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Increasing diversity and social mobility in the legal workforce: transparency & evidence

Dear Sirs,

I write in response to your letter dated 15 December 2010 which enclosed the above titled document for consultation.

The required statistical information set out in the letter would have to be provided by the ACL as that information is not currently under the management remit of the CLSB.

The paper is confusing as “*entities*” are mentioned throughout as well as “*employees*” and “*workforce*.” Further, we note that paragraph 27 refers to “*public bodies with 150 or more employees*.” Costs Lawyers are regulated individually not under entity regulation, further the CLSB does not employ 150 or more.

Executive summary

We were pleased to note under paragraph 5 that the Act requires that better regulation principles should be “*targeted only at cases in which action is needed*” and that further regulatory activities should be “*proportionate*”.

Question 1

Data gathering is viewed as an intrusion into the privacy of individuals.

Question 2

Data gathering is ineffective and inaccurate because:

- Individuals are not obligated to answer the questions.
- If the survey is anonymous, answers are less likely to be accurate.
- If the survey is not anonymous, then less are likely to take part.

Question 3

Not to our knowledge.

Question 4

Not to our knowledge.

Question 5

This highlights yet again where the paper is confusing. LSB priorities refer to “*workforce*” yet the workforce of an approved regulator is its employees not those in its regulated profession.

Question 6

If the LSB is seeking to rely on “*evidence*” it has to be factual to do so. Our concern is that the LSB would be basing targets on flawed information (for example, those who have elected not to answer the questions in part or full). In a court of law, we doubt very much that the statistical information in question would not be allowed as “*evidence*” as there is no way of proving it is factual or accurate.

Question 7

The ACL as the current approved regulator of Costs Lawyers does not regulate entities.

Question 8

Cost / benefit evaluation should be considered.

Question 9

The ACL as the current approved regulator of Costs Lawyers does not regulate entities.

Question 10

Any guidance is appreciated.

Question 11

The process of agreement would have to be more defined for us to comment, for example, in the event of disagreement what happens?

Question 12

This would appear to exempt the membership of ACL.

Question 13

If you are looking at the legal profession as a whole then yes, information should be collected on in-house lawyers also.

Question 14

There would be an increase in the cost of being regulated. Further, we feel members may well be “turned off” by the intrusion into their privacy and increased bureaucracy.

Question 15

A proportionate response is sensible.

Question 16

Too wide and intrusive.

Question 17

Anonymously.

Question 18

We feel this may deter members from renewing their membership.

Question 19

The model questionnaire at Annex C requires individuals to provide information on age, sex, gender reassignment, disability, ethnic group, religion and sexual identity. Questionnaires on equality seem to grow longer year on year and may be seen by some as now going too far.

Question 20

Please note under paragraph 1 that it should read Costs Lawyers and not Cost Lawyers.

Question 21

Does the legislation really require a “drilling down” of information to this level?

Question 22

No suggestions.

Question 23

No.

Question 24

No.

Question 25

Possibly seen as being too intrusive, not likely to be answered truthfully unless anonymous.

Question 26

No preference other than continuity of information gathering.

Question 27

We note with interest that it has been argued by various bodies that the Census for England Survey gave a wholly misleading picture of the religiosity of the UK. As we have previously answered, information gathering by way of voluntary answering will be flawed and therefore should not be used to base fact and expectations upon.

Question 28

If the question is to be put, then it has been drafted in a straightforward manner.

Question 29

The question refers to “*caring responsibilities*.” Caring should not be limited to those with new born and young children. Carers should include those with immediate family with disabilities and serious illness issues.

Question 30

Does the legislation really require a “drilling down” of information to this level?

Question 31

We have a real concern about the publication of statistics which cannot be substantiated by fact and are likely to be flawed in that:

- Individuals are not obligated to answer the questions.
- If the survey is anonymous, answers are less likely to be accurate.
- If the survey is not anonymous, then less are likely to take part.

Question 32

The expectations on smaller organisations should be proportionate and realistic.

Question 33

There is currently no impact on ACL and subsequently the CLSB as the ACL does not regulate entities.

In conclusion


The CLSB is wholly supportive of the need for equality, fairness, respect and dignity for all. Individuals are however protected against discrimination by law under which they have recourse. There is a real concern that when targets and expectations are placed on the makeup of the regulated community, this may bring about positive discrimination.

Our concerns on data gathering, analysis and expectations placed as a result are:

- An individuals' right to privacy.
- Accuracy of the information.
- Increased bureaucracy = increased cost to members.
- Cost / benefit.
- ACL membership is currently under 500, many are sole practitioners who bear the cost of membership themselves as they cannot pass it onto their employer to pay. The more intrusive, onerous and expensive being a member of the regulated professional body becomes, the more likely members will be to leave it.

I hope the replies above assist.

Yours faithfully,



Lynn Plumbley
Chief Executive