the sixth of these objectives. A diverse profession is one that reflects the society that it serves – including understanding and responding to the differing needs of a varied range of clients. The LSB's guidance for encouraging a diverse profession requires the Approved Regulators to collect and publish data on the diversity of their regulated communities and, critically, ensure this is embedded in all regulatory activity. Equality Impact Assessments are required to be carried out whenever Approved Regulators seek to make changes to their Rules or other regulatory arrangements and in setting the annual practising certificate fee level.

The Faculty Office collects diversity data on a three-year cycle which reflects the size of the profession and the relatively small numbers joining and leaving the profession annually. I set out below some of the data which has been collected and collated over the four collection cycles to date. Perhaps the first thing to note is that we have seen a steady rise in response rates to the survey (48.3% in 2011; 68.7% in 2014; 87.7% in 2017; 100% in 2020 – when of course you could not lodge your practising certificate renewal form without completing the survey!).

#### Gender

The 'gender-gap' has been slowly but steadily decreasing. The percentage of women in the profession as a whole has gone up from 24.8% in 2011 to 32.6% in 2020. The national benchmark for women in the workforce is 47%, so there is a way to go before that is reached. Notaries currently rank last across the legal professions in this characteristic – with women representing 39% of barristers, 49% of solicitors and 78% of legal executives. There is still work to do here as the figures amongst those admitted in the last 9 years show an almost identical split as between men and women with just 32.5% of those admitted being women.

One of the questions that the survey asks is whether respondents gender identity is different from that assigned at birth. The national benchmark in the UK population is 1% and most of the legal professions are at or close to that benchmark but there are, apparently, some 7% of notaries whose gender identity is different from that assigned at birth. This figure seems to me to be extraordinarily

high and up from 2.5% in 2017 which is the first year the question was asked. I apologise in advance if I am wrong about this, but it does appear that a significant number of you probably answered this question incorrectly?

### **Ethnicity**

The ethnic diversity of the profession gives a much better overall picture with notaries at or above the national benchmark. 84.2% of the profession is white and 15.8% from the BAME community – 88% of the overall UK workforce is white. From amongst the BAME community, those of Asian ethnicity represent 11.4%, 1.8% are Black and 2.6% from mixed ethnic backgrounds (the UK workforce is 5% Asian, 3% Black and 4% mixed).

### **Disability**

The Equality Act 2010 generally defines a disabled person as someone who has a mental or physical impairment that has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities. Some 15% of the UK workforce has some form of disability. Perhaps unsurprisingly none of the legal professions come close to this benchmark with 6% of barristers and legal executives and 3% of solicitors and notaries identifying as having some form of disability.

### **Socio-economic background**

This characteristic is measured in terms of those who attended a fee-paying school. The benchmark here is based on the UK population of whom just 7% attended a fee-paying (public or private) school. Legal executives are right on that figure. Most of the other legal professions have significantly higher fee-paying school attendees with 21% of solicitors, 27.5% of notaries and 34% of barristers in that category.

### **Levelling-up**

So to coin a phrase much (over) used by the current occupant of Number 10, what can be done to “level-up” the diversity of the profession so that it better reflects the community that it serves? One of the first things that the Faculty Office needs to do is to better understand that community as we have very little real information about the users of notarial services. Our past attempts to obtain data through consumer surveys have gained very little traction and we need to do better. We are shortly to launch a new consumer survey and we need the profession’s support in this. If every notary was able to ask just 10 clients to complete the survey, that would provide a sample of over 7,000 which would be a hugely valuable body of information.

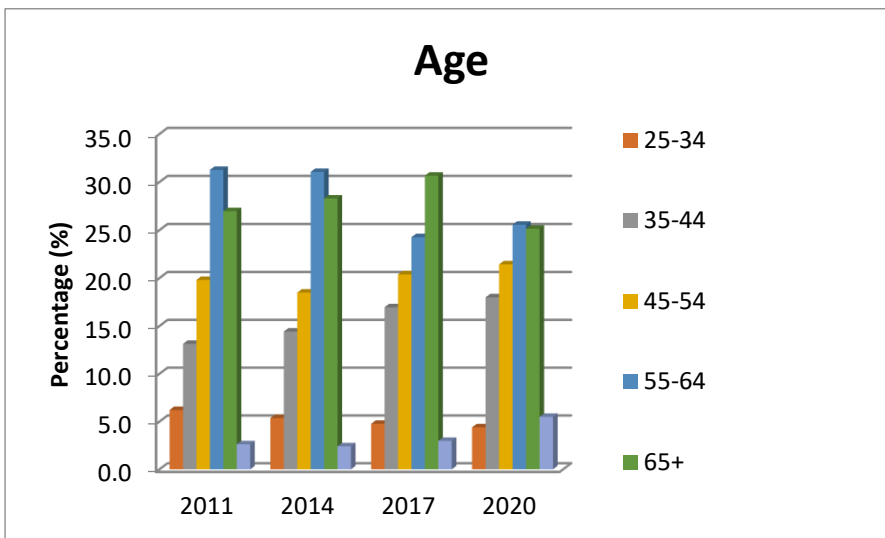
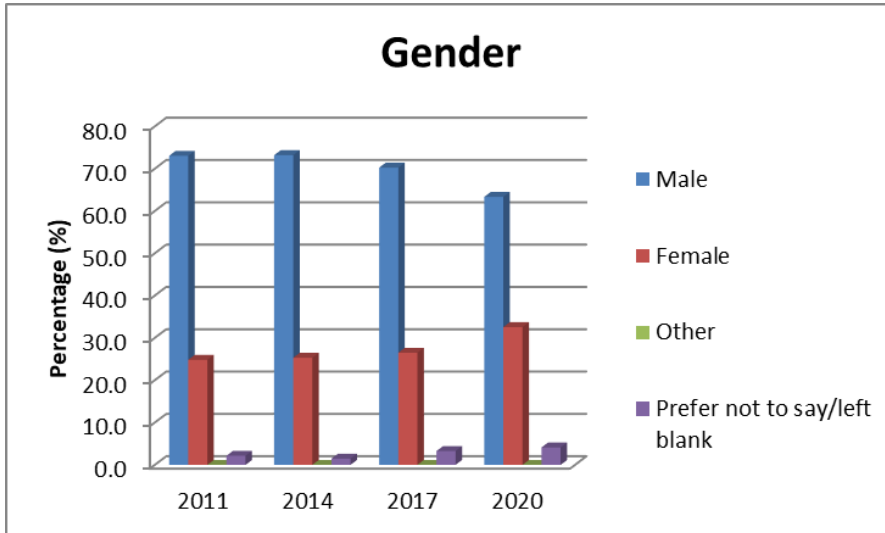
We then need to look at what can be done to ensure, so far as it is within our control, that the profession reflects that community. Due to the specialist nature of notarial activities, it seems likely that the users of notarial services may not necessarily reflect the national benchmark figures in all characteristics, but we do not know that.....yet.

What is clear is that women are under-represented in the profession and there is a significantly higher number of privately educated notaries than the national average and, perhaps more significantly, than in the other legal professions save for the Bar. If anyone has any thoughts on why that might be, or what might be done to change that, we would be pleased to hear from you.

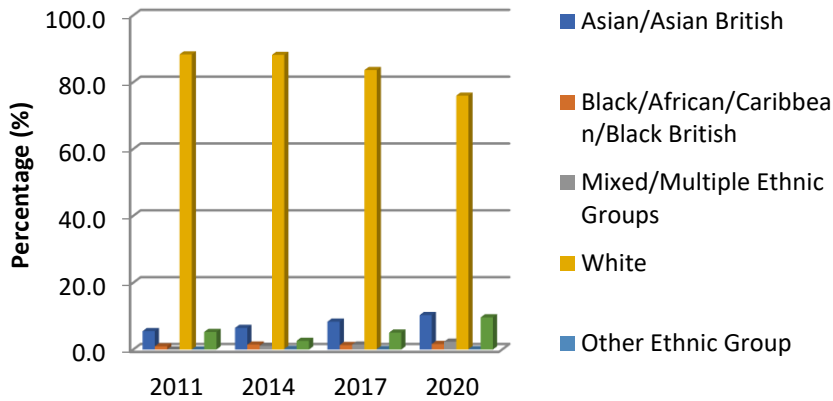
### **Other diversity characteristics**

This piece has only covered some of the characteristics which the survey covers and space may not allow your Editor to include all the bar charts I have sent him. For any who are interested, though, there is more information on the Faculty Office website.

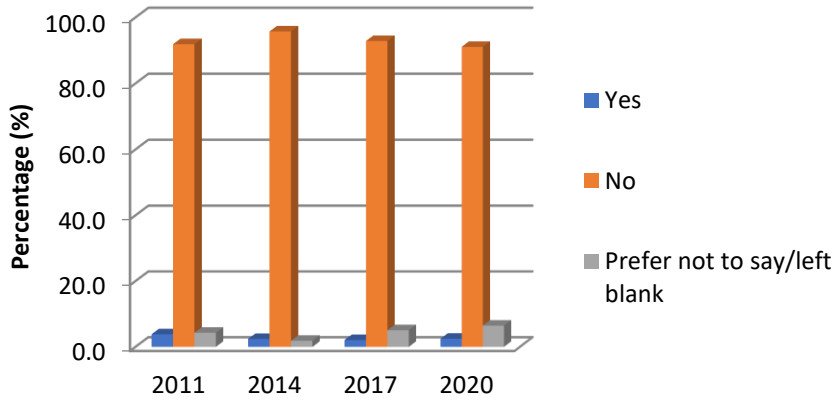
Neil Turpin, Chief Clerk



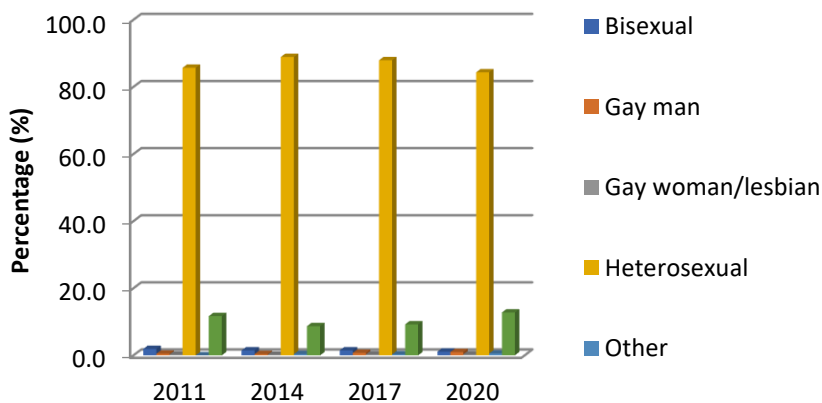
### Ethnic Group



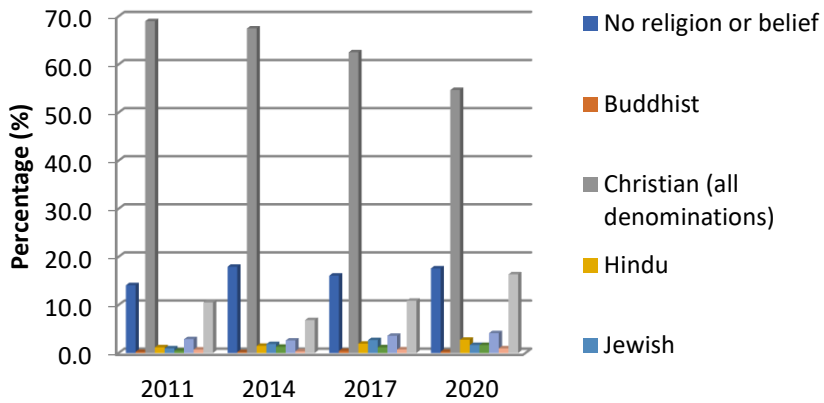
### Disability



### Sexual orientation



## Religion or belief



## School

