

A public consultation on the Legal Service's Board's proposed statement of policy

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?

Although the proposed outcomes are credible and have been set to improve diversity in the legal sector, which CITMA fully supports, the way in which these outcomes are to be aspired to under the current proposal would place significant further pressure on our regulatory board, IPREG, and are anticipated to be disproportionately restrictive.

CITMA is concerned that the draft policy statement on encouraging a diverse legal profession proposes an additional:

- a. 4 new outcomes that all regulators must meet;
- b. 18 detailed "core expectations" that all regulators must meet;
- c. 7 "enhanced expectations" which all regulators should also consider meeting

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

CITMA does not agree, in particular, with the extensive set of very specific core expectations which regulators “must meet”, and instead suggests adopting a less prescriptive approach to the manner in which the outcomes are to be achieved. We believe it would be more sensible to allow individual regulators, working with their respective constituencies, to devise their own measures to pursue the four outcomes - measures that are appropriately informed, tailored, proportionate and cost-effective.

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?

CITMA does not agree with the proposed structure, nor that it is appropriate for the LSB to set a “minimum standard” that all regulators must meet, as this removes the scope for proportionately and the unique sectors in which regulators operate to be factored in. Our concern relates to the “one size fits all” approach.

CITMA considers some of the core expectations should be easily achievable or are already implemented by IPReg. Others would require significant investment and in all likelihood could only be achieved in the proposed timescales by bringing in additional external or internal resource – the cost of which will inevitably be passed down to the regulated community - and then end consumers, which will likely have a greater impact on (potential) clients from marginalised groups accessing legal advice.

We consider IPReg would struggle to implement this one, for example: *“Have and monitor additional standards and competence requirements for managers to ensure fair, compassionate, and inclusive management.”?*

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? (Regulators take strategic, evidencebased and collaborative actions to encourage a diverse legal profession)

Whilst the proposal is credible in theory, the expectations around it appear inappropriately burdensome for regulators.

Q2b. Do you agree that the proposed expectations will help regulators to pursue Outcome 1? (Regulators take strategic, evidencebased and collaborative actions to encourage a diverse legal profession? Are there any further expectations beyond those we have included that would support regulators to pursue this outcome?)

The proposed expectations may help regulators should they take the form of guidance but, as expectations which must be met, we consider them to create an inappropriately onerous burden.

Furthermore, the numerous layers make the requirements very complicated and overly prescriptive, rather than high-level expectations.

CITMA believes that it would be useful to collect socio-economic information (which is not a protected characteristic) and data on the protected characteristics that genuinely support policy development in the IP sector.

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?

As mentioned above, we consider both core and enhanced expectations to be too complex and burdensome.

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?

Please see above regarding all outcomes.

Q3b. Do you agree with the proposed 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)?

Whilst the proposal is credible in theory, the expectations around it appear inappropriately burdensome for regulators.

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

No comment.

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? (Regulators support fair, flexible, and accessible pathways into, within and back into the professions that encourage a diverse legal profession)?

Yes, however please note our comments regarding the expectations.

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?

Please note our comments regarding the expectations.

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?

Please note our comments regarding the expectations.

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)?

Please note our comments regarding the expectations.

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? (Regulators ensure their frameworks effectively support authorised persons to uphold professional conduct, behaviours, and competencies that encourage a diverse legal profession)?

Yes, however please note our comments regarding the expectations.

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?

Please note our comments regarding the expectations.

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?

Please note our comments regarding the expectations.

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?

We consider the timelines to be too short for implementation. We believe smaller regulators should be given more time and flexibility in relation to implementation.

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

The timelines appear short however it will depend upon timing of the final policy statement being issued, the form it takes, any other requirements of both the LSB and the bandwidth of our regulatory board at that time.

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)?

We do not consider the policy statement should be issued in its current format. Also, we feel a more collaborative approach should be put forward, whereby regulators work together with guidance from the LSB.

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?

We note that the LSB has not provided any evidence to support its equality impact assessment or its overall impact assessment. It merely asserts that its proposals are likely to have a positive impact.

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?

Please see our response to Q7a above.

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?

The case for change put forward by the LSB seems predominantly based on other sectors of the legal profession. We therefore urge the LSB to focus on those issues through a different regulatory tool than a sector wide blanket approach to a policy statement with numerous additional detailed expectations.

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

An analysis of the likely costs and benefits in its consultation document would have been useful. This analysis should have been undertaken by the LSB as part of its consideration of whether its proposals are proportionate and targeted only at cases where action is needed. If the LSB has not undertaken this analysis, then we encourage for it to be undertaken now and the results provided in its decision document.

It seems the proposed core expectations are likely to place disproportionate and burdensome responsibilities on firms, and related management. The costs involved in firms putting these measures in place are likely to be significant. The proposed provisions are likely to have a disproportionate impact on smaller firms and ultimately consumer choice in legal services. We suggest that the LSB should undertake a detailed regulatory impact assessment before finalising its proposals.

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?

Please see above.

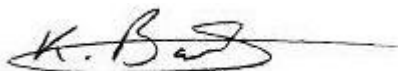
Q9b. Do you have any views on whether the LSB could take additional steps alongside setting expectations for regulators in the draft statement of policy to encourage a diverse profession? If yes, please share your reflections on the most appropriate and potentially effective routes the LSB could take to achieve this.

Please see above.

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

No.

For and on behalf of the Chartered Institute of Trade Mark Attorneys



Keven Bader
Chief Executive

2nd March 2026