



Enhancing Consumer Trust & Confidence

Consultation on reforms to our
governance, membership structure &
regulatory delegation.

August 2023

ABOUT CILEX

CILEX is an innovative, agile and progressive Chartered Body. We have over 17,000 members, made up of CILEX Lawyers, paralegals and other specialist legal professionals. They are valued by society as highly trained specialist practitioners, judges, advocates, partners in law firms and business owners.

Our accessible routes into the law are helping to build a more inclusive legal sector which ultimately delivers a better service for clients.

Our Purpose

To provide opportunity for learners, professionals and the public in a changing legal landscape. We do this by innovating to deliver:

- Relevant quality education;
- Effective regulation; and
- Bespoke career support.

Our Mission

To transform the legal profession by educating, developing and supporting our members to deliver high-quality, accessible legal services for the benefit of society as a whole. In achieving our mission, we are committed to:

- Celebrating difference;
- Challenging outdated perceptions;
- Combining technical expertise with practical insight and emotional intelligence; and
- Providing opportunities without barriers.

Our Charter

In 2012, the institute was granted a Royal Charter by the Privy Council on behalf of Her Majesty Queen Elizabeth II. The Charter recognises CILEX's role as an Approved Regulator under the Legal Services Act 2007, a professional membership association and qualification Awarding Body.

As a Chartered Body, CILEX has a duty to act in the public interest and our governance is subject to scrutiny by the Privy Council. CILEX members who meet specified criteria are permitted to use 'Chartered' in their professional title.

There are many benefits that a Royal Charter brings to the public as well as to the Institute and its members, including:

- Formal public recognition for our high standards in qualification, regulation and representation;
- Assurance that our governance is subject to the additional scrutiny and endorsement of the Privy Council;
- Enhanced consumer confidence that CILEX professionals are suitably qualified, regulated professionals; and
- Professional recognition of the standing and expertise of Legal Executive lawyers as Chartered professionals.

The Charter, supported by a set of Bye-Laws, sets out the grades, titles and rights of our members.

We have two very distinct and separate roles: as a professional body that supports the education, development and interests of specialist legal practitioners and as Approved Regulator for those practitioners under the Legal Services Act 2007.

In this role, we have a duty to delegate the day-to-day regulatory activities for our members to a separate and independently run organisation that operates at 'arms-length' from CILEX. With the approval of the Legal Services Board, CILEX currently delegates these activities to CILEX Regulation Limited.

This consultation is designed to enable CILEX, in its capacity as Approved Regulator and Chartered Body, to understand the views of our stakeholders and regulated community on whether the proposed reforms serve the overall public interest.

Our Strategic Priorities

Make justice better

CILEX wants to make justice better for the communities our legal professionals come from and serve. This is driven by the diversity of CILEX members at every level and the rejection of the social, educational and professional elitism that even today define attitudes in many of those who operate in the legal sector.

To do this, we will continue to:

- address current inequities and prejudices in the law and the legal system, and fight to remove the remaining barriers faced by its members to allow them to play a vital role in the delivery of legal services; and
- speak out on public policy issues, working to make our voice heard on the law and what is needed to ensure an efficient and effective legal system.

Make ourselves better

CILEX is committed to ensure consumers and employers recognise CILEX professionals and they have the recognition they deserve for the world-class, non-traditional qualification route they have followed.

To achieve this we will continue to:

- provide accessible routes into the law that offer opportunity without barriers;
- keep standards up-to-date and ensure they continue to meet the evolving needs of legal services;
- through regulation provide consumer trust and confidence in those delivering legal services; and
- support the public in its understanding of its legal need and the choice of both legal professional and service available to meet that need.

Make work better

CILEX believes that those delivering legal services must do so through a culture and work environment that is qualification-route blind and appoints, promotes and rewards on talent. One where, regardless of background or qualification route, there is opportunity to have employer-funded training and CPD, and where study leave and time to participate in professional life is made available.

We will:

- help create a legal profession that is 'qualification-route blind'; appoints, rewards and promotes on merit; and in which employer-funded training and development is available to all;
- build a pipeline of diverse and socially mobile legal professionals who are equipped to meet the needs of consumers and legal service delivery; and
- challenge out-dated attitudes, discriminatory policies and practices, and champion the value of diversity and inclusivity.

Proud of CILEX

CILEX wants to be known as an innovative, agile and progressive Chartered Body, that champions change where it is needed and acts in the public interest.

We will:

- work with government, other professional associations, regulators and consumer bodies to understand the issues causing unmet legal need and limiting access to justice;
- create a voice for those who experience barriers or are disadvantaged by the current system and bring to the attention of those that can affect change; and
- extend our corporate partnerships, profile and international reach so that CILEX Lawyers and Paralegals are respected, recognised and valued by the public as outstanding specialist legal professionals.

EXECUTIVE SUMMARY: WHAT CHANGES ARE PROPOSED?

What won't change

- The distinct identity of CILEX-qualified Lawyers, Paralegals and CILEX-led entities;
- Separate CILEX route into law supporting social mobility and improving diversity;
- The specialist nature of the CILEX qualification and scope of authorisation based on practice specialism;
- The requirement for CILEX membership to be eligible to use the Chartered title;
- The following rights of existing CILEX members:
 - Fellows' authorised status as Chartered Legal Executives, and eligibility for a practising certificate and specialist practice rights;
 - Membership of CILEX and associated right to use post-nominals; and
 - Career opportunities arising from the CILEX qualification, including eligibility for judicial appointment, ability to establish their own firm or become a partner in an existing firm.

What it is proposed will change

For consumers:

- Improved ability to access and understand information on the choice of lawyer authorised to provide legal services and access details of both CILEX lawyers and solicitors through a searchable register that allows comparison based on area of law;
- Increased trust and confidence through:
 - Clarity of equivalence in level of qualification and therefore comparable ability of CILEX Lawyers and solicitors to deliver the same service by practice specialism; and
 - Consistency of standards of conduct and practice applied to both CILEX Lawyers and solicitors;
- Standardised consumer protection and redress regardless of which professional (CILEX Lawyer or solicitor) or regulated provider (SRA licensed body, recognised body, sole practice or CILEX entity) delivers the service;
- Simplified navigation of complaint handling, with removal of the need to engage with two separate regulators' investigation and enforcement processes and the resulting confusion and delays where a case involves a CILEX professional working in a solicitors' firm; and
- Increased access to justice through choice of either solicitor-led or CILEX Lawyer-led firm regulated by same regulator and to same standard.

For CILEX members:

- Improved recognition amongst consumers and providers of legal services that CILEX lawyers have parity with solicitors to practice independently in their specialist area of authorisation;
- Increased brand profile for Chartered Legal Executives as Chartered Lawyers, resulting in improved consumer and employer understanding of status and ability to offer specialist legal services;
- Increased recognition and enhanced career development for paralegals as a distinct professional group within the Institute, with the opportunity to obtain Chartered status;
- Equality of voting rights and opportunity to participate in CILEX governance for all CILEX members regardless of membership grade; and
- Ability to establish their own entity with the same access to lender panels, insurance, referral contracts, regulatory quality mark and compensation fund as existing SRA-regulated firms.

For providers of legal services:

- Removal of duplication, confusion and regulatory overlap arising from two different regulators having jurisdiction over employees in SRA firms through:
 - Aligned standards of conduct and practice for CILEX Lawyers and solicitors; and
 - Standardised set of processes relating to authorisation, CPD, complaint handling, enforcement and consumer protection for all those working in regulated firms;
- Clarity on the equal status and scope of authorisation to practice of CILEX Lawyers and solicitors;
- Entitlement to the same recognition and access to market opportunities regardless of whether a solicitor-led or CILEX Lawyer-led business; and
- Ability to support career progression and retention of paralegals through professional development and recognition as Chartered professionals and the resulting commercial benefits.

SECTION 1: CILEX GOVERNANCE & CONSTITUTION

As a Chartered Body, CILEX must lead by example. If we are to promote equality of opportunity and challenge the legal sector to become more diverse and inclusive, we must ensure our own governance and constitution reflects these values and offers opportunity without barriers.

CILEX has therefore reviewed its Charter and Bye-Laws and identified a series of changes that will modernise outdated rules and enable CILEX to be a more equitable and inclusive organisation.

These are:

- the extension of voting rights from only Fellows to all CILEX member grades;
- the opportunity for the perspectives of all member types to be taken into account in our policy work and decision-making through representation on our Professional Board;
- the widening of the eligible pool for appointment as President to all Chartered Members.

The table below outlines the proposed extension of rights to create greater equality and opportunity for non-Fellow members.

Grade	Voting Rights	Presidential Appointment	Vice President Appointment	Professional Board Appointment
Chartered Lawyer	Yes	Yes	Yes – VP Lawyer	Yes
Chartered Paralegal	Yes	Yes	Yes – VP Paralegal	Yes
Trainee Lawyer	Yes	No	No	Yes
Paralegal	Yes	No	No	Yes
Legal Technologist	Yes	No	No	Yes
Student Lawyer	Yes	No	No	Yes
Student Paralegal	Yes	No	No	Yes
Student Legal Technologist	Yes	No	No	Yes
Affiliate	Yes	No	No	Yes

This will require the following amendments to our Charter:

~~“Fellows-Chartered Members shall be entitled to receive notices of general meetings, to attend, speak and vote at such meetings and to participate generally in the activities of the Chartered Institute.”~~

“Members shall ~~not~~ be entitled to receive notices of general meetings or to attend, speak or vote at such meetings, and to participate in the activities of the Chartered Institute as decided by the Board.”

Q1) Do you support the extension of voting rights and representation on the Professional Board to all grades of member within the Chartered Institute?

Q2) Do you agree that the CILEX President be appointed from an eligible pool comprising of Chartered members?

Q3) Do you have any comments regarding equality issues that may arise from our proposals to amend our governance and constitution?

SECTION 2: RECOGNITION AS CHARTERED PROFESSIONALS

CILEX believes it is in the public interest that any legal professional who delivers legal services is able to acquire formal recognition of their skills and experience with an assurance that they are regulated to work to that standard.

“Consumers felt it was important that any service provider, including legal services providers, be suitably qualified or experienced in their area of specialism, as an indicator of quality... [this is] linked to being trusted by the consumer to do a good job.”

CMA Legal Services Market Study (2016)2018, Consumer Research

Chartered Paralegal

CILEX’s acquisition of the Institute of Paralegals in December 2022 was an important step in our strategy to create a membership structure and regulatory framework that can accommodate the range of specialist legal professionals who have followed a non-traditional route into the law.

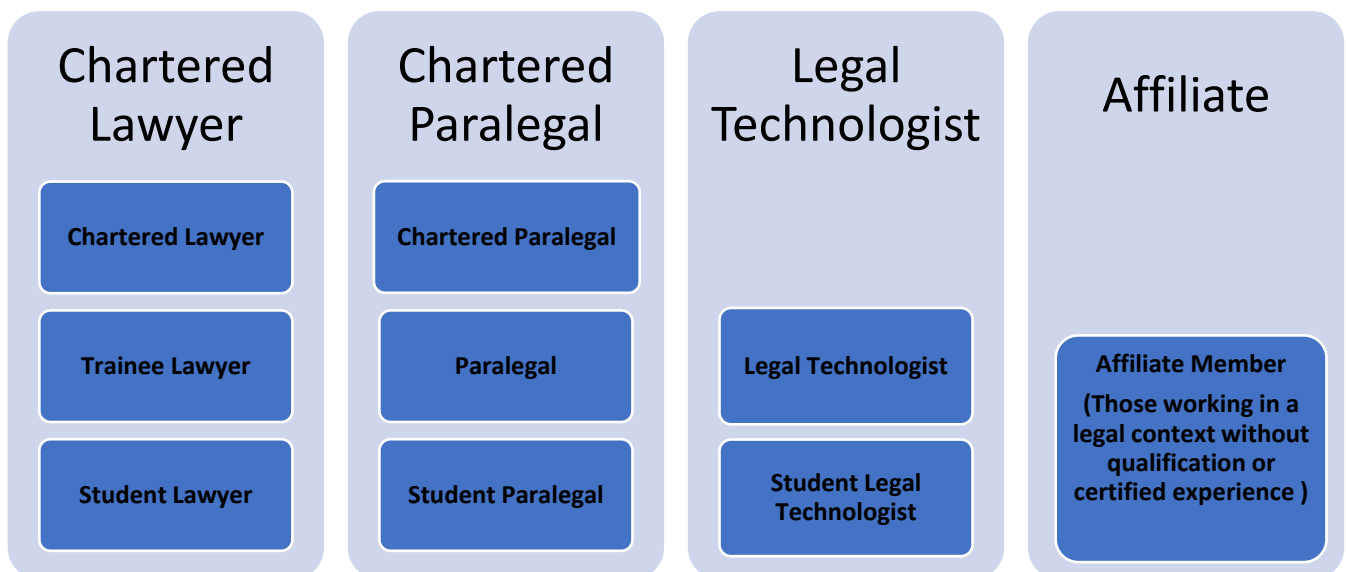
Feedback received from legal providers and the paralegal community is that, whilst the current CILEX Paralegal standard goes some way to recognising that paralegal is a specific career outcome for many, it does not offer a progression route for those who do not intend to pursue qualification as a lawyer. Furthermore, it does not offer the ability to distinguish those paralegals with extensive experience and who are operating at a more senior level, exercising independent judgement and decision-making, often managing teams, or running businesses, from those who are working under supervision.

In its review of legal services, the Competition & Markets Authority (CMA) expressed concern that consumers assume all providers of legal services are regulated and benefit from the same protections and oversight. More recently, the Legal Services Consumer Panel has urged regulators to do more to improve the standards consumers can expect from all those involved in the delivery of legal services.

CILEX proposes to revise its membership grades in order to provide a specific career ladder for each group of professionals within our membership. Recognising that each has its own distinct professional identity, the proposed structure sets standards aligned to job roles, with progression to Chartered status.

The structure also recognises the emergent profession of Legal Technologist in preparation for the new apprenticeship currently under development.

In the revised Charter, two types of member are established: Chartered Members and Members (refer to Annex 1 Charter paragraph 6). Members are those in all grades of membership other than Chartered categories. The diagram below captures the simplified structure:



Q4) Do you agree the proposed new membership structure is simpler and provides a clear progression route to Chartered status?

Retaining flexibility to move between professional pathways and the option to demonstrate the paralegal standards through qualifications – including our apprenticeships and stages of CPQ – or through validated experience is key to CILEX’s commitment to providing accessible routes into the law. This is essential to increasing social mobility and building ‘a more inclusive legal sector which ultimately delivers a better service for clients’.

We propose to introduce a new assessment that will allow paralegals to demonstrate they meet the CILEX competency standards by submitting evidence of experience that will be validated through a professional discussion. The standards for each grade can be found [here](#).

The table below captures the qualification standard or experience required for each membership grade:

Professional Title & Member Grade	Post Nominals	Eligibility Criteria
Chartered Lawyer	FCILEX	<ul style="list-style-type: none"> • CPQ Professional • CILEX Lawyer Apprenticeship • CILEX LLB • Chartered Legal Executive + Practice Rights Top Up
Chartered Legal Executive	FCILEX	<ul style="list-style-type: none"> • Legacy Level 6 + Qualifying Employment • CLE Apprenticeship
Trainee Lawyer	MCILEX	<ul style="list-style-type: none"> • CPQ Advanced • Advanced stage of Lawyer Apprenticeship • Level 6 Diploma in Law & Practice • Law Graduate
Student Lawyer	N/A	Studying on CILEX Lawyer route to qualification: <ul style="list-style-type: none"> • CPQ Lawyer (Foundation stage) • CILEX Lawyer Apprenticeship (Foundation Stage) • CILEX LLB
Chartered Paralegal	PCILEX	<ul style="list-style-type: none"> • Paralegal L5 Apprenticeship (Wales) • CPQ Advanced • 5 Years experience validated via professional discussion assessment
Paralegal	ACILEX	<ul style="list-style-type: none"> • Paralegal L3 Apprenticeship (England & Wales) • CPQ Foundation • Level 3 Diploma in Law & Practice • 2 Years experience validated via professional discussion assessment.
Student Paralegal	N/A	Studying on a CILEX Paralegal qualification: <ul style="list-style-type: none"> • CPQ Foundation Stage • L3 Paralegal Apprenticeship (England & Wales) • L3 Certificates in Legal Practice
Legal Technologist	LTCILEX	<ul style="list-style-type: none"> • Legal Technologist Apprenticeship
Student Legal Technologist	N/A	<ul style="list-style-type: none"> • Studying on CILEX Legal Technologist Apprenticeship

Chartered Paralegals will be subject to regulation with a Code of Conduct, practice standards and a requirement to undertake CPD. CILEX will publish the Professional Paralegal Register, serving the same purpose as the Register of Authorised Persons. The register will enable consumers and legal services providers to identify those paralegals who have met the required standard and search for a practitioner by grade, specialism, location and employing organisation.

Chartered Paralegal members will be entitled to use the designatory letters ‘PCILEX’ after their name and describe themselves as a ‘Chartered Paralegal’.

- Q5) Do you agree the addition of a distinct progression ladder for paralegals leading to Chartered Paralegal status will enhance public trust and confidence in the delivery of legal services?**
- Q6) Do you have any additional observations on the proposal to introduce a new Chartered Paralegal standard and professional status?**

Chartered Lawyers

“Professional titles... are generally recognised by consumers and are assumed to assure competence, quality and protection; they provide a potential short-cut for consumers in their search for possible providers of legal advice and representation and are subject to protection from mis-use and the deliberate misleading of consumers by those who do not hold the title. Professional titles also provide a signal of competence and quality to employers.”

Professor Stephen Mayson: Independent Review of Legal Services Regulation (2020)

CILEX Lawyers are fully qualified legal professionals authorised to practise as specialist lawyers alongside solicitors. What differentiates a CILEX Lawyer from a solicitor is that a CILEX Lawyer begins to specialise in a specific area of practice during their qualification, providing them with extensive knowledge and experience of that area of law.

Since becoming Chartered in 2012, CILEX Lawyers have been permitted to use the protected title Chartered Legal Executive (CLE). However, research¹ has identified that this title causes confusion amongst consumers and employers. CLEs are frequently required to explain their status as specialist lawyers, authorised to practise with equivalence to solicitors in a specified area of work. Consequently only 23%² of CILEX Fellows use CLE to describe their status.

Insight data³ suggests that, to be effective in supporting consumer understanding, titles should be simple and use familiar language. Those interviewed expressed the view that specialism should be made more explicit in the title to support consumer choice and greater understanding of the difference between a CILEX-qualified lawyer and a solicitor or other legal professional.

It is therefore proposed to align the Chartered Lawyer titles awarded by CILEX on completion of the CILEX qualification to the specialist areas covered within the standards and to reflect those reserved areas in which practice rights are granted by the regulator.

Contentious Reserved Areas of Practice	Non-Contentious Reserved Areas of Practice
Chartered Litigator & Advocate (Family)	Chartered Probate Lawyer
Chartered Litigator & Advocate (Civil)	Chartered Property Lawyer
Chartered Litigator & Advocate (Crime)	Chartered Immigration Lawyer

The same title structure will apply to those CILEX Lawyers working in unreserved areas:

Non-Reserved Areas of Practice
Chartered Employment Lawyer
Chartered Personal Injury Lawyer
Chartered Private Client Lawyer
Chartered Corporate Lawyer
Chartered Employment Lawyer
Chartered Personal Injury Lawyer
Chartered Private Client Lawyer

For those working in general practice, or whose job role does not align to a recognised specialism, ‘Chartered Lawyer’ would apply.

Existing Fellows who work in reserved areas and do not hold practice rights will have to remain as Chartered Legal Executives, recognising differentiation from those Chartered Lawyers who are able to practice independently unsupervised in their specialist area of practice.

¹ CILEX Insight 2022: Barriers in the Legal Profession, The Pipeline

² CILEX Member Survey 2023

³ CILEX 2020 IPSOS Mori Consumer Insight Research

The SRA has committed to “*work with CILEX to ensure that appropriate routes exist to allow Chartered Legal Executives who qualified under the legacy route without Practice Rights to obtain them.*”

The regulator will continue to issue practising certificates recognising the right to use the protected title ‘Chartered Legal Executive’ upon authorisation.

Q7) Do you agree the use of the Chartered Lawyer titles will assist legal professionals, employers and the public to better understand the status and specialist nature of CILEX lawyers?

Q8) Are there any other specialism(s) that should be included in the list of Chartered titles?

Q9) Are there any other considerations CILEX should take into account when considering the impact of these changes?

SECTION 3: REGULATION

The current model of delegated regulation was last updated in 2019 in order to comply with the Legal Services Board's (LSB) Internal Governance Rules (IGRs). At that time, CILEX publicly stated that it intended for its delegated regulation to *"provide the greatest degree of independence as could be achieved under the current Legal Services Act 2007 legislative framework"*⁴. This remains CILEX's ambition.

As part of its [2019-2024 strategy](#), CILEX has considered how regulation needs to evolve to keep pace with the changing legal landscape and the needs of consumers, and to support the increasingly valuable role CILEX members, as the most diverse and socially mobile group of legal professionals, play in the delivery of legal services.

Through the launch of our new CILEX Professional Qualification (CPQ) framework, CILEX graduates now qualify with practice rights, allowing them to practise independently with parity to their solicitor counterparts in their specialist areas of practice. Those specialising in family, civil or criminal litigation law obtain advocacy rights, enabling them to represent clients in court and hold rights of audience. CILEX Lawyers can now apply to become judges, recorders, set up their own firms and become partners in solicitors' firms. However, whilst CILEX's education routes have kept pace with the growth in scope of practice and career opportunities available to CILEX lawyers, the ability for consumers to easily navigate this increasingly complex suite of legal professionals available to service their needs has not.

In thinking about its future model of delegation, CILEX has placed consumer needs and the public interest at the heart of its reforms.

This has required CILEX to extend its thinking beyond the status quo and legal services regulation to consider good practice in other professions, such as financial services, healthcare and third sector.

In July 2022, CILEX published its [Case for Change](#), announcing that it was exploring the option of potentially changing its regulatory delegation and intended to engage in formal discussions with the Solicitors Regulation Authority (SRA). The evidence base underpinning the Case for Change was independently [reviewed](#) by Chris Kenny, former CEO of the Legal Services Board.

The Case for Change identifies four public interest outcomes that CILEX believes are key to ensuring the [regulatory objectives](#), the needs of consumers, the Principles of the Better Regulation framework and [Regulators' Code](#) are met. Our model of delegated regulation needs to:

1. be able to operate at sufficient scale to deliver efficient and effective regulation at a cost that is affordable for consumers and the profession;
2. establish and maintain consumer confidence that lawyers enter the profession through robust processes and maintain the standards expected of them by the regulator and the public once in practice;
3. create confidence of a consistency of approach that, for each and every regulated activity, every provider (entity and individual) in the market is required to operate to the same high standards; and
4. provide equal treatment and recognition of legal professionals regardless of route to qualification, as well as equality of opportunity for individual practitioners and entities.

This section of the consultation explores and seeks views on the public interest outcomes and consumer benefits that CILEX believes can be achieved by changing its regulatory delegation to the SRA.

In reaching its views outlined below, CILEX has considered its own and others' research and data providing insight into the views of the regulated community, legal employers and key stakeholders⁵ including reports published by consumer bodies such as the CMA⁶ and the Legal Services Consumer Panel⁷.

⁴ CILEX Press Release 28 January 2019 cilex.org.uk/media/media_releases/cilex_to_seek_complete_independence_for_regulator/

⁵ [An independent review of legal services regulation | StephenMayson](#)

⁶ [Review of the legal services market study in England and Wales - GOV.UK \(www.gov.uk\)](#)

⁷ [Research and reports - Legal Services Consumer Panel](#)

CILEX has also considered the outcomes of the CILEX Regulation Ltd (CRL) consultation [Specialist Regulation for the Future of an Independent Profession](#).

The proposals being consulted on are the result of CILEX having considered a [response](#) to the Case for Change received from CRL⁸ in July 2023. The CILEX Board's assessment⁹ was that the response did not provide sufficient assurance that the Case for Change could be met with the current delegation to CRL, and so a [response](#) was subsequently requested and received from the SRA and also considered against the Case for Change¹⁰.

Our consideration of the responses can be found [here](#).

Maintaining the distinct identity of CILEX professionals

In resolving to review our delegated regulation, the CILEX Board was clear that any change must retain the distinct identity of CILEX Lawyers and Paralegals both as specialists and the most diverse group of legal professionals. Regulation must also recognise the important role the CILEX route plays in supporting social mobility and facilitating access to legal careers for those who would otherwise be excluded. CILEX believes maintaining distinct professional identities and preserving alternative routes into the law to be critical to meeting the regulatory objective set out in the Legal Services Act of 'Encouraging an independent, strong, diverse and effective legal profession' and is therefore in the public interest.

This was endorsed by 74% of respondents to CRL's consultation, who agreed that *'the CILEX Profession is enhanced by having a regulator that understands and promotes the CILEX profession's unique place in the delivery of legal services'*. Analysis of the comments received highlighted that respondents considered it important that the regulator of CILEX members *'actively promotes the CILEX profession and its equivalence to solicitors and tackles discriminatory practices'*.

In its [response](#) to our Case for Change, CRL advocated that this would be best achieved by CILEX retaining its own distinct regulator through continued delegation to CRL.

CILEX holds an alternative view. With the precedent of two distinct professions sharing a regulator having been established with the Intellectual Property Regulation Board regulating both trade mark attorneys and patent attorneys and the Council for Licensed Conveyancers regulating both licensed conveyancers and licensed probate practitioners, CILEX believes regulation of both CILEX Lawyers and solicitors by the SRA can meet this regulatory objective. Further examples also exist outside of legal services including the Health Professionals Council, which regulates 15 distinct health and care professions, and the Financial Reporting Council, which regulates auditors, accountants and actuaries.

The SRA's response to CILEX's Case for Change includes a commitment to ensuring that its model of regulation and associated communications, website and branding will:

- maintain and promote the distinct identity of CILEX Lawyers and the CILEX route into the profession;
- explain how CILEX Lawyers are regulated by the SRA and set out what this means;
- use the phrase 'SRA regulating CILEX Lawyers' as a strapline where appropriate to raise awareness of its role in respect of CILEX members;
- report on the regulation of CILEX Lawyers as a discrete category to allow comparison of data across the professions; and
- confirm that CILEX Lawyers have the same authorised status as solicitors in areas where they have practising rights, and that this flows from their training, assessment and competence, not simply from being regulated by the SRA.

⁸ CRL was notified of CILEX's review of regulation on 25 January 2022 and provided with a copy of the Case for Change in February 2022. CRL submitted its response to the Case for Change to CILEX on 12 July 2023.

⁹ At its meeting on 19 July 2023, the CILEX Board resolved that the CRL response did not & agreed to consider a response from the SRA.

¹⁰ On 26th July 2023, CILEX resolved that the SRA response satisfied the Case for Change and agreed to consult on a change in delegation.

In publishing the Authorised CILEX Lawyers Register, the SRA will present it to consumers and the public alongside the Solicitors Register in a way that supports improved consumer understanding and choice. The regulation of both professions by the SRA creates the opportunity to build search functionality that allows easier identification and comparison of both solicitors and CILEX Lawyers authorised to provide the same legal services.

Annual reporting and accounting arrangements will deal separately with the regulation of solicitors, law firms and authorised CILEX Lawyers. These arrangements will maintain financial transparency to ensure that each profession appropriately funds the costs of its regulation. They will also support clear branding and messaging about the status of authorised CILEX Lawyers as distinct legal professionals.

Independent regulation

“The nature of the separation and independence of regulatory functions from representative activities remains unsatisfactory... the time has come to complete the separation between approved regulators and representative bodies.”

Professor Stephen Mayson, Independent Review of Legal Services Regulation (2020)

Under our current model of delegated regulation, CRL is a wholly owned subsidiary of the CILEX Group. This means that, whilst, CRL operates as an arm’s length body with its own board, staff and independent decision-making and operations, it remains financially and corporately connected to CILEX and shares our brand. CILEX retains liability for CRL’s performance, and financial and legal compliance. However, as a result of the restrictions arising from the LSB Internal Governance Rules (IGRs) there is a risk of conflict between, on one hand, CILEX’s need to discharge its duties as the parent company to hold CRL and its board to account as a subsidiary of the CILEX Group and, on the other, the prohibitions and limitations on CILEX’s relationship with CRL arising from the IGRs.

It is therefore the CILEX Board’s view that a model of delegated regulation that achieves financial and structural independence, in addition to the operational independence currently in place, would represent best practice in respect of the Better Regulation Principles and would provide *“the greatest degree of independence that can be achieved under the current Legal Services Act 2007 legislative framework”*.

This view was supported by respondents to CRL’s consultation, with 65% of respondents agreeing that increasing operational separation is a desirable goal and 89% supporting independent regulation of all CILEX professionals serving the public.

CILEX therefore proposes to amend its Charter as follows, to enable delegation to a body that is not a subsidiary company of CILEX but instead is a regulatory body approved by the Legal Services Board:

*“The Board shall in accordance with Schedule 4 to the Legal Services Act 2007 delegate **the discharge of its regulatory functions in compliance with Section 28 of the Act to a ~~subsidiary company~~ separate regulatory body approved by the Legal Services Board, and shall not exercise such functions itself.**”*

This will enable CILEX to make an application to the LSB to amend its delegation if, following this consultation, a decision is made to do so.

Q10) Do you agree that increasing the independence of our regulatory model through delegation to a body that is structurally, financially and operationally independent from CILEX will enhance public trust and confidence in regulation?

Scale to deliver efficient and effective regulation

Public interest outcome 1 – Able to operate at sufficient scale to deliver efficient and effective regulation at a cost that is affordable for consumers and the profession.

Financially independent regulation requires a regulator that can fund the cost of regulation through practising certificate fee income, maintain its own reserves and achieve economies of scale in the efficiency of its operations.

It also requires the delegated regulator to be able to respond to new and increasing demands, such as the economic crime regulatory objective being introduced by the Economic Crime and Corporate Transparency Bill¹¹. There are also growing LSB expectations, such as promoting technology and innovation to improve access to legal services guidance¹² and the activities identified in its Reshaping Legal Services strategy¹³.

The cost of regulation through CRL is already higher for individuals than that, for example, paid by solicitors (currently £367 vs £306). In addition, since 2016 CILEX has subsidised the cost of regulation through:

- Investment to support the establishment of entity and ABS Regulation;
- A £700,000 regulatory reserve;
- Shared services offering economy-of-scale discounts (IT system procurement and licensing costs, equipment, insurance, training and corporate personnel costs);
- Absorbing inflationary increases; and
- A £250,000 underwriting of the Compensation Fund.

A regulator with limited resources is constrained in its ability to invest the necessary time and activity in the significant amount of market engagement that is required to establish confidence and assurance in the minds of consumers of legal services, both individuals and corporate.

Regulation needs to provide an effective response to the need for increased consumer engagement, new anti-money laundering regulations, equality, diversity and inclusion data capture and analysis, and initiatives to support increased transparency, social mobility and access to justice. To do so, it will require additional resources.

CRL faces limited growth in the number of regulated practitioners and has an entity regulation model that lacks scale, has no applicant pipeline and faces barriers associated with a lack of market recognition. This need for additional resources is likely to mean significant fee increases which ultimately get passed on to consumers through the cost of legal services.

CILEX must therefore consider whether a change in delegation can provide the scale and reach to deliver efficient and effective regulation at a cost that is affordable for consumers and the profession.

The infrastructure required to regulate CILEX members – such as authorisation, investigation, enforcement and client protection – creating an opportunity for increased cost efficiency and removal of duplication in areas such as governance (e.g. board and support costs) and panels where replicated resource can be removed.

In its response to the Case for Change, the SRA outlines how its Client Protection arrangements, which form part of its Practising Certificate Fee, offer enhanced cover compared to the existing CRL scheme. Increased scope of coverage to include unreserved activities conducted by regulated firms and sole-practitioners which are not covered by the CRL managed fund together with higher claim limits and PII values, will benefit consumers through standardisation of protection regardless of which regulated professional provides the legal service.

CILEX has agreed to retain its under-writing to maintain the existing Compensation Scheme during the transition period whilst the necessary statutory instrument is laid, ensuring consumers remain protected. Thereafter, the scheme will operate on a financial independent basis.

¹¹ [Factsheet: new regulatory objective in the Legal Services Act 2007 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/611111/factsheet-new-regulatory-objective-in-the-legal-services-act-2007.pdf)

¹² [Consultation paper-Draft guidance on promoting technology and innovation to improve access to legal services.pdf \(legalservicesboard.org.uk\)](https://www.legalservicesboard.org.uk/publications/consultation-paper-draft-guidance-on-promoting-technology-and-innovation-to-improve-access-to-legal-services.pdf)

¹³ [Home - Reshaping Legal Services](https://www.legalservicesboard.org.uk/publications/home-reshaping-legal-services)

Regulation by the SRA also creates an economy of scale that is able to mitigate the extent of anticipated regulatory cost increases on both CILEX professionals and solicitors arising from the Economic Crime and Corporate Transparency Bill and other demands identified above, whilst also delivering the added public interest benefit of a consistency of standards across professions that consumer confidence requires.

CILEX therefore considers that a change in delegation to the SRA offers the ability to provide “steady-state regulation of CILEX Lawyers at a cost similar to, and potentially lower than the current practising certificate fee without any cross-subsidy between solicitors and CILEX Lawyers and with the additional benefits of increased levels of consumer protection, the ability to respond to new regulatory demands and the profile of the SRA brand”¹⁴.

Q11) Do you agree that the SRA offers a sufficient scale and reach to be able to deliver efficient and effective regulation at a cost that is affordable for the consumers and the profession?

Consumer confidence

Public interest outcome 2 – Establish and maintain consumer confidence that lawyers enter the profession through robust processes and maintain the standards expected of them by the regulator and the public once in practice.

Public interest outcome 3 – Create confidence of a consistency of approach that for each and every regulated activity, every provider (entity and individual) in the market is required to operate to the same high standards.

“The fundamental purpose of regulation is to promote and support the public interest, public confidence in legal services regulation is a paramount test. So too is the ability of consumers to navigate effectively through their experience of seeking legal advice and representation and, if things go wrong, to benefit from the protections they were promised.”

Professor Stephen Mayson: Confidence in Regulation, 22 June 2017

In thinking about the role of regulation in establishing and maintaining public confidence, CILEX believes the regulatory regime must, through its systems and processes provide assurance to consumers of the standards required to qualify and practise as a lawyer.

The information published on the SRA’s Register of Authorised Persons should increase public awareness and understanding of the comparable competence, conduct and scope of authorised practice of those holding a practising certificate, regardless of route to qualification or title. SRA regulation should also establish consistent CPD requirements for those who hold a practising certificate and apply a fair, transparent and consistent approach to investigating complaints and enforcement action across all those it regulates.

Consumers currently struggle to understand why regulated individuals and providers delivering the same service are subject to different code of conducts, practice standards and sanctions. This introduces confusion and complexity for consumers when engaging with the regulatory complaints system.

“The complaints and redress structure appears complicated. Complainants do not readily understand the distinction between service and conduct. Consumer confusion, caused by the existence of both regulated and unregulated providers for the same legal activities, and a profusion of differently regulated professional titles”

Professor Stephen Mayson: Independent Review of Legal Services (2020) – Viewpoint 2

This confusion is not limited to consumers. Providers of legal services also struggle to navigate the complexity of different regulatory standards and processes for the different types of professionals working in their businesses. This creates an additional compliance burden, the cost of which is

¹⁴ Extract from page 9 SRA response to Case for Change

passed on to consumers. Three-quarters of CILEX members work in SRA-regulated firms and are therefore subject to two regulatory regimes: CRL as individuals and the SRA in terms of service delivery.

“The decisions of the various regulatory bodies can also vary between each other where a complaint relates to the conduct of different professionals within the same firm.”

Professor Stephen Mayson: Independent Review of Legal Services Regulation (2020)

This situation is further aggravated by the varying levels of consumer protection available depending on which profession delivered the service due to the different requirements set by the legal regulators.

“Inadequate or incomplete consumer protection... is not consistent with a widespread consumer expectation that all legal services and those who provide them are subject to... regulation and protection...As a result of all of these issues, the risk is falling public confidence in legal services and their regulation.”

Professor Stephen Mayson: Independent Review of Legal Services Regulation (2020)

“It is essential that consumers are afforded adequate protection regardless of the provider they choose to meet their needs.”

Association of Consumer Support Organisations

Education and training

Maintaining a distinct education route into the law is an essential requirement for CILEX's delegation arrangement. It reflects CILEX's objects as a Chartered Body with qualification-awarding powers and its public interest role in providing accessible education and training that supports social mobility and levelling up.

The SRA recognises this and its critical link to EDI and consumer confidence in the legal profession. It has made a commitment to *“continue to recognise the CILEX Professional Qualification and CILEX Lawyer apprenticeships, as leading to authorisation as a Chartered Legal Executive with practice rights, reflecting the current accreditation in place with CRL”*. The SRA will also continue to *“recognise those who qualify through legacy educational awards previously approved by CRL and will work with CILEX to ensure that appropriate routes exist to allow Chartered Legal Executives who qualified under the legacy route without practice rights to obtain them”*.

As identified in responses to CRL's consultation, the current regulatory process for existing CILEX Fellows to obtain practice rights is a significant barrier to growing a larger pool of specialist lawyers who can offer reserved activities independently. Growing this pipeline of highly qualified and diverse professionals will help bring down court backlogs, increase the ability to service unmet legal need and increase access to justice. CILEX is therefore reassured that a change of delegation would provide opportunity to review current arrangements and for the SRA to satisfy itself that there are no unnecessary barriers.

The SRA also proposes to undertake quality assurance activities in respect of CILEX assessments e.g. reviewing samples of exam questions and mark schemes, observing standardisation meetings, and reviewing the outputs of CILEX's own quality assurance. The Institute for Apprenticeships and Technical Education will need to approve the SRA as the external quality assurance body for the CILEX Chartered Legal Executive and Litigation and Advocacy apprenticeships.

Through these activities, the SRA will provide assurance to the public, funding agencies and providers of legal services that CILEX Lawyers meet the standards necessary for authorisation through the CILEX routes to qualification.

Continuing professional development

CILEX recognises that CPD is an important tool in providing public assurance that legal professionals retain their knowledge and competence once qualified and practising.

The SRA states its intention to adopt the same approach to the compliance monitoring as applied to solicitors. It will also extend its [action plan](#) on continuing competence to CILEX Lawyers and reflect the specialist nature of their authorisation to practise within its assessment of risk and proactive thematic work in higher-risk areas. This alignment will support consumer confidence that CILEX Lawyers and solicitors practising in the same areas of law are held to the same standards.

Authorisation

In authorising CILEX Lawyers, the SRA proposes to continue existing regulatory processes that reflect the CILEX Charter requirement to be a Fellow of CILEX in order to hold the protected title of Chartered Legal Executive, as well as the need for character and suitability checks. Since CILEX Lawyers do not qualify and practise in the same way as solicitors, the SRA proposes to adapt its processes to manage the differences. In particular, it will authorise CILEX Lawyers for specific areas of practice and publish this information on the Register of Authorised Persons alongside details of solicitors in a way that supports improved consumer understanding and choice.

“Given the disparate way in which data is currently held and published, we see significant benefits arising from combining the data holdings of the regulators and relevant third parties to create a single digital register.” CMA Legal Services Market Study (2016) & Review Report (2020)¹⁵

Whilst a single register maybe a longer-term objective to satisfy the CMA recommendations, publication of both CILEX Lawyers and solicitors’ scope of practice through the SRA website (and Legal Choices) will allow consumers and employers to both have confidence in, and more easily compare and contrast, these two types of lawyer.

Q12) Do you agree that regulation by the SRA provides opportunity to establish and maintain consumer confidence that lawyers regardless of whether through the CILEX route or the solicitor route, enter the profession through robust processes and are required to meet and maintain high standards of competence?

Standards for individuals

“Consumers believed that a regulated legal services provider was likely to offer a higher quality of service than an unregulated provider because they are required to meet minimum standards. Moreover, it was felt that consumers could be confident in a regulated provider’s ability because being regulated implied a minimum standard was being met. In addition, regulated providers were assumed to afford protection to consumers in case any cause for complaint arose.”

CMA Legal Services Market Study– Review Report (2020)

In its response to the case for change, the SRA makes a commitment to *“maintain the CILEX Code of Conduct as a distinct set of requirements and identity for authorised CILEX Lawyers but would propose and consult on amendments to align it with the standards that apply to solicitors, whilst reflecting appropriately the scope and context in which they practise”*.

The SRA proposes that its investigation and enforcement teams, which currently handle around 11,000 reports a year about solicitors and firms, will handle any concerns about authorised CILEX Lawyers using the same processes (triage, assessment, investigation, notice and decision). The volume of complaints about CILEX members is low in comparison (56 complaints in 2021, including complaints about non-authorised members) and so is not expected to create an additional burden on the resources allocated to regulating solicitors.

¹⁵ [Legal services market study - GOV.UK \(www.gov.uk\)](#) / [CMA demands greater transparency from legal service providers - GOV.UK \(www.gov.uk\)](#)

Standardisation will simplify regulation for individuals and firms, promoting consistency in terms of both public protection and public confidence. CILEX Lawyers have the same authorised status in their specialist areas of law as solicitors and will effectively be regulated to the same standard using the same investigation and enforcement processes. This will provide a regulatory framework that is easier for consumers to understand and navigate, and evidence that CILEX Lawyers and solicitors operate to the same standards.

Q13) Do you agree that regulation by the SRA provides opportunity to deliver a consistency of approach and therefore an increased confidence amongst consumers, that CILEX Lawyers and solicitors delivering the same services are required to operate to the same high standards of conduct and practice?

Non-authorised CILEX professionals

The SRA also recognises that CILEX's Charter requires all its members to be regulated and notes that CILEX is consulting on proposals to establish a progression route for paralegals that will lead to Chartered status. The SRA confirms it will therefore "*in consultation with CILEX, once the outcome of its consultation is known, take forward a programme of work to ensure appropriate regulatory arrangements are established for non-authorised person members of CILEX in accordance with the regulatory objectives and on a fair and sustainable basis*".

The SRA also notes that CILEX will continue to "*deal with breaches of membership regulations by its members*" in addition to any enforcement action it takes as the regulator.

CILEX believes the inclusion of paralegals and other legal professionals involved in the delivery of legal services within the scope of regulation plays an important part in establishing consumer confidence. Respondents to CRL's consultation agreed, with 89% believing that independent regulation should apply to all those serving the public.

However, regulation must be proportionate and risk-based. Given that 75% of CILEX members, including paralegals and trainee CILEX Lawyers, work in SRA-regulated firms and are already captured by SRA regulation, CILEX welcomes the SRA's intention to "*ensure that any regulatory overlap and duplication that exists under the current regulatory regime is addressed*". This, CILEX believes, will preserve regulatory reach whilst enabling resources to be refocused on areas of greater risk.

Standards for regulated firms

The Legal Services Consumer Panel's annual tracker survey shows that consumers often purchase legal services on the basis of their preferred choice of provider not practitioner. It is therefore essential that any future model of regulation supports the alignment of standards for service providers as well as individual practitioners.

The ranks of regulated legal services providers include 9,770 solicitor-led law firms and 1,074 alternative business structures authorised by the SRA, approximately 200 by the Council for Licensed Conveyancers and currently 18 CILEX firms and 40 ACCA firms¹⁶ are authorised by CRL. Seven of the CILEX firms do not currently meet the criteria for SRA authorisation due to being CILEX Lawyer-led without a solicitor or non-authorised partner.

The SRA proposes to change its Authorisation Rules so it can establish a new category of SRA-regulated provider – a CILEX entity. This will allow all CILEX entities to transfer to the SRA without a need to change their current structure and to benefit from the SRA's 'Look out for our logo' campaign and associated recognition in the market. This will also address barriers identified in the Case for Change relating to problems for CILEX firms accessing lender panels, banks, approved provider lists and insurance cover.

CILEX believes SRA recognition of CILEX entities will stimulate increased appetite amongst CILEX Lawyers to set up firms and support increased choice for consumers and innovation of service delivery models in the market. Therefore, recognising that 83% (115) respondents to the CRL consultation supported the proposal to provide more assistance with navigating the regulatory requirements of

entity authorisation and setting up a business, CILEX will explore how it can facilitate access to this type of support package for its members.

There are also currently 40 ACCA probate entities providing reserved probate services solely as an ancillary activity to accountancy practices authorised and regulated by ACCA. These entities are subject to ACCA client protection requirements and AML supervision. When CRL took on the regulation of ACCA entities in 2021, the LSB approved the retention of separate arrangements for them. The SRA proposes to maintain separate rules for ACCA probate firms but will apply a standardised and consistent approach to regulation as far as possible, while recognising the necessary distinctions that arise from different professional identities. The SRA will seek to align its guidance for these entities and the other firms it regulates.

CILEX believes that transferring entities regulated by CRL (both CILEX firms and ACCA probate entities) to the SRA will bring important consumer benefits. Aligning standards, professional indemnity insurance, compensation and redress schemes will ensure that, regardless of whether delivered by a solicitor, CILEX or ACCA firm, the consumer is afforded the same service and protection. The proposed model achieves this without compromising the distinct identities of each type of provider and without a loss of choice and therefore detriment to competition in the market. Instead, it removes barriers, creating opportunity for growth and innovation in service provision.

Q14) Do you agree that regulation by the SRA provides opportunity to establish a consistency of approach and therefore an increased confidence amongst consumers, that firms whether solicitor-led or CILEX Lawyer-led, who deliver the same services are required to operate to the same high standards?

Q15) Do you agree that SRA regulation of CILEX and ACCA probate entities alongside solicitor-led firms, will deliver enhanced consumer protection through consistent levels of PII, Compensation Fund scope and transparency obligations?

Q16) Do you consider there to be any risk or detrimental effect arising from the proposed transfer of CILEX and ACCA probate firms to the SRA?

Consumer choice and access to justice

Following its review of the legal services market in 2016 and its follow up report in 2020, the CMA concluded that:

“Consumers who are equipped with the information they need to assess the services on offer and choose the best deal for them, will not just benefit personally but will also help drive competition, quality and innovation across the whole market. That means a better outcome for everyone and, importantly, fewer people will be discouraged from seeking the help they need.”

Rachel Merelie, Acting Executive Director for Markets and Mergers, CMA (Dec 2016)

Despite the CMA findings, seven years on, further work is still required to facilitate consumer choice and increased competition in the legal services market and to address unmet legal need.

The LSB in its Statutory Statement of Policy on Empowering Consumers (2022), outlines how regulators should ensure that individuals and businesses who need legal advice have the information they need to shop around and choose the provider most suited to their legal needs.

The Legal Services Consumer Panel tracker survey 2023 concluded: “Consumers also continue to struggle to find helpful information about the legal services providers they are considering and were much less likely to find price comparisons easy than last year (66% down from 75% in 2022).”

“We are concerned that shopping around has fallen post-pandemic now that 'normal' life has resumed. The fact that fewer consumers are finding it easy to find information about the legal services available has only strengthened our resolve to call the CMA’s attention to the current state of transparency in the sector, nearly seven years after their initial report.”

Sarah Chambers, Chair, Legal Services Consumer Panel (July 2023)

The SRA, through Authorised Persons Registers for both CILEX Lawyers and solicitors (and the information provided through Legal Choices) is able to facilitate increased consumer awareness and understanding of the type of lawyer available to meet their legal needs. This will deliver greater levels of transparency as to the equivalence in competence and authorised scope of practice of CILEX Lawyers and solicitors, and provide assurance that they practice to the same standards and with the same level of consumer protection. Consequently, consumers will be more empowered to compare and choose which lawyer can best meet their legal need.

However, according to LSB data, there are currently 3.6m people in England and Wales with an unmet legal need, while only 25% of small businesses obtain professional help to deal with legal issues, with half trying to handle them themselves or taking no action at all.

If regulation is to be effective in meeting the regulatory objective to ‘promote access to justice’, it must do more to address the challenges and barriers faced by consumers in accessing legal services.

In 2016, when CRL was granted authority to authorise entities and alternative business structures, it was hoped that this would encourage more CILEX members to set up firms and to innovate in the way legal services are delivered. Unfortunately survey data¹⁷ demonstrates that, whilst there is general support for a product that supports CILEX Lawyers to develop the skills needed to run a business and navigate the regulatory authorisation and compliance processes, there is no substantive pipeline of members wanting to set up firms. This correlates with [SRA data](#), which shows a declining trend of authorised firms.

Without growth in providers and increased competition leading to services becoming more affordable and accessible, it is even more important that regulation is driving not inhibiting innovation in the delivery of legal services.

CILEX has, in its CILEX Professional Qualification and apprenticeships, included competencies relating to wider skills such as legal technology, project management, marketing and leadership designed to stimulate delivery innovation. CILEX is championing new qualifications that reflect emerging roles, such as legal technologists, which play an important role in developing new and innovative models of service delivery that can address unmet legal need and improve access to justice. It is important therefore that regulation keeps pace with these developments and facilitates, rather than constrains, innovation.

CILEX believes that the SRA, through its horizon scanning and data analysis capabilities, thematic reviews and extensive programme of stakeholder engagement, has the capabilities to gain the necessary market insights to stimulate change in the way legal services are delivered and thus address unmet legal need and barriers to access to justice. This level of activity is not achievable within the budgets and resourcing available under the current regulatory delegation.

In its 2023-26 Corporate Strategy, the SRA outlines how its regulatory approach and initiatives will impact on this regulatory objective:

SRA Corporate Plan 2023-2026

- *Our enhanced SRA Innovate service will lead to legal services being offered to consumers in new ways through supporting the responsible adoption of legal technology and other innovation.*
- *A greater proportion of small firms in England and Wales will have made changes to how they work and the services they offer through innovation or investing in new technology, leading to inclusive and improved access to legal services for consumers.*
- *Innovators in legal technology will have better access to key regulatory data in order to develop products that help consumers access legal services.*
- *introduce a safe testing environment, bringing together law firms and technology partners to test and develop innovative or technology-based approaches to the delivery of legal services and valued insights to help shape*

¹⁷ CILEX Member Surveys 2018, 2020, 2023

wider societal debate, particularly in areas relating to access to justice, ethical practice, climate change and the delivery of a diverse, inclusive and effective legal market.

- We will use the insights from our operational and wider work to support and influence important public interest and social policy debates
- We will publish policy statements setting out our position on access to justice, and on matters relating to Environmental, Social and Governance (ESG), including our view of the key regulatory issues and obligations for those that we regulate.

Q17) Do you agree that regulation by the SRA provides opportunity to better empower consumers to make informed choices as to which regulated provider (individual lawyer or firm) can best meet their need?

Q18) Are there any barriers to increased competition, quality and innovation in legal services that arise from regulation by the SRA?

Equality of treatment and opportunity

Public interest outcome 4 –Provide equal treatment and recognition of legal professionals regardless of route to qualification and provide equality of opportunity for individual practitioners and entities.

Equality of opportunity is a key part of CILEX’s mission and values. CILEX recognises that, for consumers to have trust and confidence in those delivering legal services, those who deliver those services must be diverse and have a culture that is inclusive and values difference. Social mobility, access into legal careers without barriers and the same opportunities to progress within the profession once qualified are vital to meeting this public expectation.

CILEX members are the most diverse group within the legal profession, with 85% being state school educated, 64% first-generation graduates, only 4% with a parent who is a lawyer, 76% identifying as female and 19% from under-represented communities.

Ipsos Mori research¹⁸ conducted into perceptions within legal services concluded that:

“Only 66% of firms value the CILEX route to qualification as an equal alternative to the solicitor qualification”

“Only 30% of those interviewed believed vocational routes are respected by industry when compared to traditional university-based routes”

Through its Campaign for Change, since 2019 CILEX has made significant progress to remove the legislative and policy barriers to CILEX lawyers being afforded the same career opportunities as those qualified through traditional routes. However, sector attitudes and therefore the choice available to consumers has not yet followed suit.

Workplace culture research conducted in 2021 and 2022¹⁹ provided evidence from the 3,797 legal professionals who participated, that there is still widespread discrimination and barriers to equality of opportunity within the sector.

“91% of respondents were concerned that the law operates as an ‘old boys club’ with too many restrictive practices to entrance and progression”

“81% stated that elitism of the legal profession prevents access to justice”

“83% felt the legal profession is missing out because top lawyers all come from traditional routes”

¹⁸ Ipsos Mori Research, Perceptions of CILEX Members and Qualifications 2018

¹⁹ CILEX Insight 2021 & 2022: Barriers in the Legal Profession, The Pipeline

In 2023, the approval of the CILEX Lawyer Apprenticeship set at the same Level 7 standard and attracting equal funding to solicitor apprenticeships – confirmed the equivalence of these alternative routes to qualify as a lawyer. The difference, therefore, is a matter of scope of practice, not level of competence or ability to practise independently without supervision, with solicitors receiving a general practising certificate and CILEX Lawyers being authorised as specialists in specific areas of law.

The SRA has confirmed that, through its authorisation processes, it will “*confirm that CILEX Lawyers have the same competence as solicitors in areas where they have practising rights, and that this flows from their training, assessment, and competence, not simply from being regulated by the SRA.*”.

The SRA has also confirmed that it would “*take on publication of the Authorised CILEX Lawyers Register and will explore with CILEX the scope to present it to consumers and the public alongside the Solicitors Register in a way that supports improved consumer understanding and choice with the ability to easily identify and compare both solicitors and CILEX Lawyers authorised to provide legal services*”.

In publishing the register, our delegated regulator can support consumers and employers to understand the scope of practice and reserved legal activities each holder of a practising certificate is authorised to deliver, and provide transparency as to equivalence and differences between lawyers of different titles.

This would address the weakness in the current Legal Choices platform, which cannot help consumers search for and easily compare in one place practitioners who are regulated by different bodies. This is because of its reliance on the discreet registers separately held and published on their own websites.

CILEX believes that regulation by the same body provides an opportunity to enhance the ability for consumers to search for and compare CILEX Lawyers and solicitors based on areas of practice and scope of authorisation. This would remove the lack of awareness and limited ability to compare as barriers to consumer choice, support equality of opportunity between the two professions, and be a step closer to the equal treatment of lawyers regardless of education route, socio-economic background or identity.

This does not, however, address the workplace culture issues that exist in legal services and that currently constrain equality of opportunity and limit progression of those legal professionals that come from non-traditional backgrounds, diverse cultures and communities.

“The practices cited showed examples of systemic barriers that require a change of mindset and a culture across the profession as well as practices and policies that support inclusion.”

Legal Services Board: Lived Experiences of Legal Professionals (2023)

“The insights provided by this study highlight enormous opportunities to make things better by changing the way the sector does business.”

Matthew Hill, chief executive, LSB

As a regulator authorising over 11,000 firms, the SRA has an extensive reach and is therefore well placed to challenge and influence those bodies employing, accrediting or contracting legal professionals and entities, or supplying services to them, to ensure there is a culture within legal services that is accessible, diverse and inclusive.

The SRA already dedicates substantial resources to EDI and in particular data collection, analysis and reporting. It has established explicit obligations on the firms and individuals it regulates through its Statement on Diversity and its standards:

Principle 6: “You must act in a way that encourages equality, diversity and inclusion.”

Code of Conduct for Firms:

1.1) You do not unfairly discriminate by allowing your personal views to affect your professional relationships and the way in which you provide your services.

1.5) You monitor, report and publish workforce diversity data, as prescribed.

1.6) You treat those who work for and with you fairly and with respect, and do not bully or harass them or discriminate unfairly against them. You require your employees to meet this standard.

CILEX believes that, with the added insight into barriers affecting those from socially and economically disadvantaged backgrounds and under-represented communities that can be gained from regulating CILEX members and through collaboration with CILEX and other key stakeholders, the SRA is well placed to provide the necessary standards, guidance and enforcement to tackle workplace discrimination and prejudicial practices and to promote inclusivity.

On the basis of these factors, CILEX believes regulation by the SRA will support increased equality of opportunity and promote recognition of CILEX Lawyers as an alternative choice to a solicitor amongst both consumers and providers of legal services and therefore improve public trust and confidence that the legal profession is reflective of the society it serves.

Q19) Do you agree that regulation by the SRA will support the equal treatment and recognition of legal professionals regardless of route to qualification and provide equality of opportunity for individual practitioners and entities?

Q20) Do you agree that through the SRA’s publication of the Register of Authorised Persons for both solicitors and CILEX Lawyers, there is opportunity to explain the equivalence and distinction of these two professions, therefore assisting consumers to better understand and compare the choice of lawyer able to service their legal need?

IMPACT ASSESSMENT

Q21) Do you consider there to be any adverse impact of our proposals on:

Consumers Yes/No

Vulnerable groups Yes/No

Legal professionals Yes/No

Providers of legal services Yes/No

If yes please explain:

CONCLUSION

CILEX has taken an evidence-based approach to developing and considering the Case for Change. It has considered whether the issues identified in this consultation can be addressed through the existing delegation to CRL.

We have sought the views of our Professional Board and our committees to ensure our proposals have been thoroughly tested.

The perspectives of consumers (and consumer bodies), including vulnerable groups, on the factors influencing their trust and confidence in the legal profession and in the delivery of legal services, have informed these proposals.

This consultation will allow us to obtain feedback on the public interest drivers for change, identified in this document and to understand the potential impact of our proposal to change our delegation of the regulation of CILEX members to the SRA.

We will be holding a series of online and in-person events to enable maximum participation from our regulated community, those bodies representing consumer interests (including vulnerable groups), providers of legal services and other interested parties. More details can be found [here](#).

This document can be provided in Welsh and other accessible formats on request. Please email: approvedregulator@cilex.org.uk

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