

Survey Response Document

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

Confirmed

#00000115

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:

I agree with the proposed outcomes (subject to my subsequent comments on the specifics of the content and wording). They are comprehensive and valuable, requiring a genuine commitment to tackling embedded and persistent issues of discrimination, inequality and bias within the legal profession.

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

Answer:

It is vital that aspirational outcomes such as those which are proposed are supported by explicit, clear and actionable expectations to act as benchmarks for the progress which is (or is not) being made.

I would further suggest that a form of Advisory Board, comprising of diverse stakeholders (and most importantly including individuals with lived experience of relevant issues) could provide a form of oversight and review mechanism, offering valuable insights and encouragement to regulators to be both focused but also ambitious in their approach.

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:

Overall, I agree with the proposed structure. However, thought needs to be given to how regulators will be incentivised to move beyond core expectations and pursue enhanced expectations. This could be achieved through specific and mandated reporting mechanisms which means that details of progress are transparent and publicly available.

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:

I agree with the proposed Outcome 1. I would hope this it largely reflects existing approaches taken by regulators, given the importance of a diverse legal profession.

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:

I agree with the proposed outcome 2. However, while the current reference to 'regulatory approaches, processes and decision-making' is broad, I suggest this could be widened even further, for example, by referring to 'all aspects of regulation, including approaches, processes and decision-making'. Such breadth is vital to establishing and embedding equality, fairness and inclusion as immutable aspects of the core business of regulators.

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:

The proposed core expectations appear appropriate.

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

Answer:

I am pleased to see an emphasis in the core expectations on 'Disciplinary and enforcement processes' given the significant ways in which such processes influence conduct within the legal profession and perceptions of professionalism both within and external to it.

I suggest an enhanced expectation should be 'Ensure bespoke fitness to practice mechanisms are developed, implemented and regularly reviewed, drawing on feedback from stakeholders (including those individuals who find themselves subject to such mechanisms)'. While fitness to practice regimes are in operation in parts of the legal profession, their use is not universal or consistent. For example, the Solicitor Regulation Authority does not have such a regime in place, despite the Solicitor Disciplinary Tribunal (and other stakeholders) calling for one to be instituted.

There is a growing international body of evidence demonstrating that individual actions are influenced by the ethical climate of workplaces and that mental ill-health and wellbeing issues can contribute to lapses in ethical judgement. In the UK, it is notable that a series of disciplinary cases and appeals involving junior solicitors have highlighted the influence of toxic workplace environments. Given the intersections between wellbeing and equality, diversity and inclusion, it is important that appropriate and sensitive fitness to practice mechanisms are consistently embedded across the legal profession.

For research supporting these proposals, see for example, Jones, E. (2021) The rule of lawyers: applying therapeutic jurisprudence at the intersections of wellbeing, disciplinary proceedings and professionalism. *European Journal of Current Legal Issues*, 25 (1) and Holmes, V., Webb, J., Tang, S., Ainsworth, S., & Foley, T. (2025). *Lawyer Wellbeing, Workplace Experiences and Ethics*. A Research Report. Victorian Legal Services Board + Commissioner, the Law Society of New South Wales and the Legal Practice Board of Western Australia (LPBWA).

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:

I agree with proposed outcome 3. It is vital that a diverse range of individuals are supported to enter into, and progress through, the legal profession. This requires regulators to proactively tackle the many barriers experienced by marginalised groups, to ensure the health of the profession as a whole.

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:

One of the enhanced expectations currently states 'Collecting and publishing data on education and training background of authorised persons'. The wording of this is slightly ambiguous, however, I assume the aim is to provide aspiring legal professionals with details on which educational and training routes are most likely to achieve employment in the profession. The inclusion of 'educational' routes in this is potentially problematic. It implies providers of law degrees will be included.

A law degree is an academic qualification and, to retain its intellectual value and rigour, needs protecting from being viewed simply as a precursor to entry into the legal profession. Indeed, since the Law Society cohort studies of the 1990s it has been clear that a minority of law graduates will enter the profession. Initiatives such as the introduction of the Solicitor Qualifying Examination (SQE) by the Solicitor Regulation Authority also clearly delineated a separation between education and training by allowing any degree qualification (or equivalent) to be accepted as a pre-cursor to the SQE. It is therefore contradictory to now seek to align the law degree with vocational routes. Doing so is likely to mean law degree providers feel obliged to take more vocational approaches to compete in a congested market. The damage to the academic value of the law degree in the long-term could be considerable.

There is also the broader issue of such disclosures potentially reinforcing existing inequalities. Given traditional institutionalised inequalities in the legal profession, it is likely that established education and training providers will benefit most from inclusion in such reporting. Conversely, those that arguably do the most to promote equality of opportunity and diversity (for example, The Open University) may well fare less well and therefore be less attractive to aspiring legal professionals, undermining the value such providers bring to the sector.

One of the enhanced expectations currently states 'Where applicable, encouraging firms to develop work placement and training programmes that foster diversity and inclusion'. I suggest this is amended to also refer to formal mentoring schemes, as there is evidence that these are an effective support mechanism (see, for example, the work of the Law Society of Scotland).

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:

None identified.

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:

I agree with proposed outcome 4. The significant body of evidence referred to in the Consultation itself demonstrates that this is a vital outcome. The human suffering, high attrition rates, impairment of ethical judgement and declines in productivity associated with problematic workplace culture, conduct, and competence make appropriate provision imperative.

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:

The core expectation to 'Provide practical guidance and resources to support compliance' is crucial but too vague as currently worded. The limited impact of existing initiatives under this heading (discussed in the Consultation) demonstrate that there is a need for significant effort and resources to be put into operationalising the desired outcome. This includes (i) Raising awareness of the outcome's existence and meaning; (ii) Providing clear but flexible routes for its implementation by authorised individuals and firms (iii) Providing examples of good practice to adopt (and, conversely, examples of poor practice to avoid); (iv) Providing mechanisms for the monitoring and evaluation of its implementation; and (v) Demonstrating the need for iterative development and improvement in respect of the outcome.

I would therefore suggest that the wording is amended to refer to these specific aspects.

Another proposed core expectation is to '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'. Given the importance of wellbeing and emotional competence and their intersections with equality, diversity and inclusion, I suggest that this wording be amended to 'including fair treatment and respect for all colleagues and an awareness of the importance of wellbeing and emotional competence...'. This is similar to the approach of CILEX Regulation's existing Educational Standards under 'Self-Development'. It also reflects the findings of LawCare's two Life in the Law reports (2021 and 2025) and the International Bar Association's global study on lawyer wellbeing (2021).

I suggest an appropriate enhanced expectation aligned with the above reference to mandatory training would be 'To ensure Continuing Professional Development requirements effectively facilitate individuals undertaking both mandatory and optional training on professional standards, including fair treatment and respect for all colleagues and an awareness of the importance of wellbeing and emotional competence, throughout careers'. This wording would address concerns that current CPD requirements do not always successfully achieve their aim of lifelong learning, development and reflection.

The core expectation to 'Have and monitor additional standards and competence requirements for managers to ensure fair, compassionate, and inclusive management' reflects the importance of managers in influencing workplace culture and conduct. However, it is important to note that such managers are often also under considerable pressure. LawCare's 2025 Life in the Law report clearly demonstrates that managerial responsibilities are not consistently valued, resourced and supported across the legal profession. Therefore, placing these additional responsibilities on managers is only appropriate if accompanied by a requirement on authorised firms to provide appropriate resources and support (for example, adjustment of workloads and targets).

In addition, it is important to note that managers may be relatively junior legal professionals and may not be in a position to influence firm-wide decisions, actions and conduct. Therefore, I suggest that the wording be amended to 'Have and monitor additional standards and competence requirements for managers and leaders to ensure fair, compassionate, and inclusive management and leadership'. This goes some way to avoiding undue pressures being placed upon managers and also recognises the hierarchical structure of many authorised firms and the importance of top-down leadership on issues of culture, conduct and competence.

The final two bullet pointed core expectations and both enhanced expectations begin with the phrase 'where applicable'. I note that this is meant to denote that expectations relevant to authorised firms are relevant only to those regulators that have regulatory responsibilities for authorised firms. This needs to be clearly and explicitly stated to avoid any implication that authorised firms will be able to self-assess whether or not action and change is required.

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:

None identified.

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:

I agree, given that regulators are already actively engaged (to varying extents) in work around inclusivity.

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

Answer:

While resourcing may be an issue, this is outweighed by the importance of addressing the on-going challenges in the legal profession around diversity.

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:

The first phrase identified - 'to ensure a clear understanding of the aims and expectations of the statement of policy' will be key to generating a shared understanding amongst regulators. There will be a need for evidence-informed guidance. This can draw upon the significant existing work in this area within the legal profession, by relevant charities and other organisations, and within academia.

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:

None identified.

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:

None identified.

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:

The potential benefits of the draft statement of policy are significant and vital to the on-going health of the legal profession. While any change inevitably incurs some short-term costs (and criticism), ensuring an evidence-based and data-driven approach going forward will ameliorate these and provide long-term benefits and opportunities.

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:

I would recommend adopting a theory of change model (such as that adopted by the Victorian Legal Services Board + Commissioner in relation to workplace wellbeing (2025)). This could be co-created with stakeholders and allow for evaluation and reflection to be built in at each stage.

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:

In the same way that the LSB has had an on-going work programme around legal tech, I suggest that it should develop a similar programme around inclusivity and wellbeing. This would provide valuable resources for authorised individuals and firms and assist with embedding such concepts within legal practice.

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

Answer:

I would be very happy to assist in any way with the development of these proposals and any associated work.