

Survey Response Document

A public consultation on the LSB's proposed statement of policy

Confirmed

#00000114

Before you respond

This survey relates to the LSB's proposed statement of policy on 'Encouraging a diverse legal profession.'

We recommend you read [the consultation document](#) on our website before you respond.

For each set of questions in this survey, we have included a reference to the relevant paragraphs in the consultation document.

If you have any problems completing this survey, please email us on consultations@legalservicesboard.org.uk

Proposed statement of policy

These questions relate to **paragraphs 30-43** in the [consultation document](#).

We are proposing to issue a statement of policy under [section 49 of the Legal Services Act 2007](#) to encourage a diverse legal profession.

Our draft statement of policy sets out four outcomes which regulators must pursue:

- **Outcome 1:** Regulators take strategic, evidence-based and collaborative actions to encourage a diverse legal profession.
- **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.
- **Outcome 3:** Regulators support fair, flexible, and accessible pathways into, within and back into the professions that encourage a diverse legal profession.
- **Outcome 4:** Regulators ensure their frameworks effectively support authorised persons to uphold professional conduct, behaviours, and competencies that encourage a diverse legal profession.

These outcomes are supported by core expectations (which all regulators are expected to meet) and enhanced expectations, recommended for greater impact (which regulators should also consider meeting).

The extent to which regulators should consider meeting the enhanced expectations will depend on both the specific risks and opportunities relevant to them and their regulated professions. This could include, but would not be limited to, evidence of stagnant or slow progress, evidence of a need for greater intervention to tackle more complex barriers, and/or where regulators have determined additional action is needed in pursuit of the outcomes.

In circumstances where a regulator has taken steps to meet the core expectations, yet barriers to a diverse legal profession persist, then it should consider meeting the enhanced expectations.

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?

Answer:

There is no doubt that these proposed outcomes will encourage positive movement towards enhancing diversity in the legal sector. It is less clear, however, where more strategic sector-level considerations have featured in this thinking. There are many areas of good practice in different parts of the professions that could have a material and positive impact on parts of the sector now, but regulators, and the LSB, have not particularly engaged with them.

For example, judicial diversity is seen as a priority within the sector and, with its diverse membership dynamic, CILEX members could already be a part of the solution to that problem. But there has been little active support for CILEX's many years of work to open up judicial appointments to those members who met the required levels of qualification and competence, when the data evidencing that fact is held by the regulators too. Similarly, to promote sustainability in the criminal legal aid sector, particularly, in relation to the aging and shrinking cohort of Duty Lawyers, CILEX has worked hard to evidence the equivalence of CILEX members' qualification and competence to take on those roles, creating a new and diverse supply of lawyers to help alleviate the court case backlogs; but it has ploughed this furrow alone. The same could be said for CILEX's work in mapping members' qualifications against the requirements for Crown Prosecutors.

CILEX would therefore like to have seen more emphasis on what practical improvements can be achieved in the sector now, using the evidence and good practice already in existence, rather than encouraging a more passive or academic approach to collecting data and gaining understanding which does not lead to any practical improvement.

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

Answer:

CILEX welcomes the approach of setting specific expectations to be pursued by regulators as a means of guiding and encouraging them to develop but also give some confidence around the types of activity that should be specifically undertaken to meet them. Arguably, there is a need also for some examples of discrete activity that could be contemplated by regulators, perhaps by sharing good practice that already exists in the sector.

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?

Answer:

As above, CILEX agrees with this approach, as setting out expectations and examples can only be helpful but perhaps this could be complemented by an expectation (beyond that referred in paragraph 58 of the consultation paper) that regulators might develop their own enhanced expectations. This would be a recognition of (a) the fact that they should know their specialist part of the sector best and (b) should therefore be able to develop the intelligence of where to make the swiftest as well as the most effective improvements in diversity in that part of the sector. It may also encourage focussed collaboration if some of the dependencies related to achieving those identified enhanced expectations and improvements would benefit through collaboration.

Outcome 1: Strategic, evidence-based and collaborative action

These questions relate to **paragraphs 44-58** in the [consultation document](#).

We propose that regulators must pursue the following outcome:

- **Regulators take strategic, evidence-based and collaborative actions to encourage a diverse legal profession.**

We are also proposing the following expectations under this outcome.

Under core expectations, we propose that regulators must:

- Have effective, high-quality data monitoring processes in place (including publication of data) to support a clear and thorough understanding of the diversity profile of the regulated community over time and where greater diversity needs to be encouraged.
- Take further appropriate steps to identifying barriers to an equal, diverse, healthy and inclusive profession.
- Develop and publish evidence-based strategic action plans with SMART objectives, risk management, and evaluation.
- Ensure accountability at governing body level and report progress transparently.
- Work collaboratively with other regulators and stakeholders to share learning, harmonise data monitoring, and promote sector-wide consistency.

Under enhanced expectations, we propose that regulators should also consider:

- Horizon scanning for emerging barriers and opportunities (e.g., technology, demographic shifts, evolving consumer needs).
- Building on the strategic action plan to drive greater results, by including additional elements such as outcomes-based targets for activities, further accountability measures and enhanced evaluation practices.
- Designing and evaluating interventions with regulated communities; foster a culture of continuous improvement.

See our [draft statement of policy](#) for a detailed description of the proposed expectations.

Q2a. Do you agree with the proposed Outcome 1?

Answer:

CILEX believes that it makes good sense that that, at a minimum, regulators collect data on the protected characteristics in the Equality Act 2010 and on socio-economic background (SEB), with flexibility to go further where appropriate.

CILEX also welcomes the emphasis on 'collaboration' referenced in Outcome 1 as this will be essential if the dial is to be moved in relation diversity in a fragmented sector with a multiplicity of regulatory approaches, each necessarily focussing on a specific specialist niche of the market. CILEX and CILEx Regulation (CRL) already do so to good effect. Indeed, it is CILEX's view that both the core and enhanced expectations in this Outcome often already happen. Different parts of the sector tend to deploy all relevant data and evidence to demonstrate and improve the diversity of their particular patch of the sector; better collaboration should hopefully drive that impact forward more broadly.

Q2b. Do you agree that the proposed expectations will help regulators to pursue Outcome 1? Are there any further expectations beyond those we have included that would support regulators to pursue this outcome?

Answer:

Yes, CILEX agrees that setting out the proposed expectations will help regulators achieve Outcome 1.

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?

Answer:

As above CILEX believes that, to a large extent, the regulators should themselves be able to recast both the core and enhanced expectations in order to genuinely demonstrate the strategic planning approach with evidence-based strategic action plans, containing SMART objectives, risk management, and evaluation.

Outcome 2: Fair regulatory approaches and decision-making

These questions relate to **paragraphs 59-69** in the [consultation document](#).

We propose that regulators must pursue the following outcome:

• **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.**

We are also proposing the following expectations under this outcome.

Under core expectations, we propose that regulators must:

- Identify and address impacts on protected and other diversity characteristics (including socio-economic background) arising from new or updated regulatory policies or actions.
- Provide equality impact assessments when formally consulting.
- Take steps to ensure fairness in disciplinary and enforcement processes, including appropriate training, data analysis, remedial plans, and support for wellbeing of all parties.

Given the critical nature of pursuing fair processes and decision-making in regulatory practices, we deem the expectations proposed under Outcome 2 to be core expectations that must be met by all regulators. This is because the core expectations are all fundamental to the pursuit of fair regulatory approaches and decision-making. This should ensure a consistent approach across all regulators.

However, we encourage responses to our consultation that identify suitable enhanced expectations that can support the pursuit of this outcome which regulators should also consider adopting.

See our [draft statement of policy](#) for a detailed description of the proposed expectations.

Q3a. Do you agree with the proposed Outcome 2?

Answer:

Outcome 2 seems also to be an obvious requirement and CILEX in particular welcomes the reference in the Core Expectations to 'disciplinary processes and enforcement,' where practical support for mental health and wellbeing issues in particular can be lacking. We recognise and agree that failure to address fairness and equality in regulatory processes can perpetuate barriers, undermine efforts to encourage diversity, and lead to disengagement from those the system is meant to protect.

Q3b. Do you agree that the proposed expectations will help regulators to pursue Outcome 2? Are there any further expectations beyond those we have included that would support regulators to pursue this outcome?

Answer:

Yes, CILEX agrees that setting out the proposed expectations will help regulators achieve Outcome 2.

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

Answer:

As above CILEX believes that, to a large extent, the regulators should themselves be able to recast both the core and enhanced expectations in order to genuinely demonstrate the strategic planning approach with evidence-based strategic action plans, containing SMART objectives, risk management, and evaluation.

Outcome 3: Accessible, flexible and inclusive pathways into and through the profession

These questions relate to **paragraphs 70-82** in the [consultation document](#).

We propose that regulators must pursue the following outcome:

• **Regulators support fair, flexible, and accessible pathways into, within and back into the professions that encourage a diverse legal profession.**

We are also proposing the following expectations under this outcome.

Under core expectations, we propose that regulators must:

- Ensure that training routes to qualification, approved by the regulator, are designed to support equality of access and encourage diversity, while maintaining professional standards.
- As applicable, set and monitor standards for authorised training, qualification and/or assessment providers that support diversity goals.
- Make relevant information publicly available to support candidates' informed decisions, including costs and outcomes.

Under enhanced expectations, we propose that regulatory should also consider:

- Where appropriate, publishing outcomes for legal training disaggregated by diversity characteristics.
- Collecting and publishing data on education and training background of authorised persons.
- Where applicable, encouraging firms to develop work placement and training programmes that foster diversity and inclusion.

See our [draft statement of policy](#) for a detailed description of the proposed expectations.

Q4a. Do you agree with the proposed Outcome 3?

Answer:

CILEX supports Outcome 3 as it is core to CILEX ethos and modus operandi. The CILEX Professional Qualification (CPQ) is specifically designed to enable those from non-traditional backgrounds to enter the law in as flexible and cost-effective manner as possible. Much of this is founded on the type of data referred to in both the core and enhanced expectations. As well as costing less to take than the SQE, in 2025, 33% of exam candidates were from a lower socio-economic background but still achieved an average exam pass rate of over 80%.

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?

Answer:

Yes, CILEX agrees that setting out the proposed expectations will help regulators achieve Outcome 3. However, there should be greater expectation and incentive to enable 'potential for legal services regulators to open up new pathways and create flexibility within existing pathways' (paragraph 76). Such flexibility is often not in great evidence, in CILEX's view, and regulators need to display greater agility to respond to sector issues sooner if demand outstripping supply (as referred to in paragraph 73) is to be meaningfully met.

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?

Answer:

In support of the answer to Q4b, there should be an additional core expectation that regulators should more systematically monitor, perhaps through horizon scanning and possibly in collaboration with others, their regulated environment to be better able to respond to sector demands in a timely fashion.

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)?

Answer:

CILEX believes that an additional expectation should be around the need for consistency in setting regulatory standards across the sector. The LSB, as oversight regulator, has a key role in monitoring and ensuring this. Without consistency, there is a risk of a race to the bottom whereby practitioners moving between or re-entering the professions simply gravitate to the lowest achievable standard. This undermines consumer confidence and public protection as assumptions are made that the standards set and protections available are the same which might not be the case.

Outcome 4: Professional conduct and competence

These questions relate to **paragraphs 83-120** in the [consultation document](#).

We propose that regulators must pursue the following outcome:

• **Regulators ensure their frameworks effectively support authorised persons to uphold professional conduct, behaviours, and competencies that encourage a diverse legal profession.**

We are also proposing the following expectations under this outcome.

Under core expectations, we propose that regulators must:

- Have and monitor clear standards in codes of conduct for all authorised persons to not bully, harass, victimise or discriminate against others and to treat those with which they engage fairly and with dignity and respect.
- Provide practical guidance and resources to support compliance.
- Have and monitor competence frameworks that include mandatory training on professional standards, including fair treatment and respect for all colleagues, at entry and throughout careers.
- Have and monitor additional standards and competence requirements for managers to ensure fair, compassionate, and inclusive management.
- Support authorised persons and regulated persons in firms to identify and use appropriate channels to raise concerns about conduct.
- Where applicable, require authorised firms to understand and address diversity gaps and wellbeing and inclusion challenges, and to report on these to the regulator.
- Where applicable, encourage and support authorised firms to design, implement, and monitor workplace policies that advance equality, encourage diversity, and foster inclusive and healthy work environments.

Under enhanced expectations, we propose that regulators should also consider:

- Where applicable, encouraging and supporting authorised firms to promote diversity in leadership and inclusive leadership practices.
- Where applicable, encouraging and supporting authorised firms to develop and implement evidence-informed strategic plans for fair, diverse, healthy, and inclusive environments.

See our [draft statement of policy](#) for a detailed description of the proposed expectations.

Q5a. Do you agree with the proposed Outcome 4?

Answer:

CILEX agrees with Outcome 4. We highlight, however, that even though there is a reference to s21 of the Act, the reference in Outcome 4 to 'authorised person' does not recognise the CILEX model in which all members are subject to a level of regulation even when not authorised, both through CRL and, by virtue of entity regulation, where they are employed in SRA-regulated firms. This extended assurance for consumers that this model provides should be regarded as positive and in the public interest.

CILEX does offer a degree of caution in relation to the references to workplace culture in this part of the consultation paper. Whilst it is absolutely true that workplace culture is one element crucial for diversity, there is a need to be realistic to (a) the time it takes to affect cultural change in a conservative sector and (b) the extent to which barriers are rooted in broader societal issues that will take more than the efforts of one sector to rectify.

A balance also needs to be struck between the reach and effectiveness of individual regulation and that of entity regulation in terms of the realistic ability to positively affect workplace culture. For example, although there are just over 8,000 authorised CILEX Fellows, there are only 21 regulated CRL entities compared to 9,000 SRA-regulated ones (where two-thirds of CILEX Fellows practise). Therefore, while it is absolutely right that all authorised persons should be supported by the regulatory frameworks to uphold professional conduct, behaviours, and competencies that encourage a diverse legal profession, there is a real role for firms themselves to play in this too.

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?

Answer:

Yes, CILEX agrees that setting out the proposed expectations will help regulators achieve Outcome 4 but suggests that sensitivity may currently have to be applied in particular to those authorised persons working in UK-based US law firms.

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?

Answer:

No response.

Implementation and monitoring

These questions relate to **paragraphs 121-123** in the [consultation document](#).

We are proposing a phased implementation timeline, as set out below.

- **Phase 1 (0-3 months post publication of final statement):** The LSB works closely with regulators to ensure a clear understanding of the aims and expectations of the statement of policy.

- **Phase 2 (3-6 months post publication of final statement):** Regulators assess current activity against the outcomes and expectations to identify gaps and set out clear plans that show how and when regulators will meet the core expectations and, where relevant, enhanced expectations.

- **Phase 3 (12 months post publication of final statement):** Regulators will be able to demonstrate that they have taken or are planning to take effective steps to pursue the outcomes by meeting expectations (including, where relevant, the enhanced expectations) in the statement, with time-bound plans to meeting these within a reasonable timeframe if not yet met.

We are also seeking views on whether the LSB could take any further action to support compliance. This could be through formal guidance and/or informal resource and best practice sharing that could be provided alongside the final statement of policy.

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

Answer:

CILEX agrees that the proposed timelines for implementation should be achievable but urges for flexibility to be applied to build in some discretion to be applied should other high risk regulatory issues or incidents arise and necessarily take priority for resolution.

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

Answer:

See answer to Q6b and supported by the reference in the consultation paper (paragraph 127) which recognises that 'regulators are best placed to assess and quantify the impacts of the specific activities they decide to pursue to adhere to the proposed statement of policy, noting the proposed approach allows for targeted, risk-based regulation'.

In addition, when looking at 'Table A – Statement of policy desired results' at page 13 of the draft Policy Statement, CILEX makes the observation that, the further into the future along the phased time line the desired results fall the more dependencies, variables and environmental factors are likely to arise to challenge those targets. Therefore, CILEX recommends that the suggestion of review of the policy (at paragraph 9 of the draft Policy Statement) should be more specific and based on, for example, every 2 years to ensure the outcomes remain relevant and realistically achievable.

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)?

Answer:

See response to Q6b above.

Equality Impact Assessment and Impact Assessment

These questions relate to **paragraphs 124-128** (Equality Impact Assessment, q7) and **paragraphs 129-132** (Impact Assessment, q8) in the [consultation document](#).

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?

Answer:

No.

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?

Answer:

No.

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?

Answer:

None identified.

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

Answer:

Developing the response to Q6b above, CILEX recommends that part of each biennial review specifically includes a refreshed costs benefit analysis, set against the up to date risk assessment matrix of the regulator, to ensure that the initiative remains proportionate and consistent and targeted (in line with the better regulation principles).

Further steps to encouraging a diverse profession

We are also seeking views from respondents to the consultation on steps we could take alongside setting expectations for regulators in our [draft statement of policy](#).

You can read the details about these plans in **paragraphs 133-134** of our [consultation document](#).

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?

Answer:

The LSB could adopt an authoritative and enabling role in more actively supporting initiatives, such as those driven by CILEX, that, based on evidence, would demonstrably remove existing sector barriers to enhance diversity. It is perhaps telling that the part of the profession, arguably one of the most diverse and reporting the greatest barriers, gets the least mentions in the consultation document and the Case for Change compared to what are the customary references to solicitors and barristers.

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.

Answer:

None offered.

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

Answer:

No.