

## LSB Consultation – JAC Answers

**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?**

**JAC response:**

We agree that the four proposed outcomes collectively have the potential to support a more diverse and sustainable pipeline into senior legal roles from which judicial candidates are typically drawn. This aligns with our statutory duty to have due regard to encouraging diversity in the range of persons available for judicial selection, which depends on a diverse professional pipeline.

We particularly welcome:

- Greater clarity and consistency across the legal sector landscape on steps to encourage greater diversity.
- The emphasis on improving the quality and comparability of diversity data, which should strengthen the shared understanding of progression and attrition trends relevant to the judicial eligible pool.

Given our remit, we do not propose alternative outcomes. We note only that the legal services profession forms the foundation of the judicial pipeline, and that improvements in the profession's diversity over time are likely to increase the diversity of those eligible to apply for judicial appointment.

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

**JAC response:**

Outlining clear expectations appears appropriate. This should help improve consistency in the actions taken by regulators and support more transparent monitoring of progress across the sector, which is of value to organisations, including the JAC, with an interest in long-term pipeline trends to inform our work.

**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?**

**JAC response:**

The structure offers a clear minimum expectation while encouraging regulators to consider further steps where proportionate for the profession they regulate. The consistency this brings across regulatory contexts is likely to support

confidence in regulatory processes, which in turn contributes to broader system fairness and confidence in the sector.

**Q2a. Do you agree with the proposed Outcome 1?**

**JAC response:**

Improved availability of comparable, high-quality data should support clearer identification of barriers that arise across career pathways. This contributes to the wider system understanding of the pool from which judicial office holders are appointed. The JAC works in partnership with Judicial Diversity Forum (JDF) partners (including the SRA, BSB and CILEX Regulation) to compile an [annual combined statistics report](#) of the judiciary and its pipeline which relies on comparable and high-quality data from multiple regulators. This information is also used to inform JAC and JDF initiatives e.g. Pre-Application Judicial Education programme and the Equal Merit Provision.

We support the focus on collaboration as we know from our experience at the JAC that increasing diversity needs a partnership approach. We welcome continued engagement from the LSB and regulators in the JDF to achieve our shared goal.

**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?**

**JAC response:**

N/A

**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?**

**JAC response:**

N/A

**Q3a. Do you agree with the proposed Outcome 2?**

**JAC response:**

Evidence of disproportionate impact based on diversity characteristics in regulatory processes can have implications for career progression. Strengthening fairness, transparency and consistency in these processes may therefore help ensure that individuals remain able to progress to senior levels and access the breadth and quality of work required to make strong judicial applications.

We support the strengthened approach to evaluation to increase impact, something that the JAC has done throughout Targeted Outreach initiatives. The changes to evaluation that have been adopted by the JDF, in recent years, have supported a quickening of the pace of change in some areas of judicial diversity. This approach has also given a better insight into where further focus is required.

**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?**

**JAC response:**

N/A

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

**JAC response:**

N/A

**Q4a. Do you agree with the proposed Outcome 3?**

**JAC response:**

The design and accessibility of qualification pathways can affect who enters and remains in the profession. Greater flexibility may support individuals whose career routes may not reflect the traditional linear pathways, including women and disabled people. Such improvements may broaden the range of people who progress to roles that form the judicial eligibility pool.

LSB may wish to consider referencing judicial careers specifically in the guidance regarding accessible pathways within the professions. The majority of judicial roles require someone to be legally qualified and meet minimum post qualification experience by statute. Therefore, judicial careers are largely only available to professions overseen by frontline regulators.

**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?**

**JAC response:**

N/A

**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?**

**JAC response:**

N/A

**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)?**

**JAC response:**

N/A

**Q5a. Do you agree with the proposed Outcome 4?**

**JAC response:**

Clear expectations around conduct and workplace behaviour are likely to support healthier professional cultures. Such environments help retain talented individuals and enable fairer progression based on merit, impacting the diversity of those eligible for judicial office.

Ensuring a consistent approach to conduct and report of misconduct will also ensure the JAC can continue to confidently deliver its statutory duty to appoint only those of good character on merit by setting a standardised approach to conduct and behaviour. The JAC relies on reports from frontline regulators, among others, when making decision on good character.

**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?**

**JAC response:**

N/A

**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?**

**JAC response:**

N/A

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

**JAC response:**

N/A

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

**JAC response:**

N/A

**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)?**

**JAC response:**

Without commenting on regulatory operations, we note that technical guidance on data approaches, including areas such as socio-economic background, disability and career progression and seniority, could support consistent understanding of trends relevant to the eligibility pool for judicial office.

**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?**

**JAC response:**

We have not identified further equality impacts beyond those already considered.

**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?**

**JAC response:**

N/A

**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?**

**JAC response:**

N/A

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

**JAC response:**

N/A

**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?**

**JAC response:**

We support continued system-wide collaboration across the justice sector. This may include ongoing data and insight sharing, learning forums, and tools that promote consistency of understanding of the barriers to a diverse legal profession.

We welcome the LSB's efforts to develop a coherent and evidence led regulatory baseline. A consistent approach across the sector will support wider efforts to improve equality of opportunity across the profession, which in turn contributes to sustaining a judiciary that reflects the society it serves. The JAC remains committed to working with partners, including the LSB, in pursuit of this shared aim.

**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.**

**JAC response:**

N/A

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

**JAC response:**

The JAC shares the aspirations reflected in the LSB's proposals, and supports the underlying policy they reflect; it is not able to comment on the operational challenges which may arise from implementation. Such matters are for the front-line regulators to advise on.