

THE COUNCIL OF THE INNS OF COURT

Response to the Legal Education and Training Review Discussion Paper 02/2011:

“Equality, diversity and social mobility issues affecting education and training in the legal services sector”

Introduction

1. This is the response of the Council of the Inns of Court (COIC) to the Legal Education and Training Review (LETR) Discussion Paper 02/2011: ‘Equality, diversity and social mobility issues affecting education and training in the legal services sector’.
2. The Inns of Court have previously responded to consultations from both the Bar Standards Board (BSB) and the Legal Services Board (LSB) on equality, diversity and social mobility issues and how best to encourage a profession that is more representative of the society it serves¹.
3. This response details the comprehensive role played by the Inns of Court in promoting equality, diversity and social mobility in education and training. COIC notes that these three objectives are treated by the Discussion Paper as being virtually equivalent in regulatory terms. Indeed, one of the explicit concerns and main thrust of the LETR Consultation Paper is to investigate how fair access to the profession can be effected by the promotion of increased social mobility.
4. The point must however be made that, whereas equality and diversity are express regulatory objectives stemming from the Equality Act 2010, social mobility is not. Nor is it listed as a professional principle expressed in the Legal Services Act 2007. There may be good reasons for this: social mobility, as the Paper notes, is an elusive concept. Unlike equality and diversity, which are measurable and, to an extent, controllable, social mobility depends upon the interplay of numerous subtle factors at early familial and educational levels, the regulation of which is far beyond the scope of the LETR.
5. Accordingly, while COIC welcomes the opportunity to highlight the important initiatives with which the Inns are involved in order to promote social mobility, this is not an area where the duty, power or responsibility has been reposed by the legislature in any professional regulator. Not even the newly formed Social Mobility & Child Poverty Commission, a non-departmental public body formed specifically to challenge and monitor efforts to promote social mobility, will have this regulatory power.

¹ For example, for the Inner Temple responses, see:
http://www.innertemple.org.uk/index.php?option=com_contentandview=articleandid=303andItemid=252

6. COIC will consider any observations that the LETR may make in relation to the promotion of social mobility, as it has done with other reviews in this area. However, the Review must recognise that social mobility is not a regulatory principle that is currently enshrined in law and its recommendations will have to take this into account.

The role of the Inns of Court in encouraging equality and diversity in education and training

7. The Inns of Court play an essential role in recruitment, admission and education and training for the Bar. That role is outlined in COIC's response to the LETR Discussion Paper 01/2012, and in the preceding paper 'The Role of the Inns of Court in the Provision of Education and Training for the Bar'.
8. As the first port of call for most prospective barristers, and through their continued role in calling candidates to the Bar of England and Wales, the Inns of Court are mindful of, and actively promote, diversity and social mobility as a key part of this process. There are a number of different ways in which the Inns do this.
9. First, nearly £5 million will be provided by the Inns of Court this year for students training for the Bar. While merit in the widest sense is the primary criterion of selection, need is taken into account for many of these awards in terms of the level of funding offered. This is done in order to ensure that financial need is not a barrier for capable young people on their route into the profession. The level of funding provided has increased year-on-year to keep pace with increases in BPTC fees. However, as the responses to the individual questions show, the cost of the BPTC course is still considered to be one of the most significant barriers to further social mobility and access to the Bar.
10. Secondly, the Inns of Court undertake a wide range of outreach programmes to encourage equality, diversity and social mobility in the profession. These include the Inner Temple Schools Project, Lincoln's Inn's University Information Days, the Gray's Inn Vocalise project and Middle Temple's Access to the Bar Awards. The Inns are working with a number of third sector organisations to deliver these projects effectively and in co-ordination with chambers, Specialist Bar Associations, Circuits and the Bar Council (BC). Further information on these programmes is listed in Annex A to this response.

Incoming guidelines and directives

11. There have been a number of important new requirements in the area of equality, diversity and social mobility over the past year. After consultation, the LSB, through the profession's front-line regulator the BSB, has directed chambers to collect equality, diversity and social mobility data for the entire legal workforce and for these to be published on the 'entity' (firm, chambers or ABS) level on a regular basis. The BSB will require, in addition to a number of other concurrent regulations, additional training on fair recruitment practices for those involved in interview processes. The incoming Bar Course Aptitude Test (BCAT) may also have an impact on the number of students

undertaking the BPTC. Further recommendations on the legal profession have recently been made in June 2012 by the Rt Hon Alan Milburn, the Government's Independent Reviewer on Social Mobility and Child Poverty, in his report Fair Access to Professional Careers².

12. Given these changes and recommendations, COIC believes time will be required to assess what impact they might have before any further alterations are considered. Any further regulation or de-regulation without assessment of the incoming landscape could lead to unintended consequences that prove counterproductive for diversity and social mobility.
13. It is essential to encourage and promote a culture of diversity, and one that is embedded into chambers/firms. 'Top-down' regulatory levers are often the least effective tool for fostering this kind of culture from the 'ground up'. Better alternatives could include more systems through which best practice across the sector is highlighted and therefore competition is encouraged.

Brakes on social mobility and diversity

14. The point has already been made that ultimately, the factors which influence social mobility and diversity in the professions originate out of societal circumstances and educational practices starting from the earliest educational stages. COIC does not consider that regulation in legal education and training is an appropriate means of addressing the relevant societal hurdles.
15. For example, one of the major issues with social mobility at the Bar is that students from less advantaged backgrounds tend not to apply. Educational background is often used as a key proxy of socio-economic background. The statistics on applicants for both the Bar Course and pupillage are telling:
 - (a) 29% of applicants for the BPTC declared that a parent was a 'manager, director or senior official' and a further 26% noted that at least one of their parents was a professional. These figures show that the majority of applicants fall into the top socio-economic brackets in the UK. A further 20% did not declare their parents' professional status but may also fall into this category³.
 - (b) For UK nationals alone, only 64% of applicants for the BPTC were educated in state schools. This compares to 93% for the UK student population as a whole. Relative to their school-age population, those educated in the independent sector were six times more likely to apply for the BPTC⁴.

² Cabinet Office (2012). Fair Access to Professional Careers: a Progress Report.

<http://www.cabinetoffice.gov.uk/resource-library/fair-access-professional-careers-progress-report>

³ Carney, Caroline (2011). An analysis of the backgrounds of BPTC applicants in 2009/10. Bar Council and Bar Standards Board: London.

http://www.barcouncil.org.uk/media/17755/bptc_applicants_2009.10.pdf p. 18

⁴ Carney, Caroline (2011). An analysis of the backgrounds of BPTC applicants in 2009/10. Bar Council and Bar Standards Board: London.

http://www.barcouncil.org.uk/media/17755/bptc_applicants_2009.10.pdf p. 20

- (c) This follows on to those applying for pupillage. 61% of applicants attended state schools and 29% attended independent schools⁵.
 - (d) This then compares to the 58% of those taken on for pupillage in 2011 who declared that they attended state schools⁶.
 - (e) The differences between those applying for the BPTC and subsequently for pupillage versus those entering the profession are therefore not substantially different.
16. Secondly, continued cuts in publicly-funded practice areas have resulted in a long-term decline in the number of pupillages available. This has meant that capable students from less advantaged backgrounds may not consider the Bar, being dissuaded from entering a career that is perceived to have considerable risk. These practice areas have attracted a high proportion of women and Black and Asian Minority Ethnic (BAME) barristers in the past, so these cuts are most likely to affect intake from those groups.
17. Despite these fundamental problems, the Inns undertake a range of activities to support students from less advantaged backgrounds in considering and progressing through a career at the Bar.
18. Similarly, in the field of diversity, COIC has set up a Working Group to address the issue of retention of women. This will consider and report on ways in which public interests in the retention in practice at the Bar of parents after the birth of their children and in diversity in the profession may be promoted and obstacles overcome. In addition to this, Paul Coombes of the London Business School and Helena Cronin of the LSE are currently undertaking independent research on the retention of women at the Bar, which will help to inform this approach. The Inns of Court continue to work, in association with the Bar Council, on this important issue. The Middle Temple has also established a Women's Forum specifically to support and inspire female members of the Inn throughout the course of their careers. The Forum holds major events twice yearly as well as other networking and career support workshops for women barristers. The Inner Temple is hosting a seminar with the Chancery and Commercial Bar Associations on career breaks for women. From November 2012, Gray's Inn will host a series of CPD events at lunchtime rather than at the end of the day. It is also setting up a mentoring scheme to assist those returning to work after a career break. Lincoln's Inn has also set up a working party to consider this issue.

Academic attainment and the Bar

19. COIC is concerned by LETR's perception that academic attainment should not be given a prominent a role in the recruitment process. Among other indicators, the LETR paper asserts that A-levels, work experience and

⁵ Carney, Caroline (2011). An analysis of the backgrounds of pupil portal applicants in 2011. Bar Council and Bar Standards Board: London. <http://www.barcouncil.org.uk/media/62529/ppa2011cc.pdf> p. 20

⁶ Carney, Caroline (2011). A comparison between the backgrounds of Pupillage Portal applicants in 2009 and registered pupils in 2011. Bar Council and Bar Standards Board: London. <http://www.barcouncil.org.uk/media/134480/pp09pss10vf.pdf> p. 3

interest/extra-curricular activities are all deep-rooted in a ‘hidden cultural bias of standard conceptions of merit’ (p. 6). Even degree attainment is said to be prejudicial as ‘white students are more likely to graduate with a good degree than students from any other ethnic group’ (p. 13).

20. While COIC appreciates that academic attainment should be contextualised on a student’s personal circumstances, we would reaffirm that both A-level and undergraduate attainment, suitably contextualised, are key indicators of how capable a student will be in performing many legal roles, particularly at the Bar. Many of the same skills are required in academic assessment as in legal roles: logical reasoning and analytical skills, critical thinking, written advocacy, oral advocacy for presentations, and so on.

Responses to questions posed by the Discussion Paper

21. The following are responses to specific questions which COIC felt able to answer and which are relevant to the Inns of Court.

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?

Contextual information is used heavily in undergraduate admissions, particularly for the most selective courses and institutions. As a recent report by Supporting Professionalism in Admissions (SPA) found:

“The way in which contextual data and wider contextual information are being used in admissions varies considerably in line with different institutional character, mission and culture, and is being informed by different drivers relating to these factors [...] To date the use of contextual data can be seen most frequently in the most selecting institutions where it is supported by an institution-specific rationale and evidence base.”⁷

Some of the indicators used by universities include: type of school attended, attainment level of the student compared to their peers at that school (percentage achieving three A grades or equivalent at A-level, for example), parental experience of higher education and ‘first in family’ status, whether the candidate was on Free School Meals or previously Education Maintenance Allowance, POLAR2/ACORN postcode data for areas of deprivation or low levels of higher education progression, whether the student was at any point in care or guardianship, and so on. A recurring theme across a number of recent reviews found that the main issue is that these indicators and the datasets used are not standardised across the sector.

In addition to contextual data, further information can be ascertained through interviews for some law degree programmes as well as through personal statements and references. These provide further information on a candidate’s achievements and any mitigating circumstances.

We are not aware of how this data is currently being used for admission onto the vocational stage, except for Kaplan Law School’s Bar Professional Training Course that uses other criteria such as an interview and testing to assess their candidates.

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?

With regard to the academic stage, undergraduate admissions systems vary substantially across the sector. For many higher education institutions, this role is undertaken centrally, not necessarily by individual faculties or departments within those institutions. Any recommendations on the standardisation of its use for admissions to qualifying law degrees would need to take this into account. The use of contextual data should be directed from the Office for Fair Access (OFFA), which oversees fair admissions in higher education.

⁷ SPA (2012): Fair Admissions to Higher Education: Research to describe the use of contextual data in admissions at a sample of universities and colleges in the UK. Cheltenham. P iv-v.

Contextual data is often used as a way of differentiating a broadly similar pool of candidates for selective courses. For the vocational stage of training (in this case, the BPTC), there are often fewer students enrolling than places available. The question would therefore be what the use of contextual information/data at this stage would add to the selection process.

In the recruitment stage for professional training (in this case, pupillage), contextual information is already taken into account through interviews, personal statements, references and any mitigating circumstances listed. With all contextual information, there is a level of interpretation required of the evaluator. However, we still welcome its use. Further guidance will be provided to chambers through the Recruitment Toolkit being developed by the Bar Council's Equality and Diversity team.

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

Decisions on aptitude testing for the academic stage should be made by independent higher education institutions. In 2009, the University of Cambridge left the consortium of the Law National Admissions Test (LNAT) as they found that much of the test did not provide “sufficiently distinctive and useful information” from their own application process and assessment. Eight other UK universities continue to use the test as they have found it to provide an additional indicator for them to use to assess suitability for the course. It is therefore a decision for each institution depending on how much it adds to their own ability to select the best and brightest students and any potential levelling effects the test might have on equality, diversity and social mobility.

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?

COIC does not believe the approved legal regulators have a role in providing guidance on admissions at the academic stage. If there is to be any regulatory guidance on admissions, it should be done by regulators and funders for higher education: the Higher Education Funding Council for England (HEFCE), the Higher Education Funding Council for Wales (HEFCW) and the Office for Fair Access (OFFA). The Equality Challenge Unit deals extensively with diversity and social mobility for higher education and provides guidance already to higher education institutions.

With less than half of law graduates deciding to pursue a career in the legal professions⁸ and many viewing this degree as being transferable to a host of other occupations, COIC does not believe it is appropriate for the approved regulators to be guiding law schools on admissions.

⁸ Hardee, M (2012). Career Expectations of Students on Qualifying Law Degrees in England and Wales. Higher Education Academy, London.
<http://www.heacademy.ac.uk/assets/documents/disciplines/law/Hardee-Report-2012.pdf>.

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?

The Inns of Court run a number of work experience initiatives. The Middle Temple runs the Access to the Bar Awards, which provide a mini-pupillage (a short period of formal work experience in chambers) and marshalling with a judge to a number of students every year. The Inner Temple has recently launched the Pegasus Access Scheme, which provides formal mini-pupillages to high-achieving students from less advantaged backgrounds in association with fifty partner chambers. All of the Inns of Court also run Marshalling Schemes, where students are able to undertake short periods of shadowing with judges.

Research is being commissioned to evaluate the impact of these initiatives. The Inner Temple is co-funding a PhD with Keele University, supervised by Dr Andrew Francis, who is an expert in this field, to assess the Inn's Pegasus Access Scheme and its other outreach programmes. The PhD will look at professional intervention in social mobility generally, a part of which will be to look at whether it changes recruitment practices within chambers. Some initial findings should be available in 2013-14.

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

COIC does not believe this is necessary. There are a number of portals and third sector organisations that are already doing so across the profession⁹. It is important to be working more closely with other professions in highlighting internship opportunities in all professional fields.

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

As noted above, less than half of law graduates decide to pursue a career in the legal professions¹⁰. COIC accepts that students looking to enter the legal professions will need relevant work experience but law in itself remains an academic discipline as well, and many students would not necessarily gain substantially from work experience in a law firm, chambers or ABS if they were looking to go into very different career fields. The requirement for "clinical" experience is not understood. It would plainly be impractical to require a law student to undergo practical experience in every possible sector of practice – which may turn out to be litigation in areas as diverse as the building and construction, marine and ship-building, or administrative law fields. And what about those who may end up specialising in criminal litigation? Where should they go for appropriate experience?

⁹ This includes AccessProfessions.com

¹⁰ Hardee, M (2012). Career Expectations of Students on Qualifying Law Degrees in England and Wales. Higher Education Academy, London.
<http://www.heacademy.ac.uk/assets/documents/disciplines/law/Hardee-Report-2012.pdf>.

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

With the cost of the BPTC now ranging from over £12,000 to £17,000, there is little doubt that the cost of the course remains a substantial obstacle for many students. The Inns have always been committed to providing financial support to aspiring barristers. The majority of the collective Inn scholarship funding of £5 million is awarded to students to cover the cost of their BPTC courses. Research from one Inn in 2011 showed that 18% of scholarships and awards (some as high as £15,000) were deferred or not taken up, in some cases because the students were not able to afford the course despite the financial support from the Inn. This would suggest that cost remains a barrier to widening participation.

Cost is not, however, the only fundamental factor that impedes greater diversity and social mobility. Publically funded work has been subject to severe cost-cutting, with the result that many areas of the Bar are restricting their recruitment. These economic forces are probably beyond the reach of regulation.

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?

The Inns of Court, as independent charitable membership bodies, have long provided scholarships and awards to those seeking to study for the Bar. There are other charitable trusts, including the Kalisher Trust, that also provide a number of awards. In those circumstances, COIC doubts whether there is a proven need for regulation in this area. Moreover, it considers that there is a risk that regulation in this area might undermine the good will that allows the provision of these awards in the first place.

For sponsorship from other training providers, recruits would no doubt be factored in to the workforce statistics when taken on for the pupillage or training contract stage, so will already be monitored.

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

The Inns continue to share best practice on scholarship selection and ensure that their processes are fair and transparent. While individual Inns prepare annual statistical demographics on their scholarship winners, this is to allow them to monitor their own practices to ensure that they are meeting their diversity and social mobility commitments. As one Inn states in their Equality and Diversity Policy:

“Candidates will be asked to complete monitoring forms, to enable the Inn to review the selection process by reference to reliable statistics. Those forms will be detached from the application form and will play no part in the selection process.

“The Inn will monitor the results of each [scholarship] selection process and the records in that regard will be retained for 12 months. Where there are significant discrepancies between proportions of applicants from a particular

group and proportions of successful candidates from that group, the process will be reviewed with a view to addressing the observed discrepancy and ensuring that any inappropriate barriers to selection are removed.”¹¹

COIC does not believe there is a role for the Approved Regulators to be monitoring independent bodies in their charitable objectives.

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?

While we are in full support of greater scholarship provision, concern has been expressed about whether additional scholarships by BPTC/LPC providers would further inflate course costs, harming all students on the course.

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

COIC can broadly appreciate the value of more portable qualifications, such as the ability to ‘upgrade’ easily to a Master’s degree from the BPTC/LPC. This is already done at some providers, where students can take an additional number of modules to be granted a Master’s degree. Any re-designed course would, however, need to be balanced with any potential length and cost increases (with a deleterious effect on accessibility and diversity) or a diminution in the effectiveness of the advocacy skills imparted on the current course, contrary to the public interest in providing effective and competent advocates.

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?

Individual Inns of Court have supported the introduction of the BCAT. The test has been found to “predict better than A-levels and degree information combined” a student’s likelihood of success on the BPTC. As this is not a standard aptitude test, insofar as it is not used for recruitment purposes but solely for enrolment onto the course, we believe it will have a positive impact on equality and diversity as it will help to identify those candidates that are most likely to successfully complete the course and be retained in the profession.

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

There has been significant debate from both solicitors and barristers on whether setting a minimum funding above the National Minimum Wage for training contracts

¹¹ See:

http://www.innertemple.org.uk/index.php?option=com_contentandview=articleandid=322andItemid=258

and pupillage supports or undermines diversity. The arguments on both sides of the debate are well rehearsed and do not need to be further reiterated in this response.

Further de-regulation should be considered for Approved Training Organisations outside of private practice. As the employed Bar grows in number and new Alternative Business Structures come into maturity, prior imposed requirements will need to be considered. These will need to be mindful of the high-quality requirement for pupillage in the public interest, while allowing for flexibility in recruitment practices to encourage a greater number of pupillages in the future.

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

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

A survey was recently undertaken of employed barristers to assess ways the Inns of Court could better support this group and how to encourage more employed pupillages. It was clear from this survey that little accessible information is provided externally to the private sector – or indeed, public sector departments – on recruiting new trainees for ‘in house’ positions.

Some respondents also noted that there were regulatory requirements (such as the advertising requirements and the number of barristers/pupillage supervisors required in a given organisation) that make it less attractive. These, of course, are there to ensure quality of training and fairness of recruitment but there could potentially be greater flexibility with Approved Training Organisations that are deemed credible.

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?

Higher education institutions already have Performance Indicators on Widening Participation, covering diversity and social mobility indicators, with regards to entry and retention. These are monitored and analysed by the Office for Fair Access through Access Agreements.

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?

Merit must remain the key criterion for recruitment to the legal profession in order that the public interest in the provision of high-quality advocates is maintained. As reiterated above, regulation should seek to foster a culture of diversity and social mobility rather than using top-down regulatory requirements such as targets.

COIC strongly disagrees with targets for recruitment of the professional stage (in this case, pupillage). As explained in the introduction, one of the main problems at the Bar

is that candidates from minority and less advantaged backgrounds simply do not apply. With continued pressure on the Bar and a constriction on the number of pupillages available, a recruitment target would be unrealistic and unmanageable. Many chambers would not recruit more than one or two pupils a year, so a target would be particularly restrictive for the Bar. We feel this would hinder rather than encourage meritocratic recruitment.

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?

As previously noted (see paragraph 18 above), the Inns are promoting training on returning to work after career breaks in coordination with Specialist Bar Associations. COIC supports these sessions as optional training. Middle Temple has recently set up a Women's Forum to provide support and inspiration for female practitioners, including those returning to practice, while Lincoln's Inn has set up a working party to consider issues relating to the retention of women at the Bar.

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?

The Inns of Court aim to address any training gaps that are currently identified and raised by students, pupils, new practitioners and established practitioners. As new needs have developed, the Inns have incorporated new sessions into their current course provision. Formal training is being supplemented by other related initiatives: for example, Middle Temple is currently developing a mentoring scheme and family-friendly CPD weekends at the Inn.

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?

The question is not whether diversity training should or should not be undertaken but for which specific purposes – to allow for tailored relevant training – and whether regulatory requirement is needed in this regard. The specific reasoning and purpose for LLB and LPC/BPTC students for undertaking this training would need to be clearly set out before COIC would be able to respond in more detail.

The Inner Temple and Middle Temple run Equality and Diversity Awareness Training for established practitioners and clerks. Ten small sessions with 30 attendees will be run each year by senior members of the Inns. This interactive workshop is based on practical examples of the Equality Code in action. Following a successful pilot last year, Lincoln's Inn runs an equality and diversity recruitment training session in line with new requirements coming into place from the BSB. Many sets of chambers are already encouraging or requiring their staff to undertake this training. Equality and diversity awareness Training is an integral part of the Pupil Supervisor Briefing Course delivered by the four Inns and Circuits. In addition, the Inns' scholarship interviewers undertake further training on equality and diversity run by an

independent training company. The incoming BSB requirements will require those on pupillage interview panels to undertake training in fair recruitment methods.

Much of this training is therefore already taking place without further regulatory requirements required. Designating additional training at arbitrary stages of professional development will not provide for purposeful intervention in this area.

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?

The Inns of Court, as well as Specialist Bar Associations, offer a number of free and low-cost CPD activities for their members. The cost of CPD was raised as an issue when the BSB were consulting on CPD hours, particularly by junior practitioners who were concerned by the cost if the number of hours were to increase significantly.

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?

The incoming Quality Assurance Scheme for Advocates (QASA) will require criminal advocates who wish to remain at their existing level to re-accredit at that level once every five years. Re-accreditation will therefore already be in place for criminal advocates and it is understood that the QASA scheme may in due course be extended to other areas of practice. This new scheme will have to monitor any potential impact on equality and diversity of publicly-funded advocates.

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

Both the Magistrates Court Competition¹² and Lawyers in Schools¹³, run by the Citizenship Foundation, work with this student cohort.

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)

COIC can see the benefits of a co-ordinating body of legal diversity and social mobility initiatives. The creation of the new Legal Education Foundation may be a worthwhile body to act as a hub for such information. We would stress that the purpose of this body should be to collate, disseminate and co-ordinate initiatives rather than to have any input into project management.

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)

¹² <http://www.citizenshipfoundation.org.uk/main/comps.php?176>

¹³ http://www.lawyersinschools.org.uk/index.php?page=current_partnerships

Higher education institutions through the Higher Education Statistics Agency must already publish performance indicators on widening participation. We would have no reason to suspect law faculties would have significantly different demographics from the average institutional figures at most universities.

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)?

More research is required to support the business case for encouraging a greater level of social mobility and diversity in the legal profession. This will aid entities in building their understanding of innovative recruitment methods.

As stated in the introduction, any regulation must work to embed a culture of diversity in recruitment practices. Often the most powerful way of developing this culture is through competition between entities. The new LSB-directed requirements set by the BSB will require publication on the chambers level and will incentivise this level of contest.

ANNEX A: Outreach and Diversity Activities

SCHOOLS

- The Inns of Court and Bar Council collaborated in launching a new career portal in March 2011 for school and university students. The '**Become a Barrister' Portal** (www.become-a-barrister.com) provides information and guidance to anyone interested in a career at the Bar through a series of films and case studies.
- The Inns of Court and Bar Council sponsor the **Bar Mock Trial competition**. This annual event now in its 22nd year is run by the Citizenship Foundation. Over 2,500 students from 175 state schools and colleges across the UK take part. Schools register their interest and applicants are chosen from specific catchment zones with priority given to schools that have not previously participated.
- The Inns of Court rotate the launch of the annual **Bar Placement Week** of the Social Mobility Foundation. The Placement Week is coordinated by the Bar Council. This project aims to give sixth form state school students from England and Wales an introduction to the Bar through a week-long placement every year, including three days in chambers and sessions at the Crown Court.
- Now in its fifth year, the **Inner Temple Schools Project** aims to ensure that state school students are aware of the opportunities available to them at the modern Bar and to raise their aspirations towards the professions generally. The project is run in conjunction with Pathways to Law and the National Education Trust. By the end of 2012, the project will have reached nearly 1,500 school students. It comprises five days of activities at the Inn with workshops run by barrister members. The project was recently highlighted and commended in the final report of the Advisory Panel for Judicial Diversity (2010) and the Milburn report on Fair Access to Professional Careers (2012).
- **The Gray's Inn Vocalise Programme** is a student-led initiative that teaches trainee barristers to give debating and communication training to two cohorts, primary state school students and prisoners. In addition to teaching young students how to debate, it also introduces these students to the Bar by giving them regular access to the Inn, visits to the courts led by barristers and judges and weekly communication/debate training. In 2012, the Vocalise Programme was awarded the Attorney General's Bar Pro Bono Award for the Best Student Pro Bono Activity.

UNIVERSITY STUDENTS

- **Scholarships:** The Inns of Court work hard to promote the profession to a full range of students and support them financially as they train for the Bar. Nearly £5 million will be provided by the Inns of Court this year for students training for the Bar. While merit is the primary criteria, need is taken into account for

many of these awards in terms of the level of funding offered in order to ensure that financial need is not a barrier for capable young people on their route into the profession. While the interview processes at the Inns vary (with some Inns interviewing all applicants that apply while others short-list in the first instance), the level of funding provided has increased year-on-year to keep pace with increases to BPTC fees.

- **Student Societies:** The Inns of Court work actively with all student Law and Bar societies across England and Wales. They provide funding for those societies to run awareness activities about the Bar on their campuses and to travel to London to visit the Inns of Court. All four Inns sponsored the UK Law Students' Association (UKLSA) diversity event in March 2012 to promote access to the legal professions.
- **Law Fairs:** Representatives of the Inns of Court, in conjunction with the Bar Council, attend over twenty law fairs every year to provide information to prospective entrants on the profession and the Inns of Court and scholarships.
- **Tours and Lunches at the Inns:** The Education and Training Departments of the Inns offer tours of the Inn to hundreds of university students and lunches for dozens of university law/Bar societies every year. The tours and lunches give potential members the opportunity to visit and explore the Inn and learn more about careers at the Bar.
- **Middle Temple Access to the Bar Awards:** The scheme provides two funded weeks of work experience for up to eight undergraduates from disadvantaged backgrounds. One week will be spent marshalling and another week undertaking a mini-pupillage. University departments are invited to nominate two candidates each, with about a dozen being shortlisted for interview.
- **Inner Temple Pegasus Access Scheme:** Inner Temple is working with fifty partner chambers to facilitate formal mini-pupillage placements to capable young people from under-represented backgrounds through this new initiative. This will look to place 70 university students from less advantaged backgrounds meeting certain academic criteria into competitive sets of chambers that they might have otherwise found difficult to access.
- **University Presentations and Dinners:** Lincoln's Inn organises four University Information Afternoon and Dinners, where ten students from every university offering a qualifying law degree can attend to learn more about the Bar. Inner Temple organises four presentations annually, London being the largest presentation with over 250 attending, in addition to its annual Dinner to the Universities. Gray's Inn hosts six university events per year. Each event includes a tour of the Inn, a panel Q & A session related to the pursuit of a career at the Bar; dinner with a variety of members of the Inn and a lecture on a topical legal issue. All these activities provide useful advice and networking to a range of students from across England and Wales. They are highly subsidised by the Inns, whether in the form of travel expenses or dinner subsidies, to ensure that any student that wishes to attend may do so.

- **Open Days:** Middle Temple organises an annual Open Day for school and university students to hear from a range of speakers on various aspects of the Bar. Inner Temple organises a Question and Answer Day which is advertised to all undergraduate students. Information workshops are held on funding the Bar Professional Training Course, legal CVs, the BPTC, interview tips and more. Attendees to this event are disproportionately from newer universities and the majority identify themselves as coming from an ethnic minority group.
- **Regional Receptions:** Inner Temple hosts four regional receptions, in addition to its presentations, organised in association with the Circuits every academic year for all local university students interested in a career at the Bar. This provides aspiring barristers with information about careers at the Bar in an informal atmosphere. The locations of these receptions rotate annually.
- **Multicultural Scholars Programme:** The Inner Temple is working with the Warwick Multicultural Scholars Programme in collaboration with the Chancery Bar Association. This scheme is open to UK students from Black Asian Minority Ethnic (BAME) backgrounds whose household income entitles them to a full maintenance grant. Scholars must fulfil the academic entry requirements to the University of Warwick Law School and then receive additional pastoral, financial and career support throughout their undergraduate studies.

UNIVERSITY LAW SCHOOLS AND LEGAL ACADEMICS

- **University Career Advisers Day:** An event for university career advisers rotates annually amongst the Inns of Court to provide information on routes into the profession. This was originally developed by Lincoln's Inn and gives career advisers an opportunity to ask questions about changes to the profession and how best to advise their students on routes to the Bar.
- **Dinners for Legal Academics:** The Inner Temple holds four small dinners during the academic year for legal academics from universities across England and Wales. Many of the attendees are undergraduate law tutors and junior lecturers. Lincoln's Inn runs an annual event for Law Tutors. It includes a forum involving practising members of the Inn and officers of the Inn giving presentations and answering questions, followed by a dinner where the Tutors meet members of the Inn. Middle Temple recently ran a dinner for legal academics where there were a number of prominent speakers to discuss continued ties with legal academia and information on a career at the modern Bar. Nominated legal lecturers from universities across the UK are invited to participate in Gray's Inn's student introductory events and residential advocacy weekends away.
- **Fellows of the Inns of Court:** Three of the Inns of Court have Fellows Schemes. These honorary posts have a number of legal academics, often those with direct contact with prospective and current undergraduate law students. The goals of these schemes include forming stronger links with a range of higher education institutions across the UK.

PROGRESSION and RETENTION

- **Pupillage Advice Evenings and Mock Interviews:** The Inner Temple and Gray's Inn run annual Pupillage Advice evenings for those students who have yet to secure pupillage. It provides a workshop on how to go about securing pupillage and different options for those who are unsuccessful. The Inner Temple's Mock Interview scheme matches students with experienced interviewers to develop skills prior to pupillage interviews.
- **Pupillage Foundation Scheme:** Lincoln's Inn runs a foundation scheme twice a year where students who are seeking pupillage and have passed the BPTC are given one-to-one support, including advice on CVs and mock interviews.
- **Equality and Diversity Awareness Training:** Middle Temple and Inner Temple provide this interactive workshop based on practical examples of the Equality Code in action. It is delivered by barristers for barristers and clerks. 10 small sessions for 30 attendees each are run annually. Lincoln's Inn run training courses in two formats: one which focuses on equality and diversity in the context of interviews and one which deals generally with equality and diversity issues.
- **Scholarship Interviewers Training:** Organised through COIC, this training is provided for members who will be interviewing prospective barristers for Inn scholarships. Chairs of interview panels are required to attend this training and other panellists are strongly encouraged to do so if they have not received recent relevant training. These sessions start with coverage of law applicable to interviews and examples of helpful and unhelpful questions. The training then turns to the theory of behavioural interviewing. The second half of the evening is devoted to role play.
- **Middle Temple Women's Forum:** Middle Temple has established a Women's Forum to support and inspire female members of the Bar and Judiciary throughout the course of their careers. The Forum holds major events twice yearly, with keynote speakers from the profession and panel discussions on the issues facing women at the Bar, as well as other networking and career support workshops for women barristers.
- **Child care support:** The Inns of Court provide information and assistance regarding child care on their websites. Members can post information about nanny shares and other family friendly schemes which will aid women wishing to continue in practice whilst raising a family.

PUBLICATIONS and EVALUATIONS

- **Publications:** The Inns of Court provide a number of useful publications to prospective students. *It's Your Call* is a publication financed and produced jointly by the Inns of Court and Bar Council aimed primarily at Year 12/13

school students and university students. It supplies statistics illustrating the number of available pupillages and case studies as well as information on different practice areas.

Lincoln's Inn publishes a brochure on scholarships which is widely disseminated to law schools and students. The *Inner Temple Careers Guide* is published every year, which is distributed to all Careers Services and Law Schools¹⁴.

- **Monitoring and Feedback:** The Inns of Court request feedback on all of their Outreach events. The Inns are working to monitor the diversity of their intake. The Inner Temple produces statistical briefing notes, including an annual 'Student Snapshot' and those on the career progression of student and pupil members and a biannual publication entitled 'Opening Doors: Social Mobility at the Bar' that features key statistics on its membership demographics. The Inn is also co-funding a PhD with Keele University starting in 2012 that will evaluate its social mobility and diversity initiatives, with an overall aim of analysing professional intervention in social mobility practises.

¹⁴ <http://www.innertemple.org.uk/downloads/prospective-members/Inner-Temple-Prospectus.pdf>.