

## Annex 4: Equality Impact Assessment

Purpose of the policy: To create an alternative assessment mechanism to enable established chartered legal executives to obtain additional practice rights.

| Protected Characteristic Group | Is there a potential for positive or negative impact?                                                                                            | Please explain and give examples of any evidence/consultation/data used                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Actions to address negative impact (e.g. adjustment to the policy)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Disability                     | Potential for positive impact                                                                                                                    | CILEx Regulation believes that introducing an alternative route for chartered legal executives to obtain practice rights which requires individuals to complete training and/or an assessment in a specific practice area would have a positive impact on all protected characteristic groups.<br><br>Responses to the 2019 consultation on this topic suggested that chartered legal executives and other stakeholders were supportive of CILEx Regulation's proposal to introduce an alternative route to the portfolio-based approach that is currently available. | CILEx Regulation will continue to monitor the impact of the proposed new route in relation to equality, diversity and inclusion.<br><br>While it is believed that the proposed new route has the potential for positive impact for all protected characteristic groups, the number of males that did not complete the pilot assessment is disproportionate to expectations. CILEx Regulation believes this is more a reflection of work pressures for participants, the timing of the pilot assessment (December 2021) and social factors (Omicron outbreak in the UK) than a potential negative impact brought by the proposed new assessment route. |
| Gender reassignment            | Potential for positive impact                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Marriage or civil partnership  | Potential for positive impact                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Pregnancy and maternity        | Potential for positive impact                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Race                           | Potential for positive impact                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Religion or belief             | Potential for positive impact                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Sexual orientation             | Potential for positive impact                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Sex (gender)                   | Neutral (based on number of males that did not complete pilot assessments but in terms of those who passed there is a potential positive impact) | CILEx Regulation believes that the proposed new approach would make it more likely for chartered legal executives to apply for independent practice rights in their specialist area, or an alternative area of practice. This increased level of opportunity should result in chartered legal executives being authorised persons for specific areas of practice which should improve consumer protection and confidence in the legal profession.                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Age                            | Potential for positive impact                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

## Data Collection

### 1. What existing information and/or data has been obtained to assess the impact of this function, policy, strategy or practice?

CILEx Regulation holds data on chartered legal executives who could potentially make an application for authorisation with additional practice rights through the proposed route. In addition, CILEx Regulation has considered EDI data related to the pilot participants to ensure that this is reflective of chartered legal executives as a wider group.

| Chartered Legal Executives |                                                                     |
|----------------------------|---------------------------------------------------------------------|
| <b>Average Age</b>         | 46                                                                  |
| <b>Gender</b>              | 76% Female<br>23% Male<br>1% Other/PNS                              |
| <b>Ethnicity</b>           | 85% White<br>5% Asian<br>3% Black<br>4% Other<br>2% PNS<br>1% Mixed |
| <b>Disability</b>          | 4% Yes<br>88% No<br>5% PNS<br>3% Unknown (no data)                  |

| Current CILEX Practitioners |                                                                     |
|-----------------------------|---------------------------------------------------------------------|
| <b>Average Age</b>          | 43                                                                  |
| <b>Gender</b>               | 68% Female<br>31% Male<br>1% Other/PNS                              |
| <b>Ethnicity</b>            | 78% White<br>6% Asian<br>5% Black<br>4% Other<br>3% PNS<br>4% Mixed |
| <b>Disability</b>           | 5% Yes<br>82% No<br>7% PNS<br>6% Unknown (no data)                  |

| All Pilot Participants |                                                                     |
|------------------------|---------------------------------------------------------------------|
| <b>Average Age</b>     | 47                                                                  |
| <b>Gender</b>          | 63% Female<br>37% Male<br>0% Other/PNS                              |
| <b>Ethnicity</b>       | 85% White<br>7% Asian<br>4% Black<br>0% Other<br>0% PNS<br>4% Mixed |
| <b>Disability</b>      | 11% Yes<br>85% No<br>4% PNS<br>0% Unknown (no data)                 |

## **Results analysis**

### *Successful participants*

Of the 27 participants, 14 completed both parts of the assessment and successfully completed the pilot. The diversity data for this group has been outlined below:

| <b>Successful Pilot Participants</b> |                                                                                 |
|--------------------------------------|---------------------------------------------------------------------------------|
| <b>Average Age</b>                   | 42                                                                              |
| <b>Gender</b>                        | 86% Female<br>14% Male<br>0% Other/PNS                                          |
| <b>Ethnicity</b>                     | 86% White<br>7% Asian<br>0% Black<br>0% Other<br>0% PNS<br>7% Mixed<br>0% Other |
| <b>Disability</b>                    | 14% Yes<br>76% No<br>7% PNS<br>0% Unknown (no data)                             |

### *Participants with incomplete assessments*

4 participants only partially completed the assessment, while 9 participants chose not to take either part of the pilot assessments. These participants will be given an opportunity to re-take the relevant parts of the assessments in April 2022.

The diversity data for these groups has been outlined below:

| <b>Pilot Participants (Completed 1 of 2 assessments)</b> |                                                                      |
|----------------------------------------------------------|----------------------------------------------------------------------|
| <b>Average Age</b>                                       | 47                                                                   |
| <b>Gender</b>                                            | 0% Female<br>100% Male<br>0% Other/PNS                               |
| <b>Ethnicity</b>                                         | 100% White<br>0% Asian<br>0% Black<br>0% Other<br>0% PNS<br>0% Mixed |
| <b>Disability</b>                                        | 100% Yes<br>0% No<br>0% PNS<br>0% Unknown (no data)                  |

| <b>Pilot Participants (Did not complete the assessments)</b> |                                                                       |
|--------------------------------------------------------------|-----------------------------------------------------------------------|
| <b>Average Age</b>                                           | 47                                                                    |
| <b>Gender</b>                                                | 56% Female<br>44% Male<br>0% Other/PNS                                |
| <b>Ethnicity</b>                                             | 78% White<br>11% Asian<br>11% Black<br>0% Other<br>0% PNS<br>0% Mixed |
| <b>Disability</b>                                            | 11% Yes<br>89% No<br>0% PNS<br>0% Unknown (no data)                   |

*2. What does this information tell you about the likely impact on particular groups?*

Noting the small sample size, the pilot was broadly representative of the wider regulated community in terms of participants with protected characteristics. CILEx Regulation believes that the impact should be positive on all groups.

The data does show that although fewer females signed up for the pilot when compared to chartered legal executive and CILEX Practitioner data overall, females were more successful in completing the assessment than males (70% of female participants successfully completed both parts of the assessment compared with 20% of male participants). CILEx Regulation has reviewed the results in more detail and noted that the participants that did not pass at least one element had not failed the assessment but had taken the decision not to sit the assessment. There were higher numbers of men and BAME applicants who took this decision. However, having discussed this with The University of Law, because the pilot assessments were held in December 2021, a time where the omicron variant had just been identified and in the lead up to the Christmas period where workloads can become more pressured, CILEx Regulation does not consider that there is a negative impact on men or BAME candidates, particularly as the results overall reflect positive outcomes for these groups.

As a group, there are more disabled and BAME CILEX Practitioners compared with chartered legal executives. These individuals have been authorised through the existing portfolio-based route. A slightly higher number of disabled and BAME chartered legal executives signed up for the pilot when compared with the wider regulated community and the success rate for disabled and BAME candidates was also higher than the disability and BAME data for chartered legal executives and CILEX Practitioners as wider groups. This indicates that this alternative route may have a positive impact for disabled and BAME candidates.

**Additional Information**

*1. What gaps, if any, are there in the information?*

Due to the nature of a pilot assessment, the sample size for equality impact assessment is relatively small. As a percentage of current number of CILEX practitioners, it was about 17% of total number of CILEX practitioners authorised using the portfolio route.

There was a higher percentage of male participants who did not complete either or both parts of the assessment, however, this was because they chose not to sit the assessment rather than them being unsuccessful in the assessment. Therefore, CILEx Regulation does not consider that this outcome is a cause for concern in relation to any potential for negative impact on males. Of those who chose not to sit, there were also a higher percentage of Black applicants who chose not to sit the assessment, however, owing to the small numbers of BAME applicants on the pilot and the success rates of BAME candidates who did sit the assessment, CILEx Regulation has not drawn any adverse inference from this factor. CILEx Regulation will keep this matter under review once the route is live.

*2. What additional information do you need to know to understand the diverse needs/experiences of your target audience?*

Once the route is open, CILEx Regulation will continue to review equality, diversity and inclusion data for both the existing portfolio-based application and the proposed new route for chartered legal executives to obtain additional practice rights. This data will be considered and compared, to identify the impact of introducing an alternative route on all protected characteristic groups.