



LEGAL EDUCATION AND TRAINING REVIEW

RESPONSE OF THE YOUNG LEGAL AID
LAWYERS

SEPTEMBER 2012

INTRODUCTION

Young Legal Aid Lawyers (YLAL) is a group of junior lawyers who are committed to practising in those areas of law, both criminal and civil, that have traditionally been publicly funded. YLAL members number around 1,700 and include students, paralegals, trainee solicitors, pupil barristers and qualified junior lawyers based throughout England and Wales. We aim to represent the interests of those who are either working in legal aid law or those wishing to pursue a career in it. We believe that the provision of good quality publicly funded legal help is essential to protecting the interests of the vulnerable in society and upholding the rule of law.

One of YLAL's main objectives is to promote the interests of new entrants to the profession and junior lawyers. Therefore we welcome this review of legal education and training. We hope that the interests and opinions of would-be legal aid lawyers will be given full consideration when the LETR team makes their final recommendations to the Solicitors Regulation Authority (SRA), Bar Standards Board (BSB) and ILEX Professional Standards (IPS).

In preparation for our response, YLAL undertook a survey of our membership in June 2012 to canvass members' views on any issues they have faced and continue to face as part of their legal education and training.

The results of this survey have been analysed and form a substantial part of YLAL's response to this review, alongside references to some of YLAL's earlier research and reports, undertaken between 2008 and 2012.

Our response reflects the views of our members. As a result we do not have a uniform position on many issues, such as aptitude testing. Instead, our aim is to provide useful information and assistance to the LETR Consultation group, and not necessarily to provide the answers.

For obvious reasons, our response specifically deals with education and training from the point of view of aspiring and practising legal aid lawyers. YLAL does not anticipate that there will be many responses to the LETR consultation that focus solely on the legal education available to legal aid lawyers, particularly those at the junior end of the profession. Given the social importance of publicly funded work we feel that it is right that the specific needs of the legal aid sector should be reflected in legal education and training. Likewise it is important to ensure that provision is made for the next generation of legal aid lawyers.

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SUMMARY OF DATA AND ISSUES

Qualitative data from the survey

The main issues can be grouped into three overarching themes.

1. Access to, Cost, Quality and Relevance of the Professional Courses

The prohibitive cost of the professional courses was a grievance raised by almost all respondents, with over half confirming that they had to rely on financial support from family members to fund the costs. Many reported that without this familial financial support, they would not have gone to law school at all.

Respondents also indicated that the high costs of the professional courses prohibited them from undertaking valuable, if unpaid, legal work experience, thereby in their view reducing their chances of securing legal employment.

On top of this, whilst respondents were generally open to and positive about the current professional courses, questions were raised about the relevance of large parts of the GDL, LPC and BPTC to practise as a legal aid lawyer. The results show that our members have a developing and real interest in the Work Based Learning (WBL) model and its growth over the coming years.

The paucity of jobs in the current labour market seems to have impacted on respondents' views in relation to aptitude testing. Respondents expressed strong views that the test should be implemented to prohibit law schools profiting from taking on excessive numbers of students, regardless of their ability to succeed in practice, and in spite of the lack of jobs.

2. Unpaid Work Experience / Low paid Paralegal jobs

Eighty per cent of respondents thought that work experience had helped further their career in legal aid. Of the work experience undertaken, 89% of respondents had undertaken work experience that was unpaid whilst only 40% had ever been paid for their work experience.

Even if work is paid, there is a perception that legal aid providers expect that candidates will have spent or will have to spend time "paralegalling" before they can pursue or progress in a legal career. There are also cases where individuals remain "stuck" in paralegal positions with little or no legal career progression and if they leave one paralegal position, they will have to work as a paralegal again elsewhere before being offered a training contract, effectively going back to "square one."

Further, it is not always financially viable to gain the requisite experience necessary to eventually obtain a training contract or a pupillage. This was a concern across the board but is a more significant barrier for candidates from lower socio-economic backgrounds. We consider that action needs to be taken to address this inequality.

It is also of note that for candidates who do have the opportunity to undertake work experience (paid or unpaid), there are difficulties in juggling the commitments of academic studies, paid work and voluntary unpaid work.

3. The vocational stage of qualification

Whilst most respondents reported that their training experiences adequately prepared them for practice, the salaries paid were very low in comparison to the debts incurred throughout their legal education.

Many respondents commented that it was not viable for them to continue to work on low wages due to having built up significant debt over the years spent qualifying. Respondents noted that the recent decision by the Solicitors Regulation Authority to scrap the trainee solicitor minimum salary will only reinforce this problem.

Quantitative Data

The survey was advertised to all members but completion was voluntary. One hundred and sixty five members completed the survey.

The following tabulated data provides a broad overview of the members who responded to our survey.

Gender of respondents:

Female	62%
Male	24%
Prefer not to say	14%

Age of respondents:

18 – 21	3%
22 – 25	28%
26 – 30	42%
31 – 35	18%
36+	8%
Prefer not to say	1%

Ethnicity of respondents:

White	77%
Mixed / multiple ethnic groups	6%
Asian / Asian British	8%
Black / African / Caribbean / Black British	5%
Prefer not to say	2%
Other	2%

Secondary education of respondents:

State (comprehensive, grammar, faith)	72%
Fee-paying	27%
Alternative	1%

Type of law degree undertaken by respondents:

Qualifying Law Degree	52%
Common Professional Examination (CPE) / Graduate Diploma in Law	48%

Vocational course completed by respondents:

Legal Practice Course (LPC)	59%
Bar Vocational Course (BVC) / Bar Professional Training Course (BPTC)	28%
Not completed vocational qualification	13%

Current occupation of respondents:

Students / undertaking work experience	17%
Trainee solicitors	16%
Pupil barristers	2%
Qualified solicitors	18%
Barristers	7%
Paralegals / Caseworkers / Legal Assistants	23%

Of those respondents in work, income ranged from nil to £40,000+ per annum. A majority (27.3%) of respondents were earning between £15,001 and £20,000 per annum. Nine per cent of respondents earned over £40,000 but over a third of this 9% did not work in legal aid either because they had left due to lack of remuneration, or were working in another sector to earn a good salary before attempting to transfer into legal aid law. In particular some respondents reported taking training contracts with commercial firms (or non-legal aid firms) as a purely financial decision, with the aim to transfer into legal aid later down the line, often once they had paid off their debts in other high level income jobs.

ISSUE 1: ACCESS TO, COST, QUALITY & RELEVANCE OF THE PROFESSIONAL COURSES

Course Fees and Debt – the Statistics

65% of respondents have had / will have over £15,000 worth of debt as a result of their education, with 15% having over £35,000 worth of debt. Although not exclusively, this debt included student loans from graduate degrees, law school fees and the costs of living whilst studying.

When asked how university tuition fees and law school fees were paid:

- Over half said that they relied on financial support from family;
- Almost a third relied on loans and / or personal savings; and
- 14% relied on part time employment.

Only 2.6% of respondents funded law school fees by way of sponsorship from a law firm or chambers. Many respondents managed by living at home thereby reducing their living costs. This often necessitated having family in London or another major city where they could attend law school.

"[There are] huge financial barriers: I have lived a very frugal life in an attempt to fund my legal training, have taken extra jobs, borrowed money from my parents, decimated my savings, and all this coming from a middle-class background."

Respondents were unanimous in their opinion that course fees are too high. Vast numbers of respondents were clear that they could not have studied law if they had not had financial support from their families.

"[I] cannot afford the BPTC course fees. No tailored bank loans to help. [I] could only afford to do the GDL by using all my personal savings since birth. [I] cannot afford to do unpaid work."

Course fees are particularly problematic for BPTC students in the legal aid sector, as most pupillage awards are very small (£12,000 per annum minimum). Yet the course fees remain prohibitively high. For example: the fees for the BPTC at The College of Law in Birmingham are £12,435 whilst in London they are £16,485. There is no opportunity for cross-qualification between the solicitor and barrister professions without incurring extensive further fees.

"I was only able to do the BPTC because of scholarships - I was very lucky. It is still a massive gamble because scholarships are announced after you have to confirm your place on the course so you risk losing your deposit. I anticipate that I will need to get further into debt during pupillage. The grant works out as maybe minimum wage at best, but at least some of this is in fees that you will not receive straight away. I am already trying to save money in anticipation of this, but paralegal work (which chambers expect you to do) is poorly paid so it is extremely difficult to do this. BPTC requires 90% attendance to pass. This makes it very difficult to also hold down the necessary voluntary experience, and paid work in order to survive."

Some respondents reported that the need to pay high course fees prevented them accessing work experience opportunities, which limited their chances in the job market. Commercial bank loans were not enough to cover the cost of graduate training and living expenses.

"[The] largest barrier is the cost of the GDL and LPC. No bank now lends enough to pay for tuition and cost of living for these two courses, so it is impossible to do unless you go for a sponsored training contract with a private firm or your family can afford to pay for it all... The second barrier is the low pay. Even with full sponsorship [due to choosing to take a training contract with a commercial practice] and a grant I have a £20k loan to pay back, and I can't afford to manage repayments on low pay."

Respondents who had to fund course fees without familial support could not afford to undertake unpaid relevant legal work experience, which is so often expected by employers.

"I cannot afford the LPC fees... I found it very difficult whilst working full time to get the required work experience needed to apply for paralegal posts."

Respondents expressed concern that the pressure on students, in terms of employment and debt, will not change unless fees reduce or more scholarships are generated.

Clearly the prohibitive costs of law school are an issue in their own right. However the cost also led on to the fact that many respondents were in support of the introduction of aptitude testing because of a general feeling that private law schools profit from the aspirations of students. One respondent, for instance, described the admissions process of law schools as a "money-making racket."

Aptitude testing: Trends

The majority of respondents supported the introduction of aptitude testing as part of the admissions process for the LPC / BPTC.

Sixty two per cent of respondents indicated that they were in favour of aptitude testing; 21.8% indicated that they were against aptitude testing; and 16.2 % expressed "no view."

All respondents who gave qualitative answers (75% of the total number of respondents) indicated that the current fees for the professional courses are too high. This added to the financial strain placed upon students who, upon completing their vocational course, found themselves in a flooded job market, with excessive levels of debt and / or no savings remaining, and little chance of a job.

⇒ *Concerns of respondents who expressed "no view":*

Respondents raised concerns about the merits of the test as an admissions tool: whether aptitude testing would favour richer applicants who could afford to undertake Oxbridge-style pre-test tutoring and whether the test would effectively gauge aptitude for the legal profession. As a result, respondents noted that further exploration of the format of any test(s) was necessary.

“Although I agree with the assertion that too many students are coming through the system, including some who are unlikely to secure training contracts or pupillages, it remains unclear whether a simple test such as that being introduced for the BPTC is the most effective means of regulating access to the profession.”

In any event, the survey results indicated that an effective and holistic test should be accompanied by the provision of assistance to mature students and overseas students. For the BPTC this should involve the Inns of Courts.

⇒ *Why respondents said YES to aptitude-testing:*

Respondents expressed unease and discontent that private colleges, such as BPP and the College of Law, are able to charge very high fees for the LPC and BPTC without assessing whether students have a realistic chance of obtaining pupillage or a training contract.

“The LPC course is run by private companies that are profit driven, they are not academic institutions. It seems that they disingenuously take these large sums in fees from students, often funded by bank loans, without really assessing whether the student is likely to be able to pass the course.”

Many respondents found themselves trapped in debt without any prospect of a job, and felt that they were viewed by private colleges as “cash cows”. These respondents felt that aptitude-testing would act as a control on the number of people qualifying, thereby reducing the current pressure on the legal job market, including the paralegal sector, from over-qualification.

⇒ *Why respondents said NO to aptitude-testing:*

Aptitude testing was cited as too crude, simply testing your commitment to law as a career, rather than your suitability for study and practice. There were also concerns that limiting numbers by a test (with an expected fee) will unfairly affect those from lower socio-economic backgrounds, and that this issue will worsen if there are courses or textbooks are necessary to help a candidate pass the test.

“People without the necessary grades can show aptitude that would otherwise be missed.”

“I failed an aptitude test for [one legal aid firm] and could not get any employed positions there as a result for several years. I have a law degree from Cambridge (2.1) and the following year had an offer for a training contract from [two other well known legal aid firms]. The aptitude test was therefore perhaps a crude way of excluding me from any positions at [the other firm]...Basically, I would not want any crude test to exclude others from entering the profession at all if, actually, they had the ability to practice.”

Others were concerned that many students struggle with language difficulties when undertaking the professional courses and that this has a negative impact on the learning of other students. Respondents felt that these language issues would not be highlighted by aptitude testing.

Other views included that aptitude-testing is just another layer of bureaucracy in a legal education system which already has many hurdles; taking a test at the beginning of the course does not guarantee a job at the end of that course, thus limiting its purpose.

"Taking a test to get on to the course does not give any further guarantees of a job afterwards."

LPC and BPTC: how relevant are they to legal aid lawyers?

Respondents' views about the courses were mixed, with the vast majority (82% for the LPC and 80% for the BPTC) of respondents indicating that course content was "sometimes relevant and sometimes not".

Relevance of LPC / BPTC content to later work:

The relevance of the content of the LPC to later work as a trainee or solicitor in legal aid work was a greater concern than for the BPTC. Respondents indicated that many of the compulsory modules are irrelevant to publicly-funded work and that elective modules were much more useful. This issue was linked to a concern that legal aid was undervalued, with some legal aid related areas not even being offered as options. However, there was recognition by many that the very basic elements of the compulsory modules were useful to practice.

"[I] believe that the "basics" (ethics, solicitors accounts, tax etc.) are beneficial but huge swathes of the compulsory modules (Business Law and Practice / Property as examples) could be significantly condensed or the most part removed from the course in entirety because I will never use it. I would have preferred to do another module in an area of law, which I may go [on] to practice in or to have the course reduced in length [altogether]."

Respondents who had undertaken the BPTC were more positive about the relevance of course content to later work. There was a trend suggesting that the basic procedural content and skills were useful, though insufficient.

"I have built upon my experience during pupillage to develop my practice, therefore my current practice is built upon core information learned from the BVC."

There was also a trend of concern on the BPTC that the electives are so limited that it is hard to achieve relevant specialised training. This meant that any general grounding was undermined by the fact that it was not focussed enough to be sufficient.

Practical skills (both courses):

LPC students indicated that they felt unprepared for being a solicitor at the end of their course, largely due to a lack of being taught practical skills and the practicalities of what a trainee actually does.

Feeling and being unprepared for pupillage was also a common theme for BPTC respondents. This seemed to be directed more towards the way the practical skills were

taught than any lack of teaching. Advocacy teaching especially came in for criticism for being artificial.

Learning on the job (LPC):

This was a strong theme. A significant number of respondents suggested that they learnt much more by doing real work than on the LPC, and many linked this to the suggestion of some kind of work-based learning as a useful and viable alternative.

Low standard / poor teaching (LPC):

This point was raised by a small but noticeable minority. There was concern that the low standard of course content makes the course redundant, and that this was exacerbated by poor teaching.

Given the concerns raised about the lack of relevance for large swathes of the professional courses for would be legal aid lawyers, substantial consideration was given to Work Based Learning (WBL) in YLAL's survey.

Work Based Learning (WBL)

We asked respondents the specific question of whether they would be in favour of replacing the LPC with WBL.

Respondents in favour of WBL:

Seventy one percent of respondents indicated that they were in favour of WBL – these respondents stated the following:

- Any WBL programme should be a mix of both LPC and WBL because this would provide the necessary knowledge and practical experience for students;
- More time should be spent in practice rather than paying a lot of money for the LPC and studying in a classroom;
- LPC content e.g. business law does not reflect what is practised in legal aid work – electives were more useful;
- The LPC is not fit for purpose and is too expensive, with insufficient time devoted to areas of law which are traditionally publicly-funded;
- Education providers that facilitate Pro Bono opportunities, through WBL or other methods, provide additional and useful skills; and
- WBL allows students to enter the work place whilst learning, thereby countering the cost of unpaid work experience.

Respondents against WBL:

Nine percent of respondents indicated that they were against WBL – these respondents stated the following:

- The LPC allows you to learn about areas of law that you would not practise in; and
- The LPC demonstrates that you have an academic ability which is needed to practise law.

Respondents unsure about WBL

Twenty percent of respondents indicated that they were unsure about the introduction of WBL – these respondents commented:

- They were not sure how WBL would work in practice and how firms would implement WBL consistently across the profession;
- There may not be enough time in the placement to learn all of the necessary skills; and
- The needs of the business may be prioritised over learning needs of the individuals undertaking a WBL programme.

Solicitors Regulation Authority: WBL Report

YLAL notes that the SRA undertook a pilot of a WBL scheme. This scheme was initiated in September 2008. Their report found that¹:

- (a) Organisations report that WBL produces a well rounded individual.
- (b) Learning outcomes are an appropriate training method although these are burdensome and time consuming.
- (c) Portfolios did exhibit how ready a candidate was to be a solicitor, but did not show the communication skills and perceptiveness of trainees.
- (d) Candidates felt that WBL would reduce barriers to entry but in general barriers to entry need to be addressed earlier in the education process.
- (e) Degree and choice of university would still be criteria for the interview stage.

Though concern was expressed that:

- Training contracts do not offer enough exposure to all the different areas of law.
- There is under representation of minority social and cultural groups.
- There is unfairness to paralegals who do not obtain training contracts after long periods of work.

In light of the views expressed by our members we feel that WBL, as piloted by the SRA, is a scheme which should be considered by the LETR.

¹ <http://www.sra.org.uk/sra/news/press/learning-pilots-results.page#download>

**ISSUE 1: ACCESS TO, COST, QUALITY & RELEVANCE OF THE
PROFESSIONAL COURSES**

- YLAL's recommendations

- (1) There should be a review of course fees. Respondents were overwhelmingly in favour of a reduction in the level of course fees.
- (2) There also needs to be far more financial help for students from lower socio-economic backgrounds. The general view of YLAL is that regulation should play a role in providing guidance / advice to training providers in the provision of scholarships. YLAL considers that this approach would address the problem at the Bar where scholarships are often offered based solely on merit rather than financial need. YLAL believes that regulation would improve quality and ensure scholarships target those most in need of help.

YLAL's suggestion would be that more data also needs to be kept on the following:

- who scholarships are awarded to;
- why those people applied for scholarships;
- how those people awarded scholarships progress in their career;
- what future barriers they face; and,
- the criteria used to decide who to award scholarships to.

- (3) If aptitude testing is implemented, its format would need to be thoroughly explored and mechanisms put in place to ensure it would not impact unfairly upon candidates from lower socio-economic backgrounds.
- (4) The regulatory bodies should encourage law schools to offer more choice of electives on the LPC and BPTC including law that has traditionally has been publicly-funded, with less emphasis on the "core" modules, with a better balanced timetable from the beginning of the course.
- (5) The regulatory bodies should consider whether the QLD could become more like a doctor's training, in which study is tied into practice from early on, and practical training is brought in from the earliest stage. More emphasis could be placed on implementing a form of WBL as an alternative to the LPC and training contract,

ISSUE 2: WORK EXPERIENCE / LOW PAID PARALEGAL JOBS

Work experience

The Statistics

- ◆ The vast majority of respondents (89.1%) had done some unpaid legal work experience – this had been undertaken at a diverse range of organisations, often law centres and charities, or chambers and law firms for shorter placements or pupillages.
- ◆ Only 40% of respondents had done any paid work experience.
- ◆ 42% had undertaken work experience that was expenses-only.

Sixty one per cent of respondents have worked or are working as a paralegal – of those the salary distribution was as follows:

Nil / Expenses-only	6%
£10,000 or less	9%
£10,001-£15,000	24%
£15,001-£20,000	39%
£20,001-£25,000	18%
£25,001 or more	4%

The overwhelming majority of respondents (80.3%) thought work experience had helped to further their career in legal aid.

A number of reasons were given for this:

- *It is seen to show commitment to the field*

“You have to be able to prove your dedication to an increasingly tough and competitive market. It's easy to talk. Firms know there is work experience out there and so they will want to know why you have not taken the opportunity.”

- *It makes you commercially viable*

Respondents felt that work experience made them a “safe bet” for employers, as they had not only picked up important legal skills, but had greater commercial awareness. They had also been able to prove themselves in a fee-earning context so could hit the ground running and start making money.

“In interviews, firms were much more interested in the skills I learned in employment than in education.”

- *It helps you understand the client base:*

Respondents also reported interest from employers if work experience had taught them how to engage with clients. This is particularly important in legal aid work, where clients can be highly vulnerable and have challenging backgrounds. The quality of your advice frequently depends on how well you are able to establish a rapport with clients, in order to obtain quality instructions.

- *It helps you understand what you want from a career:*

Respondents also found that work experience was personally rewarding. It helped them decide whether legal aid was the career for them, and realise their own personal worth and bargaining power in the market place.

BUT work experience comes at a price:

There is a fundamental tension between the positive rationale for work experience and the ability of many people to achieve it. The financial and personal costs involved in undertaking any meaningful work experience have the potential to exclude applicants on a low income or with higher household expenditure because they have dependants. There is a risk that these people could be exploited or miss out on opportunities altogether if they do not have the means to sustain themselves while working for free. They are then likely to be trapped in the job paradox – without experience they cannot get work, but without work they cannot get experience.

- *Many people struggle to afford work experience:*

“[I]t is very difficult to commit to work experience when you also work a day job and have to earn a living too.”

“I think work experience is invaluable. However, I had to take it as annual leave, whilst working full time, which meant I had no holidays.”

- *The “commitment” required can be substantial*

Respondents to our survey had demonstrated their commitment to legal aid through a mixture of short and long term placements, and for some the cumulative total of time spent doing work experience was significant. One respondent estimated they had done around five-six unpaid legal internships; in total around 12-18 months of their time. Another respondent had spent over one year volunteering one day a week at a Law Centre as well as undertaking one month’s work experience at a legal aid firm and one week’s experience at a trade union firm.

- *Employers can take advantage of applicants desperate for a job:*

Respondents reported worrying evidence of employers apparently taking advantage of cheap or free staff.

“[I] didn’t appear to have any other option than to ‘prove’ my capabilities for free.”

This is particularly concerning when the conditions of work experience became more formalised and a voluntary role is given expectations about how it is carried out. In

these circumstances, the volunteer may become the “worker” and become entitled to receive the National Minimum Wage. Many respondents to our survey reported that they had done unpaid work experience as a “paralegal” or caseworker.

One respondent who had worked for expenses only commented:

“I spent four months working as a paralegal at a criminal defence firm in London, receiving only travel expenses. The work experience was good - it was very practical and I was given a lot of responsibility but it was a long time to essentially be working for free. The hours were between 9 and 6 so it was a long day.”

- *Employers have been too rigid in their expectation that candidates should have work experience, and it is becoming harder to compete for jobs:*

A respondent stated:

“I am a mature student and work full time to pay for my fees and also to live. I also study at university full time. The feedback that I have had when searching for pupillage is that I have not undertaken enough mini pupillages and should be looking at volunteering through the summer. However I simply can't afford this as I need to work and use my Annual Leave to take my exams.”

- *The quality of work experience can be variable:*

Depending on who is providing the work experience, the quality of experience appeared to vary.

“My experience allowed me to add lines to my CV which confirmed that I was familiar with fields in which I intended to practice...However, I can't say it enlarged my skill set much.”

“I was fortunate in that I was well paid and supervised as a paralegal; had I not been I am sure the experience would not have been so valuable.”

- *There were not enough opportunities for work experience in legal aid firms so applicants had fewer chances to progress:*

“Due to cuts in legal aid and increasing competition I have found it very hard to even get a job as a paralegal. Just last week I have made applications to over 20 firms and have had no success at all.”

“[G]iven how hard it is to get training contracts I would need more experience. But this has been made difficult to do given how hard it is to find and get paid legal work and given the expenses and outgoings I currently have I cannot keep doing unpaid work.”

It is clear from the qualitative evidence gathered on work experience that respondents' experiences vary hugely in terms of quality, payment, and transferability. This variation must be viewed alongside the prohibitive cost of legal education; and the lack of jobs in the legal aid sector due to public funding cuts.

It is apparent that work experience is a fundamental component of an applicant's CV when applying for jobs in the legal sector. Work experience is described as a source of practical skills, both in terms of client contact and putting knowledge obtained at law school into practice; an environment for learning that goes far beyond classroom teaching; and, a source of contacts and helpful at interviews. As a result, respondents have expressed frustration that this valuable experience is very often unpaid. It is also a concern that the work undertaken is unregulated.

**ISSUE 2: WORK EXPERIENCE /
LOW PAID PARALEGAL JOBS**

- YLAL's recommendations

- (1)** YLAL would support a commitment by legal aid firms to a work experience model involving a pledge or guidance framework on the treatment of work experience students. This framework would allow firms to offer a specified number of placements per year, with a focus on social mobility issues faced by applicants. Any such model would require firms to at least pay expenses, and to follow a code of practice containing, for example, the stipulation that work experience students would not be taken on subject to any expectations that might make them into a "worker" e.g. fixed working hours.
- (2)** The regulatory bodies should work to raise awareness amongst employers of the prohibitive costs of unpaid work experience and internships and that the lack of such placements on the CV of potential employees should not be automatically held against them.
- (3)** The LETR has previously floated the idea of a central clearing house for work experience. Although little is known about how this would work in practice, YLAL strongly supports its exploration; such a facility should ensure that work experience is widely available and open to all. This would help to reduce the barriers that make work experience less accessible for individuals from lower socio economic backgrounds. YLAL would welcome any new scheme that could widen participation/access to the legal profession.
- (4)** There are mixed views amongst YLAL membership but the consensus is that regulation of paralegals is something which needs to be given consideration. Junior paralegals, who are doing the same level of work as trainees should be given the same level of supervision as trainees. Firms should be encouraged to ensure greater parity of pay between trainees and paralegals.

ISSUE 3: THE VOCATIONAL STAGE OF QUALIFICATION

Training Contract / Pupillage

Respondents were asked to comment on whether their pre-qualification legal work experience (training contracts and pupillages) had equipped them for practice. The majority of respondents (72% of solicitors and 73% of barristers) felt that their training experience had equipped them for practice.

Solicitors:

Some of those solicitors who felt the training contract had equipped them for practice commented that they had been thrown in at the deep end and given a large case load from the start. However, this gave them the necessary skills to do the job of a solicitor, which changed very little upon qualification. Others commented that they had been given appropriate supervision.

A significant minority (21%) of respondents felt that their training contract had not equipped them for practice. These respondents reported the following:

- That they were given poor supervision.
- They did not have enough exposure to other areas of law.
- That the “training” element of the training contract was lacking.

Barristers:

Seventy three per cent of respondents indicated that pupillage did equip them for practice. These respondents reported the following:

- Legal aid should be covered.
- A female respondent commented that asking for help was perceived as demonstrating weakness.

Eighteen per cent of respondents indicated that pupillage did not equip them for practice. These respondents commented that:

- Pupillage should be structured like a training contract and should take place over two years.
- There was insufficient time spent in court, for which there is no substitute.

Current Situation / Salaries

A majority of trainee solicitor respondents were earning between £15,001-£20,000, with 24% in the £20,001-£25,000 range and another 12% earning £25,001-£30,000. Respondents indicated that trainees and paralegals are taking on second jobs to supplement income in order to meet the cost of living and repay educational debt:

“Even the trainee minimum barely allows for us to meet basic living expenses whilst paying back course fees. So much debt is accumulated on completing the education that we are not able to afford to live or pay the debt back.”

Respondents from the junior Bar revealed an even worse position. Comments included:

- solicitors not paying for the work pupils do;
- the accumulation of expenses;
- and, reductions in fees owing to legal aid cuts.

As stated above the typical legal aid sector pupillage award (£12,000 per annum minimum) is less than the BPTC fees.

“Even with full sponsorship and a grant I have a £20k loan to pay back, and I can’t afford to manage repayments on low pay.”

Scrapping Trainee Solicitor Minimum Salary

It is important to raise the SRA’s decision to scrap the trainee minimum salary, which is currently £18,590 per annum for trainees working in Central London and £16,650 per annum for trainees working elsewhere in England and Wales. These remain unchanged since 2009.²

Of the respondents who answered whether they would have undertaken their training contract had the minimum salary not been in place:

- 34% said yes.
- 27% said no.
- 39% were unsure.

ISSUE 3: THE VOCATIONAL STAGE OF QUALIFICATION - YLAL’s recommendations

- (1)** Whether trainees / pupils are given a lower level responsibility or “thrown in at the deep end” as many indicated they were, a high level of supervision needs to be implemented and maintained across the board to ensure that clients receive a good quality legal service.
- (2)** The SRA should re-instate the trainee solicitor minimum salary. Many individuals would not have been able to train as legal aid lawyers without this benefit.

²

<http://www.sra.org.uk/sra/news/trainee-minimum-salary-levels-2009-2010.page>

CONCLUSIONS

The results from the survey showed respondents' passion for legal aid work and commitment to it. YLAL seeks to ensure that the arrangements for education and training are such that these individuals can translate this commitment into helping vulnerable clients and do not turn away from the legal aid sector.

ISSUE 1: ACCESS TO, COST, QUALITY & RELEVANCE OF THE PROFESSIONAL COURSES

Fees & prohibitive costs

A comprehensive and thorough review of course fees is required. Respondents were overwhelmingly in support of a reduction in the costs of attending law school. The vast majority of respondents were forced to rely on assistance from family, large bank loans, and multiple jobs in order to fund their legal training. Many respondents noted their good fortune at having family located in cities, for mini-pupillages and work experience. However, a significant number voiced frustration that they were cut out of valuable experience, due to financial pressures, having a young family, or not having family that lived in the "right place".

In our view there needs to be more financial assistance for students from lower socio economic backgrounds and consideration needs to be given to scholarship schemes, which is implemented on the basis of means as well as merits. To this end YLAL supports the provision of guidance to training providers and law schools regarding scholarships. Inequality must be confronted and strategies developed to make the profession socially mobile. Collation of data on current scholarships would assist in this task.

Aptitude testing

We are of the view that action is required to address the disparity between the number of LPC/BPTC graduates and the number of training contracts / pupillages available. However, we do not have a firm view on whether aptitude testing is the best way to achieve this. If aptitude testing is to be introduced, its format would need to be thoroughly explored and it is paramount that the scheme should be implemented so that it does not undermine social mobility and access to the profession.

Courses (modules / electives) with a Legal Aid focus

The regulatory bodies should encourage law schools to offer more choice of electives on the LPC and BPTC including law that has traditionally has been publicly-funded, with less emphasis on commercial / corporate subjects.

As outlined in the response to LETR Discussion Paper 02/2011, respondents were positive about the experience offered by the College of Law's "Legal Aid Route."³ This route is designed to prepare candidates for practice in a community high street firm or the publicly funded legal sector, providing legal representation for underprivileged

³ http://www.college-of-law.co.uk/Our-Courses/LPC/LPC-routes/#Legal_aid

groups or members of society. There is an opportunity to receive additional training in the issues surrounding publicly funded work and take part in pro bono advice programmes.

ISSUE 2: WORK EXPERIENCE / LOW PAID PARALEGAL JOBS

Work Experience

YLAL would encourage a requirement for legal work experience as part of the QLD, which could also be extended for students to undertake whilst on the GDL.

Further, we are drawn to the idea of a central clearing house for work experience placements. Although little is known about how this would work, YLAL supports its exploration; such a facility should ensure that work experience is widely available and open to all. YLAL hopes that this would help to reduce the barriers that make work experience less accessible for individuals from lower socio economic backgrounds.

YLAL is concerned about the lack of regulation of work experience and the potential for exploitation which flows from this. Providing checks and balances on the quality, content, and payment provided in work experience contexts would reduce exploitation and enable students to undertake meaningful work experience. In particular regulation is needed to ensure that legal organisations do not breach National Minimum Wage legislation. Guidance is needed to ensure that organisations are aware of the impact that requiring individuals to have done unpaid work before considering them for a job has on social mobility.

Work Based Learning (WBL)

WBL has been identified as a key interest of respondents to this survey. Our view is that any new regime for legal education and training that is serious about widening access to the profession must seriously consider WBL. This may be a better way to allow new entrants to develop skills and advance their careers without prohibitive costs.

ISSUE 3: THE VOCATIONAL STAGE OF QUALIFICATION

Preparation for practice

A high level of supervision is important. This should apply for all those at the junior end of the legal aid profession; whether a paralegal, trainee or pupil, given that the general theme from the survey is that junior staff are given a high level of responsibility relative to their counter parts in other legal sectors.

Scrapping of the minimum salary

YLAL remains against the scrapping of the trainee minimum salary. We call for its reinstatement.

FURTHER READING

Our findings and overall conclusions are supported by previous research undertaken by YLAL; in particular:

- YLAL's response to the Solicitors Regulation Authority (SRA) consultation, "Review of the minimum salary requirement for trainee solicitors".
<http://www.younglegalaidlawyers.org/sites/default/files/YLAL%20SRA%20min%20salary%20final%20090412.pdf>
- YLAL's response to the SRA Economic and Equality Impact Assessment, produced as part of the review of the trainee minimum salary.
<http://www.younglegalaidlawyers.org/sites/default/files/YLAL%20SRA%20min%20salary%20EIA%20response%5B1%5D.pdf>
- YLAL's report on paralegals working in legal aid.
http://www.younglegalaidlawyers.org/files/Releases_Responses/YLAL%20Paralegal%20Survey%20Report_280208.pdf
- YLAL's report on the impact of legal aid cuts on MPs: "Nowhere else to turn: The impact of legal aid cuts on MPs' ability to help their constituents"
http://www.younglegalaidlawyers.org/sites/default/files/YLAL_Nowhere_else_to_turn.pdf
- Unequal before the law: the findings of an independent Commission of Inquiry into legal aid, organised by the YLAL and the Haldane Society of Socialist Lawyers.
http://www.younglegalaidlawyers.org/files/Releases_Responses/Unequal_before_the_law_legal_aid_report_june_2011.pdf
- YLAL social mobility report.
http://www.younglegalaidlawyers.org/files/YLAL_SOCIAL_MOBILITY_REPORT_FEB_2010.pdf
- YLAL report into the findings of its 2008-9 supervision survey, which responds to the supervision ratio proposed by the Legal Services Commission's in their 2008 consultation paper 'Civil bid rounds for 2010'.
http://www.younglegalaidlawyers.org/files/Releases_Responses/YLAL_supervision_Survey_Report_2009_final.pdf