

## SRA response

### *Final report of the Panel on Fair Access to the Professions*

Published on 06 May 2010

#### *Introduction*

1.

The Solicitors Regulation Authority (SRA) was established by the Law Society [<http://www.lawsociety.org.uk>] in January 2007 as the independent regulator for solicitors practising in England and Wales. We are responsible for regulating solicitors, other lawyers and non-lawyers with whom they practise, solicitors' firms and their staff. We regulate in the public interest, and offer support to people from all walks of life who are considering a career in legal services.

2.

The profession we regulate is broad. At any one time there are more than 110,000 practising solicitors in England and Wales, being employed by more than 16,000 different organisations (see below) [[#\\_ftn1](#)]. The profession continues to grow and in 2009 the number of newly-qualified solicitors and individuals joining from other legal professions hit an all-time high.

3.

The profession is also diverse. Currently 44 per cent of solicitors practising in England and Wales are women (which has nearly doubled during the past decade), while 10 per cent of all practising solicitors are now from minority ethnic groups.

4.

These statistics reflect the diverse nature of the routes available to different people from different backgrounds looking to become solicitors. Many people will join the profession having studied law and completed the appropriate qualifications; however entry routes are also available for those at different career stages or working in other fields of law, as well as lawyers that qualified outside of England and Wales but who are now looking to practise law in England and Wales.

5.



As a regulator our first priority is to protect the public, and as such we need to be sure that those joining the profession are capable of meeting the required standards of professionalism and competence. However, we have worked hard in recent years to modernise the traditional qualification and entry routes for those looking to become solicitors, and we are committed to supporting people from all walks of life looking not only to join the profession, but then to thrive within it and enjoy a successful career.

6.

We believe that the findings of the Panel and the recommendations it has made will help us to achieve these aims, and are vitally important to keep the Government and the professions focussed on the common goal of achieving greater social mobility into the professions in Great Britain. We are looking forward to working alongside the Gateways to the Professions Collaborative Forum, in-line with the commitments made in the Government's response, and with recommendations 83 and 84 which focus on the role played by professional regulators in addressing social mobility.

7.

The remainder of this report sets out some ways in which we are already working to broaden opportunities for different people wanting to become solicitors and break down unfair barriers that traditionally may have prevented people from doing so. The Law Society has also responded to the 'Unleashing Aspiration' report in which it details the ways in which it is also actively working with solicitors and their firms to create fairer access into the profession for people from all walks of life.

### *Modernising qualification routes*

8.

People looking to become a practising solicitor in England and Wales must first successfully complete their Legal Practice Course (LPC). As a regulator we must make sure that those who are admitted as solicitors have the right knowledge and skills and the LPC is structured around this; however in 2009 we launched a modernised version that makes the qualification process more flexible and responsive to the needs of each individual student.

9.

The new LPC offers greater flexibility for students in tailoring different parts of their course around their personal circumstances, and deciding which organisation they want to study with. This flexibility allows students to plan when and where they want to complete the different academic components,



meaning that students can exercise greater control over how they fund their studies and the qualification route may now genuinely be more financially viable for some students when compared with the previous LPC structure. Students that combine part-time work with their LPC studies may also benefit from the flexibility built into the new framework as course lengths can be extended to fit an individual student's lifestyle.

10.

For more information please see our LPC section [<https://www.sra.org.uk/become-solicitor/legal-practice-course-route/lpc/>] .

### *Working together*

11.

We believe that achieving fairer access to a profession must involve different organisations with the power to introduce real change working closely and supportively with each other. We work with the Law Society and with our oversight regulator the Legal Services Board [<http://www.legalservicesboard.org.uk/>] to consider how best we can introduce fairer access opportunities to the solicitors' profession and support the work of the Gateways to the Professions Collaborative Forum.

12.

We also work with other organisations to encourage consistency of approach toward recruitment practices within the profession across England and Wales. For example, we developed a voluntary code of practice applying to the recruitment of trainee solicitors, in agreement with the Association of Graduate Careers Advisory Services , Association of Graduate Recruiters , and the Trainee Solicitors' Group (now the Junior Lawyers Division [<http://communities.lawsociety.org.uk/junior-lawyers/>] ).

### *Removing unfair barriers*

13.

It is not just at the academic stages that aspiring solicitors can find themselves facing barriers as a result of their individual circumstances. People looking to start work as a solicitor can also experience difficulty in finding their first training contract with a law firm or other organisation, to get their 'foot in the door' of the profession.

14.



There can be many reasons for this difficulty, not least of which is that organisations employing solicitors, like all business, have limited financial and administrative resources available to support training contracts. It is also true that, year-on-year, increasing numbers of students opt to study law which in turn leads to greater numbers of students seeking training contracts.

15.

It is also clear that in the past some people have experienced unfair barriers when trying to become solicitors. Some recruitment practices used by law firms are rooted in social exclusivity, as identified by the final report of the Panel on Fair Access to the Professions concludes that young people from lower income families can be likely overall to have lower A-level results than those from higher income families and are likely to be concentrated in newer universities. These factors may place some talented and qualified individuals at odds with recruitment criteria that are based on A-level performance and the perceived status of the university where their law degree was gained. Barriers can also be faced by those who have chosen, for example, to start a family early in life or who are looking to switch careers and join the legal profession, which may again lead to significant challenges in being able to secure a training contract.

16.

The upshot for the individual can be life-changing; prolonged difficulty in securing a training contract can eventually lead to individuals having to switch to other career opportunities. Equally the upshot for the legal professions can also be severe, as talent is being lost to the wider profession as a result of this bottleneck.

17.

To begin breaking down these barriers we worked with the government's 'Gateways to the Professions' project to launch a two-year pilot study programme known as work-based learning, which involves candidates who have completed their law degree and passed their LPC, but not yet started a training contract. Under the pilot, law firms employ trainee solicitors but enrol them on to a structured learning programme provided through an external training organisation. The external body is responsible for carrying out the administration of the traineeship and ensuring that the trainee is exposed to the experience required to complete the learning programme. If the trainee successfully passes the programme they qualify as a solicitor, and are able to begin their career.

18.



We believe that this type of project will help to dismantle barriers that can face people looking to become solicitors after they have qualified, and represents a genuine step change from the 'traditional' focus of attaching weight to an individual's background or status. Under work-based learning, qualification as a solicitor is based purely on each individual's knowledge and their understanding of legal practice, and their ability to deliver legal services competently.

19.

The Panel's report summary confirms (on page 17) that "*Individual success should reflect innate talent and ability, not background or birth* ." We agree, and our approach to this work area is based squarely around this understanding. For more information please see our work-based learning section.

### *Modernising regulation*

20.

Professional regulators need to be sure their regulatory approach is fit-for-purpose and consistent with the principles of better regulation. The SRA is no exception and at the time of publication of this response we are ourselves modernising the way in which we regulate to focus increasingly on the achievement by solicitors and others that we regulate of better outcomes for their clients and consumers.

21.

The modernisation of qualification and entry routes into the solicitors' profession helps us to make sure that capable and competent individuals seeking to join the profession are supported and are not unfairly prevented access. There is increased focus through workstreams such as work-based learning on individuals demonstrating they can meet the required level of performance and competence from 'day one' of their career, rather than having attended a particular university or completed their studies within a particular timeframe. For more information on our approach toward modernising regulation, please see our Freedom in Practice section.

### *Delivering the Panel's recommendations*

22.

The Panel's report concludes that "*Initiatives and programmes to widen access remain on the margins, not in the mainstream. They are piecemeal rather than universal.*" We agree there is still a long road ahead for the professions in truly embracing social mobility and being able to



demonstrate that an individual's background and social status does not influence whether or not they are able to pursue their career of choice. However, we know first-hand from the work of the solicitors' profession, the Law Society, the Legal Services Board and us as the profession's regulator, that considerable efforts are already being made to address social mobility failings connected to the solicitors' profession.

23.

To make all of this work a 'universal' approach, rather than remaining piecemeal, will need a clearly-defined Government drive and a central function to bring together all of these work areas, and co-ordinate social mobility into the professions on a national basis.

24.

We read with interest the Government response ( January 2010) to the Panel's report. In particular we note that the Government's work in setting up a Social Mobility Commission to research and drive forward the Report's recommendations, and we wholly support this initiative.

25.

We also note the Government's commitment (under recommendations 83 and 84) to work with regulatory bodies through the Gateways to the Professions Collaborative Forum to embed social mobility principles across the professions. We agree that this Forum will complement the work already being carried out by some regulators in addressing social mobility, and we expect the work of the Forum to be instrumental in truly making a difference regarding fair access to the professions in Great Britain.