



**Institute for
Apprenticeships and
Technical Education:**
*A Public Consultation on Degree
Apprenticeships*

A Response by
CILEX (The Chartered Institute of Legal Executives)

[September 2021]

1. Introduction

- 1.1. CILEX (The Chartered Institute of Legal Executives) is one of the three main professional bodies covering the legal profession in England and Wales. The 20,000-strong membership is made up of CILEX Lawyers, paralegals and other legal professionals.
- 1.2. CILEX is committed to strengthening social mobility in the legal sector by establishing alternative routes to qualification and authorisation in what has been traditionally, but erroneously, regarded as a homogenous profession, thus enhancing the diversity of the justice system as a whole. This has primarily been by offering a route to qualification that fosters an 'earn as you learn' approach, removing the prerequisite of a university degree while maintaining the high standards of competency, knowledge and professional conduct expected of a legal professional. The result is a widely accessible and cost-effective route to authorisation as a specialist lawyer in one or more practice areas.
- 1.3. The CILEX route opens up the legal profession to many who may have otherwise been disadvantaged in pursuing a career in law and provides a specialist alternative to more traditional routes to legal practice. Our latest equality and diversity statistics covering the whole CILEX membership demonstrates that 76% of CILEX professionals identify as women, 15% identify as associating with a BAME ethnicity, and only 5% have been recorded as having attended a fee paying or independent school.
- 1.4. Against this backdrop, CILEX welcomes the opportunity to respond to the Institute for Apprenticeships and Technical Education (IfATE) on degree level apprenticeships and their role within the market.

The below response has been drafted principally in response to the first overarching proposal put forth by IfATE, namely to:

"...amend our mandatory qualifications policy so that it better recognises the currency of degrees, including where there are no specific subject discipline requirements for entry to an occupation. In doing this, if they wish to, employers will be able to mandate degrees in apprenticeship standards that will be occupationally-specific for graduate-entry occupations at level 6 and level 7."

2. Degree Level Apprenticeships and the Legal Profession

- 2.1. CILEX welcomes the focus of IfATE on apprenticeship routes to the extent that they can enable access to legal education to people whose backgrounds would traditionally deny them that access.
- 2.2. The proposal above gives greater ability for employers to mandate the inclusion of a degree within apprenticeship standards. It is important that all apprenticeship routes are shaped to ensure relevance to the workplace. However, entry requirements for the legal profession derive from regulator-led frameworks, approved by the Legal Services Board as the independent oversight regulator. These frameworks, developed

with the support of the relevant professional bodies, articulate the educational standards and competency requirements required for effective professional performance upon qualification.

- 2.3. Under this regulatory framework, it has long been recognised that there is no need for a university degree as a prerequisite to qualification as an authorised lawyer; instead, professional qualification should be focused on the knowledge and competency gained by professional training.
- 2.4. Our concern with this proposal is that it will, at least in the legal profession, encourage the persistence of outdated preconceptions and prejudices around the necessity of a particular academic qualification for entry to a profession. This would militate against the founding principle of apprenticeships, to improve accessibility to education and career development.

3. Focusing on the professional and not on the 'degree'

- 3.1. Insistence amongst some employers on 'degree' and 'graduate' entry has perpetuated a historical imbalance within the legal profession, founded on the implicit preconception that only those from certain backgrounds are able to fulfil certain roles in the law and provide quality legal services. Running contrary to the sentiments of social mobility, these notions have limited access to the profession and created glass ceilings for those seeking greater career progression and recognition. This has contributed to the perception of a profession routinely noted for its lack of diversity.
- 3.2. Findings from CILEX professionals highlight the continuing bias felt within everyday legal practice against those with alternative routes to qualification/non-degree backgrounds.
 - 3.2.1. 91% of members responding to CILEX's latest (2021) survey on barriers within the legal profession felt that *"the law operates as an 'old boys' club' with too many restrictive practices and barriers to entrance and progression"*, with 83% contending that *"the legal profession is missing out because top lawyers all come through the traditional routes."*
 - 3.2.2. When asked what CILEX professionals considered to be the biggest barrier to career progression, many noted the two-tiered hierarchy created by juxtaposing those with and without degrees as an indicator of quality and skill.¹ The findings highlight the risks inherent in focusing on the acquisition of a 'degree' as a primary benchmark for assessing talent and potential, undermining the value to be gained by empowering students and trainees with the choice of alternative pathways.

¹ CILEX members noted the following as the biggest barrier to career progression in legal occupations: *"An outdated model and ingrained prejudice against those who do not have a law degree."*; *"CILEX as seen as the poor relative to those with law degrees"*; *"Discrimination against people who have not been to university and/or continued to qualify as a solicitor."*; *"Lack of availability of senior positions (a 'funnel' effect). Favouring staff with university degrees, particularly those who have completed the organisation's graduate scheme."*

- 3.3. We recognise the high currency of degrees in the labour market and believe that degree apprenticeships have a role to play in those areas where there is a strong case for a specific subject discipline requirements for entry to an occupation. CILEX professional qualifications (including apprenticeships) are open to graduate and non-graduate entrants; the former gain certain exemptions in acknowledgement of the knowledge acquired through their degree studies.
- 3.4. However, we cannot support the proposal to allow employers to mandate the inclusion of degrees within apprenticeships where they are not required (Change 1 in the consultation document). With this position, the remaining proposals (Changes 2-5) fall away as they are predicated on supporting Change 1.
- 3.5. Instead, CILEX encourages the IfATE utilise the apprenticeship framework, and funding therein, to focus its support on those without access to higher education; this is on the basis that parity of funding and access can only enhance equality of opportunity and diversity in occupation. The apprenticeship route should be celebrated for its empowering ideals, seeking to diversify the marketplace by providing greater opportunity to less advantaged students and trainees. It needs to guard against the risk of supporting traditional educational pathways and outdated preconceptions of quality.
- 3.6. Furthermore, we would encourage the IfATE to utilise its position and influence in the education and training sector to challenge outdated notions around the 'currency of degrees' where degrees are not required, liberating the sector to focus on occupationally-relevant skills and knowledge as the true and proper assessment of talent.

For further details

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