
Diversity in the legal sector: RFPs “too slow” in driving progress

New consultancy Kiltered sets out to change
how law firms understand inclusion



Portrait of Morag Ofili by Rick Pushinsky.

When it comes to diversity, the legal sector is good at making the right noises. The trouble is, it’s easier to sound progressive than it is to drive genuine change. Now a new consultancy founded by employed barrister Morag Ofili is offering in-house legal teams the tools and metrics to make meaningful progress when it comes to diversity and inclusion.

Launched in April this year at kiltered.co.uk, Kiltered is a consultancy service that uses business data to develop achievable strategies for changing an organisation's culture, communications and behaviour.

Kiltered's service offering draws on the expertise and experience of its founder, Morag Ofili, who has been deeply involved in diversity and inclusion in the professional services sector throughout her career. A committee member of the Black Barristers' Network and the British Nigeria Law Forum, as well as a director of the women's professional network Broadminded, she is a senior associate of the boutique law firm Harbottle & Lewis LLP, where she specialises in private-client litigation and tax disputes. She founded Kiltered having recognised that, despite being motivated to adopt more diverse and inclusive practices, many firms are failing to deliver this in real terms, while others pay little more than lip service to issues of equality. For an industry that specialises in representation, much of the legal sector still has a big problem being representative.

Unconscious-bias training isn't enough

Part of the problem is that the existing frameworks to support organisations tackling diversity issues come framed in negative language. Initiatives such as unconscious-bias training often backfire – triggering feelings of defensiveness or even entrenching stereotypical thinking – as participants feel personally attacked and respond with resistance and victimhood. Because of this, and the fact that unconscious-bias training puts the onus on the individual rather than organisation, the practice is rarely effective in driving institutional change.

Kiltered's approach is different. The consultancy actively avoids the unhelpful negative language often connected with the D&I space; focuses on communication and policy within the organisation rather than individual behaviours; and looks towards positive diversity outcomes rather than responding to negative triggers – the carrot, not the stick.

By looking at staff acquisition and retention patterns, monitoring employee perception and analysing other organisational data, Kiltered develops bespoke programmes designed to cultivate inclusive company cultures and initiate positive internal change. Where other companies might look at simple metrics (ie 'how many

women are on the payroll?'), Kiltered's analysis goes deeper, examining the patterns hidden in the company's data to identify systemic pressure points ('how long do those women stay?' 'Do they leave after maternity?' 'Can we work out why?') and make measurable improvements.

Then, rather than moving on after delivering a single training session, Kiltered schedules regular check-ins and follow-ups, monitoring changes in company data, steering and adapting the strategy to ensure genuine progress is made.

RFPs can be a tool for change — but UK is falling behind

After the pandemic gave many organisations cause to reflect and rethink, and the events of 2020 shone a global spotlight on institutionalised racism, many of the world's largest businesses are increasingly open to the diversity conversation, actively championing socially progressive values, and recognising the productivity benefits and competitive advantages of doing so. And to ensure consistency across the supply chain, they expect the same of their suppliers, their contractors – and their lawyers too.

Processes such as the RFP allow businesses to demonstrate that they are particularly interested in doing business with forward-thinking firms. As was reported widely in March 2021, a growing number of organisations are interrogating their panel firms on diversity issues more thoroughly than ever before, using their RFPs and the procurement process to actively weed out firms that fall short of the standards they expect. In the US, some corporations are even threatening to withhold fees from panel law firms who fail to meet minimum diversity requirements, and though the UK has not yet gone to that extreme, the direction of travel is clear.

One of the reasons Ofili founded Kiltered is to help firms navigate this shifting landscape and maintain their competitive advantage:

“Law is an extremely competitive market. In a post-pandemic world, the RFP process should be a wake-up call for many law firms. The scope of questions and the basis of the scoring process has changed considerably. If you have not considered how your firm will improve in areas such as diversity, inclusion and sustainability, then your client relationship could be at risk.”

– Morag Ofili, founder, Kiltered

Kiltered’s offering to the legal sector

The RFP process undoubtedly has a part to play in changing behaviours and improving diversity across the sector, but Ofili believes the rate of change is too slow and the impact that the process could have is being compromised by poor execution. Commonly, the diversity questions the RFP asks or the responses it garners are poorly written or vague, and the process often lends more weight towards good intentions rather than material progress.

Kiltered provides specific RFP consultancy services to both panel firms and in-house legal teams. For legal firms, it helps develop and embed tailored diversity strategies that deliver meaningful and measurable improvements. For in-house teams, Kiltered ensures that the RFP process is fit for purpose and focused on lending weight to the firms taking definitive, demonstrable action.

“The impact RFPs have had on diversity has been too slow. For too long, the sector has paid lip service to inclusion, without making the changes it needs to. As we’re already seeing, companies are waking up to this fact and firms will be left behind if they don’t make serious improvements now.”

– Morag Ofili, founder, Kiltered

Kiltered works with businesses and helps them formulate D&I questions that demand, track and measure progress, rather than just query intention. Asking the right questions is really the first step to properly holding law firms to account, so Kiltered makes sure the RFP enquiries dig deep enough to be meaningful (for example, asking for information about the number of people from marginalised

groups on the payroll is nowhere near as informative as asking who holds the senior positions – and for how long they have held them). Kiltered also examines the assessment process, making sure the business is appropriately weighting responses around diversity and inclusion to match the value that the organisation attaches to these issues in other areas of activity. And, Kiltered provides guidance on providing useful feedback to candidate firms.

By working on both sides of the equation, Ofili believes that Kiltered can play a role in making RFP a genuinely effective tool in the drive to improve diversity in the legal sector, rather than an exercise in optics and box-ticking.

Forthcoming event



Morag Ofili argues law firms are putting their competitive advantage at risk.

Beginning on Wednesday 8 September, Morag Ofili will be joining business consultant Mette Davis for The Kiltered Guide to Effective D&I – an online practical programme of five fortnightly workshops aimed at anyone seriously looking to embed diversity and inclusion into their business.

Held by Bristol Creative Industries, the workshops will help participants develop the insights, tools and techniques to overcome obstacles and internal resistance, and develop an actionable strategy to deliver increased diversity, improved team motivation and better business performance.

Notes for editors

Kiltered's services are now available to organisations in all sectors. For more information about Kiltered, or to speak to Morag Ofili, please contact Chris Hayes at kiltered@zetteler.co.uk.

Morag Ofili

Barrister Morag Ofili is a senior associate at the UK-based boutique law firm Harbottle & Lewis LLP, where she specialises in private client litigation and tax disputes. She is recognised as an associate to watch in the 2021 Chambers and Partners High Net Worth Guide, listed in the 2021 edition of the Spears 500 ('the bible of wealth management', the 2020 edition of EPrivateClient's 'Top 35 under 35', and was a Rising Star in Tax finalist at the Taxation Awards 2020. Morag is a committee member of the Black Barristers' Network, a member of the British Nigeria Law Forum, and a director of the women's professional network Broadminded. She has been actively involved in diversity and inclusion in the professional services sector throughout her career.

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