



**LSB Consultation Paper**  
**Draft Equality Scheme**  
The CLC's response  
March 2010

## **The CLC's response to the LSB's Consultation Paper Draft Equality Scheme**

### The CLC

1. The Council for Licensed Conveyancers (the CLC) was established under the provisions of the Administration of Justice Act 1985 as the Regulatory Body for the profession of Licensed Conveyancers. As set out at section 28 of the Legal Services Act 2007 the CLC must, so far as is reasonably practicable, act in a way -
  - (a) which is compatible with the regulatory objectives (set out at section 1 of the Legal Services Act 2007), and
  - (b) which it considers most appropriate for the purpose of meeting those objectives.
2. Further, the CLC must have regard to -
  - (a) the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, and
  - (b) any other principle appearing to it to represent the best regulatory practice.
3. The CLC's purpose is to set entry standards and regulate the profession of Licensed Conveyancers effectively in order to:
  - secure adequate consumer protection and redress;
  - promote effective competition in the legal services market; and
  - provide choice for consumers.

### Context

4. The CLC welcomes the LSB's draft Equality Scheme and the consultation on it.
5. The CLC considers that the Equality Scheme is perhaps limited by only looking at ethnicity, disability and gender taking into account the LSB's stated goal to promote regulatory excellence. It could include the equalities strands of age, religion, sexual orientation and transgender, rather than adding them 'at a future date'. Widening the scope at this stage would demonstrate a commitment to equality and diversity which goes beyond current statutory duties. This provides a cohesive and comprehensive framework from the outset and potentially limits the risks of 'add-ons' and unnecessary duplication further down the line.

### Draft Equality Scheme

6. We welcome the emphasis on partnership working and coordinated strategy links. Consumer and citizen consultation is fundamental to the equalities agenda. We are concerned about the reliance on website publications as they are not an effective vehicle to consult with a wide range of people and groups particularly on issues with regard to equality and diversity. Specific interest groups can undoubtedly be very useful community conduits. However, not all speak on behalf of everyone they aim or claim to represent. Engagement with individual citizens is mentioned under the general disability duty. This could

perhaps be extended so emphasis is placed upon consulting with individual citizens in all of the equalities areas. This approach complements the LSB commitment to develop its outreach forums.

7. It is appropriate that the LSB makes its staff more aware of its E&D objectives through training programmes and initiatives. A Board paper with an Equality & Diversity (E&D) considerations header is an appropriate way to ensure the agenda permeates the strategic levels of the LSB. It will only be meaningful if underpinned by relevant training for staff and the Board itself. The Board's training should enable it to act in a quality assurance capacity by challenging the quality and validity of the considerations presented. Ultimately the Board may decide not to consider any papers which do not adequately address E&D issues.
8. Equality Impact Assessments (EIAs) can also be a useful tool when underpinned by appropriate training. A properly completed EIA is an intensive activity both in time and resources. If there is an expectation that the ARs in turn adopt this methodology we suggest that there should be a minimum threshold, so EIAs retain their relevance. If they are carried out only when there is a project or policy proposal with a significant impact they will remain meaningful. In other sectors it appears that the requirement to carry out a full EIA on every proposal has rendered it a 'tick-box' activity.
9. More information is sometimes needed. For example, the LSB states that it will promote disability, race and gender equality in all of its recruitment processes though it is unclear how in practice this will be done.
10. We commend the LSB's aim to be an 'employer of choice'. Flexible working options such as working from home and a condensed working week would go a long way towards this, but we note these are not mentioned. A minimum of 20% of employment agency candidates being from 'traditionally under-represented' groups is a worthwhile requirement, providing there is confidence in the data which identifies those groups as under-represented. There must also be confidence that the system does not allow positive discrimination in appointments.
11. The workforce strategy commits the LSB to agreeing a set of common diversity and social mobility priorities with the ARs which we agree is appropriate. We would ask that the setting of actions and targets underneath these priorities takes account of the diversity of the ARs themselves. The resources that regulators can allocate to such initiatives will necessarily be variable and in some cases more limited.
12. We support the objective to identify and break down progression and retention barriers for those of black and minority ethnicity. We also welcome the commitment to work with the ARs to agree a framework to measure the effectiveness of current programmes such as the *Developing a workforce for a changing market* project. Both initiatives place appropriate emphasis upon outcomes by making actions and objectives measurable.
13. We welcome the continuation of the work on accessible qualifications routes for non-traditional aspirants. This is an essential aspect of the 'encourage an independent, strong, diverse and effective legal profession' regulatory objective. The timescale of 2013 is relatively short to be able to achieve the scheme's aim of having 'a legal workforce that at all levels ever more closely

matches the diversity of the UK'. Barriers will need to be identified and work undertaken to remove them, and under-represented groups targeted. In our view, it is unlikely that 3 years affords sufficient time to make significant impact on the workforce itself. However, the timeframe may allow some progress in making the student body more diverse.

14. We agree that ARs' Rules should refer to the elimination of discrimination and the promotion of equality so that the regulated community is made aware of the importance the regulators place upon E&D. However, we are unclear what is meant by 'We intend to further our legal duty around equality and disability by making sure disabled people are fully served by the legal services sector. This may require the rules set by approved regulators to include all types of diversity' (pg 13). Further, there is no indication as to the implications this is intended to have for ARs' Rules.
15. The LSB is right to want its correspondence and publications to be as accessible as possible and available in a variety of different formats. As its jurisdiction covers both England and Wales it is appropriate that the LSB looks into its obligations under the Welsh Language Scheme.
16. The draft scheme emphasises the reliance the LSB places on online publications. Though it mentions that the website meets relevant public sector site standards, the website itself does not appear to have Browse Aloud, translation or large text facilities. It may well be appropriate for the LSB to investigate the provision of these.
17. It is unclear as to how the LSB seeks to meet the general duty to 'promote good relations between people of different racial groups'. The scheme mentions 'initiatives promoting diversity', though it gives no indication as to what these may be. Perhaps these initiatives could underpin the good relations positive duty.

### Conclusion

18. We broadly agree with the measures the LSB identifies to achieve its E&D objectives subject to those queries or comments identified in this response. We agree with its commitment to E&D touching 'every function, activity and policy at the LSB'. Such a focus is essential to the realisation of the regulatory objectives of:
  - improve access to justice;
  - protect and promote the interests of consumers; and
  - encourage an independent, strong, diverse and effective legal profession.