

Survey Response Document

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

Confirmed

#00000110

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:

Yes—broadly. The four outcomes form a coherent “end-to-end” framework. Suggested strengthening re: a clearer, named focus on transparency and comparability of outcomes (including provider-level outcomes where regulators approve/authorise routes). The consultation already recognises opacity as a barrier (and flags SQE transparency concerns). Turning this into a more explicit ‘transparency and accountability’ thread would sharpen delivery.

A clearer, named focus on “affordability and financial risk” as an access barrier (not only information about costs). LSB’s current text acknowledges costs as obstacles; regulators should be pushed to treat affordability as an equality issue with measurable mitigations.

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

Answer:

Yes. Without expectations, outcomes risk becoming aspirational. The proposed approach appropriately balances: 1. consistency (minimum baseline across regulators) and 2. context sensitivity (different professions/routes).

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:

Yes—with one caution. The core/enhanced structure is a sensible way to set a baseline while encouraging ambition. My caution is where an issue is persistently evidenced (e.g., opaque outcomes data in professional assessment markets), key transparency measures should not be relegated to 'enhanced' indefinitely. Consider graduating certain enhanced expectations into core after a defined period if progress is weak.

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:

Yes. A strategic evidence base and collaboration are prerequisites for measurable change.

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. In particular, the emphasis on high-quality diversity data, identifying barriers through research/engagement, and publishing action plans with measurable goals is right. Might add the following:

1. Independent stakeholder feedback loops for high-impact qualification/assessment systems (e.g., standing advisory panels including newly qualified, educators, employers). This mirrors what I have argued for in SQE reform and would strengthen governance and legitimacy.
2. A requirement to publish 'what changed because of the data' annually (not just data and plans): decisions taken, interventions trialled, evaluation results and what will be stopped/expanded.

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:

Move toward core over time: Anything that ensures baseline transparency and accountability (especially around pathways/assessment markets) should become core if persistent problems continue. (This is particularly relevant where candidates face high cost exposure and limited information.)

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:

Yes. Fair decision-making and processes are foundational, including within disciplinary/enforcement and in the making of regulatory rules that shape entry and progression.

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—especially the focus on identifying impacts by protected characteristics (and socio-economic background) and using equality impact information in consultations. Further expectations to consider:

1. Minimum standards for appeals/complaints transparency and timeliness in high-stakes settings (including assessments where relevant), with disaggregated reporting where possible. (This responds to sector confidence and differential impact risks.)
2. A requirement that regulators commission or publish periodic 'fairness audits' of key processes with the greatest equality risk (e.g., assessment, complaints, authorisation decisions).

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

Answer:

Possible enhanced expectations:

1. Trauma-informed and bias-aware training for decision-makers and panels (where not already mandated), plus evaluation of whether training changes outcomes.
2. Structured co-design with affected groups when reforming processes that show differential outcomes.

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:

Strongly yes. If the profession is to be diverse, the routes into and through it must be transparently navigable, affordable, accessible and evidence-led.

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. The core expectations are well targeted—especially: training routes designed for equality of access; provider standards that support diversity goals and public information on costs and outcomes to support informed choices. These align directly with my past calls for SQE provider-level performance transparency and clearer information for candidates.

Further expectations to consider adding (core or 'enhanced-with-deadline'):

1. Provider-level outcomes transparency where a regulator controls/authorises the route: the LSB's proposal already requires costs/outcomes to be published at minimum. Consider making explicit that, where feasible and lawful, outcomes should be meaningfully comparable across providers (with context notes to avoid misinterpretation).
2. Reasonable adjustments & accessibility assurance: require regulators to set minimum standards for adjustments processes (clarity, timeliness, consistency) and require providers to evidence compliance—matching your emphasis on reviewing adjustments for disabled/neurodiverse candidates.
3. Geographic accessibility standards: for national assessments/routes, regulators should consider minimum geographic coverage and/or remote-access solutions where appropriate. There should be more test centres in the North of England, for example.
4. Affordability interventions, not just affordability information: outcome 3 should encourage regulators to do more than publish costs: they should assess affordability barriers and use levers (fee structures, discounts, targeted bursaries, sequencing flexibility) to reduce exclusion—consistent with your call for greater financial support.
5. Link outcomes data to a published improvement plan: my position is 'publish the data, then publish the plan to improve it'. Consider requiring that where attainment gaps exist, regulators must publish timebound actions and evaluate impact.

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:

Costs and outcomes transparency should remain core and be interpreted robustly (i.e., not minimal compliance).

Disaggregated outcomes are currently enhanced; that's understandable for small cohorts, but for large-scale national pathways (SQE-like systems), a presumption of disaggregation should be expected, subject to data protection and statistical disclosure control.

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:

Yes—add explicit expectations on re-entry flexibility, including:

1. clearer guidance on returning after caring/health breaks;
2. recognition of prior learning/experience where appropriate;
3. structured, supported return-to-practice pathways (with reasonable adjustments);
4. monitoring whether re-entry applicants face differential outcomes.

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:

Yes. Culture and conduct determine who stays, who progresses, and who is pushed out. Embedding inclusion-related competence and clear duties around harassment/discrimination is necessary.

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. The focus on duties in codes of conduct and competence frameworks (including manager-specific expectations) is well-judged. Further expectations to consider:

1. Require regulators to encourage/require workplace transparency mechanisms (e.g., reporting routes, anti-retaliation protections) and track outcomes where feasible.
2. Encourage regulators to address wellbeing and psychological safety as part of competence/culture, particularly where evidence links poor culture to attrition and unequal progression.

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:

Manager-specific standards look right as core (given the leverage of leadership on culture). Where there is strong evidence of harm (bullying/harassment), expectations around effective firm policies and enforcement should be difficult to treat as optional over the long term.

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:

Mostly yes, as a phased approach (0–3 months understanding; 3–6 months gap analysis and plans; 12 months demonstrable steps) is realistic for many regulators. However, education/training/assessment changes (Outcome 3) can require longer lead times, procurement cycles, and provider contract changes—so the planning milestones are achievable, while the full effects may take longer.

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

Answer:

1. resource constraints, data infrastructure limits, and dependence on third-party providers (especially in assessments);
2. small regulator cohort sizes (statistical disclosure and data utility challenges);
3. consultation requirements for rule changes.

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:

1. Publish a model 'diversity outcomes reporting standard' (minimum dataset, comparability guidance, disclosure control approaches).
2. Convene a cross-regulator 'pathways and assessment fairness forum' (including educators/providers/employers and lived experience), reflecting the consultation's collaboration emphasis and your call for more constructive engagement.
3. Provide practical toolkits: equality impact assessment templates, evaluation frameworks, examples of effective interventions.

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:

Potential unintended effects:

Transparency measures could be misused to create simplistic league tables that disadvantage providers serving higher-need cohorts unless contextualised. Overly rigid provider standards could reduce route diversity if smaller providers exit the market. Mitigation: contextual reporting guidance and proportionate requirements.

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:

The consultation itself highlights concerns around costs, transparency and support for non-traditional candidates in the SQE context.

Mitigations: robust reasonable adjustments standards; targeted financial support; disaggregated reporting with disclosure control; published improvement plans for attainment gaps.

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:

Socio-economic disadvantage should remain explicitly tracked and acted upon (it appears within the framework already).

Intersectionality should be operationalised (not just referenced): regulators should attempt to understand combined barriers where data allows.

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

Answer:

Benefits likely outweigh costs:

- * Improved trust, fairness, talent retention, and consumer outcomes from a profession that reflects society.
- * Costs will sit mainly with data systems, evaluation, and provider oversight—but these are proportionate given the scale and persistence of barriers.

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:

National convening role: shared best practice, common metrics and evaluation evidence.

Partner with regulators, education providers and employers on closing attainment gaps through tested interventions (not just diagnosis).

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:

Yes:

1. a periodic LSB “state of diversity in legal services regulation” report benchmarking progress against the outcomes;
2. targeted reviews where regulators lag on core expectations;
3. publish exemplar approaches (what “good” looks like) for Outcome 3 transparency (costs/outcomes/provider reporting).

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

Answer:

I note my 10 point plan for SQE reforms (<https://www.legalcheek.com/2025/06/my-10-point-plan-for-sqe-reform/>):

Legal Cheek invited me to speak at its first LegalEdCon in 2018 on a panel about the SRA's planned SQE. While it seemed certain to be launched, there was some uncertainty about when exactly that might happen and the impact it might have on law schools and beyond.

Drawing a comparison with the big political debate at the time, I remarked that the SQE sounded a lot like Brexit in some curious ways. First, there did not seem to be widespread calls for a new super exam before plans for a SQE were first proposed.

Secondly, the SQE was presented as a means to solve many big challenges. For example, the first LegalEdCon heard that it might make qualifying cheaper and improve the quality of the newly qualified while improving access to, and diversity within, the profession.

There were other similarities. For instance, it was unclear exactly how the new exam would operate and achieve its lofty goals. We were told at the time 'Brexit means Brexit'. Likewise, it seemed the SQE meant SQE. The date for when this would happen seemed to move further into the distance. All the while there were concerns raised that the promised benefits might not materialize.

After Brexit came in 2020, the SQE followed soon after in 2021. However, it's unclear that the SQE has delivered as promised since its freedom day.

Take for example the claim that the SQE would enable better access and transparency, including different SQE provider exam results, which would help drive provider performance, improve student choice and keep costs down. However, since its launch and despite repeated reassurances to the contrary, the SRA has yet to publish pass-rate data for SQE training providers and the affordability, design and quality of the exam itself, an issue rightly flagged by the Legal Services Board.

The available data that I have seen is disappointing. While the pass rate rose to 56% in January, it had fallen to 44% last July. This doesn't sound great where half or most failing to pass – and still no indication of what a 'good' pass rate might look like.

The attainment gap is worse. 50% of white students sit the SQE1 and 70% pass it. 25% of black students sit the SQE1 and 37% pass. This is true at SQE2 too (where the pass rate is over 80% overall): white 84%, black 51%. There is also a gap between independent school educated (70-72%) versus non-selective state school (58%). And some passed even when told they failed, as happened to 175 people last year.

Depending on the preparation course used, some, like the Legal Action Group, claim the SQE has not resulted in significantly reducing costs.

The SQE has happened (and so too Brexit). I've been concerned about the SQE from the start and see many of the worries that I and others raised materialising. But as I told LegalEdCon 2025, I don't think it helpful or productive seven years later to point fingers nor reopen the debate over whether to retain the SQE.

Instead, continuing the Brexit analogy, I argue it is time for a reset with meaningful conversation about how we might the SQE better where various stakeholders work more closely together to get it right.

My 10 point plan for SQE reform:

First, the SRA should consider creating a SQE Advisory Panel. Members might include the recently qualified via the SQE, senior law firm figures and, yes, law professors. (I do not usually make recommendations that I would not personally support delivering.) This Panel can help close the gap between the test takers, test makers and practice to provide an important independent feedback loop on processes and test design beyond anonymous surveys of test takers.

Secondly, the SQE content for exams one and two should be re-examined. Where is law and tech? This is rapidly transforming the sector in ways already profound and will move forward with significant consequences. There should also be a review of what is assessed in each part.

Thirdly, there should be a review into whether an exemption of at least some parts might be advisable and practicable for law graduates. We already know high performing law graduates pass the SQE anyway – and as high as 80% for those with a first class degree. If there were possible, it could widen access further, cut costs and even make sense.

Fourthly, the SRA should consider providing greater financial support for test takers. This might include increasing exam fee discounts that might benefit more relevant individuals. There is no magic money tree for sure, but if support were available it would be widely welcomed. Income received from exam candidates was 21% higher than originally budgeted in 2023/24 reaching £36.7m. This is expected to rise up to £66m for 2024-25 nearly doubling in a year.

Fifthly, there should be more test centres available in the North. While there are various locations for SQE1, there is only Birmingham, Cardiff and Manchester for SQE2. Why not Leeds, York or Newcastle?

Sixthly, there should be a review of reasonable adjustment options for neurodiverse and disabled students. This should include reviewing study resources.

Seventhly, we need greater transparency on the data. This means repeatedly promised and long overdue performance data linked to providers. No more delays. This would benefit from a view of target pass ranges. When is it too high or low?

Eighthly, it would be helpful if data was provided on SQE success and careers. Does smashing the SQE mean a smashing successful career?

Ninthly, this to be published data should be linked to a strategic plan to improve it. Since its introduction, we've seen an attainment gap. We know the numbers. So, what's the plan to improve the outcomes? The SQE's promise all along is we'd have more data at hand to better guide fixing problems like this. We see the issues. We need to see a plan to fix them.

Finally, there needs to be a more constructive and open engagement with educationalists, providers and the wider legal sector about how we improve the SQE. We all want better access with robust standards. Point scoring is beyond the point.

In conclusion, no one should pretend the SQE is beyond criticism when even the SRA admits there have been 'teething problems'. At the same time, I don't think anyone who wants the best for our sector to be satisfied pointing out concerns but not solutions.

My ten point plan for SQE reform is intended to provide some constructive ideas about how some improvements might be supported. It's time for us all to work together for a common purpose and I hope a reset will be considered.

Thom Brooks is professor of law and government at Durham University.