



YLAL: Briefing Paper

In March 2018, Young Legal Aid Lawyers (YLAL) launched its new report, *Social Mobility in a time of austerity*. We surveyed aspiring and junior legal aid lawyers across the country. We asked our members to paint a picture of their experience in qualifying for, gaining entry to and maintaining a career in legal aid. The responses painted a bleak picture.

It is vital that the legal profession and the justice system reflects the people it serves. The system is better able to respond to client needs when it draws from people of all parts of society. Moreover, the ability of people to pursue a career in law should be based on their skill and knowledge, not on who they know, how they look or where they went to school. We found that those from less privileged backgrounds struggle to obtain and then sustain a career in legal aid. Despite an apparent commitment to improving social mobility from politicians of all parties, we found that 37% of barristers who responded and 17% of solicitors had attended fee paying schools. Given that only 6.5% of children attend independent schools across the UK is, it is clear there is a very real problem.

There has recently been considerable coverage of the recruitment crisis in the legal aid sector, particularly in criminal legal aid. In April 2018 the Law Society found that the average age of criminal solicitors is now 50 years. A similar problem pervades social welfare law. Of those starting their legal careers, fewer and fewer are pursuing legal aid. It is important to understand the reasons for this.

Our report found that debt, as a result of tuition fees for professional qualifications, was a major barrier to the profession. Some respondents told us that as well as undergraduate fees, the fees for the Graduate Diploma in Law (avg £8,345), the LPC (avg £11,000) or the BPTC (avg £16,000) were too high to contemplate. We found that, of the students who managed to pay the course fees, many relied on their families to help, while others were able to secure loans; both of these funding options are more readily available to people who already have financial support or stability. It is clear that the fees are often so high as to be prohibitive to those without financial backing.

Additionally there is increasing evidence that work experience is a prerequisite to employment in legal aid. 75% of respondents said they had done some kind of unpaid work experience. The consensus was that it was often not possible to undertake this kind of placement if you were supporting your own family, had no financial support or were already working full-time in order to support yourself. Plainly, this constitutes a major barrier to the profession.

Our members tell us they find it extremely difficult to find a training contract in legal aid, with some having to move across the country to take up a place. The world of legal aid has become very London-centric and our report found that people were prevented from undertaking work experience, attending courses or finding employment because of where they lived in the UK or their inability to uproot themselves and move to the capital.

Once in a paid job within legal aid, we found that salaries were low. There is no mandatory minimum salary for trainee solicitors. The mandatory minimum for pupil barristers is a £12,000 pupillage

award. Overall, 30% of respondents were earning less than £20,000 and 83% of respondents earned less than £35,000. When you consider that our membership is drawn from those who are up to 10 years qualified then this is particularly shocking. The recent cut to the Advocates' Graduated Fee Scheme also disproportionately affects those at the junior end of the profession.

Despite these difficulties, there are still people striving to qualify as legal aid lawyers. Our members told us this was because they wanted to ensure the vulnerable were given a voice, and that they believed in access to justice. They also described the work as challenging, interesting and rewarding.

Our respondents told us that once working in the sector, they are often overworked and underpaid.. The 14 hour rule introduced for criminal duty solicitors is adding to the difficulties faced by those with caring responsibilities, part-time workers and those with health problems or disabilities. Another big challenge was feeling undervalued by employers but also, more importantly, by politicians and by the general public. Politicians and the media endorse the idea that we are fat cats; the prevailing political narrative encouraged by the current Prime Minister is that human rights and activist lawyers are troublesome. This has to change from the top: politicians must be honest about the our work and why it is important. Our work must be properly valued, not only through investment, but also by helping us to educate the public on the work we do, the rights they have and how we can help them when they need us.

We ask that you read the book and our report and consider the message they send. We ask that you act on the recommendations in our report. We call on you to ensure that the post-implementation review of LASPO is conducted thoroughly and fairly, with an open mind to positive reform of the system, and that all relevant parties are properly consulted.

Ultimately the legal aid system desperately needs investment of time and money. We ask that you act now before the justice system, currently running on the goodwill and dedication of the lawyers working within it, collapses.

Notes

Young Legal Aid Lawyers (YLAL) is a group of lawyers who are committed to practising in those areas of law, both criminal and civil, that have traditionally been publicly funded. YLAL members include students, paralegals, trainee solicitors, pupil barristers and qualified junior lawyers based throughout England and Wales. 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.

YLAL's objectives are:

- To campaign for a sustainable legal aid system which provides good quality legal help to those who could not otherwise afford to pay for it.
- To increase social mobility and diversity within the legal aid sector.
- To promote the interests of new entrants and junior lawyers and provide a network for likeminded people beginning their careers in the legal aid sector.