



UK MODEL DIVERSITY SURVEY

UK Model Diversity Forum: FAQs for Law Firm Participants

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For information on GDPR compliance and data protection, please see our **Data Protection Impact Assessment ("DPIA")** [here](#).

A **Transfer Impact Assessment ("TIA")** can be viewed [here](#).

Q: How well has this been received in the US?

Response:

The [American Bar Association's Model Diversity Survey \("ABA MDS"\)](#) in the United States is now in its sixth year and currently has 202 Client Signatories in the US with approximately 540 law firm participants.

Q: Who participated in the consultation process for the UK MDS?

Response:

We convened a working group made up of law firms and clients, meeting over the course of 2020 and 2021. These included: ABA, Addleshaw Goddard, Allen & Overy, Apple, Baker McKenzie, Barclays, BCLP, Clifford Chance, Cooley, Credit Suisse, Dechert, Freshfields, General Electric, Hogan Lovells, HSBC, Linklaters, Lloyds Bank, Macfarlanes, NBCUniversal, Paul Hastings, Pinsent Masons, SRA, Stephenson Harwood, Taylor Wessing, Visa Europe, and Weil Gotshal & Manges.

Q: Is there a minimum number of attorneys needed in the UK in order to participate?

Response:

There is no minimum number of lawyers needed to participate, although firms with a very small UK presence (fewer than 50 total lawyers eligible to be counted in the UK MDS) will find that its usefulness to Signatories is more limited.

Q: Who does the UK MDS collect data on?

Response: The UK MDS collects data on UK lawyers only, and you must report on every eligible lawyer in your UK office(s). This is explained in more detail in the Guidance document which accompanies the UK MDS.

Q: Does the data collection also include the demographics of non-fee earners?

Response: Just as with the ABA MDS, the UK MDS focuses on lawyers. Our research and data show us that is where the major challenges exist in the UK legal sector. Our 2012 research showed a much better picture on key D&I metrics and experiences on the business services side. This is something we may explore in the future to give the full picture inside law firms.

Q: Is the data available to clients from the UK MDS just firm-wide data with no further breakdown by who has worked for a specific client?

Response: The UK MDS provides firm-wide data only. It does not (and cannot) track the teams that work on a client's matters.

Q: Will Clients use the UK MDS *in addition to* or *in place of* their current data collection surveys?

Response: Client Signatories are being asked to use the UK MDS *in place of* their existing diversity data surveys.

Q: How many clients have signed up and what is your target number?

Response:

The current list of UK MDS Client Signatories can be found on our website [here](#).

We have 40 Foundation Client Signatories. Client Signatories will use the UK MDS in place of their existing diversity data surveys. The ultimate goal is to create a single standard for firms to report their diversity stats to their clients, so there is no upper limit on the number of Client Signatories who can participate.

Q: How many firms have signed up and what is your target number?

Response:

124 law firms and legal service providers have been nominated to participate so far by our Client Signatories. We cannot share specific law firm information with competitors given their concerns for confidentiality without first receiving their permission. A list of those firms who have given permission to publicise their participation can be found [here](#).

28 firms successfully submitted their 2020 data in the first data collection cycle. 32 firms submitted data in the 2021 and 2022 data collection cycles. 38 firms are scheduled to submit data for the 2023 data collection cycle, currently underway.

Q: Why did you collect historic data to start, instead of current data?

Response:

We started by collecting historical data (2020), as the ABA advised us that they had a significant increase in Client Signatory participation (for the ABA MDS) *only when they had several years of data*. We followed their advice in our launch plans. The value of the UK MDS will increase significantly when our Client Signatories have access to up-to-date firm data, as well as the ability to compare year-on-year data.

To this end, we accelerated the first four data collection cycles to bring us current, as below.

Q: When is the deadline to submit data, and what is the schedule for future versions of the UK MDS?

Response:

We allow a two-month window from receipt of the UK MDS materials to complete your data. The UK MDS Signatories will wish to see your completed data as soon as you can make it available. It is in the interest of the Law Firm Participants to finalise their UK MDS data submission as quickly as they can so that it can be reviewed and then entered into the online platform within this two-month timeframe.

- **Previous collection cycles (2020, 2021, and 2022 data)**
The first three collection cycles, collecting 2020, 2021, and 2022 data, have now closed.
- **Current collection cycle (2023 data):**
The 2023 data collection cycle is currently underway.
- **All future collection cycles (2024 data and beyond):**
The UK MDS will be on an annual cycle, appearing every year on of about 1 February.

Q: How do firms submit their data to the UK MDS?

Response:

Law firm participants should complete the spreadsheet version of the Survey Questions which we will provide. *Do not return the completed survey directly to your clients.* When you have completed the survey, please return it to the InterLaw Diversity Forum who will review the data for errors and omissions. When the review process has been completed, your data will be submitted on your behalf by the InterLaw Diversity Forum and become visible to the Signatories in the platform's Dashboards.

Q: For those who don't currently collect DE&I data, can you advise on how they may get started and share what best practice on monitoring should look like?

Response:

We have produced a **Best Practice Guide to Diversity Monitoring** which [you can access here](#).

Q: Within the cost of the product, what additional support will be provided to firms? Will you offer support/guidance completing the annual survey?

Response:

We will provide a range of services to Law Firm Participants, including ongoing support with queries on data collection and preparing the survey data. We will also be conducting ongoing programmes to support law firm participants on their journeys, such as our **Best Practice Guide to Diversity Monitoring**, our annual UK MDS Summits (to which we invited firms to who demonstrated innovative or leading practices through their submission to speak and share their experiences), and virtual sessions for your Client Relationship Partners to walk them through your firm's data as shown in the Dashboards.

Q: Who has access to the UK MDS database? How do we know the correct information is being shared with the client after we submit? Can you confirm which individuals at Client Signatories will have access to the reports? Please explain what is meant by “through secure log-in credentials on a ‘need-to-know’ basis”?

- The “raw data” you submit in the UK MDS consists only of numbers with no names attached. The only people who have the ability to access the raw data stored in the database are **Jonathan Leonhart** (Operations Director, InterLaw Diversity Forum) and **Justine Thompson** (Executive Director, InterLaw Diversity Forum), who will be issued their own unique administrator sign-in credentials. LSAC could theoretically see it as part of system configuration and administration. LSAC is a non-profit testing organisation which routinely handles sensitive data.
- Law firms will be provided with a PDF of their data submission. Law firms do not have access to the online Dashboards, but InterLaw Diversity Forum will prepare a full PDF set of all Dashboards showing your data.
- Only Client Signatories have access to the platform. The platform never displays any raw data. It draws on the raw data (which is itself anonymous) stored in the database to generate Dashboards with graphs showing the data as percentages.
- We keep the number of individuals who have platform access at each Client Signatory to the minimum, and Signatories are reminded of their confidentiality obligations.

Q: What if one of our clients is not signed up? Will we be able to access the database to provide our UK MDS information to that client?

Response:

Only UK MDS Signatories can access law firm data, and only through the UK MDS platform. It is not an open or public system. Firms are not permitted to use the UK MDS outside of our platform, as this constitutes a violation of our NDA as well as our Terms of Use. The goal is to create a single standard that as many clients as possible use, enabling firms to provide a consistent set of data to a large number of clients by completing a single survey.

Should any client request your UK MDS data or Dashboards PDFs, please direct them to Jonathan.Leonhart@interlawdiversityforum.org, who will assist in onboarding them as a UK MDS Signatory.

Q: In the US, the ABA MDS has not taken the place of all other client D&I surveys. Clients still send different survey requests.

Response:

We encourage our UK MDS signatories to use the UK MDS **in place of** all other data collection exercises. We additionally encourage UK MDS Law Firm Participants to ask all your clients to replace their current diversity data survey with the UK MDS. Some firms in the US who receive many different client data requests have successfully asked many of their clients to shift over to the ABA MDS. Most clients are happy to do so, as it usually provides them with better and more easily accessible information and greatly reduces their own workload. For every additional client who uses the UK MDS instead of their own unique survey, that is one less unique set of data which needs to be compiled by the law firm.

Q: Will law firms be able to see each other’s data?

Response:

No law firm can see any other law firm's data in any form.

Q: Will all participating Client Signatories be able to see our data or just the clients we have a working relationship with?

Response:

Just as with the ABA MDS in the United States, participating Client Signatories will be able to see the data from all law firm participants in the UK MDS. No data about the client signatories' panel composition is ever entered into the system. Clients see everyone and select their own firms to view. The UK MDS does not collect any data on the teams that work on a client's specific matters. It shows UK firm-wide data only.

Q: Is it just UK data that is provided? If so, why is the cost based on global lawyers?

Response:

The global number of lawyers is a common way that law firms are classified, one which most accurately captures a firm's size and corresponding revenue, and we think firm size is the fairest way to spread the cost. Everyone (including our client signatories) is making a contribution to participate and has 'skin in the game'. Everyone pays an annual cost to participate. Costs go to pay licensing, development, maintenance, and running costs (which includes hiring additional employees) of the UK MDS project. Should there be any extra funds, they will be re-invested into our work at the InterLaw Diversity Forum. The InterLaw Diversity Forum has always been volunteer-led and has chosen to operate based on the not-for-profit model, where any profits are re-invested in the company.

Q: Can we review the UK MDS before deciding to participate?

Response:

An internal review of the UK MDS materials will be an essential part of your firm's decision-making process around participation. We ask potential law firm participants to sign an NDA before we send the UK MDS materials. The NDA is a simple acknowledgement of our IP rights in the UK MDS survey itself and accompanying guidance and does not commit you to participating.

Q: Will we need a separate data collection process for the UK MDS?

Response:

This will depend largely on your firm's existing data collection and diversity monitoring practices. Most firms will have already collected most or all diversity data in your HR systems. We have aligned our diversity and social mobility categories to match those the SRA uses in the [SRA Diversity Questionnaire 2023](#). Provided your HR system's diversity monitoring questions have been updated to match the SRA's, the diversity information held in your HR systems will all be useable in the UK MDS.

Q: As the SRA survey is voluntary, what is the response rate needed in order to be able to provide the same data for the UK MDS?

Response:

The UK MDS does not request your results from the SRA Diversity Questionnaire. The UK MDS requires that you monitor lawyer diversity data as part of your employee HR systems. You may have collected lawyer diversity data by integrating the SRA diversity Questionnaire into your HR system, or (more likely) you may have collected this diversity data upon hire, or during an annual refresh. You can participate whatever your monitoring return rates.

Q: How are we advised to manage the submission process where some data categories may not be available?

Response:

For LGBT+, Disability, and Social Mobility, please enter '0' where data is not available. When filling in charts on sex and race & ethnicity, all individuals must be counted, but we provide a space to count those individuals who have not disclosed this data (e.g., for those who have chosen 'Prefer not to say' in these categories or those have not responded at all.)

Q: We understand InterLaw will use the aggregate data collected by the UK MDS to analyse the state of diversity, equity, inclusion, and culture in the UK legal profession. What is the ongoing plan for this data collection?

Response:

We will follow the ABA's model in this respect. Working with our research co-leads at the InterLaw Diversity Forum, including Dr. Lisa Webley (Birmingham University School of Law), Dr. Richard Harvey (St. Louis University), Daniel Winterfeldt, and Justine Thompson, we will produce reports on the state of diversity, inclusion, and culture in the UK legal sector once we have collected our first three years of data. You can see the ABA's recently published report [here](#).

Q: My firm uses the **Rule of 5** (or **Rule of 10**). How will this affect our submission?

Response:

As a general rule, this rule does not apply to the UK MDS.

The Rule of 5 is correctly applied:

- 1) when the **source pool** you are drawing from is five or fewer;
- 2) when the **total number** in that source pool is known; and
- 3) when the **identity of each of the five people** in the source pool is also known.

A prime example of this – and where it is correctly applied – is when providing diversity data to a client on the small team that does their work. In this case you might have a team of five associates (the source pool) working on a client's matter. The number of associates and their identities are all known to the client. In such a case, all three conditions from above are met. You would not want to provide sensitive diversity data because the client could possibly work out which diversity characteristics go with which of these five known associates. Another place this may show up is for firms who have fewer than 5 Counsel who are all listed on their website.

In contrast to the above, see an example from the UK MDS:

You might find you have 2 gay men and 1 bi woman associates in a source pool of 45 associates.

In this case:

- 1) the **source pool** you're drawing from is **45**;
- 2) the number in the source pool (45) is unknown and cannot be known. These raw numbers are not shared with UK MDS client signatories. There are strict criteria as to which of your associates are eligible to be counted in the UK MDS, which means no one outside your HR department could ever work out the precise total number of the source pool.

In this example, these 3 LGBT* associates from the source pool of 45 associates are reported as **7%** LGBT associates**.

**Although we collect data on the individual LGBT strands for our sector wide research, these are always combined and reported in the Dashboards under the single category "LGBT".*

***All percentages are rounded to the nearest whole number in order to further obscure the raw numerical data. The actual percentage above is 6.666%*

Without knowing the number in the source pool (45) and the exact percentages (6.666%), these percentages cannot be turned back into real numbers. Further, the umbrella term "LGBT" does not give any specific information on sex. This means that, even if you could somehow work out that the percentage represents three LGBT individuals from the sample pool of 45, you would not know whether they were gay men, gay/lesbian women, bi men or women, or trans men or women. This further protects individuals from identification.

You may occasionally find subgroups in specific chart columns that contain a source pool of five or fewer people. Here you will want to check whether the three conditions necessary to apply the "Rule of 5" are met.

As an example, you may have a total of five associates (the source pool) who left the firm during the reporting period and who would therefore be counted in the Attrition column. Here you have fulfilled condition 1. But you need to consider: Where are the number and the identities of all the associates who left the firm in this period made publicly available? Only HR would know this; the UK MDS client signatories have no way of obtaining this information. Although this situation fulfils condition 1, it does not fulfil conditions 2 and 3. The Rule of 5 does not apply.

Remember, too, that additional safeguards are built in: (1) The UK MDS never shows any actual numbers. It only reports rounded percentages of the total sample pool; and (2) it aggregates the different diversity strands relating to sexual orientation and gender identity into the single category "LGBT".

In the Attrition example above, imagine that 1 of your 5 leavers is a gay man. The Dashboard for Attrition would show that 20% of your Associate leavers in this period were LGBT. Signatories have no way of working out how many people are actually being reported on and hence cannot calculate how many individuals this 20% represents; and cannot determine whether this represents one or multiple gay men, gay women/lesbians, bi men, bi women, or trans men/women.

It's best to take any instance where you think there may be concern and run it through real-life scenarios to see if there is a legitimate identifiability risk before making decision on whether or not to include the data.

You should ask yourself:

- 1) Is the sample pool five or fewer?
- 2) Does the client have any realistic way of working out that this sample pool is 5 individuals?
- 3) Last, are the identities of all five individuals publicly linked to their inclusion in this sample pool? (For example, can signatories work out who the five associates are that left the firm in 2020, and be certain that only these five associates left the firm?)

Where you are not able to share data for an individual, we advise that you categorise them as "X not disclosed to firm".

For more discussion on data privacy when reporting on a single individual, please see our [DPIA](#).