



Legal aid lawyers: the lost generation in the “national crusade” on social mobility

Young Legal Aid Lawyers’ response to the Government consultation paper “New opportunities: Fair Chances for the Future” (January 2009) and The Panel on Fair Access to the Professions report “Unleashing Aspirations” (July 2009)

Contents

Executive Summary	3
YLAL recommendations	3
Introduction.....	4
Concerns	5
Ways forward to ensure social mobility: a response to the consultation paper “New opportunities: fair chances for the future” (January 2009)	10
Pathways for all (Chapter 5): ensuring equal opportunities in education.....	10
Getting on in work (Chapter 6)	13
Strengthening family life (Chapter 7).....	19
Conclusion: the risks of ignoring the need for diversity	22
Acknowledgments.....	24

Executive Summary

YLAL's investigations have revealed that aspiring lawyers from diverse backgrounds are finding it harder than ever to forge a career in legal aid. The Government's "national crusade" to improve social mobility does not appear to have extended to this sector of the legal profession.

The reasons why social mobility is particularly lacking in the legal aid sector include the lack of subsidised training opportunities, low salaries, and the almost ubiquitous requirement for entry-level candidates to have copious work experience in legal aid, which inevitably can normally only be obtained on an unpaid basis. The result is that those from low-income families cannot afford to become legal aid lawyers and the legal aid profession is therefore becoming less and less representative of the people it serves: those without means.

This report responds to the Government consultation paper "New Opportunities: Fair Chances for the Future" and the Panel on Fair Access to the Professions report "Unleashing Aspirations". We have interviewed students, practitioners and academics from diverse backgrounds and have made a number of recommendations. YLAL calls on the Government to implement the recommendations set out below without delay.

YLAL recommendations

Educate and inform

1. Develop and enhance the existing citizenship curriculum in schools nationwide to include information about legal rights and the legal aid system. This will improve the quality of education about rights and justice whilst also developing students' aspirations and exposing them to the legal profession.
2. Introduce a comprehensive, focused nationwide work experience and mentoring scheme between schools, colleges and legal practitioners.
3. Develop more focused and better quality careers advice to inform students from low income families about how to go about entering the legal profession.
4. Encourage more universities to offer law degrees with a sandwich year working in legal practice. This will enhance students' CVs when it comes to securing training. It will also mean students can take advantage of certain undergraduate privileges for a longer period, such as childcare grants and Parents Learning Allowances.
5. Incentivise lawyers' participation in the schemes listed above by offering tax incentives, and 'brownie points' with the service funders.

6. Encourage universities and places of higher education to consider candidates academic and non-academic achievements during their admissions processes.

Review the Routes to Qualification

7. Work with the Law Society, the Bar Council and the Institute of Legal Executives to review access to the profession via more vocational routes, as opposed to the present costly academic routes.
8. Immediately review the prohibitive costs of professional courses required to access qualification as a lawyer, namely the Legal Practice Course and Bar Vocational Course, and investigate whether they are fit for purpose.

Practical Help

9. Increase the number of LSC sponsored training contracts. This will mean more firms are able to offer training contracts and more students are able to afford to do the LPC.
10. Offer ongoing support and incentives (upon application) to all firms that demonstrate a commitment to taking on trainees. For example, financial help to pay the fees for courses trainees need to take as part of their training.
11. Clamp down on exploitation of paralegals by issuing a minimum salary and introducing LSC penalties for law firms who otherwise exploit paralegals, e.g. through failing to provide adequate training.
12. Improve the assistance given to parents and others who support a family and who wish to enter the legal aid profession. In particular, make childcare grants and Parents Learning Allowances available at all stages of legal education (including during professional courses).
13. Recognise legal aid lawyers for their public service by adding them to the list of key workers who receive additional benefits, for example.

Introduction

Young Legal Aid Lawyers (YLAL) welcomes the Government's recent consultation on social mobility, which it perceives to be an increasing problem in the legal profession on the whole, with the legal aid sector most seriously affected.

YLAL is an umbrella organisation that was formed in April 2005 to represent the views of law students and junior lawyers in response to growing concerns over the future of legal aid. The group includes solicitors, barristers,

paralegals and students. Since its inception the group has engaged with the Legal Services Commission and Ministry of Justice in order to put forward the views of the next generation of legal aid lawyers. YLAL is concerned to ensure the sustainability of the legal aid system as a whole, and, in particular, the flow of quality new entrants into the profession. YLAL's members are motivated to work in legal aid by their commitment to social justice and the principle that the rule of law should not be undermined by lack of means.

The Government's consultation paper deals in detail with the negative affects of lack of social mobility. YLAL supports the Panel's view, as stated in 'Unleashing Aspirations', that social mobility is essential for social cohesion, equality, fairness, and economic and social stability. YLAL observes many ways in which lack of social mobility impacts on legal aid services provision. We are aware that clients increasingly fail to see themselves reflected in the socioeconomic background of those that represent them. We also know that many aspiring legal aid lawyers have the commitment and aptitude for a career in the publicly funded sector but lack the means and the opportunity to qualify into it.

YLAL welcomes the Government's proposals for the improvement of social mobility, but feel that there is more that should be done in order to promote it, particularly within the legal aid sector.

We have attempted to respond to the most relevant parts of the January 2009 consultation and have tried to provide a constructive overview of social mobility within legal aid. We have researched the issue by talking to students, practitioners and academics, as well as by consulting our members, and have formulated a set of recommendations, which we call on the Government to implement in addition to their current proposals.

Concerns

The Panel on Fair Access to the Professions report "Unleashing Aspirations" (July 2009) found that the professions are becoming the preserve of people from the most well-off families, and that if this trend is not reversed then the typical professional of the future will be growing up in a family that is better off than 7 in 10 of all families in the UK. The paper shows that the law in particular is most affected by lack of social mobility and is again becoming one of the most socially exclusive professions:

- Top solicitors and barristers are typically drawn from middle income families that are significantly better off than the average (up to £800 per week more than the average family income);
- Typically over 50% of solicitors and barristers attended independent schools, compared to just 7% of the population as a whole.

The Government has already been warned of the particularly serious problems that currently exist in the legal aid sector. Remuneration and morale are so low that firms are being forced to close down or close their doors to legal aid work. This has had a disproportionate effect on high street firms and firms comprising black and minority ethnic lawyers, in turn disproportionately affecting social mobility in the profession.

The recent reforms to the legal aid system have led to a total dearth of **training opportunities** in the legal aid sector. In our experience, several firms that used to offer many training contracts per year, now offer none, or instead take on one or two paralegals 'with a view to a training contract', but with no firm guarantees of when that training contract may materialise. A few firms continue to take on trainees every year, but these placements have become increasingly competitive. Our research shows that a total of 300 or 400 applications per placement is not uncommon. We have also noted that those barristers' chambers that are reliant upon legal aid work have now ceased taking on pupils. As a result there are thousands of students who have finished all professional and academic qualifications who are unable to progress to the next stage. It is acknowledged that the economic downturn has affected training opportunities across the legal profession in the last 12 months, but in our experience the lack of training opportunities in the legal aid sector preceded the downturn and is likely to continue indefinitely unless positive action is taken now.

YLAL is particularly concerned that the legal aid profession is fast becoming **unsustainable**. Practitioners are leaving the legal aid sector in droves and many firms are closing. No new firms are opening. This means that there is very little progression within the legal aid profession, which is particularly true at entry level. Those firms and chambers that are managing keep their heads above water are unable to commit to providing training. Whatever model the Government and the Legal Services Commission envisage for the delivery of legal aid in the future, it is certain that well-trained and committed lawyers will be needed to represent people who would not otherwise be able to afford legal representation, who are also often the most vulnerable members of society.

Given the scarcity of training opportunities in legal aid, there has been a very serious increase in recent years for the need for candidates in the legal aid sector to make themselves more attractive to potential employers by gaining work experience. This helps prove their commitment and also cuts down on the amount of time needed to train before fee earning can begin. With increased pressure on profit margins, legal aid employers increasingly want to hire finished models and take fewer risks. As paid work for unqualified candidates is rare in legal aid, this work experience is mostly available on a voluntary basis only. This in effect excludes many candidates from low-income backgrounds, for whom working for free is not an option.

“ With law still being highly populated by the upper-middle and upper classes it is clear that there is a lack of mobility. Whilst there are some notable success stories of 'working class' lawyers they are the exception rather than the rule...The demographics of those with the 'best' training contracts at Law Schools are narrow. The application process looks for those who have had the opportunity to build a good background of activities. Those in public funded education are likely to work at weekends, which prevents such things as Duke of Edinburgh etc. Gap years are less accessible and therefore their application will be weaker. Whilst at university they are also likely to need to work to fund this rather than join all the clubs, which again build applications.

Law lecturer ”

However at present, with enough relevant experience, most candidates can at best hope to secure a post as a paralegal. It is now unusual for trainees in solicitors firms to have not worked for at least six months as a paralegal first. But, in our experience, those unable to secure training contracts and pupillage invariably work indefinitely as paralegals. The increasing use of paralegals is phenomena which in itself poses serious challenges to social mobility given the relatively poor rates of pay and the lack of career progression (see for example YLAL's paper on the increasing use of paralegals 'YLAL survey on paralegals in legal aid: a growing and unhealthy dependency'¹).

YLAL continues to be very concerned about the exorbitant costs of undertaking professional qualifications. Like all students, law students incur not inconsiderable tuition fees during their time at University. Thereafter, if a candidate does not have a law degree, a Graduate Diploma in Law must be completed ('conversion course') which costs in the region of £8,000 tuition fees for full time study. Then, the candidate must go on to complete either the Legal Practice Course (LPC), for solicitors, or Bar Vocational Course (BVC), for barristers.

¹ Available at http://www.younglegalaidlawyers.org/index.php?option=com_content&task=view&id=63&Itemid=69

“ Law ought to be more accessible than some professions given the skills base which is essential – hard work, common sense, judgment and a sense of what is just. It is a concern that those who possess those qualities are excluded from the profession because they lack the opportunity to fulfil the more formal requirements necessary to get into the profession – degree qualification etc., which are, in practice, less important than the skills referred to above.

Law tutor

”

The LPC currently costs in the region of £11,000 for full time study. Most large commercial firms will meet these fees, and in some cases will provide a living allowance on top. However we have been unable to identify any legal aid providers who will meet a trainee’s course fees unless they have been awarded an LSC training grant, in which case 60% of the LPC fees are met by the LSC.

The BVC currently costs in the region of £15,000 full time study. If an individual is able to secure pupillage prior to commencing the Bar Vocational Course, they may be entitled to a ‘draw down’ from their pupillage provider. However, this works as an advance and means that the individual will earn less that sum in their pupillage year, which tends to average about £10,000.

Prospective barrister candidates may find financial respite via the Inns of Court which offer just over 350 scholarships per year. However, financial circumstances are only considered after the decision to award on merit has been made and the financial circumstances of parents are immaterial to the application; consideration is given to the *individual’s* financial circumstances.

For these reasons, many candidates who would otherwise want to work within the legal aid sector cannot afford to unless they have an independent income or their family agrees to provide finance.

The situation is exacerbated by the low rates of remuneration within legal aid. The Law Society recommended minimum wage for trainee solicitors is £16,650, rising to £18,590 in London. Upon qualification, solicitors can expect to earn less than many key workers and in fact most other workers in general. A recent survey published by the Guardian Newspaper² shows that legal aid solicitors earn on average £25,000 per annum - far less than GPs (who earn more than double) and teachers, and less than social workers, nurses, prison officers and sewage plant operatives. The national median salary is £25,816 whereas the median salary for public sector workers is £27,686.

² “The Queen, Jonathan Ross, nurses and teachers. What do people get paid in the public sector?”, 17 November 2009

Chambers undertaking legal aid work tend not to remunerate their pupils more than the current minimum salary for pupillage, which is £10,000. This is less than the fees of the one-year Bar Vocational Course and lower than a salary earned at the current minimum wage of £5.80.

“ I will be earning less as a barrister having done my undergraduate degree, conversion course and BVC should I take on legal aid work than I did when I was 16 working at Sainsbury’s as a checkout girl.

Law student ”

By comparison, most London-based trainee solicitors and pupil barristers in commercial law and some private client work can expect to earn £40,000 or more in their first training seat or first six.

The consequences upon social mobility of having to self-subsidise all study in order to progress into the legal aid sector are dire. Many candidates from low-income families or who have dependents cannot even contemplate a career in legal aid as a result.

“ I have had no financial assistance of any kind from my family as quite simply they cannot afford it. I am also the first person from my family to go to university so it is against the odds that I am attempting to become a solicitor. I have already accumulated £30,000 worth of debt from my law degree alone. Add that to the cost of the LPC and living costs for the year whilst I study and the figure rises to £50,000. The starting salary for a legal aid trainee starts at around £18,000.”

Final year LLB student ”

Despite this negative backdrop, there are still many thousands of students qualifying year after year who wish to train and practice in the legal aid sector, and are committed to using the law to help the most vulnerable in society. YLAL believes that as long as there is heavy unmet need for legal help for people who cannot afford to pay for it, the Government should be doing all it can to support the sector and to encourage entrants from all backgrounds to legal aid law.

Ways forward to ensure social mobility: a response to the consultation paper “New opportunities: fair chances for the future” (January 2009)

It was not clear to us from reading the Government’s consultation paper what measures are already in place, whether money was already committed to various initiatives and which initiatives are specific additional measures to deal with this problem. As a result it was difficult to understand what impact the measures are likely to have and what improvement can be expected. YLAL believes it is essential that the Government clarify the position so the drivers of social mobility can be better understood in the future.

YLAL has considered the issues raised in the consultation and has developed some possible constructive ways forward to ensure social mobility within the legal aid sector based on our research. Our findings, based on our research, are set out under headings that broadly relate to the consultation chapters.

Pathways for all (Chapter 5): ensuring equal opportunities in education

“

Perhaps the Academy system is a way of tackling it but it is not really clear how successful that will be. It won’t really be able to go far enough unless each child has access to a good school. The opportunities must be equal for people. Issues about social mobility cannot be addressed or solved until there is that level playing field.

”

Solicitor

Our research supports the importance placed upon raising the standards in places of education in improving social mobility. Many who work in the legal aid sector and come from low income families have emphasised the need for good education and the important role that it played in their lives in helping them to overcome many social and economic barriers.

“

there are thousands of people with the ability to access these kinds of professions but they do not have access to the tools and resources that they need, such as the right education. Having a good education sets you up to access all the opportunities out there

”

Solicitor

“

Social mobility is to me all about opening peoples' eyes to what is available and achievable and providing the means to offer access to all who are able. I am a very big believer in “adult” education – I was only 23 when I did my A levels, but without adult education I would not have had the opportunities that then came my way. At 16/17 I was not motivated at all to study; it was only after having a meaningless job for the best part of 7 years that motivated me to want to do something more positive with my life.”

”

Barrister

YLAL recommendation 1

Develop and enhance the existing citizenship curriculum in schools nationwide. This will improve the quality of education about rights and justice whilst also developing students' aspirations and exposing them to the legal profession.

YLAL supports the Government's aim of raising aspirations at an early stage and call on it to introduce a nationwide scheme to inspire and inform children about the justice system. This scheme could be administered through the Law Society, Bar Council, and the Institute of Legal Executives, in co-operation with organisations such as the Citizenship Foundation and Public Legal Education Network, forming part of the nationwide Citizenship curriculum.

“ Perhaps it is a stereotype but it is traditional that the middle classes see it as a birthright or some kind of entitlement to enter these kinds of professions. If you haven’t grown up with those kinds of principles and in a family without those kinds of people around you then you don’t necessarily see those opportunities as existing for you. The fact is that most people want to secure a good future for their children even if they themselves have missed out on opportunities.

”

Solicitor

The proposed scheme would enhance and improve the education already provided as part of the present Citizenship curriculum, by inviting lawyers to attend schools regularly to teach certain aspects of the subject. The lawyers could be offered continuing professional development points as an incentive. This would assist social mobility as it would provide students with exposure to and information about the legal profession. It would not only educate them about justice and their rights, but also develop their aspirations, making the legal profession more accessible to all. YLAL supports the finding of the Neuberger Report regarding access to the legal profession (2007) that outreach activity undertaken by professionals in schools and colleges is essential to develop the reputation and image of the profession, its culture and the retention of a diverse workforce.

YLAL recommendation 2

Introduce a comprehensive, focused nationwide work experience and mentoring scheme between schools, colleges and legal practitioners.

YLAL notes the Government’s finding in the consultation paper that those with parents who have received higher education are more likely to receive informal support in pursuing further education and careers in the professions.

YLAL calls on the Government to introduce a *nationwide initiative* to provide work experience and mentoring schemes involving schools, colleges and local legal practitioners. This will not only inform and inspire young people from all backgrounds about the profession, but will also harbour important links between young people and the profession, making the sector more accessible and giving them a greater understanding of how they might enter it.

YLAL acknowledges that there are currently schemes in place in schools and colleges, but these are ad hoc and, in general, not sufficiently geared towards

access to the legal profession. YLAL wishes to stress the importance of involving those in the legal profession in the nationwide initiative, as we believe this will help to break down artificial barriers to the legal profession and show those without experience of the profession that it is accessible to them.

The Panel’s paper ‘Unleashing Aspirations’ highlights the importance of alumni networks and professional outreach programmes. YLAL supports that finding, and calls on the Government to incorporate the professional outreach programme into the nationwide initiative for work experience and mentoring, although we note it will be essential to incentivise participation from lawyers and school leavers who have gone on to have successful professional careers in law.

YLAL recommendation 3

Develop more focused and better quality careers advice to inform students from low income families about how to go about entering the legal profession.

Our consultation revealed a lack of quality careers advice, which impacted most seriously on those from more disadvantaged backgrounds. YLAL is frequently asked to attend university law careers fairs. We are often, along with the Legal Aid Practitioners’ Group, the only representatives for legal aid at these events. Some students are not even aware of what legal aid is and ask if it is like ‘pro bono’ or charity work. Careers advisors often complain that legal aid firms are unable to spare representatives for the day. Even if legal aid firms can attend, they do not have the resources to compete with commercial law firms at these events.

Getting on in work (Chapter 6)

“ **As a person from a low income family, it is much easier to pursue a career as a lawyer in the City or Government Legal Services as opposed to legal aid work.**

Student



YLAL has long campaigned against the unfairness of the increasing trend that new entrants to the legal profession must have several weeks or months (often unpaid) work experience, before they are able to secure a post as a paralegal and eventually as a trainee or pupil. Securing such positions has become increasingly difficult in the legal aid sector.

“The lack of training contracts for legal aid firms means it's extra competitive for any positions that are available. 350 people applied for the paralegal position I got this week and that doesn't even have a guarantee of a training contract! To make myself stand out I've had to do lots of extra curricular activities (FRU, CAB etc)”

”

Full-time paralegal and part-time law student

“If you have good grades, it is easier to get a training contract in the City. Legal aid law firms regard international voluntary work highly and take non-paid work placements as demonstrating commitment. Unfortunately, no matter how committed you are if you can't work for free you are at a disadvantage when compared with the person who volunteered in a court in Sierra Leone for a year. I have already been offered a City training contract with a starting salary of £40,000 per year. I am struggling however to even get a paralegal position in legal aid work due to lack of experience. Choose the City and you have job security, choose legal aid and you might not even get a job.”

”

Law student

This point is echoed in 'Unleashing Aspirations', which states “There is current inequality in internship opportunities because they involve working for free, there are geographical restrictions and many people come from backgrounds where internships are not considered or known about. Therefore some professions are only drawing their interns from a limited pool of talent.”

YLAL adds to this finding that the position is in fact even more unfair as employers in the legal aid sector then tend to take their entry level employees from the pool of candidates who have undertaken the internships (or unpaid work experience), thereby further restricting entry to the profession.

YLAL recommendation 4

Encourage more universities to offer law degrees with a sandwich year working in legal practice. This will enhance students' CVs when it comes to securing training. It will also mean students can take advantage of certain undergraduate privileges for a longer period, such as childcare grants and Parents Learning Allowances.

YLAL recommendation 5

Incentivise lawyers' participation in the schemes listed above by offering tax incentives, and 'brownie points' with the service funders.

YLAL believes that the need to gain important work experience should be tackled early on in a would-be lawyer's training, by increasing university sandwich courses and developing links between universities and the profession. Universities should be encouraged to forge links with law practices and offer students the opportunity to work for a year or six months towards the end of their course, or after completion. It is acknowledged that this would increase the amount of time spent as an undergraduate student, and some students may initially be concerned about the cost of extra time spent studying, but it is YLAL's position that these are outweighed by associated benefits in the long term, namely: valuable work experience, a greater understanding of the profession, and the associated financial benefits of being enrolled as an undergraduate such as eligibility for child care benefits, student loans and council tax exemption.

“

“Funding was for me a real issue – despite the scholarships for my LLM and BVC, working during my BVC and the year before starting it, and despite going to university before fees came in, I was still badly in debt when I started my pupillage. I was lucky in that [my chambers] provide a Guaranteed Earnings scheme in the first two years of tenancy. Despite all this though I still remember trying to scrape together money for trains to get to court and for weekly shopping. I don't mind admitting being reduced to tears sometimes when, feeling absolutely exhausted from work I wondered why I was unable to pay bills.”

”

Barrister

YLAL recommendation 6

Encourage universities and places of higher education to consider candidates' academic AND non-academic achievements during their admissions processes.

“ **Most areas of law benefit from there being a range of people from different backgrounds practicing in it, I am sure having lived a bit before coming to the Bar has really helped me to communicate better with my lay clients, and they (I hope) find me more accessible as a result.**

Barrister

”

YLAL agrees with the Neuberger Report's finding that the professions need to take a wide-ranging look at the selection process. To this end, YLAL recommends that universities and places of higher education consider candidates with academic and non-academic achievements. A more flexible approach to entry criteria will widen the pool of candidates for training posts in the legal profession, without compromising quality.

YLAL is particularly concerned that those who have excelled in non-academic fields are disadvantaged at a very early stage and thereby dissuaded from entering the profession. It is our position that experienced and worldly individuals should be attracted to the profession.

YLAL recommendation 7

Work with the Law Society, the Bar Council and the Institute of Legal Executives to review access to the profession via more vocational routes.

The Panel's paper 'Unleashing Aspirations', states that participation in higher and further education is still strongly correlated with parental income, and that evidence shows that those who choose vocational routes into work tend to be from disadvantaged social backgrounds. YLAL believes this finding speaks for itself and the Government should act immediately, working with the Law Society, Bar Council and Institute of Legal Executives to review access to the profession to develop vocational routes without compromising the high standards which are necessary in this field.

YLAL recommendation 8

Immediately review the prohibitive costs of professional courses required to access the legal profession, e.g. Legal Practice Course and Bar Vocational Course, and investigate whether they are fit for purpose.

YLAL is extremely concerned about the prohibitive costs of undertaking professional qualifications necessary to enter the legal profession. YLAL questions why the fees are so high and whether these long and expensive courses are necessary. We note that there has been some support for scrapping training contracts (including from the College of Law's Legal Services Policy Institute - see Law Society Gazette, 24 September 2009). YLAL supports a thorough review of the routes to qualification but urges the Government to exercise extreme caution on this issue.

The cost of the LPC and BVC impact most significantly upon those hoping to enter the legal aid profession, where entrants often have little option but to self-fund these courses as the costs are not met by their future employers for a variety of reasons. In addition the lower rates of pay in the legal aid profession mean that those who have incurred large debts by undertaking these courses, often find that they cannot afford to work in the sector and pay off the substantial debts they have accrued.

The position is very unfair and the Government is called on to review the position without delay. A root and branch review needs to be carried out into the length of such professional courses, and whether they meet the current needs of employers. In addition, if it would be better to shorten such courses and replace them by more suitable professional studies courses during an individual's training.

“

I think it necessary to reduce the costs of the BVC and LPC (and the conversion course), encourage solicitors firms and chambers to provide some of the funds for contracts and pupillage at the BVC/LPC stage. I also think we need to reduce the numbers doing these courses as the numbers of pupillages and contracts are way below the numbers training. This causes immense competition and so increases the need to set yourself apart from others – which often means bolstering your CV with internships etc. which only the better off can afford to do. The more expensive it is to train and the more competitive (in the wrong sort of ways) the market becomes, the more excluded the less well off become.

”

Barrister

YLAL recommendation 9

Increase the number of LSC sponsored training contracts. This will mean more firms are able to offer training contracts and more students are able to afford to do the LPC.

YLAL acknowledges that the LSC has invested in a sponsored training contract scheme for several years now. When it runs, the scheme provides between 100 and sponsored 150 training contracts each year: this has included a significant contribution to the costs of the training contract and the LPC course. This has helped to tackle the problem of access to the profession to a certain extent and has been welcomed and supported by YLAL. Unfortunately, the scheme did not run in 2009 and is not expected to run until late 2010. The scheme was an excellent initiative, albeit insufficient to deal with the problems identified in this report. The absence of any sponsored training contracts for almost two years, which has coincided with a deep recession and a time of immense change for legal aid – is disastrous for social mobility. More funds need to be made available to support a larger number of entrants to solicitors firms and chambers.

YLAL recommendation 10

Offer ongoing support and incentives (upon application) to all firms that demonstrate a commitment to taking on trainees. For example, financial help to pay the fees for courses trainees need to take as part of their training.

YLAL recommendation 11

Clamp down on exploitation of paralegals by issuing a minimum salary and introducing LSC penalties for law firms who otherwise exploit paralegals, e.g. through failing to provide adequate training.

YLAL continues to be extremely concerned about the increasing exploitation of paralegals in the legal aid sector, an issue that we researched and wrote on in detail in 2008 (see *YLAL Survey on Paralegals in Legal Aid: A Growing and Unhealthy Dependency*³).

YLAL believes that the increasing use of paralegals impacts disproportionately on those from more disadvantaged socioeconomic and diverse backgrounds. YLAL's 2008 survey found that pay for paralegals generally was appalling with only ten per cent of respondents working in the legal aid sector earning over

³ Available at http://www.younglegalaidlawyers.org/index.php?option=com_content&task=view&id=63&Itemid=69

£20,000 in comparison with 50 per cent of their counterparts in the non-legal aid sector. Further, respondents who described their ethnicity as Asian earned significantly less than the average paralegal.

Many entrants from these backgrounds cannot afford to work for a sustained period of time for such low levels of pay with no assurance of career progression.

“

Choosing a trainee is a very difficult and sensitive position. If the firm gets 300 or 400 applications you have to have a way to select the candidates. How do you do that? I think there is a move towards focussing less on the academic side but there still has to be a way to distinguish between people. We try to look more at what projects people have been involved in, if they have done volunteering or if they have paralegaled. But these things are still often linked to financial resources because in order to do unpaid work such as volunteering or project work you need to be able to afford to do that. It is very difficult to do that if you are a student and you are having to pay your way on a student loan all the time.

”

Partner in a legal aid firm

We urge the Government to review the position and provide ongoing support and incentives (upon application) to all firms that demonstrate a commitment to taking on trainees. This would help to alleviate the lack of career progression experienced by many paralegals. This could include, for example, financial help to pay the fees for courses trainees need to take as part of their training. We also request the Government to deal with the exploitation of paralegals by implementing the recommendations from our 2008 report, including issuing a minimum salary and introducing LSC penalties for law firms who otherwise exploit paralegals, e.g. through failing to provide adequate training and supervision.

Strengthening family life (Chapter 7)

YLAL notes that the high cost of childcare, particularly for pre-school children, impacts seriously on the legal profession in two ways. First, the costs prevent many parents from completing the GDL, LPC or BVC in the first place, and second, parents who have managed to fund themselves through these courses are significantly less likely to work in legal aid owing to their higher than average levels of debt, continuing childcare costs and the sector's lower wages.

Our research shows that the average weekly cost of a nursery place for a child under two in the UK is now £167 per week, and this figure rises to £226 in London, with weekly costs in some boroughs as high as £400. These costs hit postgraduate student parents particularly hard as these families are often unable to access the childcare element of working tax credit - a benefit specifically introduced to meet a significant proportion of the childcare costs of lower income families.

In order to qualify for the childcare element of working tax credit a single parent must work for at least 16 hours per week. For couples, each parent must work for at least 16 hours. The employment must be paid and studying cannot count towards meeting this requirement. For many student parents this means either combining fulltime study with a part time job and parenthood, or taking the GDL or LPC part time over two years to allow for fulltime work.

“

“Childcare grants and a fund called the Parents Learning Allowance are now available to all undergraduate students. For professions such as architecture and medicine, where a student is classed as an undergraduate throughout their study, this funding has done much to improve access. However for law where as a fourth year LPC or BVC student you are officially classed as a postgraduate this help is unavailable. It seems a shame that this generous Government initiative allows a law student to almost make it to trainee level, before removing funding at the final hurdle.”

”

Trainee solicitor and mother.

There are now fairly generous childcare bursaries available for all UK undergraduate parents. However, these are not available to post-graduate students. Some Universities do have funds available to meet students' childcare costs. However, these are limited and priority is often given to undergraduate students. At many institutions these funds are also only available once a student can demonstrate extreme hardship which often means having to prove all available funds have been totally exhausted and all available loans have been taken. The system is unfair for student parents for several reasons. It is vital for many student parents that they are able to accurately budget at the beginning of a course rather than rely on emergency funding once they have reached rock bottom. Many student parents will also be very reluctant to take out loans given the financial constraints already placed on their young family and particularly as they may need to take time after finishing their course before starting their training post to care for their families, while others may wish to expand their families before beginning their training post.

The generous maintenance bursaries and the payment of GDL and LPC fees, and higher rates of pay available on qualification from many large commercial firms provide another motivation for student parents to move into the commercial sector without considering legal aid.

YLAL recommendation 12

Improve the assistance given to parents and others who support a family, who wish to enter the legal aid profession. In particular, make childcare grants and Parents Learning Allowances available at all stages of legal education (including during professional courses).

YLAL believes that the current situation precludes a large number of potential LPC and GDL students with families, from embarking on legal careers particularly within the legal aid sector. This is likely to disproportionately impact upon women who still tend to be the primary carers for families.

To combat both the discrepancies the Government should consider a centrally administered childcare fund for post-graduate law students or for enrolment on the GDL, LPC or BVC (or equivalent) as fulfilling the necessary criteria to receive additional Government child care support.

YLAL recommendation 13

Recognise legal aid lawyers for their public service by adding them to the list of key workers who receive additional benefits, for example.

YLAL believes that it is time that lawyers who devote their careers to legal aid work are recognised as providing a public service, rather than being branded as fat cats. The evidence in this report illustrates just how difficult it is for new lawyers from disadvantaged backgrounds to forge a career in legal aid. Public recognition of the work legal aid lawyers do and some practical help to encourage new lawyers from all backgrounds to commit to this area would be an excellent start.

Conclusion: the risks of ignoring the need for diversity

The recommendations in this report are not just about the legal profession – they affect clients too. YLAL strongly believes that urgent action is required to ensure that the legal aid sector survives and flourishes into a profession that is not alienated from its diverse client base but is best equipped to represent it. After all, legal aid is essential to maintain access to justice and the rule of law, and to champion the rights and entitlements of those who cannot do so for themselves. YLAL also believes that the Government needs to ensure access to justice is not further restricted by more punitive cuts to legal aid.

If our recommendations are not taken on board, increasing restrictions on legal aid means that we risk creating a system where those who cannot afford to pay for legal help are reliant on an unrepresentative cohort of legal aid lawyers. If aspiring legal aid lawyers from diverse and disadvantaged backgrounds are forced to go to the commercial sector, clients from their

communities will lose out. Even where commercial firms set up pro bono schemes for those unable to access legal aid, such help will be totally dependent on the good will of the firm. The absolute right to free legal advice from a lawyer of your choice is an essential part of meaningful access to justice.

YLAL urges the Government to ensure that the recommendations in this report are considered carefully to ensure a future that really is fair for all.

“

I think clients do benefit from having a diverse profession. I am not saying that black people should only want to see black lawyers or women should only want to see women lawyers, but there is a benefit. However we all go through the same training and we should all provide the same quality of service. Why should some sections of society be excluded from accessing a profession that others feel they are born into or have some sense of entitlement to access?

In some areas it is possible that a client may feel they want to have a black lawyer and if that is not available then that is a sad indictment of our society. Sometimes there are cases when I can understand that because of the cultural and the ethnic context you might feel that is important. It still surprises me that sometimes I can see that a client is surprised when they meet me.”

”

Solicitor

Acknowledgments

YLAL is grateful to the following people, who contributed to this report and the research upon which it is based. We are also grateful to others who have contributed to this but who have asked not to be named.

Alison Gerry
Angela Jackman
Anne Street
Astrid Perry
Caroline Jelves
Esther Wilkinson
Felicity Williams
Kingsley Ebuono
Laura Janes
Marcela Navarrete
Miranda Hearn
Omar Khan
Peter Kumar
Piers Rankin
Poonam Pattni
Prem Ahluwalia
Rachel Divall
Richard Reynolds
Sara Lomri
Sian Davin