

Sent by email only to:
consultations@legalservicesboard.org.uk

Dear Sir/Madam

Consultation on revised guidance for regulators on encouraging a diverse profession

The Legal Services Consumer Panel welcomes the opportunity to briefly respond to the Legal Services Board's (LSB's) consultation on revised guidance for regulators on encouraging a diverse profession.

One of the strands in the Panel's vision for the future of the legal services market is *that consumers receive legal advice from a diverse and competent workforce*. We recognise that the sector has made significant inroads at entry level, where new entrants are more ethnically diverse than the population as a whole and there is a positive gender split. Though we recognise that the trend is heading slowly in the right direction there is evidently work to be done. While there has been a focus on gender and ethnic diversity, social mobility must not be overlooked. The LSB's role in achieving a diverse profession is to identify the issue, propose a solution, and support the regulators in achieving this. On the whole, the Panel is supportive of the LSB's revised guidance.

We agree with an outcomes focused approach. This structure tends to lead to more understanding in an area that needs a practical response, and where regulators are already working in an outcomes focused way. Further, this approach lines up with the findings of the former Department of Business, Innovation and Skills, which highlighted that there is no 'one-size-fits-all' approach to monitoring diversity, and that businesses and organisations, or in this case regulators, know their own markets and sectors best.¹ Further, it found that there is no single approach that can be taken to ensure that equality and diversity are beneficial. To be effective, equality and diversity need to be embedded in the business strategy, and not treated as an ad-hoc addition.

While there is evidence available about the positive impact diversity has on businesses, juries, and team performance, there is no evidence in the legal sector of how it benefits service users. A truly outcomes-based regulatory requirement would work back from this point and prioritise those areas where action could lead to service improvement or remove unfair entry barriers into legal services provision. It is

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49785/bis-13-556es-business-case-for-equality-and-diversity-executive-summary.pdf

of course a step in the right direction to enable the regulators to set and design their own interventions, but for those interventions to be tailored and successful, there needs to be a clear view of what the end goal is and why.

Further, we recognise the LSB's reasons behind stepping away from providing a set questionnaire in relation to collecting diversity data, and agree that there are other sources with considerably more expertise on the subject. However, to ensure consistency among regulators in how they collect data, we would recommend that the LSB cites what it considers to be the leading authorities on this, for example the Office of National Statistics.

Lastly, we would issue a call for consistency, echoing the LSB's expectations. Given the current upheaval in education and training reforms, there is an increased need to ensure comparability between old and new data sets. The positive impact of simply having diversity data in a data-dry sector has already been recognised, and so the Panel would urge the regulators to continue this together. A cross-regulatory working group on diversity, either as a part of the existing regulator's forum or as a standalone taskforce, may prove useful to oversee the sharing of best practice or ensure that data comparability continues. This could also facilitate joint working opportunities on equality and diversity to enable the smaller regulators, who may face resourcing constraints, to participate in and benefit from new research.

I hope that you find this helpful. If you have any questions, please contact our Panel Associate, Stephanie Chapman.

Yours faithfully,



Elisabeth Davies

Chair

Legal Services Consumer Panel