



Consultation response

Legal Services Board consultation: Policy statement on ‘Encouraging a diverse legal profession’

26 February 2026

Introduction

1. The Costs Lawyer Standards Board (“CLSB”) is the regulator of Costs Lawyers in England and Wales. We exist to serve the public interest by setting and maintaining the standards of professional conduct by which Costs Lawyers must abide. Our mission is to “provide effective, proportionate regulation of Costs Lawyers in a way that promotes consumer choice and understanding, and engenders justified public trust.”
2. The CLSB is pleased to respond to the LSB’s consultation on its draft policy statement on ‘Encouraging a diverse legal profession’.

Introductory remarks

3. The CLSB agrees with the general aim of the proposals set out in the LSB’s consultation i.e. to address barriers and encourage a diverse and inclusive legal profession. As the consultation paper explains, despite ongoing efforts by legal regulators and representative bodies, significant inequalities and underrepresentation persist across the legal profession as a whole.
4. The CLSB believes that fostering equality and embracing diversity is more than just a legal requirement: it is a fundamental part of building a fair, inclusive, and effective profession and society. We see our regulatory role as a powerful lever for positive change, and we aim to lead by example in our commitment to cultivating a working and regulatory culture where every individual is valued, where equality of opportunity thrives, and where discrimination, victimisation, and harassment have no place.
5. However, it is important to recognise that some causes of inequality, and lack of diversity and inclusion in the professions, are systemic and longstanding. They will take time to change, even with dedicated efforts across the professions. Some factors contributing to underrepresentation and lack of diversity are outside of the remit of legal regulators to influence, and regulators do not have sufficient levers to change them. For example, we know that tuition fees are a barrier to people going to university, particularly individuals from lower socio-economic backgrounds for whom the barrier can also include the need to earn an income to support themselves, and possibly dependents. While regulators can work to

provide alternative routes into the professions, they have limited levers to change the costs of university education.

6. As the LSB acknowledges, many of the barriers to greater diversity and inclusion are systemic and longstanding. They will need sustained and collaborative effort to change, and it may not be possible to remove those barriers quickly. Whilst the CLSB would like to see swift and sustained progress towards a more diverse and inclusive profession, realistically it will take time to achieve the successful outcomes that the LSB wishes to see, because of the constraints that regulators themselves face, and because of the various extraneous factors that impact progress in this important area. We hope that the LSB will recognise this, and that individual regulators will not be taken to task for not making rapid progress in an area where change may take time to become apparent. Additionally, whilst the CLSB acknowledges that there is still plenty of work for individual legal regulators to do to address barriers to diversity and inclusion, we believe there is a role for the LSB, as the oversight regulator, to lead on addressing overarching barriers that affect all the legal professions.

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?

7. The CLSB agrees that the four proposed outcomes will help to address some of the barriers to greater diversity and inclusion in the legal profession.

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

8. The CLSB considers that guidance on how regulators should meet the outcomes would be welcomed. This would help to encourage consistency across the professions when it comes to achieving the outcomes.
9. We note that, as currently drafted, the core expectations are phrased as ‘regulators must,’ whereas the enhanced expectations are phrased as ‘regulators should also consider...’
10. The use of ‘must’ in this context gives the impression that the expectations are, in fact, requirements (and therefore mandatory), not expectations. If the LSB’s intention is to have expectations with a degree of flexibility, ‘must’ needs to be replaced with ‘should’ or ‘regulators are expected to’.

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?

11. The CLSB considers the core expectations and enhanced expectations to be broadly helpful as ideas for what regulators could do to meet the outcomes. However, as set out in our answer to Q1b above, the core expectations are phrased in such a way that they appear to be requirements, not expectations, which makes them less helpful and gives regulators less

flexibility about how they achieve the outcomes. Each regulated profession faces different challenges and opportunities, and each regulator will therefore need some flexibility in how they prioritise objectives.

12. The consultation paper does not set out an indicative timescale for when regulators should consider moving to address the enhanced expectations. Paragraph 27 of Annex A states that: *“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.”*
13. As set out in paragraph 5 above, some of the causes of inequality, and lack of diversity and inclusion in the professions are systemic and longstanding. Even with dedicated efforts across the professions, it may necessarily take some time before positive change becomes apparent. It may be some time before regulators can robustly assess whether actions they have taken to meet the proposed core expectations have been successful or not, and because some of the factors that are causing inequalities in the first place are not within regulators’ remit to control, it is likely that barriers will continue to exist, even with sustained and focussed regulatory action to mitigate them. Additionally, even if action taken under the core expectations did overcome the barriers, there may still be a case for regulators to pursue the enhanced expectations. The CLSB would therefore suggest that the LSB clarifies the timescales and/or factors that it would expect regulators to consider when determining whether to begin meeting enhanced expectations.

Q2a. Do you agree with the proposed Outcome 1?

14. The CLSB broadly agrees with proposed Outcome 1. However, we strongly feel that the word ‘inclusive’ should be added, so that the outcome is *“Regulators should take strategic, evidence-based and collaborative actions to encourage a diverse and inclusive legal profession.”* Greater diversity on its own does not automatically lead to greater inclusion, or fairer professional environments. This is borne out by the evidence provided by the LSB in Annex B to the consultation document.
15. Whilst we recognise the regulatory objective relating to diversity in the Legal Services Act 2007 does not refer to inclusion (it refers to ‘Encouraging an independent, strong, diverse and effective legal profession’) we would argue that inclusion is inextricably linked to this objective. Diversity and inclusion are interdependent, but not interchangeable. For example, an organisation may have a diverse staff base, but that does not automatically mean that the organisation has an inclusive culture. An inclusive culture in which everyone feels valued and able to be themselves, and in which difference is both recognised and valued, is an important factor for innovation and business success. An inclusive culture means recognising, respecting, and celebrating the unique experiences and perspectives that individuals bring, and creating environments where everyone feels they belong and can do their best work. A diverse and inclusive profession that reflects the wide range of communities and clients it serves, enhances public confidence and access to justice. A

legal profession that is more diverse, but not more inclusive, is less strong and less effective.

16. The CLSB agrees that regulators should work collaboratively to address barriers to equality, diversity and inclusion ('EDI') in the professions. This is particularly important given the number of authorised persons who are regulated by one body, but work in firms regulated by another. For example, many Costs Lawyers are regulated by the CLSB but work in SRA-regulated firms.
17. The CLSB also agrees that all work in this area should be strategic and evidence-based.

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?

18. The CLSB agrees with the expectation that regulators should have effective, high-quality data monitoring processes in place to support a clear and thorough understanding of the diversity profile of the regulated community and to identify where barriers exist. The CLSB is pleased to see that this expectation states that the collection and publication of diversity data should be undertaken at an appropriate frequency determined by each regulator. Each regulated community is different, and this flexibility will enable each regulator to develop a data-gathering approach and frequency that is appropriate for its own regulated community. This is particularly important for smaller regulated communities where the number of entrants to the profession increases at a consistent, but relatively small, rate such that the diversity profile of the profession does not change substantially year on year.
19. The CLSB agrees in principle with the expectation that regulators should undertake additional appropriate but proportionate steps (beyond data gathering) to identify barriers and opportunities to encouraging diversity in the regulated community. Quantitative data can provide a picture of where underrepresentation or barriers exist, but it cannot explain the causal factors or identify what action would help to overcome those barriers or address underrepresentation.
20. However, the CLSB is concerned that this expectation explicitly refers to, "*by undertaking research and/or further quantitative and qualitative data collection and targeted engagement with the profession and other relevant groups.*" Whilst we would agree that qualitative research and direct engagement are helpful tools in this area, it is important to recognise that such research projects can be costly. Financial constraints may mean that it is more difficult for smaller regulators to carry out this sort of research compared to their larger counterparts. We are surprised that the LSB's impact assessment does not refer to this. Although footnote 12 of Annex A to the consultation states, "*Where it is not feasible for regulators to undertake their own research and evidence building to meet this expectation, we expect them to consult data and evidence available from other sources, including regulators, representative bodies and any other relevant organisations,*" there will be instances in which other data and evidence may not be available on the relevant point. We

would therefore argue that this expectation should be phrased more flexibly, and that the example of carrying out qualitative research moved to enhanced expectations or separate guidance.

21. The CLSB agrees that regulators should have a strategic action plan to address EDI, however, the minimum requirements for strategic action plans set out in expectation 29 III (a) to (f) as drafted are overly prescriptive and leave little flexibility for regulators to develop a strategic action plan that is appropriately suited to their expertise, available data, evidence and resources. The CLSB feels that expectation 29 (III) should be adjusted to say, *“Produce and implement a strategic action plan that addresses the challenges and opportunities to encouraging a diverse profession within the regulator’s specific regulatory context and regulated community, using an appropriate regulatory framework,”* and that the detail in paragraph (a) to (f) (if retained) should be moved to enhanced expectations.
22. The CLSB agrees with expectation 29 (IV) for the reasons set out in our answer to Q2a. However, we think this expectation should also be amended to include explicit reference to inclusion, for the reasons set out in our answer to Q2a.

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?

23. We note that the summary of proposals on page 17 of the consultation document refers to ‘horizon scanning’ under enhanced expectations, but there is no reference to this in the draft statement of policy. We would expect to see horizon scanning under core expectations, as it is an important part of ensuring that activity in this area is evidence-based. The CLSB has an annual risk outlook that already examines risks relating to EDI, changes to work practices, and other social drivers of risk.

Q3a. Do you agree with the proposed Outcome 2?

24. Yes, the CLSB agrees with the proposed Outcome 2. For the reasons set out in our answer to Q2a, we would suggest amending the wording of this outcome to refer to inclusion, as well as diversity.

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?

25. The CLSB agrees with the requirement for regulators to take steps to effectively identify and address impacts on different characteristics that arise from new or updated regulatory policy actions (expectation 31 (I)). The CLSB also agrees with the requirement for regulators to provide equality impact assessments (‘EIAs’) and seek further evidence and insight from stakeholders as appropriate when consulting (expectation 31 (II)). The CLSB already publishes EIAs when carrying out its own consultations and uses its Advisory Group, as well as direct interaction with the profession, to test ideas, proposed regulatory guidance and other policy and regulatory changes. We consider this to be an important part of taking an evidence-based approach to regulation.

26. The CLSB also agrees with expectation 31 (III). We note that, in relation to expectation 31 (III) (d), footnote 18 of the draft statement of policy states:

“This could include, for example, referring complainants and respondents to independent support services, appointing witness liaison officers to support both complainants and respondents, and/or providing regular updates on the progress of cases to both complainants and respondents.”

27. The CLSB agrees with this approach. For smaller regulators who receive very low numbers of complaints, signposting complainants and respondents to independent sources of support will be the most appropriate approach. We are pleased to see the LSB explicitly recognising the variety of approaches that regulators could take to meet this expectation.

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

28. The CLSB has no suggestions for enhanced expectations related to this Outcome.

Q4a. Do you agree with the proposed Outcome 3?

29. Yes, the CLSB agrees with the proposed Outcome 3. For the reasons set out in our answer to Q2a, we would suggest amending the wording of this outcome to refer to inclusion, as well as diversity.

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?

30. The CLSB agrees that expectation 32 (I) and (II) will contribute towards this outcome.

31. The CLSB considers that the inclusion of “education” in expectation 32 (III) makes this expectation overly broad. To be helpful and relevant to any potential entrant to the profession, *education* costs would need to include data on the costs of the entire journey to qualification e.g. from university onwards. It would also need to cost out the various routes to qualification e.g. the cost of the Costs Lawyer Apprenticeship versus another route. We suggest that it would be better to remove the word ‘education’ from this expectation, as providing costs on the whole of the educational journey to qualification is outside of regulators’ knowledge and remit. The CLSB would suggest amending this expectation as follows:

“Make information publicly available so that candidates can make informed decisions about their training, qualification, and assessment options, including the cost of training courses and examinations.”

32. Expectation 32 (III) also requires regulators to publish information on qualifying course and examination outcomes as a minimum. For smaller regulators with a comparatively low number of people qualifying each year, publishing this data frequently would not provide meaningful insights – publishing aggregated data at regular intervals may be more useful.

We would suggest moving the expectation to publish information on qualifying course and examination outcomes, if retained, to enhanced 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?

33. Please see our answer to Q4b above.

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)?

34. The CLSB has no additional expectations to suggest.

Q5a. Do you agree with the proposed Outcome 4?

35. Yes, the CLSB agrees with the proposed Outcome 4. For the reasons set out in our answer to Q2a, we would suggest amending the wording of this outcome to refer to inclusion, as well as diversity.

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?

36. The CLSB broadly agrees with the proposed expectations in principle, and welcomes the intention to achieve more inclusive and fair professional environments.

37. However, we disagree that the expectations relating to this outcome should extend to encouraging 'healthy' professional environments. The LSB has not set out in the consultation document or proposed policy statement what it means by 'healthy' - for example, whether this is intended to refer to physical or mental health, both, or something else entirely. The LSB has not set out how it would expect regulators to assess whether a professional environment is healthy. The CLSB would argue that expanding expectations to cover 'healthy' goes beyond the LSB's remit – and the regulatory objectives of regulators – to encourage a diverse profession. We recognise that we have argued for the addition of the word 'inclusion' into certain outcomes at paragraph 12 of this response, which is because we consider inclusion and diversity to be inextricably linked. Whilst encouraging healthy professional environments is a laudable aim, we consider this to be outside the sphere of diversity and inclusion.

38. We have similar concerns around expectation 34 (VI) which refers to regulators having competence standards relating to 'compassionate' management. Whilst we agree that managers should aim to manage in a way that is fair, inclusive and compassionate, the LSB has not set out what it envisages 'compassionate' to look like in practice, or how it would expect regulators to measure and assess competence in this aspect.

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?

39. The CLSB does not consider that any core expectation under Outcome 4 would be better placed under enhanced expectations, and vice versa.

Q6a. Do you agree our proposed timelines for implementation are achievable?

40. The CLSB considers the proposed timeline for implementation to be acceptable.

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

41. By reason of our answer at Q6a, this is not applicable to the CLSB.

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)?

42. The CLSB would suggest that the LSB continues to use the Legal Regulators' EDI Forum as a vehicle for regulators to share best practice and experiences in this area, and to encourage collaboration on overcoming barriers to greater inclusion and diversity.

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?

43. As set out in paragraph 20 above, a core expectation that regulators will conduct qualitative research may have a negative financial and resource impact on smaller regulators.

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?

44. The CLSB does not have any additional evidence.

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?

45. We would refer to our comments at paragraphs 5, 6 and 15 of this response.

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

46. As set out in paragraph 20 above, we consider that a core expectation that regulators will conduct qualitative research may have a negative financial and resource cost on smaller regulators.

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?

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.

47. The CLSB is addressing questions 9a and 9b together in this answer.

48. In the CLSB's view, one of the key barriers to greater diversity in the legal profession is lack of awareness of the different career options available, and the different routes into, and through, the various branches of the profession. The CLSB would therefore suggest two further steps that the LSB could take to address this particular barrier, in conjunction with the individual legal regulators:

- a. Work with universities and other education providers to ensure that the full range of career options within the profession is made explicit to students embarking on a legal career.
- b. Develop a careers tool similar to the [Royal Society STEM career roadmap](#) to showcase routes into, between, and through, the professions with case studies, financial information, etc. We consider that the LSB is well placed to do this as the oversight regulator, with appropriate knowledge input from the representative and regulatory bodies.

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

49. We would be happy to discuss this response in more detail, and we look forward to the publication of the LSB's response to the consultation in due course.