

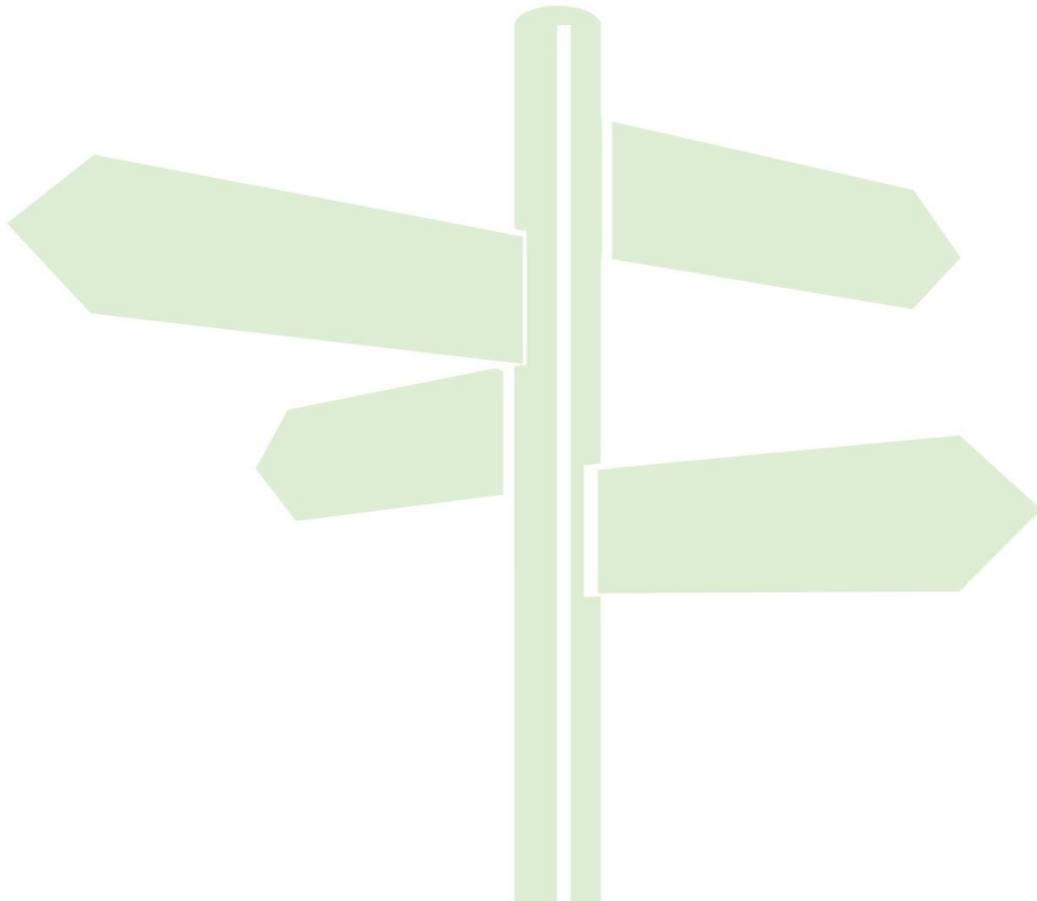


The Law Society

Response to the LETR Discussion Paper 02/2012 Equality, Diversity and Social Mobility

Junior Lawyers Division

July 2012



Introduction:

This response has been drafted by the JLD Executive Committee. Individuals have responded, for instance all responses labelled **A** are from the same individual, all responses labelled **B** are from the same individual etc.

Question 1: To what extent is contextual information being used in admission decisions to academic and vocational law courses, and if so what kinds of contextual factors are being taken into account?

A: To be honest I don't understand what is really meant by contextual information.

B: Without asking course providers directly or making a FOI request, it is not possible for me to answer this. Is this not something that the LETR researchers can find out?

C: This would be one for the admissions offices of those institutions. With regards to Universities, it is generally A Levels and LNAT, with the GDL and LPC it is a QLD and an ability to pay the fees. Given that City firms only recruit from a handful of universities, those universities should try and broaden their admission. Law Colleges should not put a person's ability to obtain finance to a course above everything else.

D: I think in terms of a law degree and speaking from my personal experiences University Prospectus' are used to identify which Universities look good and Times league tables to see where Universities fall for law. In terms of the LPC I know that a lot of students rely on the providers' websites and prospectus as this is what they were used to at University. I am not sure that many people realise the difference between University and LPC providers in that a law degree, while vocational, will allow you to apply for any job after, but an LPC is specific to becoming a solicitor only and to attempt to break into a new career after completing the LPC can look nonsensical to other sectors outside of law.

E: If this question is trying to determine what information is being used by the admissions offices themselves, then I agree that this is not a question that can be answered by the profession. If, however, it is asking what information is used by students when making their own selection as to what institution to use – then my answer is as follows: Students select their universities by reputation, by results, by admission requirements and by ranking. They may also look at the final destination of the students and whether they have gone on to successful careers in law.

F: As above it's difficult to answer if you're not an institution. My university didn't offer a law course so I'm afraid I have very little personal experience on this point.

G: This question is very vague and I would agree that students would be better placed to answer this question. I think when you first start you often have little knowledge of the Law so any information is received is absorbed as the reader has little to make a comparison. Prospectuses often have the imagery of lawyers drinking champagne in front of leather clad desks and display a prestigious and opulent view of the law. This can be illusionary in some cases and may be misleading.

H: Agree we cannot answer this question.

I: I agree we can't answer this as we have no information.

Question 2: Do the difficulties of ensuring continuity and consistency in the use of contextual information at undergraduate/vocational/recruitment stages militate against its use in the legal education and training system?

A: To be honest I don't understand what is really meant by contextual information.

B: I would disagree. Contextual information should be gathered at the earliest opportunity and if that can be done consistently at the legal education and training stage then it is worth doing.

C: I think the difficulties are not in the gathering of the information, but how it is used. Universities, law colleges and law firms will use different aspects of the same information to their own end. It is the student that suffers as they are without the full facts.

D: I think it would be useful to have an impartial information portal for all aspects of legal education; league tables, venue options, prices and opportunities once you have completed each stage including opportunities outside of the law. I know that when I chose a law degree I chose it because I knew that as well as enabling me to enter a legal career it also was a technically difficult degree and other professions would recognise it as such and it would stand me in good stead to start a career outside the law, for example graduate training programmes for large PLCs and accounting.

E: My view is that academic and vocational institutions should have better information available as to the destination and career paths of their graduates. I agree with the comments above that a central location or information portal accessible to all potential lawyers.

F: I disagree with the premise of the question. It is difficult to maintain consistency and continuity but that doesn't mean it shouldn't be attempted – surely this is the aim of a regulator, particularly in the context of OFR? The key is not whether it should be done but how it should be done? – I agree with previous comments on this point.

G: The information should be complete and less propaganda used to attract to a particular course and more factual information about pass levels, prospects of work upon graduation etc. I do appreciate that the institutions are commercial and competing for student's finances and of course are going to want to look attractive. I believe students would prefer the truth and this would enable them to make informed choices.

I: Agree with **B**, **F** and **G**.

Question 3: Would you welcome greater use of standardised (aptitude) testing at the academic stage? (Please give reasons why/why not)

A: No not at this stage. The Law degree is an academic qualification that many students undertake without intending to practice law, therefore do not see what benefit a standardised form of testing will have at this stage. The Law degree is an academic qualification with each university monitoring performance; it is not on its own preparing students for practice.

B: I tend to agree with the above but perhaps some aptitude testing could be carried out DURING the academic stage to enable students to make better informed careers decisions.

C: No, it will just create a satellite market in which the wealthy can attend training courses to pass the aptitude test at the expense of the less wealthy. If the test was devised in a way where such training course would be useless then I would support these tests.

D: If any standardised aptitude test is to be implemented I think this should be a test of English Grammar. I think it is commonly accepted that education in the UK is not up to what it used to be in terms of teaching children basic grammar. Therefore, if the schools are not up to it I think it should be introduced at degree stage (not as a core module) to show the importance of correct grammar in law. At present I think too many people are able to pass a law degree without the requisite grammar skills to enter the legal profession. Therefore I think, if not an aptitude test before the LPC, at least a module on the LPC should concentrate on grammar skills to show students how important these skills are. For the record, I do not see how a basic grammar test could be prejudicial against minorities. I know this argument has been raised in terms of aptitude tests, but it is a basic requirement to becoming a solicitor and no matter who you are, by graduate stage if you can't meet those requirements you either need to go away and work on it or enter another profession.

E: As always with this one, the key question is "what is legal aptitude"? There are so many different types of lawyer and different practice areas/types that I doubt that this test could be formulated. If it were, then I agree with the comments above that this would spur training courses designed to teach people to "pass" this test. I agree with the comments above in that (1) those embarking on the academic stage may not necessarily wish to become lawyers and (2) that tests (specific ones for different areas of practice perhaps) could be used to allow people to self-assess whether a legal career would be a good choice for them. However, all this said, a test I could support would be one which assessed the student's level of English skills. These are crucial for a law degree or other academic/vocational stage course and have experienced a slippage in recent years.

F: My view is that the question is not whether or not testing should be introduced but whether testing would produce worthwhile results – i.e. what is the actual aim of the test? Are we truly ensuring quality of entrants and eventual legal services or simply creating a barrier to entry to try and reduce the number entering the profession? Echoing

the previous comments I agree that proper testing is worth looking into but the devil is in the detail – if you get testing that is too arbitrary and/or doesn't evaluate people properly you just end up with a barrier to entry and a new market in people paying to learn how to pass the test. Provided it is designed carefully and implemented equally and fairly, I would support testing of communication skills, including grammar as above.

G: Yes. I think the profession is slowly drifting away from having the prestige it once had. As grammar and literacy are imperative in writing to clients, drafting pleadings etc. I do not see any problem with setting a test which tests those areas.

H: First we need to decide what the aptitude test is being designed to do. I have interpreted this question to mean testing prior to a law degree in order gain admission. In this respect my answer is no, I would not welcome greater use of aptitude testing by the creation of a new test because I feel there are a great number of tests in our education system that should be able to determine entry. It is a common theme in the above answer that entrants should have English grammar skills. I think this could be remedied by making it a requirement that prospective entrant study either English Language or English Literature at A-level.

Question 4: Are you aware of any more recent evidence that suggests the findings of the Cohort Study regarding the impact of student debt on progression still hold true?

A: Need to check what research Law Society has already carried out.

B: As above

C: Not aware, has anything been published?

D: As above.

E: Indeed, as above.

F: Nope, as above.

G: Unaware.

H: Unaware but **J** says NUS have carried out research. I would refer the LETR to the NUS to obtain such information.

Question 5: Do you or your organisation have any direct evidence of the impact of the planned fee arrangements for 2012 on widening university participation?

A: Need to check what research Law Society has already carried out.

B: As above

C: No, but I am aware that universities will have to attract a wider range of students if

they wish to charge the full £9,000.

D: The JLD has not collated any direct evidence as I think at this stage it is difficult to collate, however, my firm has taken on 6 apprentices straight from A Levels. All have obtained the grades to go to top Universities to study law, but do not want to due to the financial burden. The firm was inundated with applicants from the local area.

E: As above.

F: As above.

G: I am unclear whether universities are offering Law degrees at different rates across the country or whether all institutions offering Law have set the higher rate of fees. I would need this information and the following statistics on uptake of those courses and a comparison with last year's uptake of the same course before I could productively comment on this question.

H: We do not have any direct evidence.

Question 6: Should the relevant approved regulators have any role in offering guidance to law schools on admissions criteria and/or practices in respect of qualifying law degrees?

A: No as the admissions criteria law degree is regulated by each university and again it is an academic qualification where many students will undertake the qualification without intending to practice.

B: I agree

C: Yes, there will be still students who will apply to 'lesser' universities with aspirations of becoming solicitors and barristers. Information should be available to those students, such as the percentage of students who have qualified within 5 years after leaving that university; £9,000.00 a year is a lot to spend on unrealistic goals.

D: Definitely. Students need to know that law firms prefer top Universities and at least a 2.1 in law (and any other degree before completing the GDL). I knew when applying for University that I wanted to go to a top 10 University and that this would be preferred by prospective employers. I had the grades which helped, but I know a fellow solicitor who didn't and went to an old "polytechnic". She knew this was not as favourable as a red brick university so she worked extra hard to obtain a 1st class degree to set her on a level footing with those with a 2.1 from a red brick and to put her above others who obtained a 2.1 from a "polytechnic". As a result, she secured herself a training contract at a top national firm.

While at University I learned at law fairs that a 2.2 was not acceptable to any of the firms at the law fair and I made the conscious decision that if I obtained a 2.2 I was not going to enter law as I did not have much chance of securing a training contract at a top firm. Luckily I achieved a 2.1 so I persevered.

E: I agree with the majority of the comments above. The contextual information described above (and in responses to previous questions) should be made available to students so that they can understand the impact that the decisions that they make at the early stage of their careers will have later on down the line. Otherwise, the regulators should not have any input in the admissions criteria for universities.

F: As others comment above, this ties into the previous answers. The regulators should not dictate what law schools should do in all ways, however guidance is probably useful if for no other reason than it ensures consistency. I would also note that guidance will probably be of great assistance in order to allow greater consistency in allowing cross qualification with equivalent qualifications, e.g. from ILEX, which is currently difficult as so many people spend money getting certificates or qualifications which have very similar core abilities but then find out they have to start again from square one because it isn't recognised. Regarding the issue of publication of information I would strongly support publication of consistent data about law schools – certain universities have to collect data by law for the government so that this can be published. I think it would be of enormous assistance to potential students, regulators and the profession as a whole if certain data was collected and published regularly.

G: I agree that the statistics on success and entry into the profession should be available to students so that they can make informed choices.

H: The regulator should have a role in offering guidance to law schools on admissions criteria which should be limited to providing guidance on each law school having a bursary scheme and continuing to admit students based on merit. It would be good if the regulator set a recommended maximum tuition fee which is less than the actual maximum of £9,000.

Question 7: A number of diversity initiatives are seeking to make access to work experience more equitable. Are you aware of any evidence to show that these initiatives are being reflected in changing recruitment practices and trends?

A: Need to check what research Law Society has already carried out

B: As above

C: No.

D: No. My firm have nothing in place for work experience and on the face of it do not accept work experience students... that is unless you are related to a partner or are a client's son or daughter. As a result we have some candidates who are not suitable in terms of work ethic and aptitude.

E: No.

F: As above I don't know, although one place that might be worth looking is the apprenticeship model – apparently there's a new ILEX one that's come out recently but I'm afraid I don't know any more than that.

G: Unaware.

H: No.

Question 8: More generally, would you support the creation of some kind of central clearing house for a pool of legal internships?

A: A central clearing house for a pool of legal internships would not work in practice. Many larger firms that offer formal vacation scheme placements have their own recruitment processes for these schemes and candidates apply directly, whereas often with smaller firms there are no formal schemes and applicants will apply for internships/work experience on a speculative basis.

B: It sounds good in theory but in practice, who would administer it, how much would it cost, and who would pay for it? Small firms in particular would find this too onerous. It is still important that a firm can bring in an intern on short notice as opportunities arise. That's not to say that firms should not record contextual information on the interns they take on.

C: I would favour a central clearing house would be better and fairer than the current system.

D: I'm not sure how this would work in theory. I think the best method is to pressure firms into publishing their work experience policies/procedures. Even then I do not envisage nepotism would be eradicated.

E: Perhaps a voluntary system, allowing smaller firms who would have limited resources to administer their own internship schemes would work. However, a mandatory system is unlikely to work in practice, due to the restrictions described in the other comments above.

F: As above, I agree. The idea is sound but the devil is in the detail again – how exactly would this work and how would you prevent people becoming permanent residents of the 'clearing' pool?

G: I agree with the above comments this could fetter the diversity of the different methods currently in use.

H: No. This creates more regulation and employers do not wish to be regulated this heavily. In addition people seeking solicitor/trainee solicitor positions wish to walk into a quasi-solicitor job and leave it as and when a better opportunity becomes available.

I: I'm not sure this would work for smaller firms as they require flexibility. Some firms would not be keen because they use internships as part of the recruitment process. I

think encouraging work experience is important but you need to think about how legal aid and other small firms can afford to have someone as it takes up a lot of time to look after them. In addition you need to look at paid internships because many people can't afford to do them if they are only getting travel costs for example. Also why always the emphasis on work experience? Students need to be encouraged to take up work that will set them apart from others whilst also showing an interest in the areas of law in which they wish to work. Not everyone can do unpaid work experience particularly if they are working and studying part time etc.

Question 9: Do you have any reliable evidence of how widespread clinical and legal work experience programmes are across law schools in England and Wales? Are you aware of specific examples of effective practice that you think we should know about?

A: Need to check what research Law Society has already carried out

B: As above

C: No

D: No

E: Nothing comprehensive. However, I understand that that the College of Law and BPP both offer such schemes. I cannot comment for the remainder of the providers.

F: As above.

G: No.

H: The LETR should remember that pro-bono work is also work experience. Nottingham Law School runs very comprehensive pro-bono schemes. This experience on a trainee solicitor applicant's CV is very effective.

I: Many have pro bono clinics/ legal advice centres which is a form of effective work experience.

Question 10: Is there a role for regulation/ guidance in encouraging or requiring clinical or legal work experience as part of the qualifying law degree?

A: There should not be a role for requiring clinical or legal work experience as part of the qualifying law degree as this is an academic qualification. However, it may be an idea to encourage universities to provide modules involving work experience perhaps as optional electives so that students considering practicing law get an opportunity to undertake practical experience and be assessed on their practical skills at an early stage.

B: I agree with **A**.

C: As **A**.

D: I think Universities should strive to add sandwich years to the degree for those who want it. I know other degrees offer it very successfully and a number of my friends undertook a sandwich year which was invaluable to their choice on what to do after graduating and on securing a graduate job – they could show that they were able to work well in an office (or otherwise). This is an important factor for prospective employers.

E: I would not think that there was a role in requiring this on the law degree – however, I agree with the recommendation above (by **A**).

F: I agree with **E/ A** comments. If there were greater opportunities for modular study with optional vocational elements / earlier work experience it would encourage greater continuity between academic and vocational training which in my view would be beneficial to entrants and their employers.

G: I would like to see some vocational experience offered during the LLB. This would give people a taste of the practical requirements of the job and could be a useful learning tool.

H: Agree guidance only. Educational institutions should inform students of its importance at an early stage so that by the time students graduate they are have experience.

I: Guidance not regulation; not just qualifying law degree but also LPC if it stays.

Question 11: Are you aware of any recent evidence to suggest that cost is a significant barrier to wider participation in vocational training?

A: Need to check what research the Law Society has already carried out

B: As above

C: Not aware of any evidence, but it clearly is.

D: No solid evidence other than my personal experiences which shows that cost did not deter many where loans were available. When I studied for the LPC nearly everyone there had a loan. They were easily available at this time (2007) and many did not think about the repercussions of paying it back on graduating. Having met up with many old class mates, many of whom have still not secured training contracts, I know they are still struggling to pay these loans back.

E: Not aware of any specific research. However, it is clear that cost will be more of a factor in decisions to train in law. Also, given the withdrawal of and restrictions on the availability of student loans (from banks), it is likely that prospective lawyers who do not have a training contract or pupillage in place will have no other means with which to pay for training – save for parental support. This is likely to result in either (a) delayed training, (b) change in career choice or (c) different route to qualification (such as ILEX).

F: As above, I'm not aware of evidence but common sense tells me this must be the case on some level.

G: There was clear evidence presented to the SRA during the minimum salary consultation that cost can affect the diversity of the profession by making it difficult for certain groups to practice if they come from a poor socio-economic background.

H: Not aware.

I: Responses to the minimum salary consultation are referred to.

Question 12: To what extent (if any) is contextual information used in informing admissions decisions to the LPC and BPTC? Should its use be increased?

A: Again not really sure what is meant by contextual information

B: Without asking course providers directly or making a FOI request, it is not possible for me to answer this. Is this not something that the LETR researchers can find out?

C: Same as Q1 & Q2

D: As above.

E: As per Q1, I am also not clear on the question. However, if this is student focussed, then my view is that they select their law school by admission requirements, pass rate, destination of graduates, cost and by reputation. My university had a "relationship" with the College of Law, allowing us guaranteed acceptance to the course. This, plus the cost and the pass rates, was one of the deciding factors in selecting that institution myself.

F: I agree with previous comments. I would also note that given the high number of pupils being admitted to GDL / LPC courses I would query what non-monetary factors the course providers are taking into account (if any). I think it would be interesting if we did an FOI request to see just how many people are being rejected when they apply.

G: As above

H: Agree with **B**.

I: The JLD's FOI requests have shown the paucity of data kept by law schools. This needs to be improved.

Question 13: What role (if any) should regulation play in setting criteria or

guidance for the offering of sponsorship by training providers and/or professional bodies?

A: Should the regulators be involved? I'm not sure if they are any better placed to provide any criteria or guidance for the offering of sponsorship by training providers.

B: I think that there is a good argument that regulators should offer guidance so that sponsorship reflects and supports diversity.

C: Although quotas are generally a bad idea the legal profession seems to be unable to make any great inroads to attract those from less well off backgrounds and as such, I would welcome quotas, if only for a short period.

D: As **C** has said above.

E: As the comments above, guidance could be issued by regulators but otherwise I would not think that there would be a role for them in this sphere.

F: As above, I don't think that there would be a role for them, or if there was it would be likely to be very limited.

G: Clearly the SRA will not involve themselves with this regulation - minimum salary being an example of their reluctance to regulate. I would like to see the Law Society taking on this type of regulation/ monitoring to balance the SRA and hopefully attract people from poor backgrounds into the profession

H: Agree with **B**.

Question 14: What additional measures (if any) should be introduced regarding the monitoring by the relevant approved regulator of funding awards for BPTC/LPC?

A: Should the regulators be involved? I'm not sure if they are any better placed to provide any criteria or guidance for the offering of sponsorship by training providers.

B: I think that there is a good argument that regulators should offer guidance so that funding awards reflect and support diversity.

C: Agree with **B**.

D: As **B** and **C** have said above.

E: As the comments above, guidance could be issued by regulators but otherwise I would not think that there would be a role for them in this sphere.

F: As above, I don't think that there would be a role for them, or if there was it would be likely to be very limited.

G: I would rather see a monitoring of the intake of students in relation to the problem with law schools taking fees from people irrespective of whether the course is suitable or the student is capable. This takes me back to an aptitude test prior to intake.

H: Agree with **B**.

Question 15: In principle, could/ should the professional law schools (offering the BPTC/LPC) be required to offer scholarships linked to financial need as a condition of validation?

A: In principle perhaps they should but could such a requirement work in practice, or will law schools choose their own criteria for offering scholarships?

B: I think that this is potentially a good argument especially if the provider has a charitable status. Perhaps the level of scholarships offered should reflect the fees?

C: Yes.

D: Yes.

E: In principle, yes. However, the practicalities and costs in doing so may not prove to be feasible.

F: Agree with **E**.

G: Yes some already do but I would like to see a mandatory number of places being offered.

H: Yes.

Question 16: What evidence is there (if any) that lack of portability of LPC/BPTC is a problem for or constraint on graduands? Could/ should more be done to increase the general value of these qualifications in the graduate jobs market, without diminishing their professional relevance?

A: Need to check what research has been carried out by the Law Society.

B: As above

C: There is no evidence that I am aware of, but these are very expensive courses that have no relevance unless you qualify. Wider reorganisation, such as combining them with a LLM for example (I think BPP do this) would assist those who leave the profession prior to qualification.

D: My view is that the LPC should be incorporated into a training contract much like accountancy studies and exams are for accountants, therefore I don't think the LPC should be made relevant to other sectors.

E: Giving the LPC postgrad status – i.e. making it equivalent to a Masters as some institutions do – would be a good step in the right direction here. The content could remain much as is, but include perhaps some additional ‘business’ elements or blackletter law – borrowed from a LLM or MBA. This would allow it to be professionally relevant and add to the portability of the qualification.

F: I don’t know about specific evidence but I do support the idea of bringing in more transferable commercial elements into the qualification. Even if you argue that it doesn’t create an ability to move between professions, it is becoming increasingly fundamental to being a better lawyer.

G: I am unclear if you are referring to exportability or portability into other professions? These are qualifications specific to law and should be fit for purpose rather than worrying about how useful they are in other areas or for people who switch professions.

H: No evidence that I am aware of. I do not think more can be done. This course shows a commitment to law and either solicitor/barrister profession only. This cannot be changed as the course needs to be applicable to the professions.

Question 17: In your view, is the introduction of aptitude testing something that is more likely to have a positive, negative or neutral impact on diversity at the vocational stage?

A: As far as I am aware from the studies already carried out in relation to aptitude testing at the vocational stage, it appears that it has not had a positive impact on diversity at the vocational stage. It tended to be those who were better educated that performed better on these tests so they didn’t seem to increase diversity (More is needed on this).

B: Do not feel able to comment.

C: See response to Q3.

D: It depends on the nature of the test. If it is solely an English Grammar test, I think it would have a positive effect. If you can’t write in English you will not make a good solicitor.

E: As above and as previous comments. It is not clear how such testing would increase diversity.

F: See my previous comments. I’m not familiar with specific evidence on this issue.

G: I stand by my earlier comments and this should not negatively impact diversity instead it allows people with a legal aptitude to be tested equally.

H: Negative.

Question 18: In your view, are there existing regulatory provisions or standards that have a negative impact on fair access to the legal professions?

A: I do not think so.

B: The rigidity of the route by which qualification as a solicitor is gained can put off those from lower socio-economic backgrounds as well as more mature applicants and single parents. There should be greater access to the profession through work based learning including part time work and study.

C: Yes. Average students from well off backgrounds will do better than bright students from less well off backgrounds. The difference between private/grammar schools and comprehensive schools is vast in some areas and this gap only further widens at university level. Requiring AAA at A-level doesn't ensure the best students will be chosen, just the best taught students.

D: The LPC year being separate from the training contract. If you are offered a training contract and therefore study the LPC and due to unforeseen circumstances the training contract is revoked you are left having done a pointless course (in terms of other professions) with no job to go to having spent a lot of money.

E: Given that cost remains a significant barrier to entry, those from lower socio-economic backgrounds are unduly disadvantaged as they are less likely to be able to afford to train. Similarly, they will be less likely to have contacts in law and be less likely to be able to navigate the route and its requirements. There is also the issue of poverty of aspiration – meaning that those from less advantaged backgrounds may not consider that they are even able to pursue the qualification route.

F: I agree with comments above – cost is prohibitive, there is lack of flexibility, some core training requirements are not fit for purpose.

G: The lack of a protected minimum salary will have a negative impact of those from poor backgrounds- single parents, mature students etc. They may be forced out of the profession due to being unable to support their families whilst they are working/ studying.

H: The idea that red brick universities produce a better candidate and the practice of requiring results for each module taken on a degree instead of an average result for the year.

Question 19: Are there existing regulatory barriers that, in your view, unduly limit training opportunities in the in-house or third sectors?

A: There are very limited opportunities to train in these sectors, though I'm not sure if this is due to existing regulatory barriers.

B: I think that in house legal departments and local authorities could train more lawyers if there was more flexibility available in terms of work based learning.

C: Agree with **A** and **B**.

D: The requirement to do at least one contentious seat and one non-contentious seat. Many in-house companies have to second their trainees which can be expensive.

E: As a lawyer working in-house, I do not consider that the regulations are a barrier to taking on trainees. The main barrier is the level of time commitment that is required to properly train any future solicitor. This is not the fault of the system, as clearly effective supervision is critical to good training. In-house teams are small with high workloads, without the time to dedicate. In addition to time constraints, we must justify our existence by showing the value we add to the business. As a “cost” to the business it would be difficult to find support for a business case to take on a trainee. It would need to be clear what value this would add for the business – as a trained lawyer can support the business from day one, whilst a trainee would not be in a position to do so. Therefore, I would suggest that it is commercial factors, rather than regulatory ones, which prevent in-house teams from taking on trainee solicitors.

F: I work in private practice and don't feel qualified to comment on this point.

G: I would like to see regulation rather than guidance on the acceptable standards for monitoring of contracts. I do not think existing regulations discourage employers from giving contracts.

H: I understand that the application to be a training provider is quite rigorous and in-house entities do not necessarily have the resources or practise enough breadth of areas of law to meet the requirements.

Question 20: Are there other measures that the regulatory or representative bodies could introduce that would increase alternative training opportunities outside of private practice?

B: Greater diversity in types of training designed to fit with the business needs of the organisation and the training requirements of the individual.

C: Recognition of work carried out which can then be included to ‘time to count’ for training contract.

D: As **C** above.

E: I agree with **C** above. Given that paralegals do work in in-house teams, they could potentially use this time in order to eventually qualify. I would repeat the points I made above about the likelihood of a training contract in an in-house team. However, if the work that they had done as a paralegal could be more easily recognised outside of that team, this could assist them to eventually qualify.

F: I think that this comes back to proper reform to ensure training is flexible, accessible and fit for purpose. Ideas like greater consistency and continuity by using modular training and greater recognition of work done / cross qualification are also likely to be of assistance.

G: I agree with the comments of **F** above.

H: Agree with above.

Question 21: What equality, diversity and social mobility outcomes (if any) would you wish to see prescribed by approved regulators in respect of legal education and training?

B: I would like to see greater transparency about what the existing outcomes are and how successfully these are being met.

C: Monitoring and publishing of statistics showing those from lower socio-economic groups; similar to what we currently have with gender and ethnic minorities.

D: As **C** above.

E: As above. However, I would like to see greater social mobility for those with the requisite academic merit. Further routes to qualification which, whilst maintaining standards, would allow those from different backgrounds to access the profession.

F: As above and see my previous comments – greater consistency and flexibility should have a positive impact on diversity and equality.

G: As **C** above.

H: Agree with **B**.

Question 22: Is there a case for introducing recruitment targets for equality and diversity purposes, and if so, should these be measured against general population, or general university, or law school, or other norms?

B: I am not in favour of targets as these can be artificial. Firms generally have equality and diversity policies and are rigorous when it comes to not recruiting in a discriminatory way.

C: Yes, because the current system is not working. Targets matching the composition of the general population, especially those from lower socio economic groups.

D: I am not in favour of targets, this could promote positive discrimination. As long as a firm's policies are in keeping with equality and diversity and all recruitment staff have requisite training this should be enough in my opinion.

E: I would encourage decisions to be made on the student or candidate's own merit.

Their background or ethnic background should not be relevant. The focus should be on ensuring a level playing field and common standards for entry to the profession.

F: I would not support discrimination in favour of minority groups etc. by setting an arbitrary target but I would support positive action – if there are two equal candidates and it could go either way there should be a conscious effort by admissions to consider equality and diversity.

G: Under the terms of the Equality Act are these factors already monitored and taken into consideration? I do not feel a need for this to be changed from the current system.

H: Yes agree with **C**. There is no lack of candidates for the jobs and as a result I do not think that by having targets the academic level or skills level will be reduced by those making up the target population.

Question 23: There have been long-term criticisms of a lack of support for returners-to-work. Are there gaps in relation to return-to-work programmes, or entity training obligations to returners that should be addressed by the approved regulators?

B: This comes back again to giving returners to work greater options in terms of how they will train and qualify.

C: I am unable to comment.

D: I am unable to comment.

E: I am aware only of the AWS's maternity returner programmes. I would not know what support law firms give to their returners or whether those who have been out of the profession for some time find it difficult to return.

F: I'm not familiar with specific evidence on this point; all I can say is that generally there remains a disproportionate number of women who enter the profession and fail to reach the more senior levels, which is often attributed to problems with returning to work.

G: I am unable to comment other than to agree with **F**'s comment about women.

H: I am unable to comment but as a woman looking at the current system I think it would be hard if to return to work if I had the reason to leave work in the near future. I do not see much return to work programmes promoted or active promotion of them. Regulators should address this.

Question 24: Are you aware of any other significant training gaps or needs that appear significantly to limit career progression and retention of a diverse workforce?

B: Do not feel able to comment.

C: I am unable to comment.

D: Perhaps the ability for solicitors to change specialisation or to specialise in their qualification area. I am not sure how the regulator could help with this other than offer specific training programmes which are recognised by firms.

E: I agree with **D** above. Career specialisation and the inability to easily change specialisation once selected can limit individual's career choices. For example, those who operated in real estate/residential conveyancing were heavily impacted during the downturn. Many made redundant were unable to find new roles and eventually left the law. Those who tried to change specialisation in private practice found that (1) there were no effective courses or retraining opportunities available, (2) firms would not consider them at their present PQE level (meaning that they could only compete for NQ roles) and (3) even their own firms would not invest in retraining them in a new specialisation.

F: I agree that early specialisation is a huge issue and something that we should be conscious of in our response to the LETR. Although early vocational / modular training is arguably a good thing the downside is you get people entering the profession on a specialised basis from the beginning which is then impossible to get out of. However if you have this in conjunction with flexibility and consistency hopefully this should become less of an issue.

G: I think recognition of time served in a particular area is needed via a qualification or QM which can be given to a Solicitor. Having the ability to change areas of Law by undertaking training modules would also be useful.

H: Career progression is limited by the lack of flexibility in people's approach to taking on someone who wishes to change specialism. Needs for flexible working approaches, such as flexible hours would promote retention of a diverse workforce.

Question 25: Do you agree that (i) diversity training should take place at several career points including the LLB, LPC and BPTC stages and for qualified lawyers (as CPD). (ii) Approved regulators should also specifically require diversity training of senior staff in firms/chambers/ABSs? If so why, if not, why not?

B: I think there is a valid argument for diversity training from the CPD stage onwards, but not before as any training in the initial stages up to BPTC/ LPC lack relevance and is likely to not be taken seriously.

C: Yes.

D: Yes.

E: Yes - throughout the training process and after qualification through CPD.

F: I agree, E&D training should be standard for all levels of the profession, in conjunction with proper management / supervision training when you get to more senior levels.

G: Yes. It should be recognised and ingrained at every level.

H: Yes. It needs to be instilled as a valid part of the profession. This can be achieved if training starts at an early stage such as LLB.

Question 26: Do you have any concerns, and are you aware of any evidence, that CPD costs currently have a negative impact on equality and diversity in respect of any part of the regulated workforce?

B: Do not feel able to comment.

C: Some employees have to pay for their own CPD; this is likely to be in smaller firms which disproportionately employ BME's and women. Those who have to pay for CPD themselves are more likely to choose the cheapest rather than the most appropriate. The employee should never have to pay for their own CPD.

D: No.

E: No.

F: No, but I support **C**'s comments.

G: Often interesting courses or ones that would allow a broadening of an individual's knowledge and or skill base are the ones which are the most expensive. This can mean a firm will not pay and an individual can only pay if they have the means to do so.

H: Agree with **C**. No individual stage of LET can be looked at in isolation with regard equality and diversity. As a result less BME's work at commercial firms and it follows that commercial firms have more money to spend on CPD. This negatively affects the (socio-economic) SES of people obtaining more expensive and perhaps better quality CPD accredited training.

Question 27: Are concerns about their adverse equality and diversity impact currently acting as a brake on the introduction of CPD requirements, or on other innovations in training developments, in your part of the sector?

B: Do not feel able to comment.

C: I am unable to comment.

D: I am unable to comment.

E: Not as far as I am aware.

F: I don't think so.

G: Not aware.

H: I do not fully understand this question. This is my question for Prof. Sherr but please relay this in the response if I am not the only one.

Question 28: In your opinion, would a periodic (eg 5 yearly) re-accreditation requirement have any disproportionate impact on equality and diversity in your part of the sector? Are you aware of any evidence in support of that opinion?

B: Do not feel able to comment.

C: It would depend on the costs and the outcomes. Who would foot the bill and what would happen if someone wasn't re-accredited?

D: I would need more information on what the re-accreditation would require before I could answer this.

E: Apologies, I do not understand the question.

F: I don't know of any evidence in particular. I agree with **D's** comments.

G: The law changes so quickly that anyone away from the profession for 5 years should be required to undergo a test before being allowed to return to giving advice. As for a periodic test I can see that this would be expensive to set up and monitor but I would not be adverse to it.

H: Perhaps. I do not have any evidence of this though.

Question 29: Are you aware of successful examples of diversity-led outreach work with younger school pupils (11-14)?

B: Do not feel able to comment.

C: PRIME and Pathways to Law.

D: No.

E: As per **C**, above.

F: No.

G: Sadly no.

H: I think Black Lawyers Directory does one. It is successful in terms that it allows BME pupils the opportunity to access law firms and valid work experience.

Question 30: Do you agree that there should be a sector-wide, non-regulatory, body to co-ordinate diversity initiatives? (Please give reasons why/why not)

B: Do not feel able to comment.

C: Yes, this will then have conformity and be open to all, not just those in London or chosen cities.

D: Yes.

E: Yes – subject to the practicalities involved.

F: Yes, as above.

G: Promoting diversity is a regulatory issue so I would suggest that the regulatory body should undertake such co-ordination.

H: Yes.

Question 31: Do you agree that law schools should publish equality and diversity data in respect of their law courses? (Please give reasons why/why not)

B: Yes, this would mean that they would have to collate it which I do not believe happens consistently

C: Yes, especially with regards to admissions of those from lower socio-economic groups.

D: Yes, just for the purposes of gathering information.

E: As per **D** above, including the gathering of information regarding socio-economic background.

F: Yes, see my comments above.

G: Yes

H: Yes because it is good to know what the make-up of the student population is and to monitor equality and diversity, especially any new initiatives to see if they work!

Question 32: In your view, have the approved regulators (or any one of them –

please specify) done sufficient to embed the social mobility and fair access agenda into their future strategic planning?

B: Do not feel able to comment.

C: No, the latest Milburn Report sets out the position clearly. Data isn't even being currently collected on those from lower socio-economic groups; without raw data how can this be monitored?

D: As **C** above.

E: As per **C** above.

F: Agree with **C**.

G: Agree with **C**.

H: Agree with **C**.

Question 33: Is there any other regulatory action that should be taken by the approved regulators (or any one of them) to ensure that progress on fair access and social mobility is embedded in the work of the regulated profession(s)?

B: Do not feel able to comment.

C: Firms, universities and law colleges should have to monitor and publish the diversity of their workforce / students.

D: As **C** above.

F: Agree with **C**.

G: Yes they should regulate the minimum salary!

H: I think that the regulator should monitor recruitment processes by having the power to inspect procedures and sit in on interviews.

Question 34: Is there any other regulatory action that should be taken by the approved regulators (or any one of them) to ensure that progress on fair access and social mobility is embedded in the work of the academic and/or professional law schools?

B: Do not feel able to comment.

C: The statistics should be published showing intake by socio-economic group.

D: As **C** above e.g. what schools people attended and parent/guardians' professions.

F: Agree with **C**.

G: As above.

H: No.

Please use the space below to add any other comments you wish to make in response to this Discussion Paper:

C: LETR should refer to the latest Milburn Report.

E: The problems are not unique to the legal profession and work done by the regulated professions should also have regard to what the wider professions are doing (along with the government and other sectors) to address these issues.

G: At the moment there is such a small amount of data recorded and published that it is very difficult to see a full picture of access to the profession. The way some organisations can side step FOI requests indicated that this is not currently regulated. The regulator could insist on Universities, Law Schools and firms monitoring this and submitting it to the regulatory body on a regular basis. Only then will we be able to say whether equality and diversity are being promoted/ protected or not.

H: It needs to be appreciated that each stage of LET cannot be looked at in isolation in relation to equality and diversity. So any initiatives implemented need to start very early in the LET process to have ultimate effects.

Thank you very much for your contribution. Please now e-mail your response to letrbox@letr.org.uk, putting 'Equality and Diversity response' in the subject line.

