

2023 Key Performance Measurements Report

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INTRODUCTION

Welcome to the SDT's KPM Report in respect of 2023.

Our Work

The SDT is a statutory tribunal, constituted under s.46 of the Solicitors Act 1974). We are independent of the Law Society, (the membership body for Solicitors), and the Solicitors Regulation Authority Limited ("SRA"), the regulator for the solicitors' profession. The SDT's oversight body is the Legal Services Board ("LSB").

The principal function of the Tribunal is to adjudicate upon alleged breaches of the rules and regulations applicable to solicitors and their firms. The SDT also determines allegations made against individuals who are not qualified solicitors, but who are employed or paid by solicitors.

Additionally, the SDT is the appeal body in relation to internal decisions made by the SRA in accordance with the Solicitors Disciplinary Tribunal (Appeals and Amendment) Rules 2011.

The Tribunal does not investigate allegations or prosecute cases.

The majority of applications to the SDT are made by the SRA: 'the Applicant'. However, members of the public are able to make a direct application alleging professional misconduct to the Tribunal: 'the Lay Applicant'. Those against whom allegations are made are known as 'Respondents'.

The Applicant and the Respondent have a statutory right of appeal against substantive decisions of the SDT to the High Court. Interim decisions of the SDT, predominantly arising in the course of case management, can also be subject to Judicial Review by the High Court upon application of either party.

The work of the SDT is designed to meet the overarching public interest which comprises of (i) protecting the public from harm, (ii) the declaration and upholding of proper standards within the profession and (iii) maintenance of public confidence in the regulatory framework.

Key Performance Measurements ("KPM's")

In order to ensure that we carry out our role effectively and efficiently the LSB and the SDT have agreed a number of KPM's. The KPM's are designed to ensure that we meet the overarching public interest and provide the tool against which we are measured.

This report presents the SDT's performance in 2023 in relation to them.

Deborah Baljit
CEO and Chief Clerk
15 March 2024

KPM 1 - ISSUE OF PROCEEDINGS

Proceedings to be issued or notification of non-certification sent to the Applicant within a set number of calendar days of date of receipt of Originating Application (in the correct format) at the Solicitors Disciplinary Tribunal as below:

(A) Solicitors, Former Solicitors, Registered Foreign Lawyers, Registered European Lawyers, Clerks and Recognised Bodies

Target:

85% of proceedings issued within 5 working days.

(B) Restoration to the Roll, Revocation of a s.43 Order, Application to Determine an Indefinite Suspension, Application for a Re-hearing, Application to Vary a Condition on Practising Certificate, Appeal S44E, Costs Order and Application to Activate Suspension

Target:

85% of proceedings issued within 5 working days.

(C) Lay Applications

Target:

90% of lay applications to be considered by a Member of the Tribunal and, if required, a Division of the Tribunal within 8 working days.

Year	Performance Measure	No of Cases	Target Met (%)
2023	A	84	100%
	B	10	100%
	C	16	100%
2022	A	89	99%
	B	21	95%
	C	21	100%

Table 1

Year	Quarter	Applications Received:		
		A	B	C
2023	1	24	2	5
	2	16	0	3
	3	20	4	6
	4	24	4	2
2022	1	15	7	8
	2	21	5	4
	3	28	3	2
	4	25	6	7

Table 2

BREAKDOWN OF APPLICATIONS RECEIVED

CASE TYPE	2023	2022
Rule 12 Application (SRA)	84	89
Rule 12 Application (Lay)	16	21
Application to vary/remove conditions	2	6
Rule 17 Application – Restoration to Roll/Lift Suspension	4	4
Remitted Appeal	0	4
Application for Leave to Enforce Costs Order	0	3
Section 44E Appeal	3	1
Section 46 Appeal	0	1
Rule19 – Review of Order of Solicitors’ employees	1	1
Rule 37 – Application for Re-Hearing	0	1
Total	110	131

Table 3

In 2023, the Tribunal received five fewer cases from the SRA compared to in 2022.

LAY APPLICATIONS

A total of 16 lay applications were received in 2023, a reduction of 24% from 2022 (21 applications)

	2023	2022
Lay Applications Received	16	21
Number not certified without adjournment to SRA for investigation	10	18
Number not certified following adjournment to SRA for investigation	1	3
Number of Applications received either incomplete or discontinued	5	0

Table 4

Acknowledging that Lay Applicants are not familiar with the SDT’s processes, the SDT provides guidance to help with the submission of a lay application. Senior Clerks and the Case Management Team are readily available to address queries regarding procedural matters and provide assistance with utilising CaseLines, the Tribunal’s electronic document management system. When developing the SDT’s new website (launched in October 2023) significant emphasis was placed on ensuring easy access to information and providing a user-friendly experience from a Lay Applicant’s perspective.

In relation to applications received, it remains the case that whilst many Lay Applicants provide detailed descriptions of concerns related to their solicitor/firm or a third party's solicitor, they often fail to give sufficient supporting evidence to any alleged breaches of the Code of Conduct and/or Principle breaches.

If a Lay Applicant raises concerns which potentially could amount to a breach of the Code and/or Principle, the SDT will request the SRA to conduct an investigation before making a definitive certification decision. Whilst the SDT does not have the power to investigate potential breaches, the lay application process remains integral in providing the public with a valuable alternative avenue for lodging complaints. This, in turn, enhances public confidence and transparency in the regulatory process.

RESPONDENT INFORMATION & ALLEGATIONS GENERAL THEMES

In 2023 the Tribunal issued **84** sets of proceedings in relation to cases received from the SRA. The 84 cases equated to **97** individual respondents and **3 Recognised Bodies**. The Tribunal has collated information in relation to Respondent type, position and the areas of practice which may be of interest. It is important to note that some Respondents' practice in multiple areas of law. This accounts for the different totals in tables 5 and 7.

Respondent Type	No of Respondents	
	2023	2022
Solicitor	92	98
Registered Foreign Lawyer	2	1
Unadmitted Person	3	1
Recognised Body	3	0

Table 5

Areas of Practice	2023
Conveyancing	30
Wills & Probate	19
Civil Litigation	16
Personal Injury	14
Family	10
Commercial Property	8
Commercial Litigation	8
Litigation	8
Criminal	7
Employment	6
Immigration	4
Property	3
Mental Health/Capacity	3
Related to Administration of Practice	2
Not related to Practice	2
Financial Regulation	2
Private Equity	2
Accounts	1
Public and Tribunal Law	1
Money Laundering	1
Insurance	1

Table 7

Respondent Position	2023	2022
Associate	14	29
Consultant	4	3
Individual	47	17
Non-admitted	1	1
Other	2	1
Partner	16	35
Sole Practitioner	13	14
Firm	3	0

Table 6

ALLEGATIONS – CASE GENERAL THEMES*				
Accounts Rules Breaches	Misuse of Client Account	Dishonesty	Lack of Integrity	Total no of Cases
	✓			2
			✓	17
✓			✓	5
		✓	✓	41
✓		✓	✓	5
✓	✓	✓	✓	10
	✓	✓	✓	2

Table 8

*Two cases did not fall within the General Themes and are therefore not recorded above.

NUMBER OF CASES WHERE AREAS OF MISCONDUCT WHICH:		
Matched areas of Practice	Partially matched areas of Practice	Did not match areas of Practice
40	18	26

Table 9

CASES RECEIVED RELATING TO:	
SEXUAL MISCONDUCT	CRIMINAL CONVICTION
12	10

Table 10

COMMENTARY

The Tribunal has noted a decrease in the number of applications received from the SRA. However, the type of cases and allegation themes has resulted in more complex cases with increased time estimates.

There has been an increase of cases in relation to allegations of sexual misconduct. In 2023, 12 such cases were issued compared to 3 in 2022 and 1 criminal conviction arising out of a sexual offence. In respect of such cases, the Tribunal has noted a wider press and public interest. Substantive hearings continue to be held in public, with observers being able to attend via Zoom.

There has been a marked increase in the number of individuals facing allegations of professional misconduct, from 17 in 2022 to 47 in 2023.

Dishonesty and lack of integrity remains a recurrent theme in the nature of allegations levelled against Respondents.

AGREED OUTCOMES

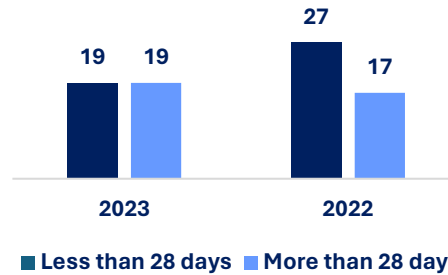
Description	2023	2022
Number of Cases on which AO received	37	41
Cases with more than 1 AO	1	7
Total number of AO's Received	38	50
Agreed Outcomes Approved	36	46
Agreed Outcomes Rejected	2	4

Table 11

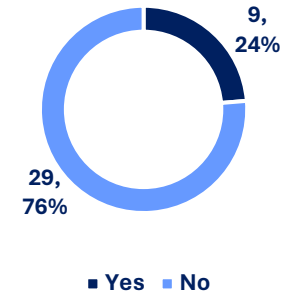
Days of Court Time affected:

2023	2022
83	86

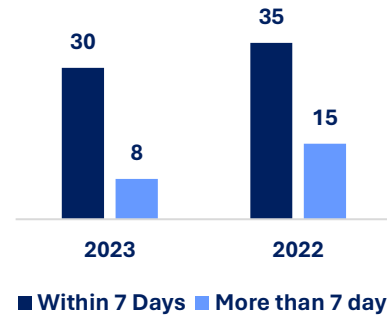
Number of Days Agreed Outcome Application received in relation to listed substantive hearing:



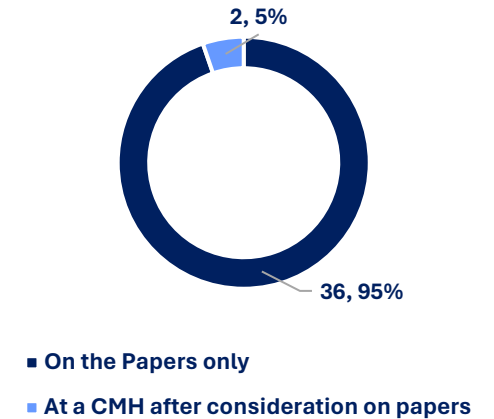
Health Issues affecting Proposed Sanction in 2023:



Number of days of Agreed Outcome Application being considered by a Panel after receipt:



Method of Consideration:



COMMENTARY

The timeliness of applications for proceedings being disposed of by way of an Agreed Outcome has improved in 2023. The Tribunal has noted more accurate forecasting data from the SRA as regards matters in which an Agreed Outcome is likely to follow. Consequently, this has led to more accurate allocation of resources, predominantly sitting days and Panel requirements.

The Tribunal has continued to apply anxious scrutiny to Agreed Outcome proposals. Agreed outcome proposals are considered at the first available opportunity so as to provide certainty for the parties and to ensure the best deployment of Tribunal resources.

KPM 2 – DETERMINATION OF APPLICATION BY HEARING

(A) **Target:**

75% of cases first listed for substantive hearing date within 6 months of issue;

(B) **Target:**

Final Determination of application, by substantive hearing or otherwise, from the date of issue of proceedings to take place within: –

60% 6 months of issue

80% 6-9 months of issue

95% 9-12 months of issue

100% 12-24 months of issue

KPM 2A	2023		2022	
	Total number of cases heard	Total %	Total number of cases heard	Total %
75% of cases first listed for substantive hearing within 6 months of issue	101	100	103	100

KPM2B	2023	2022
	Cases Heard	Cases Heard
	101	103
Within 6 months	72	82
%	72%	80%
Within 9 months	9	11
%	81%	90%
Within 12 months	3	7
%	87%	97%
Within 24 months	12	3
%	99%	100%
Over 24 Months	1	N/A
%	100%	N/A

Table 12

KPM 2 - ADJOURNMENT ANALYSIS

Application by	No of Adjourment Applications	Granted Applications	Refused
Respondent	32	16	16
Applicant	12	10	2
Joint Application	4	3	1
Ordered by Tribunal	3	3	0
Appellant	1	0	1
Total	52	32	20

Table 13

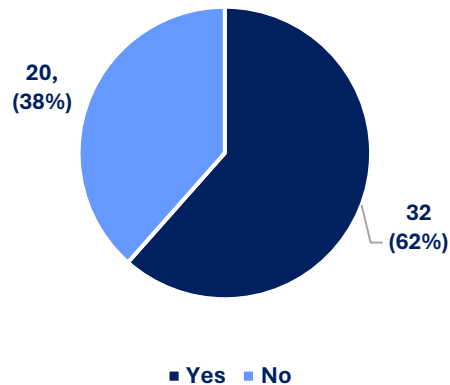
Hearing days lost due to Adjourment Applications:

79

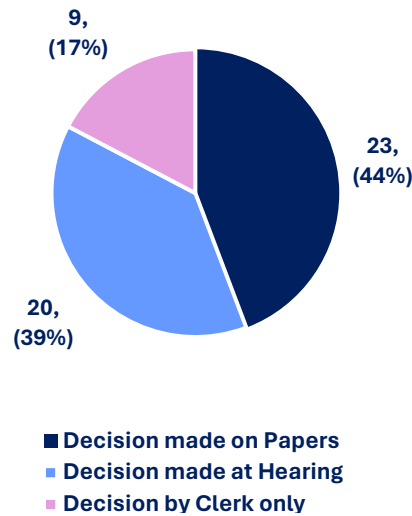
Adjourment Reasons



Adjourment Application made 21 days or less before hearing:-



Method of Consideration by the Panel:



COMMENTARY

The Tribunal continues to list substantive hearings expeditiously. The vast majority of hearings are listed within six months of a case having been issued. The default position is that the Tribunal lists substantive hearings in person with the proviso that either party can apply for the hearing to be heard remotely and provide reasons for doing so.

Whether a hearing is in person at our premises or remote, members of the public and the press are able to observe proceedings via a remote link to the courtroom.

The vast majority of applications to adjourn are made by/on behalf of the Respondent, mostly on the ground of ill health of the Respondent. The Tribunal requires medical evidence to support any assertions made by the Respondent in relation to their health and the likely impact that may have on their ability to attend/participate in a hearing.

As regards applications to adjourn proceedings made on behalf of the Applicant, they can be categorised as (a) additional time required to investigate the ill health of a Respondent, (ii) witness availability and/or (iii) availability of representative.

All applications need to be supported by good reasons as the Tribunal needs to balance the request along with the overarching public interest in ensuring cases are dealt with expeditiously.

KPM 3 – COST PER COURT

	2023	2022	2021
No. of courts (Sitting days)	212.5	174.25	239
Members fees & Expenses	£614,098	£441,354	£500,904
Administrative Expenses	£1,987,699	£2,658,802	£2,580,729
Total Spend	£2,601,797	£3,100,156	£3,081,633
Average cost per court	£12,244	£17,791	£12,894

Table 14

COMMENTARY

The number of court sitting days in 2023 was 212.5. This was an increase of 21.9% on 2022.

On an exceptional basis additional funding of £1,162,122 was received in 2022 specifically to cover the cost of the SDT relocating to new premises in 2023. As this was not part of the Tribunal's business as usual these costs are not included in the Total Spend.

Based on total spend of £2,601,797 the average cost per court (draft) for 2023 has been significantly reduced down to £12,244.

The increase in Member's Expenses is driven by the higher number of sittings that have taken place in person following the end of the pandemic.

Administrative costs (£1,987,699) made up 76.4% of total costs and are a significant reduction of £671,103 (25.2%) on 2022.

Building Costs were lower as the SDT reduced its office space at the end of 2022, occupying two floors at Gate House as opposed to the previous three. Savings in this area related to lower rent, service charges and business rates. Dilapidation costs in relation to the vacant floor were accrued in 2022 but ended up higher than anticipated with £19,500 being included in this year's accounts.

During 2023, SDT incurred additional costs relating to restructuring its operations, this was offset by savings in other areas such as staff & office costs. During the course of 2023 staff numbers reduced from 12 to 9 with the organisation working to fill the vacant positions.

KPM 4 – PRODUCTION OF JUDGMENT

Target:

Following final determination of the application, judgment to be served on the parties within:-

35% <4 weeks

50% 4-5 weeks

70% 5-6 weeks

85% 6-7 weeks

95% 7-9 weeks

100% 9-15 weeks

	2023		2022	
No of Judgments	101		104	
≤ 4 weeks	73	72%	82	79%
4-5 weeks	6	78%	8	87%
5-6 weeks	6	84%	4	90%
6-7 weeks	7	91%	6	96%
7-9 weeks	6	97%	1	97%
9-15 weeks	3	100%	3	100%

Table 15

There was an increase in the percentage of judgments completed more quickly, within 6-7 weeks in 2023 compared to 2022. Additionally, the percentage of judgments completed within 7-9 weeks saw an increase in 2023. This increase may be attributed to several factors, such as complex issues arising during the course of a hearing, which are fully documented within the judgment to provide a comprehensive understanding of the proceedings. The duration of the hearing itself, including the presentation of witness evidence, could contribute to the extended timeframe for judgment production.

KPM5 - APPEALS

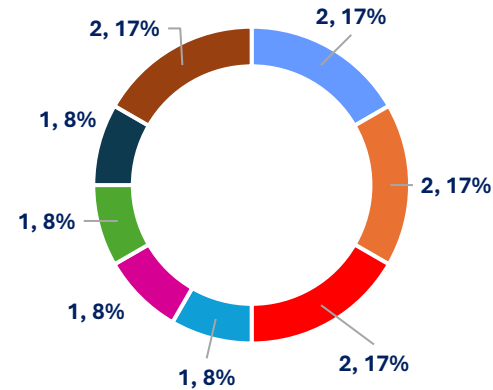
Received in 2023	
No. of cases concluded in year	101
Appeals lodged relating to 2023 cases	8
Appeals lodged in 2023 relating to 2022 cases	4
Status of above Appeals	
Appeals withdrawn/resolved by consent	0
Appeals dismissed/voided	0
Appeals upheld in whole or part	2
Appeals outstanding	10

Table 16

Received in 2022	
No. of cases concluded in year	103
Appeals lodged relating to 2022 cases	6
Appeals lodged in 2022 relating to 2021 cases	2
Status of above Appeals	
Appeals withdrawn/resolved by consent	2
Appeals dismissed/voided	4
Appeals upheld in whole or part	0
Appeals outstanding	2

Table 17

Reasons for Appeal - received in 2023



- Findings
- Costs
- Findings, Sanction, Procedural Irregularity
- Costs, Procedural Irregularity
- Findings, Wrong in Law
- Wrong in Law
- Findings, Sanction
- Procedural Irregularity

COMMENTARY

The Tribunal received 12 appeals in 2023, 10 of which remain outstanding so are outside the scope of this commentary.. There was an increase in appeals compared to 2022 but this is not regarded as significant. The Tribunal continues to publish full reasons for its decisions within its judgments so that all parties and the public can understand the rationale behind them.

KPM 6 – TRIBUNAL & STAFF DIVERSITY

Ensure that the diversity profile of the SDT’s staff team and its membership reflect the diversity of the population it serves, and the solicitors’ profession (of England and Wales) in particular.

ETHNICITY	Practising Population	SDT Members	SDT Staff
Asian	12%	9%	11%
Black	3%	4%	11%
Mixed/Multiple Ethnic Groups	3%	0%	11%
Other Ethnic Group	1%	0%	0%
White	77%	87%	67%
Prefer Not to Say	4%	0%	0%

RELIGION	Practising Population	SDT Members	SDT Staff
Buddhist	1%	0%	0%
Christian	41%	52%	67%
Hindu	2%	4%	11%
Jewish	2%	4%	0%
Muslim	6%	4%	0%
Sikh	2%	0%	0%
Other Religion or Belief	2%	0%	0%
No Religion or Belief	36%	32%	11%
Prefer Not to Say	8%	4%	11%

DISABILITY	Practising Population	SDT Members	SDT Staff
No	90%	85%	100%
Yes	6%	11%	0%
Prefer Not to Say	4%	4%	0%

Table 18

GENDER	Practising Population	SDT Members	SDT Staff
Female	53%	46%	67%
Male	45%	53%	33%
Prefer Not to Say	2%	0%	0%

SEXUAL ORIENTATION	Practising Population	SDT Members	SDT Staff
Other	0%	0%	0%
Bi-Sexual	1%	2%	0%
Gay-Lesbian	3%	0%	0%
Heterosexual	89%	94%	89%
Prefer Not to Say	6%	4%	11%

AGE	Practising Population	SDT Members	SDT Staff
25-34	30%	2%	0%
35-44	29%	8%	22%
45-54	22%	19%	33%
55-64	13%	43%	45%
65+	4%	28%	0%
Prefer Not to Say	2%	0%	0%

Table 19

COMMENTARY

The tables presented above offer a comparison between the diversity profile of the Tribunal's members and staff with those of practising solicitors across the wider population and the population we serve. For this analysis, we have compared the representation of our staff and Membership against the demographic data collected in 2023 by the SRA via their Diversity data tool.

OUTLINE TO FEEDBACK SURVEY

Performance Measures 7-10 aim to monitor user satisfaction in 4 key areas:

- Response of the SDT administrative team;
- Access to hearings;
- Experience of using the SDT website;
- Time and opportunity for parties and advocates to present their case.

Data in respect of these measures is gathered via a user feedback survey which is sent out 3 times during the year, each covering a 4-month period. Surveys were sent to participants in cases are categorised as follows:-

- Respondents (Non-SRA)
- Respondents (SRA)
- Applicants (Non-SRA)
- Legal representatives (SRA)
- Legal representatives (Non-SRA)

We work with a third-party provider to maximise efficiency and ensure anonymity of data, and to encourage participation. Recipients of the survey are asked 4 questions (set out below).

In 2023, out of the 164 questionnaires distributed, 34 were completed and returned, resulting in an overall completion rate of 22%. This marks an improvement from the previous year (up 5%) where the completion rate stood at just 17% but is still well below the level where this is considered sufficient.. The Tribunal has taken steps to address this and it is hoped that this will see a marked improvement in this percentage in 2024.;

The table below shows the number of questionnaires sent and received in 2023 and the response rates broken down by feedback group.

	Number of Questionnaires Sent	Number of Questionnaires Received	Individual Completion rate (%)
Respondent Non-SRA	68	19	28%
Legal Rep Non-SRA	32	8	25%
Legal Rep SRA	49	6	12%
Applicant Non-SRA	15	1	6%
Total	164	34	

Table 20

KPM7

70% of those who contacted the Tribunal’s administrative team felt that their needs were listened to and understood by the staff they contacted.

The table below shows how the different feedback groups responded to the question: **‘If you contacted the Tribunal’s administrative team, did you feel they listened to and understood your needs?’**

Table 21

Feedback Group	Number who answered Yes (target: 70%)	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent (Non-SRA)	15 (88%)	2 (12%)	3
Legal Rep (Non-SRA)	8 (100%)	0	0
Applicant (Non-SRA)	0	0	0
Legal Rep (SRA)	6 (100%)	0	0
Total	29	2	3

While the Tribunal cannot offer legal advice, our administrative staff understand that appearing before the Tribunal can be an overwhelming and stressful experience for Respondents. Staff are available to assist with procedural inquiries or in relation to general enquiries from the public, guide individuals to the appropriate resources better suited to address their query.

KPM8

90% of parties and advocates could access the hearing effectively (including those hearings held remotely).

‘The table below shows how the different feedback groups responded to the question: **‘Were you able to access/attend the hearing effectively?’**

Table 21

Feedback Group	Number who answered Yes (target: 70%)	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent (Non-SRA)	11 (85%)	2 (15%)	7
Legal Rep (Non-SRA)	7 (100%)	0	1
Applicant (Non-SRA)	0	0	0
Legal Rep (SRA)	6 (100%)	0	0
Total	24	2	8

In relation to remote hearings, when parties receive an invitation, they are provided with instructions on how to access the proceedings. We have developed guidance on Zoom hearings, accessible on the Tribunal website, outlining how these proceedings are managed. Tribunal staff are available to assist parties encountering difficulties when accessing documents. While feedback predominately suggests the current system enables effective access, we continuously seek ways to improve it.

KPM9

70% of those who are a party or advocate in a case who referred to the Tribunal’s website found the information on the Tribunal’s website was useful/helped them prepare for their hearing/case.

The table below shows how the different feedback groups responded to the question: ‘If you visited our website, was it useful and/or did it help you prepare for your hearing/case?’

Feedback Group	Number who answered Yes (target: 70%)	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent (Non-SRA)	9 (69%)	4 (31%)	7
Legal Rep (Non-SRA)	7 (88%)	1 (12%)	0
Applicant (Non-SRA)	0	0	0
Legal Rep (SRA)	6 (100%)	0	0
Total	22	5	7

Table 22

With the relaunch of the Tribunal's website in October 2023, we anticipate continued positive feedback regarding the site's navigation and accessibility to information. The redesign of the site prioritised enhancing user experience and promoting a greater understanding of the Tribunal's function

KPM10

KPM 10: 85% of parties and advocates felt that they had sufficient time and opportunity to present their case to the Tribunal during the hearing.

The table below shows how the different feedback groups responded to the question: ‘During the hearing did you have sufficient time and opportunity to present your case/evidence to the Tribunal?’

Feedback Group	Number who answered Yes (target: 70%)	Number who answered No	Number who answered Not Applicable (not included in % calculations)
Respondent (Non-SRA)	11(74%)	4 (26%)	5
Legal Rep (Non-SRA)	7 (100%)	0	1
Applicant (Non-SRA)	0	0	0
Legal Rep (SRA)	6 (100%)	0	0
Total	24	4	6

Table 23

While parties provide a hearing timetable in advance of the hearing to assist in efficient case management and hearing estimates, clerks and Panel Members recognise that unrepresented Respondents, unfamiliar with the process, may require more time to present their case and are mindful of this issue.

ETHNICITY DATA

During the feedback process, participants are requested to provide their gender and ethnic background in order to gather additional data about these protected characteristics and, in the longer term, help us understand any possible link with people’s experiences of the Tribunal.

The tables below show the responses received in 2023 with a comparison against the previous year.

Despite the low response rate to the feedback, the data below indicates a rise in participants opting not to disclose their ethnicity or gender information.

In addition to the Feedback Survey undertaken by a third-party, following the conclusion of the proceedings and Tribunal’s Judgment being issued to the parties, an Equality and Diversity Monitoring Form is sent to the parties. Within the form, participants are advised that the purpose of requesting this sensitive information is in order for the Tribunal to monitor the outcomes for solicitors who appear before it to ensure there is no disproportionality based on protected characteristics and ensuring the confidentiality of information provided. In 2023, 111 monitoring forms were sent to either individual Respondents or their instructed legal representatives with a 4% response rate. The details of which are summarised below:

FEEDBACK SURVEY DATA		
Ethnicity	Response	
	2023	2022
Asian/Asian British	3%	7%
Black/African/Caribbean/Black British	0%	0%
Mixed/Multiple Ethnic Groups	0%	0%
White	68%	79%
Other	0%	0%
Prefer Not to Say	29%	14%

FEEDBACK SURVEY DATA		
Gender	Response	
	2023	2022
Female	17%	20%
Male	57%	66%
Other	0%	0%
Prefer Not to Say	26%	14%

DIVERSITY MONITORING FORM DATA	
Gender	
Female	25%
Male	75%
Ethnicity	
White	75%
Other	25%
Age	
46-55	50%
Over 65	50%
Sexual Orientation	
Straight	75%
Gay Man	25%
Ethnicity	
Christian	75%
No Religion or Belief	25%

We appreciate the significance of comprehensive diversity data and acknowledge that the low response rate is a clear indicator that the current process requires improvement. Therefore for 2024, we are taking proactive steps to address this issue and have implemented a new system for collecting diversity data.

