

1. SLS EDI COMMITTEE – REPORT ON EQUALITY MEMBERSHIP SURVEY

Equality and Diversity Committee

Society of Legal Scholars

Report on Equality Membership Survey

Introduction

This report details the current membership profile of the society as reported in a survey administered on behalf of the EDI committee in April and May 2020. 13% of the total membership engaged with the survey. We received 383 responses. We had an average of 995 members open both messages that were sent out about the survey which is about average for the ‘open’ rate for the SLS newsletter. If you take this into account then 38% of those that opened the message went on to complete the survey, which is within the normal range of responses for data collection. If we take the total membership of just over 3000 the response rate was 13%. The response rate is a limitation of the survey findings.

Even taking that into account, however, the responses offer us some detail on the profile of our society and allow us to identify whether our membership is significantly different from that of the wider legal academy and enables us to consider where we might want to concentrate efforts to ensure that the Society of Legal Scholars (SLS) enacts fully its commitment to equality, diversity and inclusion. The SLS should be reflective, broadly, of the academy and of society, particularly in areas where the academy falls short in its attempts at inclusion.

The analysis below compares the responses to our survey against HESA data on academic staff in the UK. The most recent HESA statistics are returns from the 2018-9 academic year, detailing the sex, disability, age, ethnicity and post level of academic staff in the UK. Where gaps exist, data from the Office of National Statistics has been used as a comparator to offer an indication of how reflective of society the SLS is. We have also collated responses against the latest statistical data set available from Advance HE,¹ and done some broad analysis of this data against the survey data.² Some of the questions we asked, e.g. sexual orientation, religion, are not asked by HESA and are an optional subset of data that HEI’s can report to Advance HE and so there is limited data available for comparison. We have also for the last 3 years conducted an Audit of SLS committee membership and we have used some of that data to inform discussion in this report about engagement of various groups with the SLS. However, the way this audit data was collected is a further limitation of this survey, particularly when it comes to questions of ethnicity and race of SLS members. There is further comment on this below.

According to the 2019 staff report for Advance HE (providing a snapshot of data in the academic year 2017/2018), 5,960 staff work in Law academia in the academic year 2017/2018. This represents 6.3% of the total number of academic staff at all levels working in academia in non-SET subjects (this is increase of 0.3% on previous years reporting).

¹ <https://www.advance-he.ac.uk/knowledge-hub/equality-higher-education-statistical-report-2019>

² At the time of reviewing this report, the 2020 Advance HE report has been released. So further analysis will be made against this in due course.

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This profile and analysis allow us to identify areas in which we might encourage further inclusion and diversity by broadening our membership. We can also identify areas in which individuals may be disadvantaged because of their background and can work towards developing policies and practices which support all members to participate fully in the SLS. Only some of the questions we asked were related to protected characteristics within the Equality Act 2010. But in line with our mission statement our survey also asked questions indicating measures of social and economic background. This report should be read against the backdrop of the SLS EDI Mission Statement:-

EDI MISSION STATEMENT - OVERARCHING VISION

The Society of Legal Scholars aims to promote equality, diversity and inclusion across legal academia. Our overarching aspiration is to ensure that legal academia is a profession representative of all and for all. We recognise that promoting an environment that welcomes and values diverse backgrounds, thinking, skills and experience, and which allows everyone - regardless of race, religion, sex, sexual orientation, gender identity, age, disability, marriage and civil partnership, pregnancy and maternity, and social and economic backgrounds - to thrive and fulfil their potential, is vital for the long-term success of the SLS and the profession of legal academia.

In summary we have identified potential issues around ECR/PGR engagement (linked potentially to age but of course not always), BAME members, disability and the balance between pre- and post-92 institution membership in terms of engagement. We have more work to do on some of the other protected characteristics and issues to do with socio economic disadvantage in this report, but we were keen to get the draft report to you to back up work we would like to do in the Action Plan on the main issues we have identified.

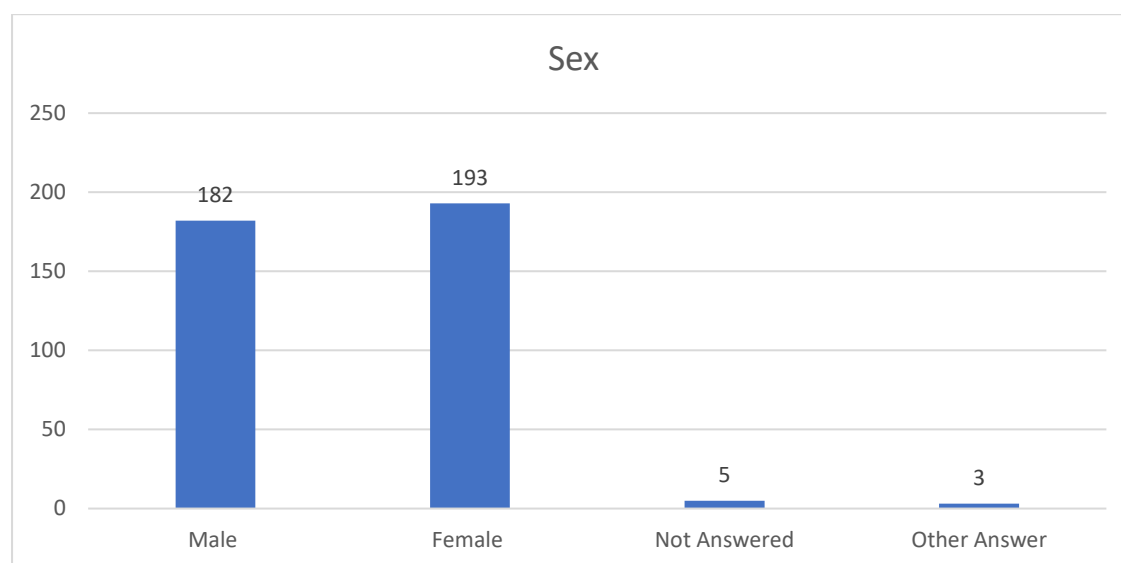
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Sex and gender

We asked separate questions on sex and gender. According to the responses, there is almost an equal balance of male and female members in the SLS: 50% of responses noted their sex as female, while 48% answered as male. 1% of the responses declined to answer. HESA's statistics note that 46% of academic staff in the UK are female, while 54% are male. Advance HE data tells us that in Law 51.4% of academic staff are female, 48.6% are male. The balance between male and female staff in the SLS is broadly comparable with that of the academy, with a slightly higher majority of female members. 0.03% of the HESA returns indicated that they identified as 'other' when asked about their sex, and we similarly had a return of <1% who identified as 'other.' Again, this makes the Society broadly comparable to the data available on academic staff in the UK. According to Advance HE 74.5% of professors are male, in non-SET subjects, which includes law. Of the 116 professors who responded to our survey, 57% are male and 43% female.

Gender

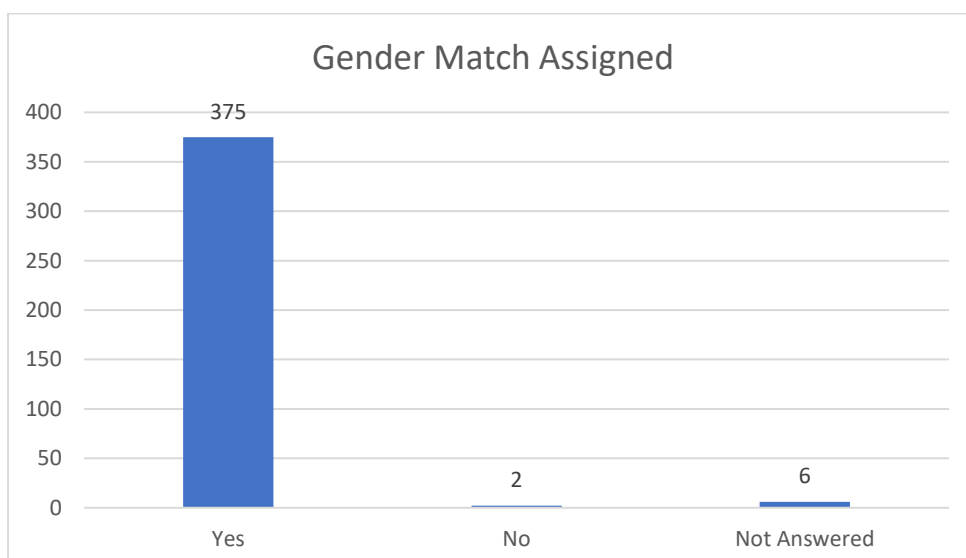
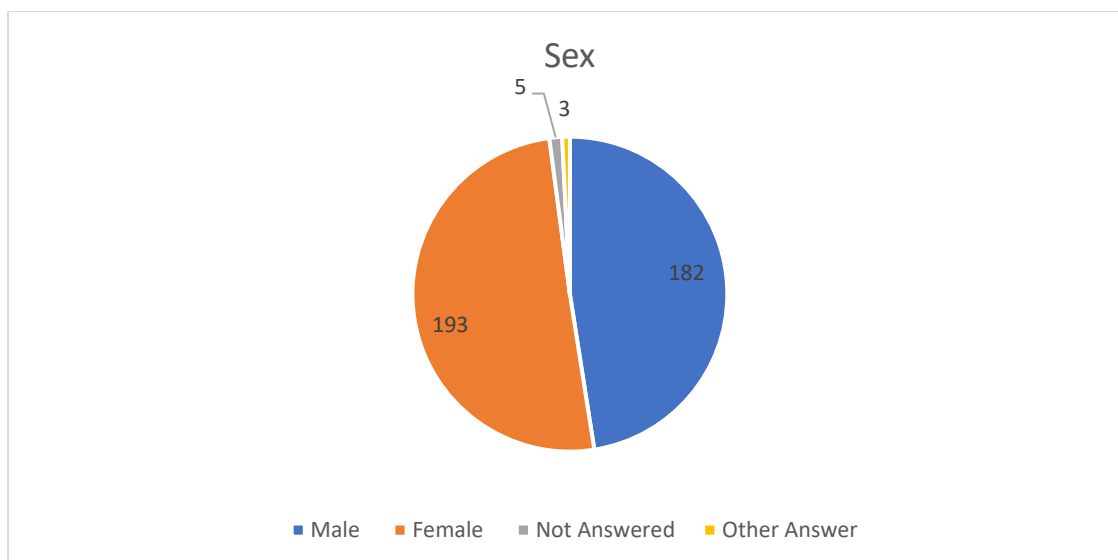
Regarding gender, and conformity to gender assigned at birth, our survey sample identified that 98% of individuals conform to their assigned gender, while two did not and six did not answer. HESA data does not differentiate between sex and gender and, consequently, there is no way of comparing this to the wider profile of the academy. Similarly, the Official of National Statistics will not begin to collect specific data on gender until at least 2021.³



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<https://www.ons.gov.uk/methodology/classificationsandstandards/measuringequality/genderidentity/genderidentityupdate>

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At the time of writing in August 2020, when we look at engagement with the Society as a whole, women are becoming more prominent in terms of executive members (43% of officers of the Executive are women and 44% of ordinary members of the Executive are women), council members (43.5% female) and committee members (there are 8 committees of the SLS which in total have 51 committee members – 41% are men and 59% are women. 6 out of 8 of those committees are chaired by women although that is partly because both the current President and Honorary Secretary who between them chair 4 out of the 7 committees, are women). However, against the society as a whole, women, are underrepresented in the Executive, Council and the various Committees. White men continue to dominate the Executive and the Council. At the time of writing this in August the President, Honorary Secretary and Treasurer are women. However, for 2020/2021 this has changed. The President and Treasurer are now male and the Honorary Secretary is female.

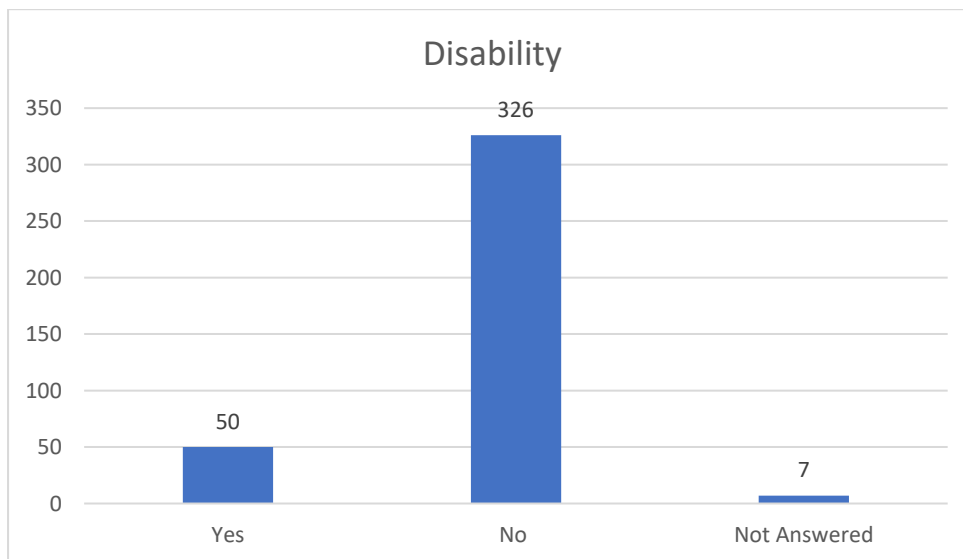
In terms of our conference, in 2019 60% of the keynote speakers were women, 66% of the plenary speakers were women, and 47.6% of paper givers were women. In 2018, 60.7% of keynote speakers,

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55% of plenary speakers, and 52% of paper givers were women. In 2017, 56.5% of keynote speakers, 52% of plenary speakers and 55.6% of paper givers were women.

Disability

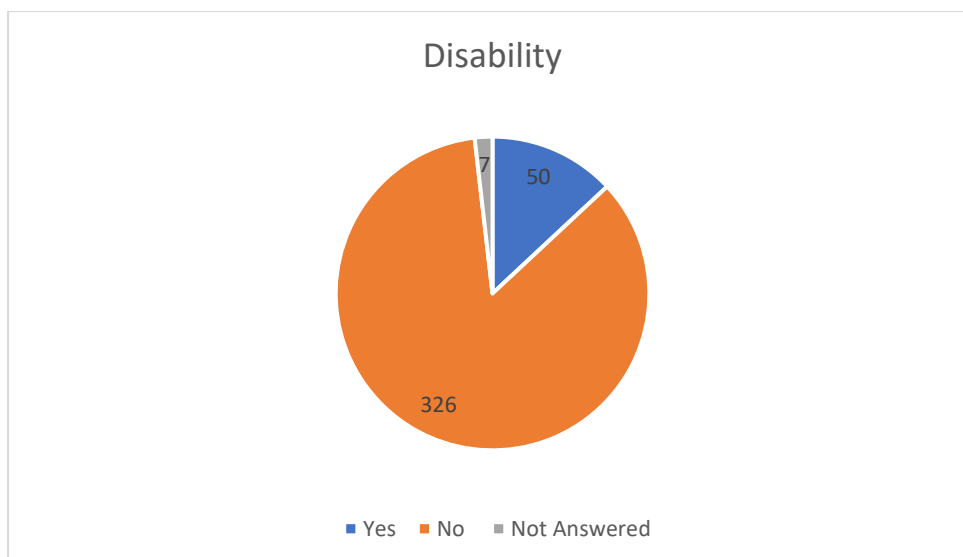
Based on the survey, a large majority of our members (85%) consider themselves to live without a disability. 13% reported as having a disability, while the remaining 2% did not answer. Data from the UK Government’s Family Resources Survey indicates that 19% of working age adults have a disability,⁴ which means that people with a disability are underrepresented in the SLS compared to the general UK workforce. According to Advance HE disclosure rates for disability for those working in HE has consistently increased, with the number of staff disclosing doubling between 2007/08 and 2017/18. HESA statistics suggest that 5% of the academy has a ‘known’ disability and in Law, 5.8% of staff declared a disability in 2017/18. This means that our membership is more than representative of the academy, although seemingly less representative than society overall. It would be interesting to determine whether our policies and practices allow our disabled colleagues to fully participate as members in the SLS. For disability - of the 50 who answered yes, 20 were female, 29 male, + 1 not answered. A further tentative conclusion is that people may consider themselves to live with a disability but not always disclose that to employers. If 13% of our survey respondents have a disability but HESA data only shows 5.8% as declaring, then this may indicate a disclosure problem that SLS could investigate. It may also suggest that there is a cohort of people with disabilities not getting workplace supports or adjustments they might need. This is an area for potential further research as flagged in our Action Plan. We have also considered the possibility that members may not consider themselves to have a disability as defined, but who live with chronic illness or long-term health issues.



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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874507/family-resources-survey-2018-19.pdf

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Ethnicity

83% of the survey respondents reported their ethnicity as White, while 5% identify as Asian, 4% report their ethnic background as Mixed, 4% identify as Black, and 2% identified as Chinese (total of 14% in a BAME category). 3% declined to answer. HESA reports that 17% of academic staff in total are from Black and Minority Ethnic (BAME)⁵ backgrounds. The HESA data reports that 76% of academic staff stated their ethnic background as White, 2% declared their ethnicity to be Black, 9% identified as Asian (without any further breakdown for Chinese or other Asian backgrounds), 2% identified as Mixed, 2% chose 'Other' in the HESA data and the ethnic background of 8% of academic staff is unknown. The SLS has fewer Asian members than the academy as a whole, but a much greater percentage of members from White backgrounds. We also have twice as many from a Black ethnic background, although the percentage is still very small. However, when we look at the data for law specifically, according to Advance HE this figure is 89.4% white and 10.6% BAME in Law. The SLS has slightly more BAME members than the legal academy average. In 2018 about 13.8% of the UK population was from a BAME background.⁶

Our profile is therefore not significantly different or less diverse than the academy as a whole, and rather reflects the well-established barriers based on race and ethnicity that persons experience in academia. The survey responses also do not give us any information on overall engagement with the society. This is highlighted as an area for further research in our Action Plan.

When we look at engagement with the Society through the Audit data and examine the profile of the Executive (Officers and Ordinary Members), Council members and committee membership in general, BAME members are very poorly represented. As far as we can tell,⁷ there is only limited BAME

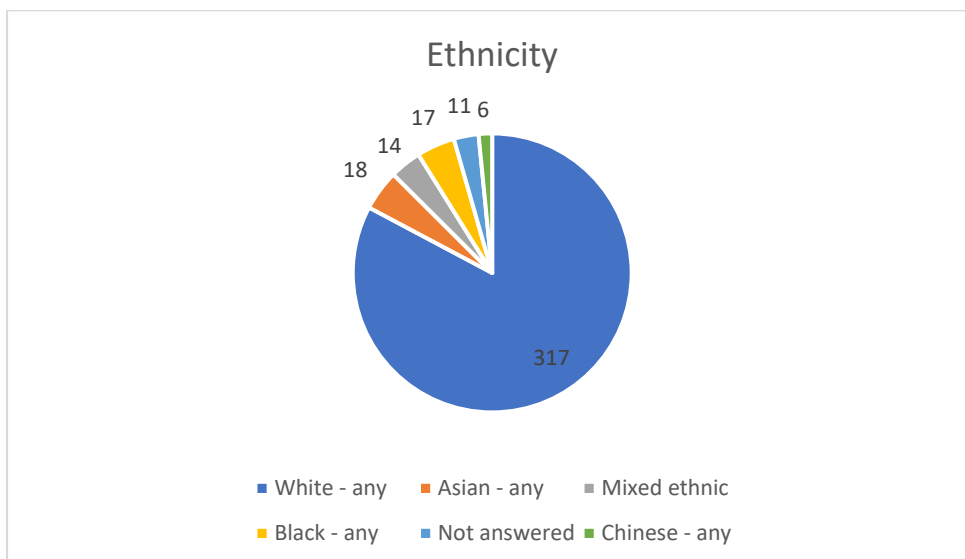
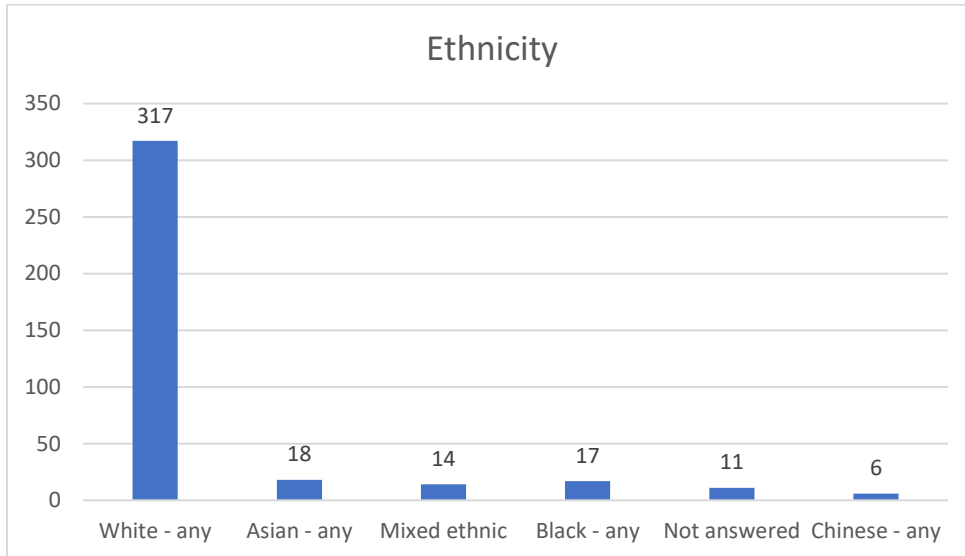
⁵ BAME is referenced in this report as it is the term used by HESA, Advance HE and is a term widely referred to within government departments, public bodies and other similar bodies. However, the EDI Committee wish to acknowledge that BAME, and other similar terms, are contested terms and their use is widely debated. We appreciate that there is no single term that is universally accepted.

⁶ <https://diversityuk.org/diversity-in-the-uk/> accessed 20 August 2020.

⁷ We acknowledge the Audit data is limited as someone might identify as BAME without us knowing it on what we perceived visually or from a name.

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representation on the Executive⁸ and Council is low, and only the Library Committee and the EDI Committee have any BAME committee members. As far as we can tell, the Subject Sections had only 3 BAME members as convenors in 2019/2020 out of a total of 41 subject section convenors. If we look a representation at our conferences, again as far as we can tell, in 2019 there were 4/30 (13%) keynote speakers who were BAME, 0/12 (0%) plenary speakers and 44/292 (15%) paper givers were BAME. In 2018 4/28 (14%) keynote speakers, 0/9 plenary speakers and 39/371 (10.5%) paper givers were BAME. In 2017 there were 0/46 (0%) keynote speaker, 2/25 (8%) plenary speakers and 39/302 (13%) paper givers were BAME. Even given their limitations, these data identify a clear underrepresentation of non-White persons in Society activities.



⁸ Although these numbers may change with additions made to the Executive at the September 2020 Council meeting.

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Of the 116 professors:

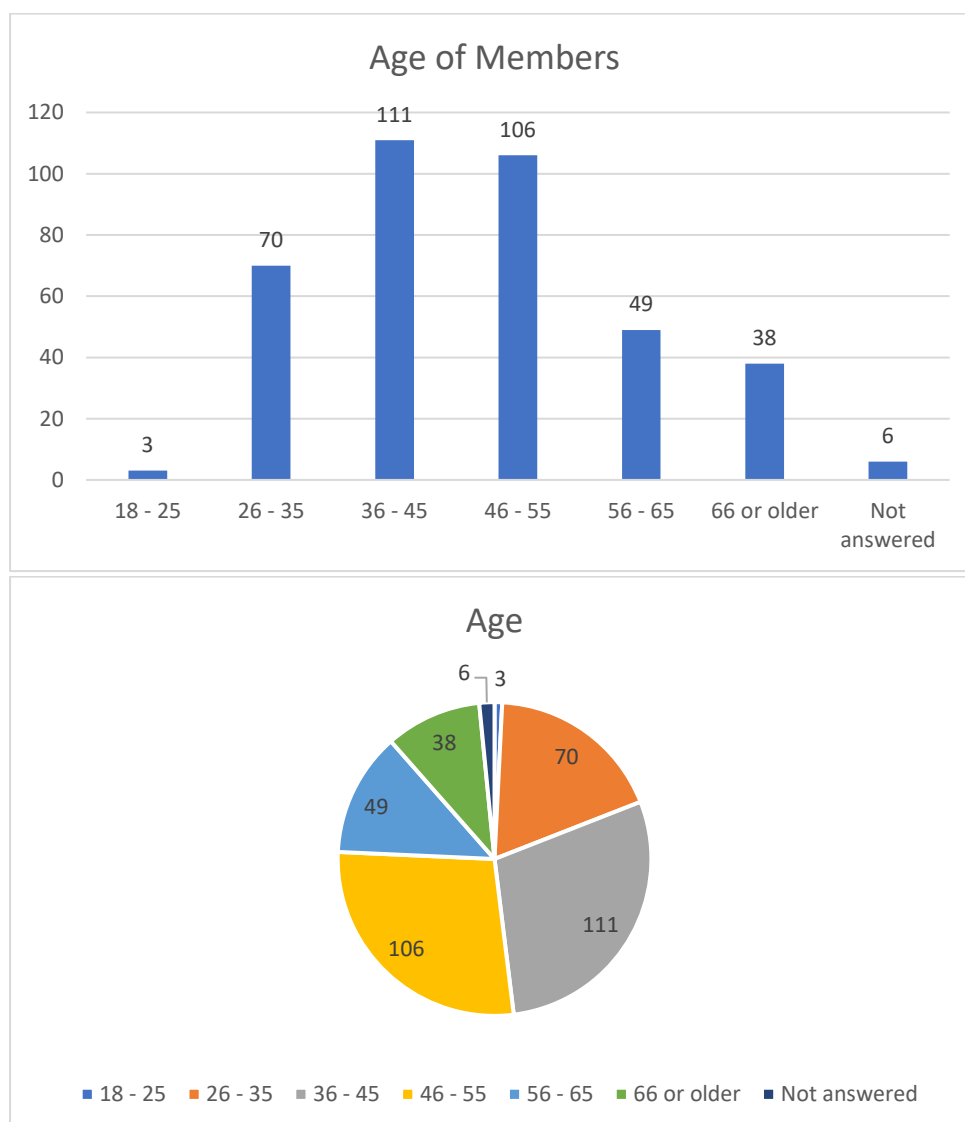
Ethnicity of Profs:		%
White	105	91%
Asian	4	3%
Black	4	3%
Mixed	1	1%
Not Answered	2	2%
Total	116	100%

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Age

Most of our members who responded to this survey are over 36 years old. 29% are between 36 and 45, and 28% are between 46 and 55. This is broadly reflective of the HESA data on the academy, which puts those in each age range at 28% and 25% of all academic staff in the UK. However, HESA notes that 26% of the academy is between 26 and 35, while according to this survey our membership who fall into the same age range is just 18%. Just under 1% of members are under 25, which is much less than the 3% of academic staff who are under 25 in the UK. 15% of academic staff in the UK are between 56-65, which is slightly more than ours at 13%, but our members over 66 are better represented than the academy as a whole, at 10% against the academy's 3.5%. However, according to Advance HE for Law 715 are under 30 (12%), 1,730 are 31-40 (29%), 1,650 are 41-50 (27%), 1,285 51-60 (21%), and 580 are aged 60 and over (10%). Therefore, our figures may be more in keeping with the legal academy than the academy in general. Even so, however, the survey respondents suggest that there is a need to attend to engagement of younger members with the SLS. This is also an area highlighted in our Action Plan.

For all non-SET subjects 4.9% of Professors are aged 31-40, 27.9% of Professors are aged 41-50, 39.2% of Professors are in the age range 51-60 and 18.5% are over 61. This has not changed significantly.

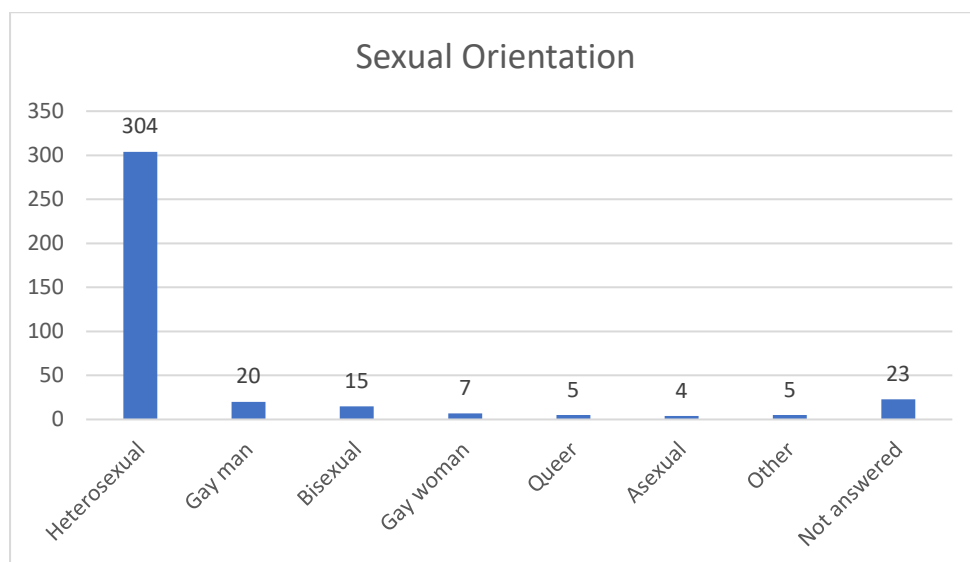


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Sexual Orientation, Religion and Belief are protected characteristics under The Equality Act 2010. Changes to the HESA staff record for 2012/13 allowed institutions to return this information on an optional basis. Because data is currently voluntary to return, we do not yet have a national demographic picture of the HE staff population in relation to religion and belief, or sexual orientation. Therefore, our analysis in this section is limited.

Sexual orientation

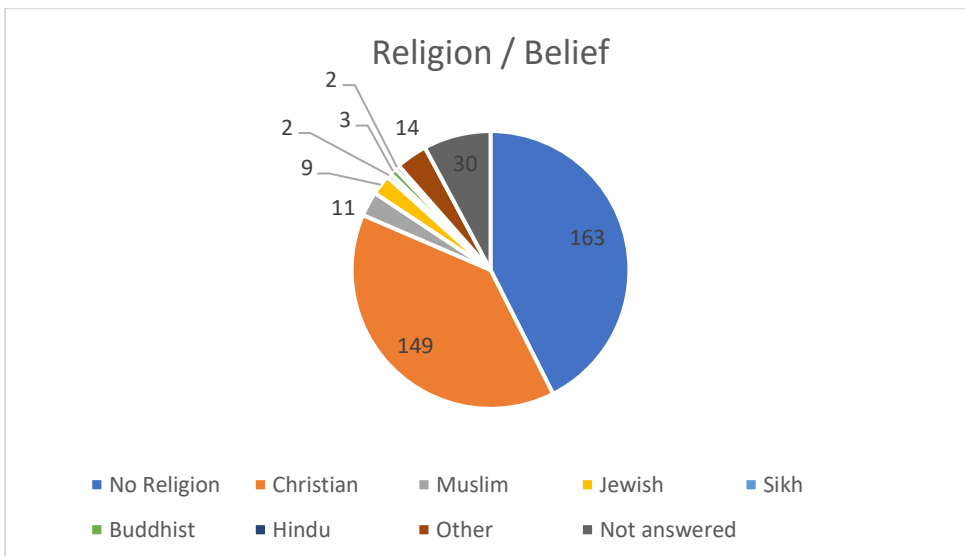
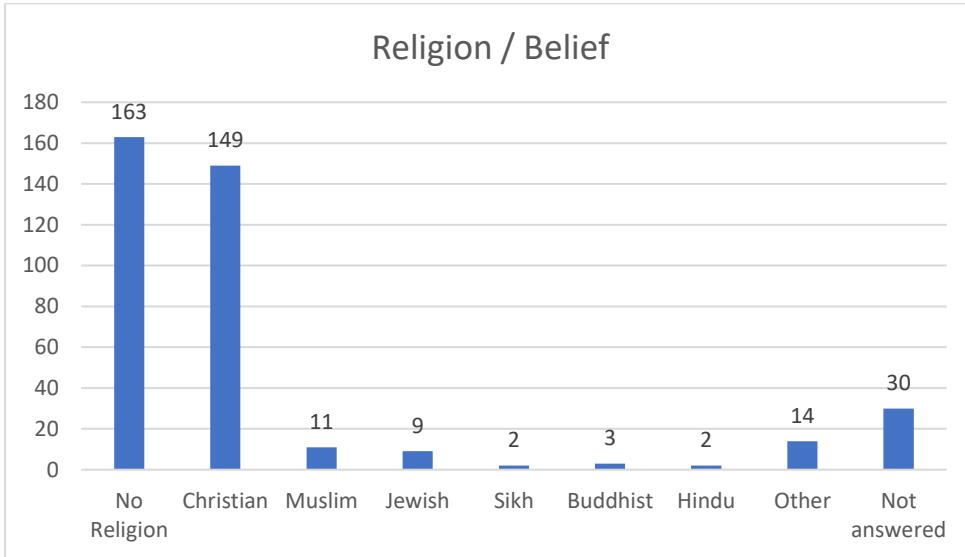
Of those who responded to the survey, 79% are heterosexual, while 5% are gay men. Gay women make up 2% of the returns, while 4% are bisexual. Those identifying as queer, asexual and other made up 1% each. 6% declined to answer. One person described themselves as 'retired'. Of the staff in institutions that returned sexual orientation information to HESA, 52.1% provided information, 12.4% refused to provide information, and for 35.5% the data field was blank. For staff in institutions returning data - 0.9% bisexual, 1.3% gay man, 0.7% gay woman, 49% heterosexual, 0.3% other, 12.4% information refused, 35.5% blank. Therefore, it could be argued that the society does better in terms of inclusion in terms of sexual orientation than the academy in general, but again there are also arguments which could be made about reluctance to disclose to employers.



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Religion or belief

Of those who responded to the survey, 43% have no religion, while 39% identify as Christian. Those identifying as Muslim were 3%. 2% are Jewish, 1% Sikh, 1% Buddhist, 1% Hindu and 4% identify as other. 8% chose not to answer. Of the staff in institutions that returned religion and belief information to HESA, 54.2% provided information, 12.2% refused to provide information, and for 33.5% the data field was blank. Of the staff in institutions returning data 26.6% have no religion, 21.3% Christian, 1.7% 1.7%, 0.4% Jewish, 0.3% Sikh, 0.5% Buddhist, 1.0 Hindu, 2.5% other.

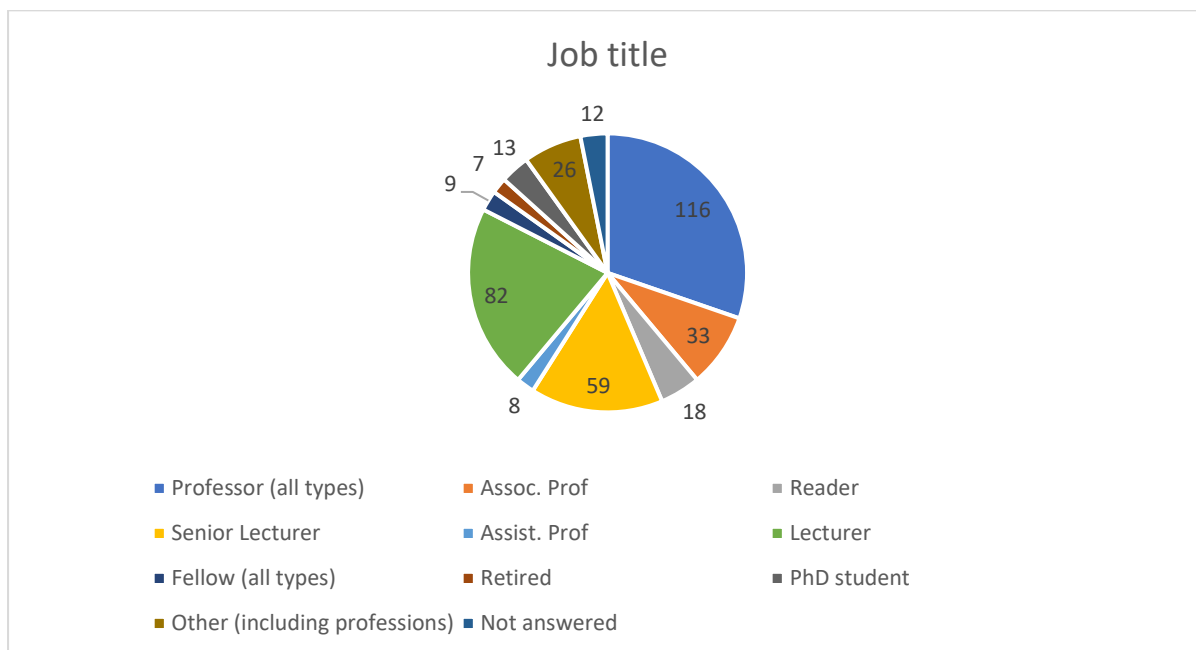
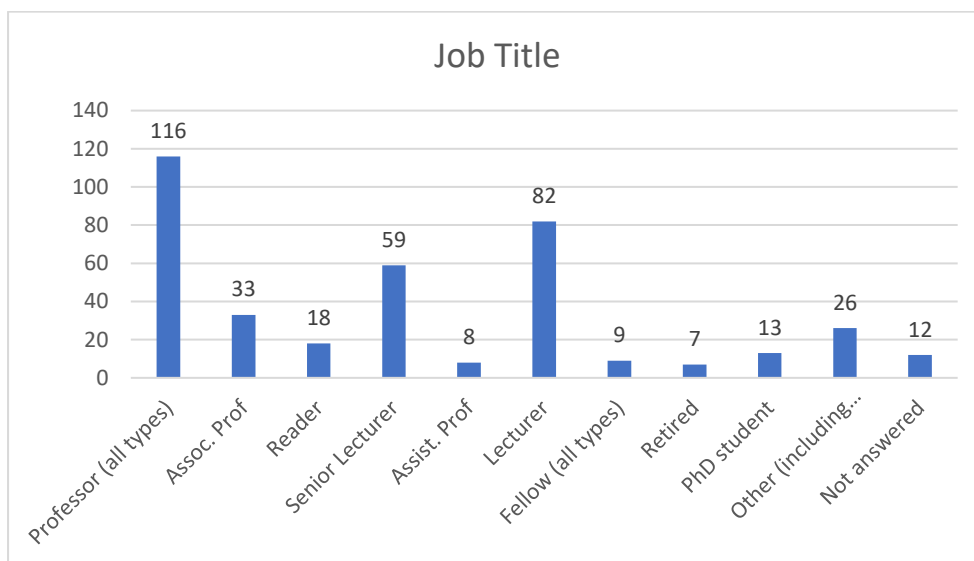


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Job title

Of those who responded to the survey, 30% are professors, 9% are associate professors, 5% are readers, 15% are senior lecturers, 2% are assistant professors, 21% are lecturers, 2% are fellows, 2% are retired, 3% are PhD students, and 7% are from other professions or positions. 3% declined to answer. The figure for PGRs is concerning and the SLS should consider steps it could take in engaging the next generation of legal academics and is an action noted in our Action Plan.

- 10% of HESA returns are profs, although unclear as to whether this would include associate professors.



These data suggest that a large number of professors engage with the SLS. This is reflected also in the engagement with committees of the Society. The Research Grants Committee, The Research Sub Committee, the Nominations Sub-Committee and the Small Projects and Events Fund Committee

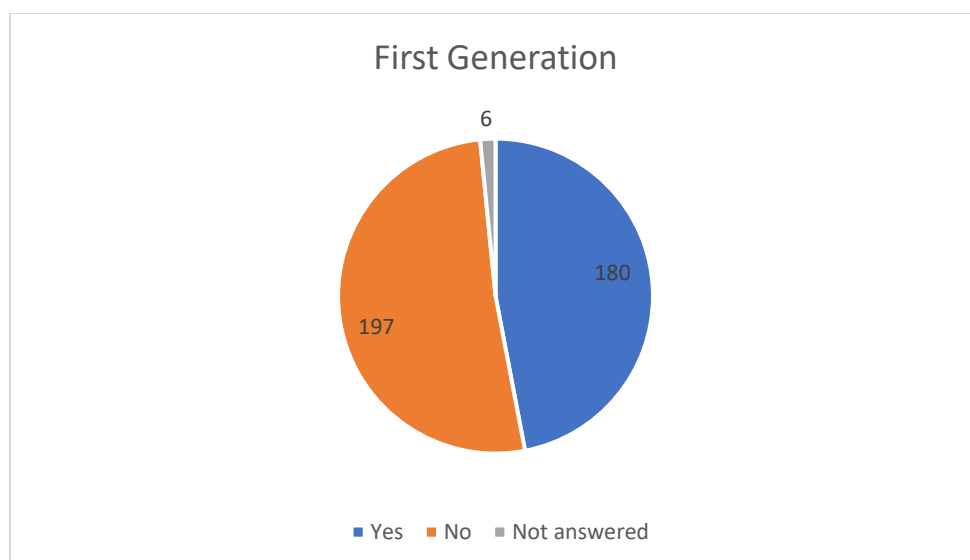
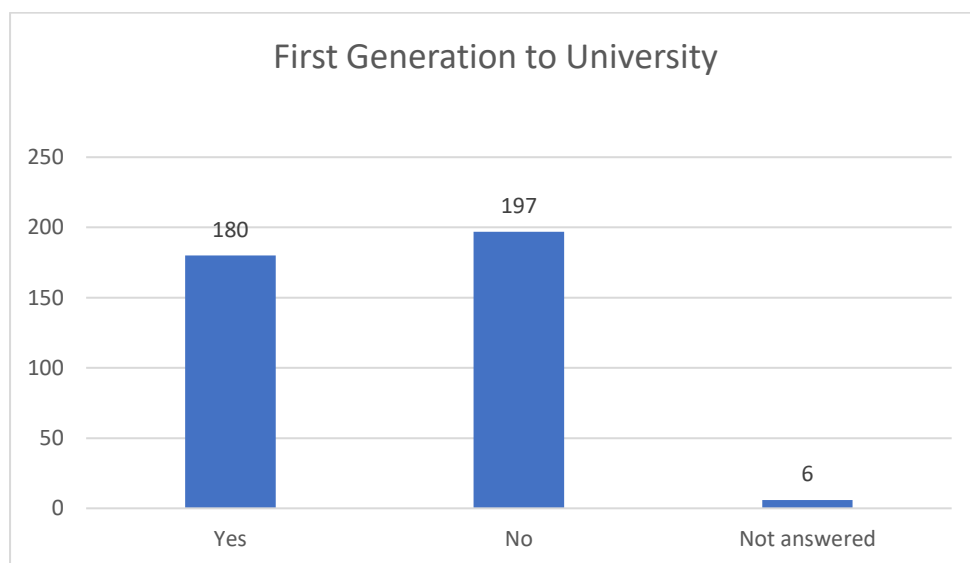
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have all professorial membership. The Conference Advisory Committee are 5/6 Professors. The other committees are less dominated by Professors – Legal Education has 2/6, Libraries has no Professors, EDI Committee has 2/6. On the Executive 10 out of the 15 Officers of the Executive are Professors and 3/9 Ordinary members of the Executive are Professors. Engagement of ECR/PGR in terms of representation forms part of our Action Plan.

NB: Further analysis of the sections below is needed. But for now the data is included as reported.

First generation to University

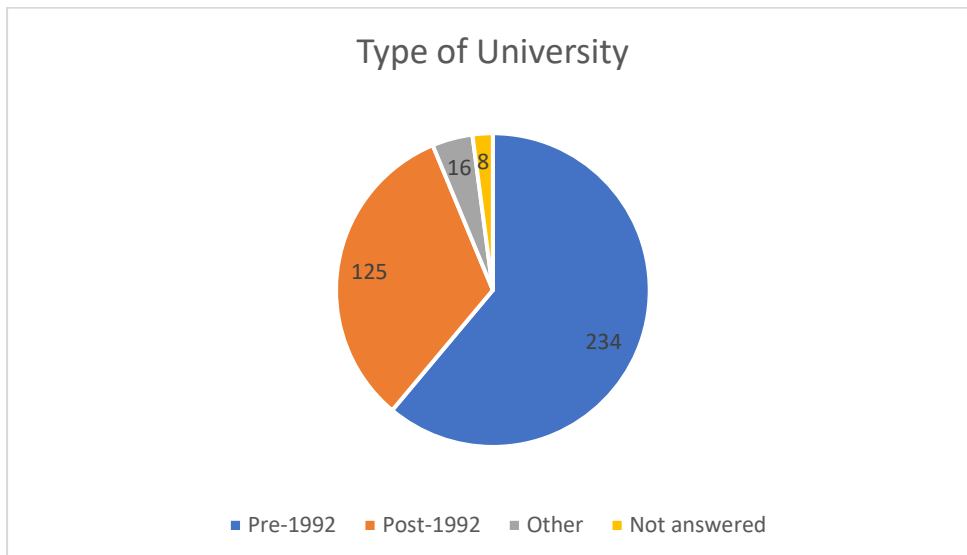
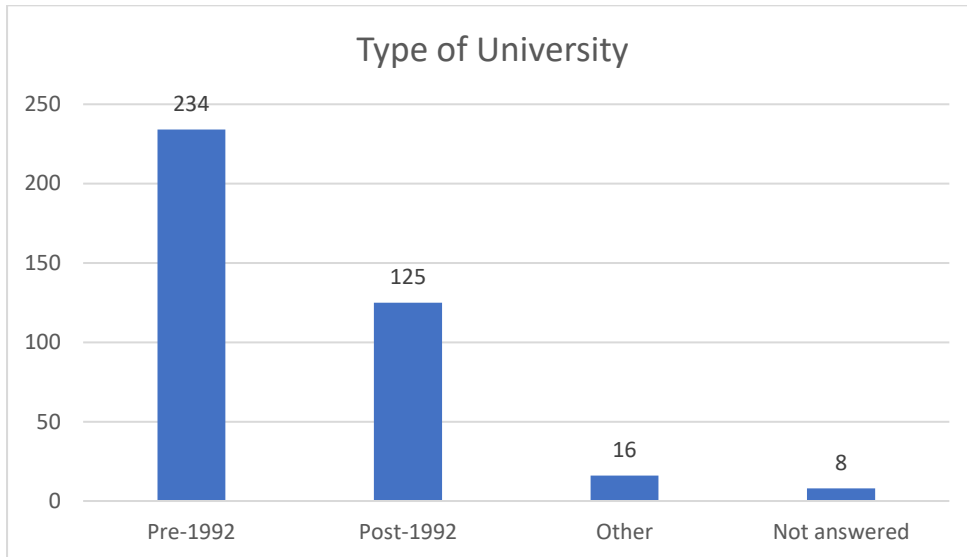
47% are first gen while 51% are not. 2% declined to answer.



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University type

Of survey respondents, 61% are from pre-92 institutions while 33% are from post-92 institutions. 4% are from other places, and 2% declined to answer. There are almost double the number of individuals from pre-92 institutions involved in the SLS than there are those from post-92 institutions. This does speak to some of the assumptions that are often made about the SLS and its apparent domination by persons working in pre-92 institutions. Although there is more engagement in committees now from those working in Post-92 institutions, more work could be done.



If we look at some of the engagement with the SLS Executive and Committees post-92 engagement is very low. More research is required as to why this is the case. It could be to do with who funds membership of the SLS in institutions.

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Executive Officers

Year	Pre-92/Post-92	Russell Group/Not Russell Group	n =
2019/2020	11/4	8/7	16
2018/19	12/3	9/6	15
2017/18	12/2	9/5	14
Executive Ordinary Members			
Year	Pre-1992/Post-1992	Russell Group/Not RG	n =
2019/2020	8/1	4/5	9
2018/19	7/2	5/4	9
2017/18	6/3	5/4	9

As for the **Council** 68% of Council members are from pre-92 universities.

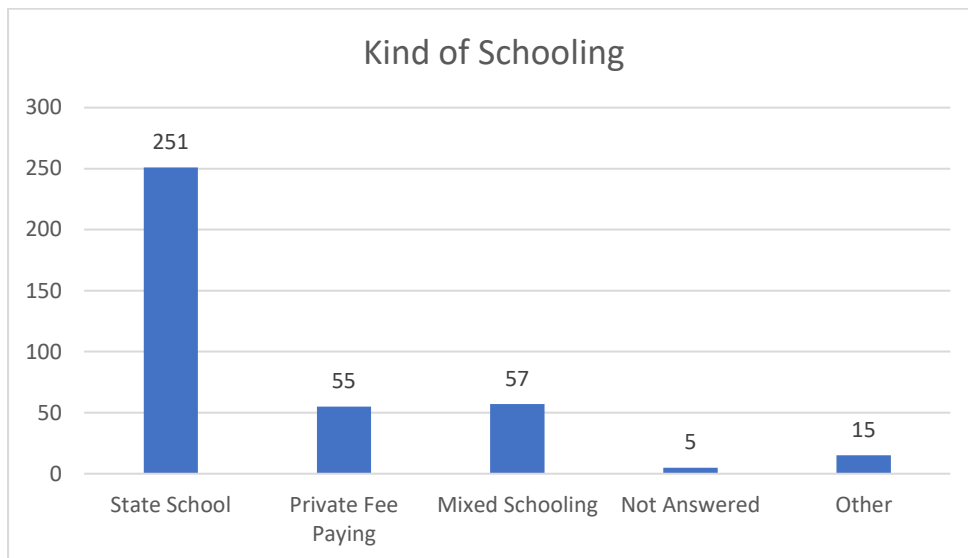
This pattern also continues for the committees of the SLS: the Committees are dominated by pre-92 Russell Group Universities.

Committee 2019-2020	Pre-1992/Post-1992	Russell Group/Not RG	n =
Legal Education Committee	Chair pre-92 Members 8/2	Chair RG Members 4/5	11
Libraries Committee	Chair Other (IALS) Members 1/4	Chair Non RG Members 1/4	6
Research Grants Committee	Chair Pre-92 Members 5/1	Chair RG Members 5/1	7
Conference Advisory Committee	Chair pre-92 Members 3/2	Chair RG Members 3/2	6
Nominations Sub Committee	Chair pre-92 Members 4/0	Chair RG Members 3/1	5
Research Sub-Committee	Chair pre-92 Members 4/0	Chair RG Members 3/1	5
EDI Committee	Chair post-92 Members 3/2	Chair non RG Members 2/3	6
Small Projects and Events Fund Committee	Chair pre-92 Members 3/1	Chair RG Members 3/1	5

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School type

66% of respondents are from a state school, 14% from private, 15% mixed and 1% declined to answer. 4% are from other types of institution.



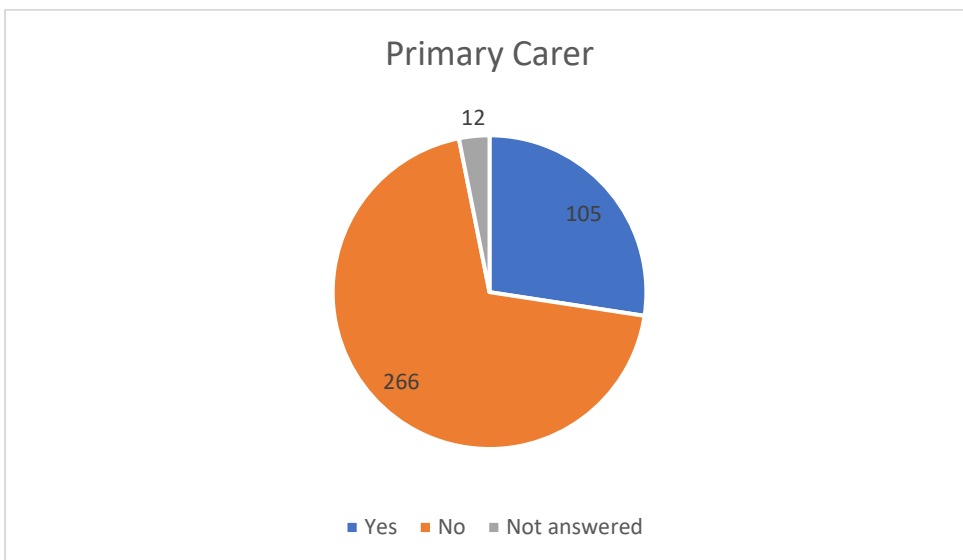
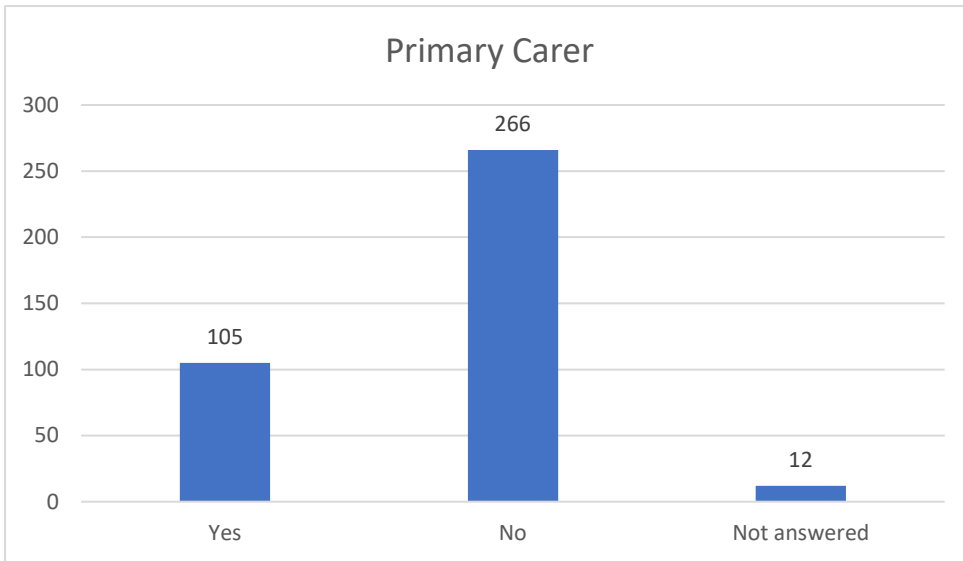
Of the 55 people who said they went to a fee-paying school, 42 of them work in a pre-1992 University, 12 work post-92, and one did not say.

Of the 120 people who said they work in a post 92 University, 93 (ie 77%) said they were state educated. Of the 223 who said they work in a pre-92, 144 (ie 64%) were state school educated.

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Primary carer

27% are primary carers while 69% are not. 3% did not answer.



Carers: we had 105 who entered yes. Of those 105, 67 were female, 37 were male. So 63% of the carers were female.

Conclusions

We have identified potential issues around ECR/PGR engagement (linked potentially to age but of course not always), BAME members, disability and the balance between pre- and post-92 institution membership in terms of engagement. We have more work to do on some of the other protected characteristics and issues to do with socio economic disadvantage. But we are keen to draw up an Action Plan on the main issues we have identified. So that we can move forwards with some of the work that needs to be done.