

LSB consultation: Encouraging a diverse legal profession (published Nov 2025)

**Response from the 'Powerful Perpetrators' project team at the University of Bristol
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Brief context

'Powerful Perpetrators' is a European Research Council awarded and UKRI funded project (running November 2023 to October 2028), which looks at sexual misconduct by 'high status/high public trust' professionals and the regulatory and administrative justice mechanisms used to identify, investigate and address behaviour. Our project includes a specific focus on barristers and judges, but our comments may also apply to solicitors. We are still in the process of data collection and analysis, and so are not in a position yet to cite published findings to inform this consultation response. However, we draw here on the emerging picture that we are gleaning from interviews (over 130 to date), and case study collation (over 900 to date), to respond to one particular area of the consultation, Outcome 2.

Further information on the project is available here: www.powerfulperpetrators.org

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Outcome 2

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

31. Core expectations for Outcome 2¹⁶

In pursuing Outcome 2, regulators **must**:

- I. Take steps to effectively identify and address any impacts on protected and other relevant diversity characteristics (including socio-economic background) that may arise from new or updated regulatory policies or actions;
- II. When formally consulting, provide external stakeholders with equality impact assessments to support informed feedback, to demonstrate how equality considerations have been considered, and, where needed, to seek further evidence and insights from stakeholders to inform policy development; and
- III. Take steps to effectively support fair disciplinary and enforcement processes by:
 - a. supporting disciplinary panel members and staff to make well informed, balanced and evidence-based decisions, by providing appropriate training and guidance that helps minimise bias and promotes consistency.¹⁷
 - b. regularly collecting and analysing data across all stages of disciplinary and enforcement processes to help identify patterns or risks of inconsistent or unfair outcomes;
 - c. identifying causes behind inconsistent and/or unfair outcomes and publishing clear and measurable remedial plans; and
 - d. appropriately supporting the wellbeing of authorised persons involved in investigations and/or disciplinary actions, including both complainants and respondents.¹⁸

Q3a. Do you agree with the proposed Outcome 2?

Yes. Fair disciplinary and enforcement processes give confidence to complainants to report. They also give assurance to both complainant and respondent that their cases will be handled with integrity, procedural consistency, transparency and humanity. We expand more on what 'fair' can mean in practice, in Q3b.

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?

Drawing on our emerging findings, and on previous work on what 'justice' means for people who use formal processes, we identify 6 areas that we know matter: clarity, timeliness, institutional reflexivity, panel members, wellbeing and transparency. We also note that most sexual misconduct (and perhaps other types) do not reach a formal process. So, we should also focus attention on prevention; confidence-raising; and exploring alternative resolution.

a. Clarity

A key issue for those engaging in disciplinary proceedings is having clarity on the process. The lived experience of a disciplinary complaint for both parties often diverges significantly from the neat 'process map' presented by organisations. This is also why it is critical to regularly update all parties. Understanding what is happening, when, and why, is a form of interactional justice. That interaction, and sense of being valued and heard, can be very important for both parties. It can inform how they later evaluate the 'justice' or 'fairness' of the outcome (see [Mulvihill et al., 2019](#)); how they re-tell their experience to others; and thereby the wider perception of credibility, effectiveness and trust in those processes.

b. Timeliness

Quicker processing of cases, without forgoing procedural rigour, is critical. The length of time taken to resolve cases is a significant stressor for both parties; it delays justice and closure; and it may deter others from reporting.

c. Institutional reflexivity

Regulators should reflect on how procedures may mitigate against diversity and fairness or unnecessarily heighten anxiety and trauma. This is not a 'concession' or a dilution of the process – on the contrary, adjustment and reform can facilitate better evidence, keep parties invested, and thereby produce a more robust outcome.

Regulators should also consider whether long-held approaches or assumptions (for example, on how witnesses are questioned or how behaviour is categorised) are appropriate.

To do reflection well, we would recommend that regulators and panel members learn about the experiences of those involved in disciplinary cases and use that learning, ongoing, to inform change. Regulators should provide quick, easy ways for panels to share practice on what is working well (cognisant that this may differ, depending on context, case type and other factors).

d. Panel members

Panel members should be diverse in background, well-informed about current issues and – in sexual misconduct cases – fully apprised of the complexities of abuse of power, of adult grooming, of common myths, of the impact of sexual harassment and abuse on the victim, on witnesses, and on psychological safety in the workplace. We suggest a balance between retaining panel members long enough that they gain experience; but keeping turnover sufficient to bring in new ideas and perspectives.

e. Wellbeing

Disciplinary cases are inescapably difficult for all involved. However, drawing on (a)-(d) above, regulators and panels should give thought to how their procedures, communication, regular updating, and timeliness, can mitigate anxiety. 'Trauma-informed' is a phrase often used but not always understood: we recommend getting a range of views on this, including from those who have been involved in disciplinary processes as complainants, witnesses and respondents. There is no 'general template', and trauma or anxiety cannot always be avoided: but there will be practical context-specific steps which help make disciplinary panels thorough, but humane, spaces.

If it is not already in place: complainants, respondents, witnesses and panel members should have access to emotional support, if they require it.

f. Transparency

It is not possible to meaningfully track diversity and fairness, or to be externally accountable for progress, unless there is rigorous data collection and transparent publication. As a research project working with regulators to secure data on misconduct cases, we can see there is a mixed picture here, across different sectors. We would strongly encourage regulators to work with each other, with researchers, and with internal specialists and stakeholders, to find ways of doing this well.

For example, a key gap that we have identified in regulator data collection across the professions is victim demographics. Where victims are also members of the legal profession, collecting data on who they are is key to understanding the implications for diversity and fairness.

Transparency does not compromise industry reputation or public trust: it enhances it, and it provides evidence for ongoing reform.

g. The unreported cases

Finally, focusing on disciplinary cases is important, but can distract from the reality that sexual (and possibly other forms of) misconduct are not reported, or never reach a disciplinary hearing. Therefore, we need to focus on:

- i. **Preventing misconduct in the first place and tackling the barriers to speaking out** – causal factors and barriers are well known and relate often to rigid and competitive career hierarchies; to 'career progress gatekeepers' who abuse their power; to late and lone working; to social gatherings oriented around alcohol consumption, and so on. For example, work by members of the Powerful Perpetrators team (Yapp and Richards, under review) shows how the structure of rotating placements can present both an opportunity for predatory senior professionals and a disincentive to early career students to report ("It will affect my career progress; I am moving on soon"). Diversity in the workforce is impacted if new entrants leave early in their career or cannot flourish, due to unchallenged harassment.
- ii. **Investigating alternative and informal resolution** - often, 'informal' has meant quiet conversations behind closed doors to suppress further action and protect reputations. We do not support this. Nor do we support complainants or respondents being *obliged* to undergo an informal or a mediation process. But we do recommend that regulators continue to look at how informal processes can be designed in ways which are transparent and procedurally fair. Informal approaches may offer timely resolution; lower the risks and costs and thereby anxiety; and have unexpected benefits for diverse groups. Informal processes may also be useful in catching early 'low level concerns' in the workplace ([Cave and Gregory, 2024](#)). Early flagging can signal that certain conduct is not acceptable; provides a teachable moment; and builds a workplace norm that normalises constructive feedback. However, the prevalence and outcomes of such processes must be recorded *and* monitored ongoing. Informal should not mean off-the-record.

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

We noted above the importance of bringing clarity to disciplinary proceedings. There are currently numerous routes for reporting misconduct within the legal profession. This can be overwhelming to navigate, particularly when you have been a victim of sexual misconduct. We echo the [Harman Report's](#) recommendation that regulators publish short guides to the existing complaints mechanisms. Navigation could be facilitated by asking the enquirer/website user some basic questions, to tailor their options. Guides should also be published at the organisational level (either a chambers or a firm). These should signal nominated individuals whom people can approach, should they experience challenges in the workplace - particularly around sexual harassment and bullying.

We are mindful that chambers are not regulated entities. In our research, this has been repeatedly raised as a potential barrier to implementing change at the Bar. Where possible, regulators should take steps to ensure that individuals with management responsibilities ensure their chambers are complying proactively with their legal obligations to prevent sexual harassment under the Worker Protection (Amendment of Equality Act 2010) Act 2023.

Our early research findings indicate that the definition of what constitutes 'sexual misconduct' is varied across UK professions. We suggest that existing disciplinary and enforcement processes for legal professionals in relation to sexual misconduct (e.g. in line with section 26 of the Equality Act 2010) do *not* adequately capture the abuse of power element, so often manifest in professional environments (see [Birdsall et al. 2025](#)). We encourage regulators to take steps to ensure that abuse of power is adequately factored into disciplinary and enforcement processes at every stage: from the training of panel members; to the safeguarding of victims and witnesses through the process; to the final sanction delivered.

Thank you for the opportunity to respond to this consultation. We commend your ambition to enable people to flourish in, and enrich, the legal profession for the future. We look forward to seeing the consultation outcome and implementation.