



Bar Council response to the LSB's Consultation on its proposed policy statement on 'Encouraging a diverse legal profession'

1. This is the response of the General Council of the Bar of England and Wales (the Bar Council) to the LSB's proposed policy statement on 'Encouraging a diverse legal profession'¹

2. The Bar Council is the voice of the barrister profession in England and Wales. Our nearly 18,000 members – self-employed and employed barristers – make up a united Bar that aims to be strong, inclusive, independent and influential. As well as championing the rule of law and access to justice, we lead, represent and support the Bar in the public interest through:

- Providing advice, guidance, services, training and events for our members to support career development and help maintain the highest standards of ethics and conduct
- Inspiring and supporting the next generation of barristers from all backgrounds
- Working to enhance diversity and inclusion at the Bar
- Encouraging a positive culture where wellbeing is prioritised and people can thrive in their careers
- Drawing on our members' expertise to influence policy and legislation that relates to the justice system and the rule of law
- Sharing barristers' vital contributions to society with the public, media and policymakers
- Developing career and business opportunities for barristers at home and abroad through promoting the Bar of England and Wales

¹ <https://legalservicesboard.org.uk/wp-content/uploads/2025/11/LSB-diversity-consultation-document.pdf>

- Engaging with national Bars and international Bar associations to facilitate the exchange of knowledge and the development of legal links and legal business overseas
- To ensure joined-up support, we work within the wider ecosystem of the Bar alongside the Inns, circuits and specialist Bar associations, as well as with the Institute of Barristers' Clerks and the Legal Practice Management Association.

3. As the General Council of the Bar, we are the approved regulator for all practising barristers in England and Wales. We delegate our statutory regulatory functions to the operationally independent Bar Standards Board (BSB) as required by the Legal Services Act 2007.

Comment on our response

4. Our response is based on close examination of [Annex A: Draft Statement of Policy](#) which provides helpful clarity over concrete actions regulators 'must' take and 'should also consider' taking to achieve the four policy outcomes sought in the LSB's policy statement 'Encouraging a diverse legal profession'.

5. We have considered the following in forming our response:

- (i) The role that proportionate regulation plays in improving equality, diversity and inclusion;
- (ii) What more the regulator is expected to do (beyond what they do now);
- (iii) How the regulator will resource additional activity (where regulators are paid for by those they regulate); and
- (iv) How LSB will measure success.

6. We note that the Bar is increasingly diverse², especially at the junior end. In 2024, 41.7% of barristers were women (and 53.7% of pupils were women) while 16.6% of barristers were from an ethnic minority background (with 22% of pupils from an ethnic minority background). Based on regular review of our statistics, we continue to make significant progress in terms of diversity. We also recognise the unpredictability of self-employment (80% of the Bar is self-employed), that working practices at the Bar are frequently determined by external factors – the way the courts work, under-investment in the publicly funded Bar - and that in some practices the types of work involved can take a heavy personal toll (e.g. dealing with life changing injuries, child abuse, sex crime etc.). All these factors impact on work-life balance and wellbeing, and present significant challenges to the retention of

² [Diversity at the Bar 2024 \(published January 2025\)](#)

diverse talent in the profession. These factors are outside the control of the regulator, and of the profession.

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?

We agree these outcomes may help to address some of the barriers to a diverse legal profession. Not all barriers can be addressed through regulation.

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

Yes. Regulators need clarity about what activity is expected to support each outcome.

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?

No. It is unclear what the intended difference is between core expectations (regulators **must**) and enhanced expectations (regulators **should also consider**). Perhaps enhanced expectations should be described as matters that regulators 'may' also consider?

Q2a. Do you agree with the proposed Outcome 1?

Yes. We support an evidence-based approach, strategic action and collaboration.

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?

Partly. The core expectations are helpful – (I) data collection; (II) research into barriers/opportunities; and (III) a strategic action plan to address challenges/opportunities. The proposed statement of policy is less clear and therefore less helpful with respect to understanding what is required by regulators to meet enhanced expectations (I) and (II). For enhanced expectation (II), which is effectively a proposed methodology for addressing core expectation (III), it is unclear what the expectation means in a regulatory context. For example, it would be helpful for the LSB to provide (II.a.) some sample theories of change in order to clarify, for example, what is meant by stretching and outcomes-based numerical targets in a regulatory context.

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?

No. But, to repeat, it is unclear as to what is really meant by 'should also consider.'

Q3a. Do you agree with the proposed Outcome 2?

Yes.

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?

Yes. We note a requirement to consider the wellbeing of authorised persons (both complainants and respondents) in core outcome (III.d.). We note, however, that complainants may not always be authorised persons. Some rephrasing of this paragraph may be appropriate. We would also like to see reference to a trauma-informed approach and a requirement to conclude disciplinary processes within a specified time (albeit retaining the option to explain and extend these time limits if required).

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

See our response to Q3b.

Q4a. Do you agree with the proposed Outcome 3?

Yes.

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?

Yes. We would also like to see under core expectation (III) a requirement that information be made available on the success rates in securing training contracts or pupillage for candidates from different training providers.

We would welcome more transparency over the quality of pupillages/pupillage experience offered by different pupillage providers. In our experience only limited action is taken (and invariably too late) against AETO pupillage providers from whom pupils regularly experience poor treatment/ receive sub-standard pupillages.

Under enhanced expectations (I), data should also be disaggregated by UK-domiciled and overseas students.

We note that enhanced expectation (III) (encouraging work placements etc.) is expressed in terms that do not address the Bar context.

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?

No.

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)?

We think there should be a clear expectation that applications for waivers/relaxations of regulatory requirement should be processed promptly to allow authorised persons to develop, or alter the way they practice, without unnecessary delay.

Q5a. Do you agree with the proposed Outcome 4?

Yes.

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?

Yes. We note that core expectations (II), (VI), (VII) and (VIII) do not address the position of self-employed barristers, or the chambers model of practice – there should be clarification as to what these expectations mean for the BSB and for the self-employed Bar.

We also note core expectation (V) requires demonstrable competence in encouraging equality, valuing diversity and in advancing healthy and inclusive professional environments, throughout a career. Does this mean that mandatory EDI training should be required? We note that the recent Harman Review into bullying, harassment and sexual harassment at the Bar, commissioned by the Bar Council, recommends mandatory training. The Bar Council supports mandatory training in EDI³. This is not currently a requirement of the BSB.

³ [Recommendation 3 Harman Review into bullying, harassment and sexual harassment](#) (September 2025)

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?

Core expectations (II), (III), (IV), (VII) and (VIII) should be enhanced and not core expectations.

While we understand and support the principles underlying enhanced expectations (I) and (II), achieving them could be challenging at the self-employed Bar, where leadership roles in chambers are temporary and voluntary roles; and the profession is self-employed.

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

No.

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

The timelines do not reflect resourcing and organisational challenges that a regulator will face where new activity is required. The timelines also appear to assume that all necessary guidance will be in place on publication of the policy statement. We would recommend timelines should be doubled.

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)?

The regulators may find it helpful to see examples of how the expectations – in particular, the enhanced expectations - might apply to regulation in different professional contexts, including in relation to the self-employed Bar.

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?

No.

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?

No.

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?

No.

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

We anticipate significant additional costs associated with pursuing the enhanced expectations. While we can see specific benefits in the implementation of improved trauma-informed enforcement processes, greater transparency in training outcomes, and in requiring mandatory EDI training – overall, we do not believe there will be any significant uplift in terms of diversity in the barristers’ profession beyond that which would have occurred anyway, irrespective of this statement of policy.

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?

We welcome the LSB encouraging regulators to collaborate with their representative bodies. Successful outcomes for the regulated professions will be dependent on regulators and representative bodies working effectively together, and not duplicating activity/giving mixed messages to those they regulate/represent.

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.

The profession needs clear and basic minimum standards that can be, and are, properly enforced by the BSB in a timely manner. Following publication of the Harman Report into bullying, harassment and sexual harassment, recommendations were made to amend specific regulations and improve regulatory processes. We would appreciate LSB support in assisting the BSB with this through timely consideration of rule change applications. More generally, we do not currently believe additional regulatory activity will significantly improve EDI. We note there is already a great deal of voluntary work underway across the profession to promote equality and diversity - work which seeks to address barriers to access, retention and progression, and to promote inclusion. This work is not being done as a response to, or prompted by, regulation, and it occurs at all levels and within all structures of the profession (e.g. chambers, circuits, Specialist Bar Associations, Inns of Court and the

Bar Council, among others). This approach should be encouraged and supported by both the frontline regulators and the LSB.

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

This consultation might have benefited from being simplified (and made shorter) to make it more accessible to those who do not work in regulation or EDI.

Bar Council

2 March 2026

For further information please contact:

Sam Mercer, Head of Policy: Equality, Diversity and Social Responsibility

The General Council of the Bar of England and Wales

289-293 High Holborn, London WC1V 7HZ

Email: SMercer@barcouncil.org.uk