
Consultation

2022 practising fee: Initial equality impact assessment



21 July 2021

Costs Lawyer Standards Board

CLSB
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Initial Equality Impact Assessment (EIA)

This document supports, and should be read with, the CLSB’s [consultation](#) on the practising fee for Costs Lawyers in 2022. The consultation closes on 6 September 2021.

The Legal Services Board’s [Guidance](#) on its Practising Fee Rules states that a regulator must carry out an equality impact assessment (EIA) in relation to its proposed practising fee, and the EIA should be informed by consultation with the regulated community. Below is a preliminary EIA setting out how we anticipate the level of the proposed practising fee for 2022 (£281) will affect practitioners with protected characteristics. We have used the summary format recommended by the Legal Services Board.

We welcome your input, particularly if you have evidence which suggests that the practising fee could create barriers to access or progression for certain groups of Costs Lawyers.

Protected characteristic group	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence / consultation / data used	Actions to address negative impact
Disability	No	7% of Costs Lawyers report having a disability, which is higher than in other parts of the sector (for example, 3% of solicitors). Our data suggests that Costs Lawyers can sometimes experience differential impacts due to disability, such as problems accessing court buildings. However there is no data to suggest that practising fees affect this group disproportionately and questions in previous practising fee consultations revealed no evidence of differential impact.	Not applicable
Gender reassignment	No	Our latest survey did include a question on gender identity, but the percentage of “prefer not to say” answers compared to the percentage of respondents who	Not applicable

		we might expect to answer “no” to the question (is your gender identity the same as that which you were assigned at birth?) means the data is unreliable. Nevertheless, we expect that the percentage of our regulated community with a different gender identity to that assigned at birth is likely to be very small or zero.	
Marriage or civil partnership	No	We do not collect data on the marital status of practitioners, however as our fee is set at the same level for all practitioners and marital status does not impact ability to practise, we have not identified any risk of differential impact based on this characteristic.	Not applicable
Pregnancy and maternity	Yes	In 2020 we identified that, due to the way we calculate practising fees for Costs Lawyers who reinstate their authorisation part way through the year, practitioners who took parental leave were incurring different practising fees depending on the time of year that their leave commenced. After consulting, we implemented a remissions policy that ensures practitioners receive a reduction in their fee for the whole period they are on parental leave, regardless of the start date.	We will apply our remissions policy again this year (and going forward). More information is available in the parental leave section of our practising FAQs .
Race	No	7% of Costs Lawyers identify as Black, Asian or Minority Ethnic, compared to 21% of lawyers in SRA regulated law firms. As part of our EDI work programme, we are investigating whether there are barriers to entry for these groups which are driving the above statistic. However, none of our research to date suggests that the practising fee presents such a barrier and questions in previous practising fee consultations revealed no evidence of differential impact.	Not applicable

Religion or belief	No	44% of Costs Lawyers report having no religion or being atheist and a further 42% identify as Christian. The proportion of practitioners from other faith groups is small – around 1% or less per group – although a relatively high number of practitioners preferred not to report their religion so these groups might be larger than recorded. While we are working to reduce the number of practitioners who prefer not to report their religion, our data does not suggest any differential impact of the practising fee on smaller faith groups. Questions in previous practising fee consultations also revealed no evidence of this.	Not applicable
Sexual orientation	No	6% of Costs Lawyers identify as lesbian, gay or bisexual compared to 2.7% of the population. While we have strong LGB representation within the profession, there is no evidence that a practising fee which is the same for all practitioners has any differential impact on this group. Questions in previous practising fee consultations also revealed no evidence of this.	Not applicable
Sex (gender)	Yes	There is potential for women to be disproportionately impacted by incurring practising fees whilst on parental leave. Our data shows that, to date, all Costs Lawyers who have been reinstated to the register part way through a practising year due to taking parental leave have been women.	This is addressed through our remissions policy – see above under “pregnancy and maternity”.
Age	No	Due to the profile of qualifying Costs Lawyers, only a small proportion (4%) are under the age of 30, and 9% are above 60. The vast majority of Costs Lawyers fall in the middle age ranges. There is no evidence to suggest that a practising fee which is the same for all practitioners has any differential impact	Not applicable

		on the younger or older groups. Questions in previous practising fee consultations also revealed no evidence of this.	
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