

Legal Services Board Consultation on a Draft Statement of Policy – Anonymous response 5

Insight Summary: Individual Respondent

Overview

Although generally supportive of the proposed policy framework, this response is notable for its strong emphasis on transparency, accountability and addressing structural workplace practices that may undermine diversity and inclusion. The respondent repeatedly calls for greater visibility of outcomes, stronger reporting requirements and a shift away from performative approaches towards evidence-based action. The response also highlights issues around workplace exits, career progression and organisational accountability that extend beyond traditional diversity data collection.

Key Learning Themes for Regulators and the Sector

1. Strengthen Transparency as a Core Regulatory Principle

A consistent theme throughout the response is the importance of openness and public accountability.

Potential learning

- Publish greater information on how fairness is assessed within regulatory processes.
- Increase transparency around disciplinary and enforcement procedures, while protecting confidentiality where necessary.
- Publish standards applied to education, training and assessment providers.
- Ensure stakeholders can understand how decisions are made and how regulatory expectations are monitored.

Why this matters

The respondent suggests that transparency is essential both for public trust and for understanding whether diversity interventions are having their intended effect.

2. Place Greater Emphasis on Anticipating Future Challenges

One of the clearest recommendations was that horizon scanning should be regarded as a minimum expectation rather than an enhanced activity.

Potential learning

- Regularly identify emerging risks and opportunities affecting diversity and inclusion.
- Consider demographic, technological and workforce changes when developing strategies.
- Build future-focused analysis into strategic planning processes.

Why this matters

The respondent argues that regulators should proactively respond to changing conditions rather than reacting after barriers have emerged.

3. Prioritise Publication of Outcomes Data

The response places particular value on the publication of evidence that enables understanding of barriers across the profession.

Potential learning

- Publish educational and qualification outcomes disaggregated by diversity characteristics.
- Use outcomes data to identify points where certain groups face disproportionately poor progression.
- Support sector-wide learning by making evidence more accessible.

Why this matters

The respondent considers outcomes data essential to understanding where barriers exist and whether interventions are succeeding.

4. Improve Scrutiny of Workplace Exit Practices

Perhaps the most distinctive theme in this response concerns how firms manage employee exits and workplace disputes.

Potential learning

- Examine the role of confidentiality agreements in cases involving workplace culture concerns.
- Encourage greater transparency regarding workplace exits.
- Consider whether anonymised reporting on employment terminations could improve sector understanding of retention issues.
- Explore how workplace practices may affect diverse groups differently.

Why this matters

The respondent raises concerns that important information about workplace culture and barriers to progression may be hidden from regulators and the wider sector.

5. Monitor Performance Management Processes for Potential Bias

The respondent highlights performance management as an area that may merit closer attention.

Potential learning

- Monitor the use of performance improvement plans and similar management processes.
- Analyse whether such processes affect certain groups disproportionately.
- Consider whether workforce data could reveal patterns requiring intervention.

Why this matters

The response suggests that retention and progression barriers may emerge through routine workplace processes that are not traditionally examined through a diversity lens.

6. Increase Organisational Accountability for Diversity Outcomes

A significant theme is the need for stronger organisational ownership of diversity objectives.

Potential learning

- Encourage large organisations to produce strategic diversity and wellbeing plans.
- Require periodic reporting on progress against diversity objectives.
- Build greater accountability into governance frameworks.
- Focus on measurable outcomes as well as stated commitments.

Why this matters

The respondent sees structured reporting and reflection as a means of moving beyond aspiration towards demonstrable progress.

7. Broaden Understanding of Underrepresented Groups

The response identifies groups that can be overlooked within traditional diversity frameworks.

Potential learning

- Consider the experiences of care-experienced individuals when assessing barriers to entry and progression.
- Regularly review whether diversity frameworks adequately reflect disadvantaged groups.
- Ensure evidence gathering captures a broad range of lived experiences.

Why this matters

The respondent suggests that important forms of disadvantage may remain under-recognised if policy frameworks focus too narrowly on existing categories.

8. Tackle Performative Approaches Through Evidence and Measurement

The respondent explicitly links future success to a move away from symbolic activity towards demonstrable impact.

Potential learning

- Focus on measurable outcomes and evidence-based interventions.
- Prioritise activities where effectiveness can be evaluated.
- Develop reporting mechanisms that assess real-world impact rather than activity levels.
- Encourage continuous review and refinement of interventions.

Why this matters

The response reflects a concern that the sector has historically struggled to translate commitments into meaningful and measurable change.

9. Maintain Regulatory Leadership During Changing External Conditions

A notable strategic observation concerns the wider social and geopolitical environment.

Potential learning

- Provide clarity that diversity and inclusion expectations remain regulatory requirements.
- Maintain consistent standards regardless of wider political or organisational trends.
- Communicate clearly what constitutes minimum acceptable practice.
- Support regulated entities navigating changing external pressures.

Why this matters

The respondent notes that some organisations may become less willing to speak publicly about diversity issues and suggests regulators may need to play a stronger role in reinforcing expectations.

Strategic Reflections for the Sector

Taken as a whole, this response advocates for a diversity and inclusion framework that is:

- Strongly evidence-based.
- Transparent and accountable.
- Focused on outcomes rather than rhetoric.
- Willing to scrutinise workplace culture and employment practices.
- Alert to hidden barriers affecting retention and progression.
- Inclusive of groups that may traditionally receive less attention.
- Supported by robust reporting and monitoring mechanisms.
- Backed by clear and consistent regulatory leadership.

The response suggests that improving diversity may require regulators to look beyond entry routes and representation statistics, and pay greater attention to workplace experiences, progression, performance management, retention and the circumstances under which people leave the profession.