

LawNet's response to LETR discussion paper 02/2011 – Equality, diversity and social mobility issues affecting education and training in the legal services sector.

Background

LawNet is a network of 67 small to medium sized independent law firms geographically spread throughout England and Wales. Firms undertake a wide range of legal work. The firms range in size from six to 43 partners. The combined income of the 67 firms comprising LawNet is currently in excess of £250m – equivalent to a UK Top 15 law firm – with members ranging from £2m to £18m turnover. There is a mixture of partnerships and LLPs, but no ABSs.

A survey for LawNet member firms was created incorporating the themes raised by the questions posed on pages 35 and 39 of the above discussion paper – the access to law school issues have not been explored in this response. The survey was sent to LawNet partners/members and to those responsible for training and human resources in the practices.

Set out below is a summary of the responses:

1. **If you offer work experience what selection criteria do you use to identify suitable candidates?**

There was a mixed response to this question. Some respondents offered work experience but did not use any selection methods when doing so and others had stopped offering work experience as they do not feel that it is right to ask people to work without payment.

2. **Would you support the creation of some kind of central clearing house for a pool of legal internships?**

66.7% of respondents would not support a clearing house due to the amount of work dealing with applicants would create.

However, it was acknowledged that such a system would introduce fairness into the system of internships. Currently, for those looking for internships it is often a case of who family members know which determines awareness of internships.

3. A number of diversity initiatives are seeking to make access to work experience more equitable. Are these initiatives altering your recruitment practices?

100% of respondents said that they were not altering their recruitment practices, but this is because the firms already adopt equality and diversity measures when recruiting.

4. Is the LPC still a necessary or desirable element in the qualification process?

100% of respondents thought the LPC is still necessary and desirable.

5. Should there be regulation/guidance to encourage work experience as part of the qualifying law degree?

Some respondents felt that those who wanted to gain work experience in law firms were capable of organising this for themselves. Others felt that it would be hard to get small businesses to take on undergraduates and that such a scheme would likely generate too much bureaucracy for the short period of time such work experience would last. It would also be difficult to organise a meaningful work experience if the period of time was short.

6. 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?

66.7% respondents thought professional law schools should offer scholarships as this would help in allowing those without access to the funds to support themselves to further their studies and this would help with making access to the profession fairer.

7. 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?

There was a divergence of views with some respondents seeing such a test as negative, as it would put another hurdle in place, others saw it as positive as the test would be testing ability and not background. Overall it was viewed as positive by 66.7% of respondents.

8. Are there existing regulatory provisions or standards that have a negative impact on fair access to the legal professions?

Respondents raised, the length of the qualification process as being a barrier as students have to wait so long before being able to earn. The cost of the LPC was also highlighted as a barrier to fair access.

9. 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?

One suggestion made was to make scholarships at the legal education stage compulsory. Another suggestion was to have a 4 year degree with 1 years' work experience to replace the LPC. A further suggestion was to have different routes to qualification for example, apprenticeships and work based learning so that trainees can earn and learn at the same time.

10. 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?

Concern was expressed that targets impact on the ability to choose the best candidate for the job and would have a disproportionate impact on smaller firms.

11. 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 approved regulators?

Well run firms ensure that those returning to work have training to ensure that they are up to date with legal developments in their practice area. Keep in touch days are also utilised to ensure that those on maternity leave continue to feel part of the firm. Concern was expressed that over regulation in this area could be a significant burden for smaller firms.

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

No training gaps were identified. It was thought that retention of a diverse workforce can be difficult if firms do not offer flexibility in working patterns.

13. When should diversity training take place?

Diversity training should take place at all stages of the qualification process and should continue once lawyers are qualified..

14. Should approved regulators specifically require diversity training of senior staff in firms/ABSs? If so why, if not why?

There were mixed views on this. Some felt that it was inappropriate for the regulator to require a particular type of training when the Code of Conduct already deals with equality and diversity issues. Whereas others felt it could be beneficial for business owners to fully understand how equality and diversity can be used to develop the business.

15. Do CPD costs have a negative impact on equality and diversity in the legal sector?

It was thought that CPD costs didn't have any impact as all those required to take CPD were provided with the training or resources to fulfil their CPD requirements.

16. Would a periodic (e.g. 5 yearly) re-accreditation requirement have any disproportionate impact on equality and diversity in your part of the sector?

Generally it was thought no, but consideration would need to be given to people returning from a career break, for example from maternity leave.

17. Does your firm engage in outreach work with schools to work with younger pupils in the 11 -14 years age range?

Respondents said no, but thought that it would be helpful to engage with schools so that pupils had some information about the career options in the legal profession.

18. Should there be a sector-wide, non-regulatory body to co-ordinate diversity issues?

It was felt that this would be useful.

19. Has the SRA done sufficient to embed social mobility and fair access into their future strategic planning?

33.3% thought it had but 66.7% did not know.

20. Is there any other regulatory action that should be taken by the SRA to ensure that progress on fair access and social mobility is embedded in the work of the regulated professions?

33.3% did not think that there should be any further regulation and 66.7% did not know if more action should be taken.

Prepared on behalf of LawNet by Jeanette Lucy, Director of Learning and Development, LawNet.