

A public consultation on the Legal Service's Board's proposed statement of policy

Q1a: Do you agree that these proposed outcomes will help to address the barriers to encouraging a diverse legal profession? Are there any further, or alternative, outcomes we should consider?

Although the proposed outcomes are credible and have been set to improve diversity in the legal sector, which CITMA fully supports, the way in which these outcomes are to be aspired to under the current proposal would place significant further pressure on our regulatory board, IPREG, and are anticipated to be disproportionately restrictive.

CITMA is concerned that the draft policy statement on encouraging a diverse legal profession proposes an additional:

- a. 4 new outcomes that all regulators must meet;
- b. 18 detailed "core expectations" that all regulators must meet;
- c. 7 "enhanced expectations" which all regulators should also consider meeting

Q1b. Do you agree that the proposed outcomes should be pursued by regulators through a set of specific expectations?

CITMA does not agree, in particular, with the extensive set of very specific core expectations which regulators "must meet", and instead suggests adopting a less prescriptive approach to the manner in which the outcomes are to be achieved. We believe it would be more sensible to allow individual regulators, working with their respective constituencies, to devise their own measures to pursue the four outcomes - measures that are appropriately informed, tailored, proportionate and cost-effective.

Q1c. Do you agree that the proposed structure of core and enhanced expectations under the general outcomes offers an effective way to set a clear minimum standard for all regulators, while also encouraging regulators to consider additional steps, where appropriate?

CITMA does not agree with the proposed structure, nor that it is appropriate for the LSB to set a "minimum standard" that all regulators must meet, as this removes the scope for proportionately and the unique sectors in which regulators operate to be factored in. Our concern relates to the "one size fits all" approach.

CITMA considers some of the core expectations should be easily achievable or are already implemented by IPReg. Others would require significant investment and in all likelihood could only be achieved in the proposed timescales by bringing in additional external or internal resource – the cost of which will inevitably be passed down to the regulated community - and then end consumers, which will likely have a greater impact on (potential) clients from marginalised groups accessing legal advice.

We consider IPReg would struggle to implement this one, for example: *"Have and monitor additional standards and competence requirements for managers to ensure fair, compassionate, and inclusive management."*

Q2a. Do you agree with the proposed Outcome 1? (Regulators take strategic, evidencebased and collaborative actions to encourage a diverse legal profession)

Whilst the proposal is credible in theory, the expectations around it appear inappropriately burdensome for regulators.

Q2b. Do you agree that the proposed expectations will help regulators to pursue Outcome 1? (Regulators take strategic, evidencebased and collaborative actions to encourage a diverse legal profession? Are there any further expectations beyond those we have included that would support regulators to pursue this outcome?)

The proposed expectations may help regulators should they take the form of guidance but, as expectations which must be met, we consider them to create an inappropriately onerous burden.

Furthermore, the numerous layers make the requirements very complicated and overly prescriptive, rather than high-level expectations.

CITMA believes that it would be useful to collect socio-economic information (which is not a protected characteristic) and data on the protected characteristics that genuinely support policy development in the IP sector.

Q2c. Are there any enhanced expectations that would be better placed under core expectations under Outcome 1? Are there any core expectations that would be better placed under enhanced expectations under Outcome 1?

As mentioned above, we consider both core and enhanced expectations to be too complex and burdensome.

Q3a. Do you agree with the proposed Outcome 2?

Please see above regarding all outcomes.

Q3b. Do you agree with the proposed Outcome 2 (Regulators take effective steps to ensure regulatory approaches, processes and decision-making support equality and fairness and do not undermine efforts to encourage a diverse profession)?

Whilst the proposal is credible in theory, the expectations around it appear inappropriately burdensome for regulators.

Q3c. Are there any enhanced expectations we could set for regulators to pursue Outcome 2?

No comment.

Q4a. Do you agree with the proposed Outcome 3? (Regulators support fair, flexible, and accessible pathways into, within and back into the professions that encourage a diverse legal profession)?

Yes, however please note our comments regarding the expectations.

Q4b. Do you agree that the proposed expectations will help regulators to pursue Outcome 3? Are there any further expectations beyond those we have included that would support regulators to pursue this outcome?

Please note our comments regarding the expectations.

Q4c. Are there any enhanced expectations that would be better placed under core expectations under Outcome 3? Are there any core expectations that would be better placed under enhanced expectations under Outcome 3?

Please note our comments regarding the expectations.

Q4d. Are there any additional expectations, either core or enhanced, we should set under Outcome 3 to reduce barriers faced by authorised persons when moving between and/or re-entering the professions (e.g., following a prolonged absence from practice for health, caring or other reasons)?

Please note our comments regarding the expectations.

Q5a. Do you agree with the proposed Outcome 4? (Regulators ensure their frameworks effectively support authorised persons to uphold professional conduct, behaviours, and competencies that encourage a diverse legal profession)?

Yes, however please note our comments regarding the expectations.

Q5b. Do you agree that the proposed expectations will help regulators to pursue Outcome 4? Are there any further expectations beyond those we have included that would support regulators to pursue this outcome?

Please note our comments regarding the expectations.

Q5c. Are there any enhanced expectations that would be better placed under core expectations under Outcome 4? Are there any core expectations that would be better placed under enhanced expectations under Outcome 4?

Please note our comments regarding the expectations.

Q6a. Do you agree our proposed timelines for implementation are achievable?

We consider the timelines to be too short for implementation. We believe smaller regulators should be given more time and flexibility in relation to implementation.

Q6b. Are there any reasons why a regulator would not be able to meet these milestones? Please explain your answer.

The timelines appear short however it will depend upon timing of the final policy statement being issued, the form it takes, any other requirements of both the LSB and the bandwidth of our regulatory board at that time.

Q6c. Do you have views on whether and how the LSB could take additional steps to support compliance with the proposed statement of policy (e.g., through either formal or informal outputs, such as guidance and/or other relevant resources)?

We do not consider the policy statement should be issued in its current format. Also, we feel a more collaborative approach should be put forward, whereby regulators work together with guidance from the LSB.

Q7a. Have you identified any equality impacts (both positive and negative), we haven't considered which, in your view, may arise from our proposed statement of policy?

We note that the LSB has not provided any evidence to support its equality impact assessment or its overall impact assessment. It merely asserts that its proposals are likely to have a positive impact.

Q7b. Do you have any evidence relating to the potential impact of our proposals on specific groups with certain protected characteristics, and any associated mitigating measures that you think we should consider?

Please see our response to Q7a above.

Q7c. Are there any other wider equality issues or impacts that we should take into account and/or any further interventions we should take to address these in our proposed statement of policy?

The case for change put forward by the LSB seems predominantly based on other sectors of the legal profession. We therefore urge the LSB to focus on those issues through a different regulatory tool than a sector wide blanket approach to a policy statement with numerous additional detailed expectations.

Q8. Do you have any comments on the potential impact of the draft statement of policy, including the likely costs and anticipated benefits?

An analysis of the likely costs and benefits in its consultation document would have been useful. This analysis should have been undertaken by the LSB as part of its consideration of whether its proposals are proportionate and targeted only at cases where action is needed. If the LSB has not undertaken this analysis, then we encourage for it to be undertaken now and the results provided in its decision document.

It seems the proposed core expectations are likely to place disproportionate and burdensome responsibilities on firms, and related management. The costs involved in firms putting these measures in place are likely to be significant. The proposed provisions are likely to have a disproportionate impact on smaller firms and ultimately consumer choice in legal services. We suggest that the LSB should undertake a detailed regulatory impact assessment before finalising its proposals.

Q9a. Do you have any comments on how the LSB, either independently and/or in partnership, might develop further measures alongside the proposals set out in the consultation to encourage a diverse profession?

Please see above.

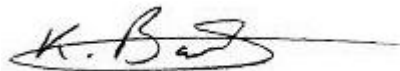
Q9b. Do you have any views on whether the LSB could take additional steps alongside setting expectations for regulators in the draft statement of policy to encourage a diverse profession? If yes, please share your reflections on the most appropriate and potentially effective routes the LSB could take to achieve this.

Please see above.

Q9c. Do you have any further comments on our proposals that you would like to share.

No.

For and on behalf of the Chartered Institute of Trade Mark Attorneys

A handwritten signature in black ink, appearing to read 'K. Bader', with a long horizontal stroke extending to the right.

Keven Bader
Chief Executive

2nd March 2026