

# All Party Parliamentary Group on Social Mobility: Inquiry into Access into Leading Professions

A submission by  
The Chartered Institute of Legal Executives (CILEx)

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<b>Contents</b>	<b>Page</b>
1. Introduction	2
2. What is being done to improve access into the leading professions?	2
3. What do we know is working to improve access into leading professions?	8
4. What is the biggest obstacle to improving access into leading professions?	9
5. Summary of recommendations	11

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## 1. Introduction

- 1.1. The Chartered Institute of Legal Executives (CILEx) is the professional association and governing body for Chartered Legal Executive lawyers, other legal practitioners and paralegals. CILEx has around 20,000 in membership, including approximately 7,500 qualified Chartered Legal Executive lawyers.
- 1.2. As an Approved Regulator under the Legal Services Act 2007 we are authorised to grant practice rights in relation to litigation, advocacy, probate, reserved instrument activities, immigration services and the administration of oaths. We have delegated our regulatory functions to the independent regulator CILEx Regulation Ltd.
- 1.3. CILEx is also a nationally recognised Awarding Organisation, regulated by the Office of Qualifications and Examinations Regulation (Ofqual) and Qualifications Wales (QW).

## 2. What is being done to improve access into the leading professions?

### 2.1. What practices is your organisation involved with to increase access into your profession for people from disadvantaged backgrounds?

- 2.1.1. CILEx believes that the barriers people face when they come from disadvantaged backgrounds require proactive effort to address.
  - 2.1.1.1. Whilst some barriers are unique to individuals and circumstances, there are others that are erected by organisations and institutions through historic practice, a lack of accessibility, or a lack of affordability.
  - 2.1.1.2. In the legal sector these barriers have resulted in senior law firms and the judiciary being led by disproportionate numbers of people who were privately educated and/or attended select universities.<sup>1</sup>
- 2.1.2. However CILEx sees its responsibility to not just remedy these barriers, but systemically remove them altogether – through being a genuinely affordable and accessible route to a legal career in the first place.

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<sup>1</sup> <http://www.suttontrust.com/newsarchive/the-sutton-trust-and-prime-call-for-better-engagement-in-social-mobility-initiatives/> and <http://www.suttontrust.com/researcharchive/leading-people-2016/>

- 2.1.3. For more than 50 years CILEx has provided a non-university route to qualify and practise as a lawyer. Chartered Legal Executive lawyers are specialists, the majority of whom qualify through vocational or apprenticeship qualifications, proving competence through on-the-job experience.
- 2.1.4. Importantly, regardless of their background, CILEx members are not limited in their career prospects:
- 2.1.4.1. A Chartered Legal Executive can practise in any area of law, and CILEx members are employed across the country in a variety of environments including private practice, regulation, financial bodies, local authorities, charities, and national government.
- 2.1.4.2. They can seek the same independent practice rights in reserved legal activities (under the Legal Services Act 2007) as a solicitor; including in advocacy, litigation, conveyancing, probate, and the regulated activity of immigration practise.
- 2.1.4.3. Chartered Legal Executives have a variety of career destination options open to them, including partnership in a law firm, running their own firm, appointment as a judge or coroner
- 2.1.5. CILEx has been widely recognised for its work on social mobility, including being cited in the 2012 *Social Mobility Toolkit* by Professions for Good<sup>2</sup>, and we were honoured to receive the 2016 MemCom Award for *Best Social Mobility Initiative by a Professional Body*.<sup>3</sup>
- 2.1.5.1. The judging panel in its citation for the award said “*CILEx is the only route into the legal profession which is truly open to all whatever their background. Going further in this area, their new CILEx Tech Level 3 Diploma in Law and Legal Skills launching this year is designed specifically for 16–18 year olds, it will enable young people to choose to study practical legal skills and knowledge and gain valuable work experience that will allow them to embark on a fulfilling career in law. The judges were impressed with CILEx’s work in this area including publishing member stats on background and diversity.*”

**2.1.6. Affordability**

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<sup>2</sup> <http://www.raeng.org.uk/publications/other/social-mobility-toolkit>

<sup>3</sup> [http://www.cilex.org.uk/media/media\\_releases/cilex\\_wins\\_memcom\\_social\\_mobility\\_award](http://www.cilex.org.uk/media/media_releases/cilex_wins_memcom_social_mobility_award)

2.1.6.1. The CILEx route to practise in law is significantly more affordable than the degree route.

- The Law Society estimates that it costs from £25,000 to £50,000 to qualify as a solicitor.<sup>4</sup>
- The president of the Bar Council recently stated that qualifying as a barrister may cost up to £127,000.<sup>5</sup>
- Whereas with CILEx the cost of qualifying is a fraction of these figures (on average less than £10,000<sup>6</sup>), and the majority will earn while they learn.

2.1.6.2. The costs of CILEx qualification are so affordable that employers have made financial contributions to study and examination costs for 67% of CILEx members.

### 2.1.7. **Accessibility**

2.1.7.1. CILEx currently has around 80 accredited study centres across England and Wales.

2.1.7.2. A large number of our members study via distance learning in such a way as to fit their studies alongside their other commitments. This means that having caring responsibilities, or working to support your studies, becomes much more viable and less of a barrier to undertaking qualifications.

2.1.7.3. For students who prefer face-to-face studies, several study centres provide CILEx qualifications through local colleges.

2.1.8. Because the CILEx route is more accessible and affordable;

- Over 100,000 people have studied with CILEx over the last 25 years,
- 74% of CILEx lawyers are women (compared to 48% of solicitors<sup>7</sup>, and 33.5% of barristers<sup>8</sup>)
- 32% of our new students are from BAME backgrounds,
- 82% of members do not have a parent who attended university,
- Only 3% of members have a parent who is a lawyer,

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<sup>4</sup> <http://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/costs-of-qualifying/>

<sup>5</sup> <https://www.theguardian.com/law/2016/feb/23/qualifying-barrister-may-cost-new-students-127000>

<sup>6</sup> [http://www.cilex.org.uk/study/lawyer\\_qualifications/typical\\_costs.aspx](http://www.cilex.org.uk/study/lawyer_qualifications/typical_costs.aspx)

<sup>7</sup> <http://www.lawgazette.co.uk/practice/news-focus-statistics-of-a-changing-profession/5048466.fullarticle>

<sup>8</sup> [https://www.barstandardsboard.org.uk/media/1773934/women\\_at\\_the\\_bar\\_-\\_full\\_report\\_-\\_final\\_12\\_07\\_16.pdf](https://www.barstandardsboard.org.uk/media/1773934/women_at_the_bar_-_full_report_-_final_12_07_16.pdf)

- Just 6% of CILEx members attended a private school (a more favourable figure than other legal professions)
- While at school, 19% of CILEx members' families received income support or free school meals.

## 2.2. What are the best and worst practices for widening access to people from disadvantaged backgrounds in your profession that you are aware of?

### **2.2.1. Access to legal studies and the professions**

- 2.2.1.1. Many universities, chambers and law firms have laudably instituted widening participation initiatives, including but not limited to scholarships, sponsorship, placements, and targeted recruitment activities.
- 2.2.1.2. Other bodies operate initiatives designed to widen access to the law. Notable among these are the Lord Edmund Davies Legal Education Trust (LEDLET)<sup>9</sup>, and the Sutton Trust's own *Pathways to Law* programme<sup>10</sup>, supporting young people from disadvantaged backgrounds to attend university to become a lawyer.
- 2.2.1.2.1. Other important initiatives allow for legal professionals to directly encourage pupils from their local communities to consider legal careers. Notable among these is *Inspiring the Future*, for which a number of CILEx members regularly attend schools to promote the CILEx route to law. CILEx's local branches around the country also frequently speak at local schools and colleges.
- 2.2.1.3. Such initiatives provide important opportunities for people from disadvantaged backgrounds, and the efforts of those involved should be recognised and applauded. However the fact that such schemes are necessary is indicative of the presence of barriers that prohibit those from certain backgrounds from accessing both the qualifications to become a solicitor or barrister, or from entering the professions themselves. It is also highly unlikely that, without

<sup>9</sup> <http://www.ledlet.org.uk/>

<sup>10</sup> <http://www.suttontrust.com/programmes/pathways-to-law/>

significant upscaling of such initiatives, they will only assist a small number of people without resolving the wider barriers.

2.2.1.4. Whereas CILEx provides a systemic solution to many of the barriers of accessibility and affordability faced by those from disadvantaged backgrounds, as evidenced in 2.1 above.

2.2.1.4.1. However CILEx recognises that our members can suffer additional hardships and barriers, particularly those who may not have access to family financial support. As such we operate the CILEx Benevolent Fund which assists current and retired members<sup>11</sup>. The fund provides a range of support, guidance and signposting in relation to matters of finance and hardship. The trustees are also able to refer members to a dedicated debt management service which has access to grants and funding outside the scope of the CILEx Benevolent Fund trustees.

## **2.2.2. Access to judicial appointments**

2.2.2.1. Another important organisation working in this field is the Judicial Appointments Commission (JAC), which has a statutory duty to have regard to the need to encourage diversity in the range of persons available for judicial selection.

2.2.2.2. Because of our strong diversity profile CILEx works with JAC to increase diversity within the judiciary.

- CILEx is an active member of the Judicial Diversity Forum, coordinated by JAC.
- We have held joint events and webinars with JAC to promote judicial careers to our members over several years.
- We have also had input into the application process and given feedback on JAC selection exercises to make sure they reflect good equality and diversity practice

2.2.2.3. The work of improving diversity and social mobility within the judiciary is an active focus for JAC.

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<sup>11</sup> [http://www.cilex.org.uk/membership/benevolent\\_fund](http://www.cilex.org.uk/membership/benevolent_fund)

- In 2013 JAC introduced the equal merit provision, where a candidate may be selected for the purpose of increasing diversity in situations where two or more candidates are of equal merit. CILEx welcomed this, although it currently applies only to race and gender. We look forward to other protected characteristics being included as diversity data reliability improved.
- CILEx has requested that an additional question be asked during recruitment to see if the applicant has benefited from free school meals, to add to their social mobility data.
- There are a host of other barriers preventing those from disadvantaged backgrounds seeking judicial roles, including cost and career considerations. Some barriers were explored in JAC's *Barriers to Application to Judicial Appointment* research in 2013.<sup>12</sup>

2.2.2.4. Chartered Legal Executives are currently eligible for certain judicial appointments up to District Judge and Coroner level.<sup>13</sup> However this restricts access to more senior judicial appointments.

2.2.2.5. CILEx believes that all lawyers regardless of their professional title should be eligible for all judicial posts, with appointment based on merit.<sup>14</sup> Such a change would open up judicial roles to a more diverse pool of legally qualified candidates.

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<sup>12</sup> [https://jac.judiciary.gov.uk/sites/default/files/sync/basic\\_page/barriers\\_to\\_judicial\\_appointment\\_research\\_2013.pdf](https://jac.judiciary.gov.uk/sites/default/files/sync/basic_page/barriers_to_judicial_appointment_research_2013.pdf)

<sup>13</sup> The **Tribunals Courts and Enforcement Act 2007** gave Chartered Legal Executive lawyers with five years' post-qualification experience eligibility to apply for the following posts:

- District Judge; District Judge (Magistrates Courts)
- Deputy District Judge; Deputy District Judge (Magistrates Courts)
- Road User Charging Adjudicator
- Legally qualified member of the Asylum and Immigration Tribunal
- Member of Panel of Chairmen of the Employment Tribunal;
- Judge of the First Tier Tribunal; and
- Adjudicators (regulation 17 Civil Enforcement of Parking Contraventions).

The **Judicial Appointments (Amendment) Order 2013** added Coroners to that list.

<sup>14</sup> This would enable experienced Chartered Legal Executives to apply for judicial roles above District Judge level, as well as Chairs of Police Appeals Tribunals and other roles not covered by Schedule 1 of the **Judicial Appointments Order 2008**.

2.3. Do you make data publicly available relating to widening access and how are they broken down?

Do you distinguish between diversity of ethnicity, gender and socio-economic background in any public data or internal information about employees and applicants?

2.3.1. CILEx is proud of our record in widening access to the profession. We publish our available data on our website, and include it in media releases, statements, and consultation responses where relevant.

2.3.1.1. Public data on CILEx members, employees and Council members is broken down by gender, ethnicity, disability and age.<sup>15</sup>

2.3.1.2. Surveys of our members provide the social mobility data referred to in 2.1.5 above.

### **3. What do we know is working to improve access into leading professions?**

3.1. Do you have any evidence showing that an initiative your organisation is involved with is making an impact to widen access to people from disadvantaged backgrounds?

3.1.1. We refer to the evidence supplied in 2.1 and the narrative supplied in 2.2.

3.2. Do you think that making data publically available relating to widening access has changed, or would change, your organisation's recruitment behaviours?

3.2.1. Making data publicly available is an important part of the mix when it comes to tackling barriers to social mobility, however it should not solely be relied upon.

3.2.2. As discussed earlier, providing systemic solutions to barriers faced by those from disadvantaged backgrounds should be the focus when improving social mobility. Making the relevant data publicly available can serve as useful evidence when monitoring progress on these goals.

3.3. Do you think that being involved in a social mobility outreach programme has changed, or would change, your organisation's recruitment behaviours?

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<sup>15</sup> [http://www.cilex.org.uk/about\\_cilex/who\\_we\\_are/equality\\_and\\_diversity/diversity-statistics](http://www.cilex.org.uk/about_cilex/who_we_are/equality_and_diversity/diversity-statistics)



3.3.1. CILEx and its members have been involved in several outreach programmes, including many of those highlighted in 2.2. Additionally, in our commitment to provide affordable and accessible routes to a legal career, CILEx itself has been recognised in our local community for the apprenticeships we provide<sup>16</sup>.

3.4. Has your organisation signed up to the Social Mobility Business Compact and, if so, do you think doing so has changed your recruitment behaviours? If your organisation has chosen not to sign up, why was that the case?

3.4.1. CILEx is reviewing its recruitment monitoring activities, and will be considering whether we as an institute can join the compact.

#### **4. What is the biggest obstacle to improving access into leading professions?**

4.1. Is it that not enough young people from disadvantaged backgrounds are getting into the universities that your organisation usually recruits from?

Is it that not enough young people from disadvantaged backgrounds have the educational levels and other skills your profession requires on recruitment?

4.1.1. We would strongly encourage the All Party Group not to focus on access to higher education and universities at the expense of addressing the issue of parity for vocational and apprenticeship qualifications and routes.

4.1.2. A more accessible university sector is only part of the solution for meaningful social mobility. The leading professions must also encourage and promote those who have qualified through non-university routes. This would mean that regardless of background or educational route, a person would not be limited in their career opportunities because their qualifications happened to be taken through an apprenticeship or vocational setting.

4.1.2.1. We expect this will become increasingly important as the reforms proposed in the Government's *Post-16 Skills Plan*<sup>17</sup> are implemented.

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<sup>16</sup> [http://www.cilex.org.uk/media/media\\_releases/cilex\\_is\\_outstanding\\_employer](http://www.cilex.org.uk/media/media_releases/cilex_is_outstanding_employer)

<sup>17</sup> <https://www.gov.uk/government/publications/post-16-skills-plan-and-independent-report-on-technical-education>

- 4.1.3. CILEx members, who undertake technical and professional qualifications delivered in vocational and apprenticeship formats, often report that they have experienced professional disadvantage compared to those with university backgrounds. This commonly arises from a lack of perceived parity because of the route to qualification they have taken.
- 4.1.4. CILEx has for many years campaigned and worked collaboratively with institutions to dismantle the barriers to professional parity. For example;
- 4.1.4.1. We supported our independent regulator CILEx Regulation to apply for independent practice rights for our members which were approved by the Legal Services Board, Ministry of Justice, and Parliament.<sup>18</sup>
- 4.1.4.2. We worked with the Government Legal Service to open up their lawyer posts to Chartered Legal Executive lawyers.<sup>19</sup>
- 4.1.4.3. We worked with the Civil Justice Council to ensure Chartered Legal Executives were able to claim the same rates as their solicitor counterparts.<sup>20</sup>
- 4.1.4.4. We continue to engage with Parliamentarians and policy makers to address remaining legislative anomalies to ensure CILEx lawyers are on equal footing with other lawyers.
- 4.1.5. CILEx does not set minimum qualifications criteria before being able to commence studying with CILEx, although we do recommend a minimum of four GCSEs grade C or above, including English language or literature, given the complex nature of studying law for practise in England and Wales.
- 4.2. Does the working culture of the profession you work in lend itself to characteristics often associated with affluence, such as greater confidence, creating an obstacle to access?
- Do organisations in your profession offer work experience to friends and family of staff members and clients, creating a networking effect that is a barrier to access?

<sup>18</sup> [http://www.cilex.org.uk/media/media\\_releases/new\\_practice\\_rights\\_approved.aspx](http://www.cilex.org.uk/media/media_releases/new_practice_rights_approved.aspx), <http://www.cilexregulation.org.uk/news/litigation-door-opens-for-unsupervised-legal-executives> and <http://www.cilexregulation.org.uk/news/entity-regulation-opens>

<sup>19</sup> [http://www.cilex.org.uk/media/media\\_releases/new\\_government\\_lawyer\\_posts](http://www.cilex.org.uk/media/media_releases/new_government_lawyer_posts)

<sup>20</sup> [http://www.cilex.org.uk/media/media\\_releases/grade\\_a\\_rates\\_approved](http://www.cilex.org.uk/media/media_releases/grade_a_rates_approved)

4.2.1. Whilst we have anecdotal information that this can be the case, we are not in a position to provide reliable evidence.

## 5. Summary of recommendations

5.1. CILEx believes the All Party Parliamentary Group on Social Mobility should have the highest aspirations to focus not only on remedying the barriers to social mobility, but on systemically removing them.

5.1.1. We would encourage the Group to engage with organisations like CILEx that provide systemic solutions to the barriers faced by those from disadvantaged backgrounds, to share learning and inform policy.

5.1.2. CILEx is also here to similarly assist other initiatives, including the Sutton Trust's *Pathways to Law* programme, as well as to provide information on the CILEx route to a career in law.

5.2. CILEx recommends that senior posts within the leading professions, such as senior judicial posts, should be appointed on merit alone and not be restricted to those who have qualified through the university route.

5.3. Primarily though, we recommend that parity for the university, vocational and apprenticeship routes into the leading professions should be the highest priority – to ensure that regardless of the route to qualification, no one is prevented from achieving their full potential.