

Young Legal Aid Lawyers: Social Mobility in a Time of Austerity

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Introduction

Young Legal Aid Lawyers (YLAL) is a group of aspiring and junior lawyers committed to practising in those areas of law, both criminal and civil, that have traditionally been publicly funded. We have around 3,500 members including students, paralegals, trainee solicitors, pupil barristers and qualified junior lawyers throughout England and Wales.

We believe that the provision of good quality, publicly funded legal assistance is essential to protecting the interests of the vulnerable in society and upholding the rule of law. As well as campaigning for a sustainable legal aid system, our core objectives are 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 people beginning their careers in the legal aid sector.

We believe that the legal profession – like justice itself – should be genuinely accessible to all. Our first report on social mobility and diversity, [Legal aid lawyers: the lost generation in the “national crusade” on social mobility](#), was published in February 2010. It found that:

“aspiring lawyers from diverse backgrounds are finding it harder than ever to forge a career in legal aid [...] 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.”¹

Our second report on social mobility and diversity in the legal aid sector, [One Step Forward, Two Steps Back](#),² was published in October 2013 and launched at an event at London South Bank University featuring Baroness Hale, now president of the Supreme Court, as keynote speaker. In [One Step Forward, Two Steps Back](#), we concluded that three key findings emerged from our research on access to the profession:

- High levels of debt combined with low salaries make legal aid work unsustainable for those from a lower socio-economic background;
- Unpaid work experience represents a barrier to social mobility; and
- Work experience is a prerequisite to entry to the legal aid profession.

Following on from these findings, we made a number of recommendations, which included: calls for the Solicitors Regulation Authority (SRA) to reinstate the minimum salary for trainee solicitors; for the Law Society and the Bar Council to issue robust guidance on work experience; for professional course fees to be regulated; and for the professional bodies to consider replacing the current routes to qualification with a form of work-based learning.

¹ [Legal Aid Lawyers: The lost generation in the “national crusade” on social mobility](#), Young Legal Aid Lawyers, February 2010: http://www.younglegalaiddlawyers.org/sites/default/files/YLAL_SOCIAL_MOBILITY_REPORT_FEB_2010_0.pdf

² [One Step Forward, Two Steps Back](#), report by Young Legal Aid Lawyers on social mobility and diversity in the legal aid sector, October 2013: <http://www.younglegalaiddlawyers.org/onestepforwardtwostepsback>

Methodology

For this updated report, we carried out research in November to December 2016 in order to assess whether access to working in the legal aid sector has changed since our last report in October 2013.

An online cross-sectional survey was used to gather the data for this report. This allowed us to reach as many individuals as possible in our target population, while providing a convenient and quick survey for participants to complete. When designing the survey, we built on the previous YLAL social mobility survey (2013), adapting this to achieve more detailed results.

The survey was open for a period of 3-4 months between the end of September 2016 to December 2016 to ensure as many participants as possible could take part. The survey was administered and advertised through various means on at least a weekly basis. Initially, all members of YLAL were emailed directly via the mailing list, then a snowball sample was further reached through these members via various mediums such as word of mouth, Twitter and Facebook. The survey was also advertised via other legal groups, such as LAPG, to ensure that a wider audience was reached. Utilising the various means above to advertise the survey meant we were able to reach a good selection of solicitors, barristers, students and other legal professionals.

We received a total of 201 responses of participants with varying demographics. This was the largest number of respondents to any of our social mobility surveys. We have fully described the characteristics of our sample in this report. Whilst we cannot say our sample is entirely representative of the whole legal aid population, the sample size is large enough to allow us to draw inferences and make recommendations based on our results.

Responses to the survey were downloaded in an Excel file, anonymised and analysed by a statistician. Data was summarised using means and standard deviations or frequency and percentages, as appropriate. Cross-tabulations were used to summarise relationships between variables. Chi-squared tests were used to test for associations between variables.

Most of the survey questions were open text to allow us to capture as much information as possible. This meant, however, that a significant amount of data cleaning needed to be carried out. Where this was done, it is indicated in the footnotes of the relevant statistics.

Executive summary

Context

Since our 2013 Report, social mobility has regularly been on the political agenda; it is clear that serious problems persist, and that under some measures the situation has in fact deteriorated. The Legal Aid and Sentencing of Offenders Act 2012 (LASPO), which came into force in 2013, has put legal aid firms under increasing pressure to cut costs and close departments. YLAL is aware of the pressure the cuts and reforms to legal aid placed on firms and lawyers alike. For these reasons we made the decision to renew our social mobility survey and update our findings on social mobility in the legal aid sector.

Despite these difficulties there have been some positive developments as social mobility has moved up the news and political agendas. Theresa May took office in July 2016 and talked of her dedication to providing equality of opportunity to all and since then social mobility has become part of common political discourse. The Social Mobility Commission reported in 2017 that social mobility for solicitors had significantly improved.³ The Commission also made strong recommendations to Government that it should introduce a legal ban on unpaid internships and we saw 16 city law firms make the Top 50 of the Social Mobility Employer Index.

Unfortunately, other findings have been much less encouraging. In 2016, the Social Mobility Commission warned that Britain has a “deep social mobility problem”. The All-Party Parliamentary Group (APPG) on Social Mobility, the Social Mobility Commission and the Sutton Trust all found that those who attended fee-paying schools and Oxford University or Cambridge University (Oxbridge) continued to be substantially overrepresented at all levels within the legal profession. The government has come under increased pressure from many groups across a variety of sectors, however this additional scrutiny means that a light is being shone on this problem which seems to be deeply ingrained into British society. YLAL intends to continue to provide insight into social mobility in legal aid with this updated report.

Demographics

We received 200 unique responses to our survey in December 2016. 78 per cent of respondents were female which may suggest an over-representation of women working in the sector. 21.5 per cent were male and 0.5 per cent non-binary/third gender.

Respondents were aged between the brackets of 18-20 and 50-59. The majority of respondents were between the ages of 21 and 39 years, the expected age range as our membership is drawn from those who are no more than 10 years post-qualification.

63 per cent of respondents described themselves as White British. The second and third highest percentages came from those describing themselves as White but not British (10 per cent) and

³ The Law Society, 'Solicitor firms lead the charge on social mobility,' 21 June 2017
<http://www.lawsociety.org.uk/news/press-releases/solicitor-firms-lead-the-charge-on-social-mobility/>

Mixed (7 per cent). There were also smaller numbers of respondents from a wide variety of ethnicities and nationalities.

13 per cent of respondents described themselves as disabled.

27.5 per cent were working as solicitors or trainee solicitors and 12.5 per cent as barristers or pupil barristers.

Our survey found that those attending fee-paying and grammar schools continue to be overrepresented in the legal aid sector; 37 per cent of barristers attended fee-paying schools and 17 per cent of solicitors.

Why we do what we do

Despite the difficult times faced by those working in the legal aid sector people continue to choose to qualify into the sector. Our survey asked respondents to explain to us why this was. The most common response was that we work in legal aid because we believe that justice should be accessible to all.

It is clear that by far the most common motivating factors are a combination of a strong belief that *“access to justice is a fundamental cornerstone of our society”*, a desire to *“make a difference to people that need it the most”* and the simple belief that the legal aid sector has *“the most interesting areas of law.”* These responses give us an insight into how, despite severe cuts, fewer opportunities and the closure of many firms, law centres and advice services, the legal aid system is able to continue to function.

Findings

We have made three significant findings during the course of preparing this report.

Finding one: Debt combined with low salaries is a barrier to the profession

Just as in our 2013 report, debt and low salaries were cited as causes for concern. The situation was described by one respondent:

“Those who come from a working class background are under pressure/required to start earning a significant amount straight away - whether to support themselves/family, or to repay immense student/LPC debts that they’ve had to take on.”

High tuition fees for LLB, GDL, LPC and BPTC courses mean that many enter the profession with high levels of debt. [Someone who studied for a three year LLB followed by GDL and LPC or BPTC could leave education with as much as £50,000 in debt for tuition fees alone].⁴ Problems with debt are compounded by low earnings, particularly whilst training or as a paralegal, and the need to complete unpaid work, mini pupillages and internships. 75 per cent of respondents who studied

⁴ This is based on £9,000 per year for LLB, £8,000 for GDL and £15,000 for BPTC. 75% of respondents who studied the BPTC paid more than £15,000 for their course, while 75% of those who studied the LPC paid more than £9,000.

the LPC say they paid more than £9,000 in fees. 75 per cent of respondents who had studied the BPTC had paid over £15,000 for their course, an increase from our last report when only 35 per cent had paid more than £15,000.

Funding Studies

Those respondents studying for GDL, LPC or BPTC reported that they are funding their studies in a variety of ways; through personal loans, credit cards, family support and paid work. We found that only five of the 88 respondents who had said they had studied for the LPC said that their studies had been paid for by their firm/employer. Two had support from the Law Society's Diversity Access Scheme, which can pay up to the full LPC course amount for students from disadvantaged backgrounds.⁵ Seven had scholarships and one had a grant from a charity for the education of impoverished children. These figures suggest there are only small numbers of students who are being given the financial support required to enter the profession reflecting our findings that social mobility in the sector remains limited.

22 out of 48 respondents who had done the BPTC had (partially) funded their studies with scholarships mostly from Inns of Court but in at least two cases from the BPTC provider. Scholarships also funded some students doing the GDL - out of 89 respondents who had done this course, seven received scholarships, at least three from Inns of Court.

72 per cent of respondents have or will have debt over £15,000 as a result of their education, which has increased by seven per cent since our last report. 26.5 per cent will have over £35,000, an increase of 11.5 per cent since 2013⁶.

We welcome the SRA's commitment to introducing a new route to qualification for solicitors and their commitment to lowering the cost of qualification, however we note that there are many issues with the proposed SQE as it currently stands. We are cognisant of the fact that the costs for assessments and preparatory courses as well as the costs for cross-qualification GDL-equivalent course are yet to be announced. We note that it has not yet been made clear where the responsibility for funding this route will lie; with employers or with trainees. Additionally, we note that as things stand there is no suggestion that there will be any inclusion of a single civil legal aid area of law either as a core module or as an elective module in either SQE 1 or SQE 2. As a group campaigning for legal aid and for the protection of the profession, YLAL suggests that this will cause problems for the future recruitment of civil legal aid and social welfare lawyers as they will not have even had the opportunity to study the areas of work. There is a danger that this will contribute to a general feeling that legal aid lawyers are undervalued by society and politicians but also by the profession itself.

The age group with the highest level of debt was those from 18-20 years old, suggesting that the impact of the increase in University tuition fees, including for the LLB, is starting to be seen.

⁵ <http://www.lawsociety.org.uk/law-careers/Becoming-a-solicitor/equality-and-diversity/diversity-access-scheme/>

⁶ The way in which respondents calculated their debt was not uniform across respondents. Some included debt already paid off and others did not. Where a range was given by a respondent we have used the higher figure when preparing the data for this report. This should not significantly affect the results.

Those attending private (not including former grammars, which are now fee paying) schools had on average nearly £10,000 less debt than those from comprehensives. Those with family members in the legal profession had on average approximately £3,500 less debt.

Our survey respondents were clear; low salaries are a significant barrier to working in the legal aid sector. The salaries were described by one respondent as “laughable”. 53 per cent of respondents said they were earning less than £25,000. Answers clearly showed that salaries, for junior lawyers, were not sufficient to allow employees to support themselves adequately. There were also clear distinctions made between the lot of a legal aid lawyer and their equivalent in the commercial sector:

“If I’m lucky I could be a qualified solicitor in the LA sector by the time I’m 30. That is my goal. Meanwhile my peers will be qualifying in 2017, at the age of 25 with a qualifying salary that is probably double what I will ever earn. It is extremely, extremely disheartening”

“I work as hard or harder as my friends in the commercial sector but for far less money. It is tempting to leave the legal aid profession for the commercial legal sector”.

The SRA’s decision to scrap the mandatory minimum salary for trainees has undoubtedly had an impact on the level of pay offered to new trainees in the legal aid sector. Additionally, cuts to legal aid have constrained the budgets of legal aid firms and as a result, wages for trainees in the sector is very low. This means that financial difficulties affecting firms is filtering down to those training or newly qualified into the sector.

Whilst trainee solicitors must be paid at least the national minimum wage, the minimum pupillage award is below national minimum wage at £12,000. In combination with the levels of debt people incur in order to join the profession and the amount of unpaid work experience applicants are expected to undertake in order to build up the experience required to successfully apply for jobs, these salaries make careers in legal aid unsustainable for many.

We recommend that:

- the SRA release information about expected costs to both training providers and students of the SQE in order to allow properly informed discussion on the SQE’s introduction and the potential effects it may have on social mobility in the sector;
- all legal aid firms reconsider the wages they pay all staff, noting the ‘real’ living wage as set by the [Living Wage Foundation](#) (London Living Wage where applicable);
- the mandatory minimum salary for trainee solicitors be reintroduced by the SRA and that the minimum salary for pupil barristers is increased by the BSB. Both should be brought in line with the ‘real’ living wage as above;
- the fees charged by the professional course providers are regulated by the relevant regulatory body; and
- a detailed and effective review of LASPO is completed by the current Government having consulted widely with the relevant bodies and within the timescale announced by the Justice Secretary.

Finding Two: Unpaid work experience is a barrier to the profession

Our evidence shows that unpaid work experience continues to be a major barrier to entry to the profession and, as a result, social mobility in the sector. 75 per cent of respondents to our survey had, at some point, done some form of unpaid legal work experience. This is a 14 per cent decrease on our 2013 survey, though our figures do not show why this has happened and additionally do not show any increase in numbers of respondents doing expenses only or paid work experience. 13.5 per cent of respondents cited unpaid work experience as having been a barrier to entry to the profession.

Many respondents stated that employers expected applicants for legal roles to have work experience:

"It is a necessary prerequisite before getting pupillage - they will not offer it if you have none";

"Firms want paralegal experience for their paralegal jobs which is not what I was expecting as I was of the opinion that it was an entry level type job";

"Getting any experience at all is extremely difficult, but every potential employer expects it by default".

When all roles require prior experience, getting a foot in the door can become impossible.

Respondents provided a number of explanations for the fact that employers in the legal aid sector want experienced people for even the "entry level" roles:

"Legal Aid firms do not have the time and resources and so appreciate having someone with some form of experience";

"The industry simply has TOO many graduates fighting for too few paid positions - within the LA sector".

However, respondents did also see the benefits of gaining work experience:

"I undertake a lot of legally aided work, so I am familiar with the funding mechanisms and legal aid applications and the type of work covered by legal aid, all of which would be helpful in any future legal aid role."

Unfortunately, there remains a perception that it is unpaid work experience in particular which is a necessary stepping stone to paid work.

We received a large number of comments on the difficult financial situation that unpaid work experience put respondents in, testament to the real impact it is having on the potential legal aid workforce. One respondent stated *"I cannot afford to continue to do unpaid work experience, and cannot afford to pay for training courses so I have decided not to pursue a legal career".*

We recommend that:

- Companies, firms and organisations in the legal aid or traditionally legally aided sector should adopt our Best Practice Work Experience Charter at Annex A;
- Government funds should be made available to small legal aid firms and not for profit organisations to assist them to properly remunerate or reimburse those undertaking work experience in line with our Charter; and
- Training providers should be more accessible to all across the country.

Finding Three: Stress, lack of support and juggling legal aid work with other responsibilities are affecting retention in the profession

Stress was the second most common problem faced by our respondents; 21 per cent said this was the biggest challenge they experienced. The combination of feeling underpaid, undervalued, working long hours, and a lack of training and support meant that many felt meeting a basic standard of care to clients represented a significant burden.

Several respondents also felt that stress was having a negative impact on their lives outside of work with one respondent describing it as *"a massive, pernicious balancing act, that I fear will have an adverse effect on my son."*

A number of respondents described being pushed to the point where they were considering retraining and leaving legal aid altogether: *"Now there is an equal problem of retention. People's quality of life is very bad – stress and overwork are a real problem.", "Unfortunately, I no longer work in legal aid. The junior criminal bar became too much; the financial anxiety was overwhelming. Working ten hour days when you didn't know if you were going to be paid or not became too much."*

It is clear from our survey that unless these issues are addressed, retention of talent in the legal aid sector will become a bigger issue and social mobility will be greatly compromised.

Several respondents cited the political environment and the negative public perception of legal aid lawyers as creating a feeling of being undervalued by society and the government, and were uncertain about the consequences this would have on both their career within the sector, and on the clients relying on legal aid.

A number of respondents also cited lack of support during their training contract or pupillage as a cause for a great deal of additional pressure and a barrier to progressing in the sector.

The issue of the London-centric legal aid landscape also remains ever-present and aspiring lawyers who cannot live in London for a variety of family and financial reasons lose out on vital opportunities. As one respondent stated: *"I live in Leeds and there are very few legal aid work experience or job opportunities but I am not in a financial position to be able to live in London."*

Some of our respondents are parents. They cited the difficulty juggling their caring responsibilities with commitments to their work in the sector as a major barrier to working in legal aid. As one lawyer stated: *"I would not return to private legal aid practise, as it is too stressful and too difficult to make enough money to survive. I am about to have my first child and I would not be able to work the hours that are required to try to make a living from legal aid."*

We recommend that:

- The content of the SQE should be amended to ensure that areas of social welfare law and civil legal aid are properly made available within the contexts at SQE1 and 2;
- Law firms, businesses and organisations providing legal aid should recognise, understand and properly address the causes of the emotional and psychological impact our respondents reported facing during practice in this area. They should improve working conditions and culture and offer adequate and accessible support to employees and juniors, without stigma or judgement; and
- There should be greater flexibility allowed to those with caring responsibilities and disabilities. Employers should be more open to part time work, flexible working hours and work from home where appropriate. The Legal Aid sector should modernise itself in line with most other professions.

Context

Social mobility in law and other professions

Since the publication of our previous report, *One Step Forward, Two Steps Back*, the issue of social mobility and diversity within law and other professions has been the subject of significant debate and research. The pursuit of an increase in social mobility has been described by the Social Mobility Commission as “one of the holy grails of public policy” of the last two decades.⁷

When considering the recommendations made by YLAL in our 2010 report, it is apparent that although there were considerable difficulties with social mobility and a number of areas which required improvement, the economic, political and social climate has changed a great deal in the past eight years and the situation has, in some ways, degenerated. Though there are numerous discussions within government and society in general of issues such as inclusivity for potentially disadvantaged or minority groups - including the disabled, parents, carers and those from LGBTQ community - there are greater difficulties for those who wish to become legal aid lawyers and fall into the above groups and / or do not have the requisite financial support. YLAL notes that some of the very basic protections and incentives which existed at the time of the 2010 report - such as a minimum salary for trainee solicitors and a fairer, better funded legal aid system - were under threat or diminished by the time of the 2013 report and in many ways completely removed by the time we released our survey in 2016. Therefore, our recommendations reflect this. Unfortunately, we are now making recommendations which do not move us forward from the position in 2010, but merely bring us back to the position as it was then. This is a factor which must be borne in mind when considering the findings and recommendations in this report.

Upon taking office in July 2016, the Prime Minister, Theresa May, spoke of her ambition to build a Britain that works not just for the privileged few, but for everyone: “*When it comes to opportunity, we won't entrench the advantages of the fortunate few. We will do everything we can to help anybody, whatever your background, to go as far as your talents will take you*”.⁸

In its *State of the Nation Report* in November 2016, the Social Mobility Commission warned that Britain has a “*deep social mobility problem*” which is getting worse for an entire generation of young people. In relation to law, the report found that “*privately educated people still dominate the legal profession*”, noting barriers to entry such as the need for work experience and high professional course fees. The report cited statistics that 27.4 per cent of solicitors attended fee-paying schools, as did 35.2 per cent of pupil barristers and 71 per cent of the senior judiciary.⁹ In their December 2017 report on diversity the BSB found “that a disproportionate number of barristers attended a

⁷ *Time For Change: An Assessment of Government Policies on Social Mobility 1997-2017*, Social Mobility Commission, June 2017 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/622214/Time_for_Change_report_-_An_assessment_of_government_policies_on_social_mobility_1997-2017.pdf

⁸ *Speech by Prime Minister Theresa May*, 13 July 2016: <https://www.gov.uk/government/speeches/statement-from-the-new-prime-minister-theresa-may>

⁹ *State of the Nation 2016 : Social Mobility in Great Britain*, November 2016, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/569410/Social_Mobility_Commission_2016_REPORT_WEB_1_.pdf

UK fee-paying secondary school between the ages of 11-18” 36.7 per cent of respondents declined to answer this question however 12.3 per cent of all respondents stated that they had attended a fee-paying school between 11-18, compared to approximately 7 per cent of the English population.¹⁰

These points were echoed by the All-Party Parliamentary Group (APPG) on Social Mobility in January 2017: it found that “*nearly three quarters of the top judiciary were educated at independent schools. Yet across the country, only seven per cent of students attend private schools.*”¹¹ Research carried out by the Sutton Trust has also identified the prevalence of Oxbridge graduates in leading professions, including 78 of the top 100 QCs and 74 per cent of the judiciary.¹²

The Sutton Trust found that “*for 25 years, the proportion of judges who have attended fee-paying schools has remained remarkably stable*”: of judges in the High Court and above, 76 per cent attended private schools in 1989, 75 per cent in 2004 and 74 per cent in 2015. Of the leading 100 QCs in 2015 who were educated in the UK, nearly 71 per cent attended fee-paying schools.¹³

The figures available suggest that the solicitors’ profession is less exclusive, although there was still significant overrepresentation of people who have attended private schools. The Sutton Trust found that 32 per cent of solicitors at partner level or equivalent across England and Wales attended independent schools. This figure was higher when considering only London-based firms (41 per cent privately educated), and only the largest law firms - those with 50 or more partners (48 per cent privately educated).¹⁴

Nevertheless, some positive news came from the Social Mobility Commission and Social Mobility Foundation, who collaborated to produce, in June 2017, the “world’s first” [Social Mobility Employer’s Index](#). The Index lists the top 50 employers in the UK by the quality, effectiveness and application of their initiatives, as well as efforts intended to promote and improve social mobility within their respective professions. Sixteen of the top 50 firms listed are city law firms.¹⁵ David Johnston, chief Executive of the Social Mobility Foundation, stated “while no firm has cracked the issue and there is still progress to be made, they should be congratulated both for having prioritised social mobility and for being prepared to have their processes and practices independently scrutinised.”¹⁶ Though this progress is encouraging it is also notable that these city firms are very unlikely to be undertaking Legal Aid work.

The various recent reports on social mobility have noted that the main obstacles to students who did not attend independent or fee-paying schools are in the soft-skills fields of work experience,

¹⁰ http://www.barstandardsboard.org.uk/media/1916579/diversity_report_2017.pdf

¹¹ *The class ceiling: Increasing access to the leading professions*, All Party Parliamentary Group on Social Mobility, January 2017: http://www.suttontrust.com/wp-content/uploads/2016/04/APPG-on-Social-Mobility_Report_FINAL.pdf

¹² *Leading People 2016: The educational backgrounds of the UK professional elite*, The Sutton Trust, February 2016: https://www.suttontrust.com/wp-content/uploads/2016/02/Leading-People_Feb16-1.pdf

¹³ *Ibid*, paras 7.1 - 7.2

¹⁴ *Ibid*, para 7.3

¹⁵ *Top 50 Social Mobility Employer Index 2017*, <http://www.socialmobility.org.uk/wp-content/uploads/2017/06/Top-50-.pdf>

¹⁶ Press Release, Social Mobility Commission, 21 June 2017, <https://www.gov.uk/government/news/top-50-uk-employers-for-social-mobility>

social skills and mentoring opportunities. The Social Mobility Commission recommended to Government that it should introduce a legal ban on unpaid internships.¹⁷ The ban has garnered widespread support from groups such as the APPG on Social Mobility, as well as from members of the public, as shown by a survey on the matter commissioned by The Social Mobility Commission.¹⁸ The chair of the Commission, Alan Milburn, stated that “*Unpaid internships are a modern scandal which must end. Internships are a new rung on the career ladder. [...] Unpaid internships are damaging for social mobility. It is time to consign them to history*”.¹⁹

The Social Mobility Commission released its fifth [State of the Nation report](#) in 2017. This report focussed upon the geographic barriers to social mobility finding that “*a stark social mobility postcode lottery exists in Britain today where your chances of being successful if you come from a disadvantaged background are linked to where you live*”. Instead of the much-discussed North/South divide the report describes a London/rest of the nation divide. The report also finds that a child’s life chances are affected from an early age with the ‘social mobility gap’ opening up even prior to entry into education.²⁰

As will become clear later in this report, there are serious financial barriers to entering the legal profession, including the cost of the Legal Practice Course (LPC) and the Bar Professional Training Course (BPTC). The APPG on Social Mobility noted comments by the then-chair of the Bar Council, Chantal-Aimée Doerries QC, made in February 2016, that the cost of qualifying as a barrister can rise up to £127,000.²¹

Sadly, despite strong words of support for the idea of improving social mobility in Britain, the Government does not appear to be making progress. At the end of 2017, the Social Mobility Commission Chair and his three fellow Commissioners very publicly resigned. Milburn stated “[t]he need for political leadership in this area has never been more pressing. Whole communities and parts of Britain are being left behind economically and hollowed out socially. The growing sense that we have become an ‘us and them’ society is deeply corrosive of our cohesion as a nation”.²²

Milburn further goes on to describe a new generation of young people who can no longer expect that they will “*do better*” than the last, he concluded; “*social mobility matters more than ever*”.²³ YLAL agrees with this conclusion and it is in this context that this report has been drafted.

¹⁷ *State of the Nation 2016 : Social Mobility in Great Britain*, November 2016, para 4.5, p.155

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/569410/Social_Mobility_Commission_2016_REPORT_WEB_1_.pdf

¹⁸ <https://www.gov.uk/government/news/unpaid-internships-are-damaging-to-social-mobility>

¹⁹ *Ibid*

²⁰ *State of the Nation 2017: Social Mobility in Great Britain*, November 2017, ch. 1, p.1

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/662744/State_of_the_Nation_2017_-_Social_Mobility_in_Great_Britain.pdf

²¹ Owen Bowcott, ‘[Qualifying as a barrister ‘may cost new students up to £127,000](https://www.theguardian.com/law/2016/feb/23/qualifying-barrister-may-cost-new-students-127000)’, *The Guardian*, 23 February 2016

²² Michael Savage, ‘[Theresa May faces new crisis after mass walkout over social policy](https://www.theguardian.com/politics/2017/dec/02/theresa-may-crisis-mass-walkout-social-policy-alan-milburn)’, *The Guardian* 03 December

²³ <https://www.theguardian.com/politics/2017/dec/02/theresa-may-crisis-mass-walkout-social-policy-alan-milburn>

²³ *Ibid*

Legal aid cuts

The [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (LASPO) was introduced by the Coalition Government as part of its drive to cut public spending following the financial crisis of 2008. The Ministry of Justice was required to reduce its total budget of £9.8 billion by £2 billion,²⁴ and, unlike other Government departments such as the Department of Health, the Ministry of Justice is an unprotected department and as a result, the legal aid budget was not protected from the cuts.

The stated aims of LASPO were:

- to discourage unnecessary and adversarial litigation at public expense;
- to target legal aid to those who need it most;
- to make significant savings in the cost of the scheme; and
- to deliver better overall value for money for the taxpayer.²⁵

LASPO was intended to reduce the legal aid budget by £350 million.²⁶ In order to do this, LASPO partially or wholly removed a number of areas of law from the scope of civil legal aid. After LASPO, most cases in the areas of immigration, debt, welfare, housing, medical negligence, private family and employment are no longer within the scope of legal aid.

As a result, there has been a huge reduction in the number of social welfare law cases funded by legal aid: from 470,000 cases in 2009/10 to just 53,000 cases in 2013/14, the year LASPO came into force.²⁷ By the financial year 2014/15, legal aid spending was down to £1.6 billion, from £2.1 billion pre-LASPO.²⁸

At the time LASPO came into force in April 2013, the Government promised to review the impact of the legal aid cuts within three to five years. On 30 October 2017, the review of LASPO was finally announced by the Ministry of Justice, in a post-legislative memorandum presented to the Justice Select Committee.²⁹ YLAL welcomed the announcement of the review, although we remain keen to campaign for proper scrutiny, to ensure that the controversial legal aid reforms are properly evaluated. The announcement of the review has brought the problems with the current legal system back onto the mainstream news agenda. Many representative bodies, prominent lawyers and politicians welcomed the announcement of the review. There are, however, calls for

²⁴ Commons Select Committee, '[Justice - Eighth Report: Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012](#)' 4 March 2015, <https://publications.parliament.uk/pa/cm201415/cmselect/cmjust/311/31102.htm>

²⁵ Equality Impact Assessment, Legal Aid Sentencing and Punishment of Offenders Bill, para. 15

²⁶ Ministry of Justice, '[Proposals for the Reform of Legal Aid in England and Wales](#),' Consultation CP12/10, November 2010 <https://www.gov.uk/government/publications/proposals-for-reform-of-legal-aid-in-england-and-wales>

²⁷ Full Fact, '[Far fewer social welfare cases get legal aid](#),' 02 October 2015 <https://fullfact.org/law/far-fewer-social-welfare-cases-get-legal-aid/>

²⁸ Legal Aid Agency, '[Annual Report and Accounts 2014-15](#),' p. 54 <https://www.gov.uk/government/publications/legal-aid-agency-annual-report-and-accounts-2014-to-2015>

²⁹ Ministry of Justice, '[Legal Aid, Sentencing and Punishment of Offenders Act 2012: Post-Legislative Memorandum](#)', 30 October 2017 <https://www.gov.uk/government/publications/legal-aid-sentencing-and-punishment-of-offenders-act-2012-post-legislative-memorandum>

the government to ensure that the proper groups are consulted and the correct questions are asked. The government has also been encouraged to ensure that this review is not allowed to drag on but is completed by the stated deadline of the summer recess 2018.³⁰

In the meantime, a number of reports by charities, trade unions and parliamentary committees have provided evidence of the devastating impact of cuts to legal aid:

- In November 2014, the [National Audit Office](#) found that the reforms had the potential to create additional costs to the state, but that the Ministry of Justice had not estimated the scale of these 'hidden' costs.³¹ The MoJ also did not know whether or not all those who are eligible for legal aid are able to access it.
- In February 2015, the [Public Accounts Committee report](#) on reforms to civil legal aid was heavily critical of the government: it too observed that the MoJ "*does not know whether the reduction in spending on civil legal aid is outweighed by additional costs in other parts of the public sector as a result of the reforms*", perhaps because the MoJ "*gathered little evidence before implementation and did not make good use of the information that it did have*".³² The Public Accounts Committee ("PAC") chair, Margaret Hodge MP, found it "*deeply disturbing that the Ministry of Justice's changes to civil legal aid were based not on evidence but on an objective to cut costs as quickly as possible*".³³
- In March 2015, the [Justice Select Committee reported](#) that the cuts limited access to justice for some of those who most needed legal aid and that the MoJ "*cannot demonstrate that it has achieved better overall value for the taxpayer because it has no estimate of how great the knock-on costs of the rest of the system have been*".³⁴
- In October 2016, Amnesty International published [Cuts That Hurt](#), a report on the impact of legal aid cuts on access to justice. Amnesty International concluded that "*[i]n human rights terms, the cuts to legal aid constitute a retrogressive measure*". Amnesty found that "*[t]he cuts to civil legal aid under LASPO have had a particularly serious and disproportionate impact on disadvantaged and marginalised people in the UK*".³⁵

³⁰ David Liddington, [Justice Update: Written Statement - HCWS204](#), 30 October 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-10-30/HCWS204/>

³¹ Ministry of Justice and Legal Aid Agency, '[Implementing reforms to civil legal aid](#)', National Audit Office, HC784, Session 2014-15, 20 November 2014 <https://www.nao.org.uk/wp-content/uploads/2014/11/implementing-reforms-to-civil-legal-aid1.pdf>

³² Public Accounts Committee, '[Implementing reforms to civil legal aid report published](#)', Commons Select Committee, 4 February 2015, <https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-accounts-committee/news/report-implementing-reforms-to-civil-legal-aid/>

³³ Ibid

³⁴ The Justice Committee, '[Justice 8th Report: Impact of changes to civil legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012](#)', 04 March 2015 <https://publications.parliament.uk/pa/cm201415/cmselect/cmjust/311/31102.htm>

³⁵ Amnesty International, '[United Kingdom: Cuts That Hurt: The impact of legal aid cuts in England on Access to Justice](#)', p. 28, <https://www.amnesty.org/en/documents/eur45/4936/2016/en/>

- In October 2016, the Trades Union Congress found in its report, [Justice Denied](#), that “LASPO, reforms to court services and budget cuts have had a detrimental impact on access to justice, including on those most vulnerable in our society”.³⁶
- The [Report of the Bach Commission on Access to Justice](#)³⁷ identified that cuts to criminal legal aid have not been as extensive as civil legal aid cuts, and acknowledged that figures illustrating impact are more difficult to quantify: there are pressures leading to loss of services, unrealistically low wages for advocates and increases in litigants in person; which lead to problems for defendants. The Bach Commission concluded that LASPO has “*seriously damaged the functioning of the justice system, especially for those most in need*”; and called for minimum standards for access to justice to be enshrined in law.
- The Bach Commission’s [final report](#) was published in September 2017.³⁸ The report concluded that the justice system is “*in crisis*.”³⁹ Their findings include: People are being denied access to justice because of the reduction in scope of legal aid and excessive eligibility requirements; there is insufficient public legal education; a shrinking advice sector and uncertainty regarding the viability of future legal aid practise. The report found that the problems are “*so widespread and varied that there is a need for a new legally enforceable right to justice*.” This has led to the recommendation that legislation is required in the form of a Right to Justice Act.⁴⁰
- On 27 November 2017, research published by the Law Society demonstrated a statistical link between getting early legal advice (much of which has been removed by LASPO) and resolving problems sooner. The research shows that, on average, one in four people who receive early professional legal advice had resolved their problem within three to four months. For those who did not receive early legal advice, it was not until nine months after the issue had first occurred that one in four had resolved their issue. This means that simple issues which should be resolved out of court can spiral and end up in court, meaning unnecessary costs to the taxpayer.⁴¹

Labour’s Shadow Lord Chancellor, Richard Burgon, welcomed the Bach Commission report as the beginning of the fightback against legal aid deserts,⁴² also telling a fringe event at the Labour conference that the Bach Commission report will form a key part of the party’s next manifesto. The government’s initial response was brief: Justice minister Dominic Raab simply saying ‘[w]e

³⁶ Trades Union Congress, [‘Justice Denied: Impacts of the government’s reforms to legal aid and court services on access to justice’](#), Speak up for Justice Campaign, October 2016
https://www.tuc.org.uk/sites/default/files/Justice_Denied_Report.pdf

³⁷ The Bach Commission on Access to Justice, [‘The Crisis in the Justice System in England & Wales’](#), Interim Report, November 2016, http://www.fabians.org.uk/wp-content/uploads/2016/11/Access-to-Justice_final_web.pdf

³⁸ The Bach Commission on Access to Justice, [‘The Right to Justice’](#), The final report of the Bach Commission, September 2017, http://www.fabians.org.uk/wp-content/uploads/2017/09/Bach-Commission_Right-to-Justice-Report-WEB.pdf

³⁹ *Ibid*, p.6

⁴⁰ *Ibid*, p.6

⁴¹ The Law Society, [‘Restoring state-funding for early legal advice could save cash’](#), 27 November 2017
<http://www.lawsociety.org.uk/news/press-releases/restoring-state-funding-for-early-legal-advice-could-save-cash/>

⁴² Guardian, ‘The fightback against the Conservatives’ legal aid desert begins today,’ 22 September 2017
<https://www.theguardian.com/commentisfree/2017/sep/22/conservatives-legal-aid-desert-cuts-bach-commission-right-to-justice-fabian>

*spent £1.6 billion in legal aid last year, a quarter of the Ministry of Justice's budget, to maintain access to justice. We will continue to focus legal aid on those who most need help, recognising the cost of this support is met by the taxpayer, even as Labour produce yet more unfunded proposals.*⁴³

Despite this, on 22 November 2017, Chancellor of the Exchequer Philip Hammond presented the Autumn Budget to Parliament which announced further cuts to the Ministry of Justice budget. The Treasury committed to reduce the MoJ's spending from £6.6 billion in 2017/18 to £6 billion by 2019/2020. The Government confirmed that justice spending, which covers prisons, probation and legal aid, will have faced a real-terms cut of 40% between the 2010/11 and 2019/20 financial years.

Exceptional Case Funding (ECF) was introduced under LASPO for cases no longer in scope for legal aid funding, where a person's human rights or EU rights would be breached if legal aid was not granted. Unlike with other forms of legal aid, where solicitors are able to self-certify a small amount of funding, solicitors cannot make ECF decisions themselves: applications must be sent to the ECF team at the Legal Aid Agency. The stated purpose of ECF is to ensure legal aid is available to the most vulnerable in society, where a matter is out of scope.⁴⁴ However, research has found the ECF scheme to be inadequate. Amnesty International's research described ECF as failing to *"provide the promised safety net for vulnerable or disadvantaged people"* and failing to protect their *"right to equal and effective access to justice"*.⁴⁵

The legal profession is concerned that the current situation is unsustainable in the absence of funding for the areas of law where the most marginalised and vulnerable are seeking access to justice. Lord Bach perceives the current government to have *"given up on social welfare law"*⁴⁶ and thereby created a situation where a career in this traditionally low-paid area of law has become even less sustainable for those working in the field. In January 2018, following the appointment of David Gauke as the new Lord Chancellor and Secretary of State for Justice, Chairman of the Bar Andrew Walker QC said that it *"is vital that the Ministry of Justice completes the thorough review of the Legal Aid, Sentencing and Punishment of Offenders Act"* and that the Bar Council *"look[s] forward to working with the new Lord Chancellor to ensure access to justice is available to all, to ensure that the system for securing the administration of justice is resourced properly and functioning effectively, and to achieve fair and sustainable public funding arrangements for advocacy and legal advice. These matter because they underpin the rule of law and our constitutional principles which the Lord Chancellor has a special responsibility to uphold"*.⁴⁷

⁴³ Law Gazette, 'Bach calls for Human Rights to Legal Aid' 22 September 2017 <https://www.lawgazette.co.uk/news/bach-calls-for-human-right-to-legal-aid/5062930.article>

⁴⁴ LASPO, Section 10.

⁴⁵ *Supra*, para. 30 pp. 24 - 25

⁴⁶ <https://www.theguardian.com/society/2016/jan/06/legal-aid-work-social-welfare-law-career-suicide>

⁴⁷ Bar Council 'New Lord Chancellor must ensure justice is properly resourced and functioning effectively, 9 January 2018, http://www.barcouncil.org.uk/media-centre/news-and-press-releases/2018/january/bar-council-new-lord-chancellor-must-ensure-justice-is-properly-resourced-and-functioning-effectively/?dm_i=4CGD.5ULI.183FN4.MXB2.1

Undergraduate and postgraduate tuition fees and Trainee Remuneration

From September 2012, universities have been able to charge up to £9,000 per year for undergraduate courses. The fees prior to 2011/12 were capped at £3,375 per year. As of 2017/18, undergraduate tuition fees are capped at £9,250 a year.

Whilst postgraduate fees vary, 2017 fees for the Legal Practice Course (LPC) stand at between £8,500 and £15,000⁴⁸ and fees for the Bar Professional Training Course (BPTC) span from £13,050 up to £19,040.⁴⁹

In addition, on 1 August 2014, the SRA abolished the mandatory minimum salary for trainee solicitors. From that date firms were no longer obliged to pay their trainees anything more than the national minimum wage.⁵⁰ The Law Society, in November 2016, announced its own recommended minimum salary which has been calculated using the real Living Wage with an additional payment based on the cost of the LPC.⁵¹ The Law Society highlight the importance of fair pay to ensuring social mobility within the profession stating that one of the reasons for issuing the recommendation is that it “*could have a positive impact on equality and diversity within the legal profession*”.⁵² Despite a number of firms following the recommendation many have not. Over a third of trainee solicitors are still paid below this salary⁵³ including two trainees at the Bolton firm of Law Society President Joe Egan; it was later revealed that Egan had himself drawn no salary from the firm two years earlier. Egan stated that these problems had arisen because of the cuts to legal aid.⁵⁴

In its consultation paper ‘Looking to the future: phase two of our Handbook reforms,’ which closed on 20 December 2017, the SRA said ‘*[w]e do not consider that it is the SRA’s role to set salaries in the profession, and we do not wish to place additional barriers in the way in which providers offer apprenticeships or training contracts*’.⁵⁵

In January 2018 recruiter Douglas Scott surveyed young lawyers. They found that 38 per cent of trainee solicitors were being paid below the Law Society’s recommended minimum salary. This represents an increase of 22.5 per cent since 2016 and of 8.5 per cent since 2017. Adele Edwin-Lamerton, chair of the Law Society’s Junior Lawyers Division (JLD), stated: ‘This will prevent aspiring trainees from entering the profession and have a damaging effect on social mobility.’⁵⁶

⁴⁸ <http://www.lawsociety.org.uk/law-careers/becoming-a-solicitor/costs-of-qualifying/>

⁴⁹ <https://l2b.thelawyer.com/issues/l2b-online/cheapest-bptc-is-now-in-bristol-as-fees-rise-at-all-providers/>

⁵⁰ <https://www.lawgazette.co.uk/law/society-recommends-trainee-pay-minimum-/5052117.article>

⁵¹ <https://www.lawsociety.org.uk/support-services/advice/articles/recommended-minimum-salary-for-trainee-solicitors/>

⁵² *Recommended minimum salary for trainee solicitors*, The Law Society, 15 November 2016,

<http://www.lawsociety.org.uk/support-services/advice/articles/recommended-minimum-salary-for-trainee-solicitors/>

⁵³ <https://www.legalcheek.com/2017/01/research-over-a-third-of-trainee-solicitors-are-being-paid-below-the-law-societys-recommended-minimum-salary/>

⁵⁴ <https://www.thetimesbrief.co.uk/users/39175-the-brief-team/posts/22497-joe-egan-took-no-salary-because-of-legal-aid-cuts>

⁵⁵ Solicitors Regulation Authority, ‘Looking to the future: phase two of our Handbook reforms: Consultation,’ para 91,

<https://www.sra.org.uk/sra/consultations/lttf-phase-two-handbook-reform.page>

⁵⁶ <https://www.lawgazette.co.uk/law/sharp-rise-in-trainees-paid-less-than-minimum-salary-/5064351.article>

At the bar, there is a minimum pupillage award of £12,000 a year. The Bar Standards Board, in its October 2017 'Consultation on Future Bar Training: Shaping the education and training requirements for prospective barristers' asked whether the minimum pupillage award should be increased, and if so whether the Bar Standards Board should use National Living Wage or the Living Wage Foundation benchmark. The results of the consultation are expected later in 2018.

In 2017 the BSB also completed research into barriers to a career at the bar [Barriers to Training for the Bar: A qualitative study](#). Key findings included that the Bar was seen as 'the preserve of an 'elite', privileged group, more accessible to white men from an 'elite' educational background than others'.⁵⁷ Additionally the study found that the financial cost of undertaking training for the Bar was a barrier to entry to the profession, most concerningly (and perhaps unsurprisingly) they found that:

'Financial considerations particularly affected those from lower socio-economic groups, and information gaps were an issue for those from BME and lower socio-economic backgrounds who lacked personal networks and connections to the profession. Gender was also thought to affect entry to the Bar, with women seen to be at a disadvantage irrespective of their ethnic or income backgrounds'.⁵⁸

Proposed reform of routes to qualification

In 2015, the Solicitors Regulation Authority ('SRA') made proposals to introduce a new centralised exam, the Solicitors Qualifying Examination ('SQE'). The SQE is set to commence in September 2020 and the new rules will mean that those wishing to qualify as a solicitor will need a degree / equivalent qualification, a two-year period of qualifying work experience and to have passed the SQE and suitability test. The current training contract route will no longer be the only method of qualification.⁵⁹ The SRA state that one of the reasons for developing the SQE is to address the problems of social mobility in the legal sector⁶⁰ though whether or not it will do so remains to be seen.

Following consultations in 2015 and 2016, the Bar Standards Board ('BSB') has announced that for the immediate future the current model of training will remain. In terms of the academic stage of training, the BSB has decided that the bar will remain a graduate profession and applicants must obtain a 2:2 or above in a Law degree or the equivalent on the Graduate Diploma in Law.

The vocational stage of training will still require students to pass the Bar Course Aptitude Test (BCAT) and the BPTC. The BSB has indicated that changes must be made to the BPTC in the future to decrease the risk and add value to the course. Students will also still be required to join one of the Inns of Court and will be called to the bar after completion of the BPTC, however the BSB is reviewing the latter requirement. Students will then go on to complete their work-based training

⁵⁷ Barriers to Training for the Bar: A qualitative study, Bar Standards Board, June 2017, p.2

http://www.barstandardsboard.org.uk/media/1910425/barriers_to_training_for_the_bar_research.pdf

⁵⁸ Ibid, p.3

⁵⁹ <https://www.sra.org.uk/home/hot-topics/Solicitors-Qualifying-Examination.page>

⁶⁰ <https://www.sra.org.uk/sra/policy/training-for-tomorrow/SQE-Blog/Can-the-Solicitors-Qualifying-Examination-help-social-mobility-.page>

in the form of a one year pupillage, the BSB have indicated that this stage will *not require substantive change*⁶¹ although they did include questions about it in their consultation document.

⁶¹ [https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/future-bar-training/future-ways-to-qualify-as-a-barrister/work-based-learning-\(pupillage\)/](https://www.barstandardsboard.org.uk/qualifying-as-a-barrister/future-bar-training/future-ways-to-qualify-as-a-barrister/work-based-learning-(pupillage)/)

Demographics

We received 200 responses to our survey. The respondents were self selecting having chosen to respond to the survey after it was shared with YLAL, within our members' networks and on social media more widely.

Nearly four out of five respondents were female (78 per cent), with 21.5 per cent male and 0.5 per cent non-binary/third gender. This suggests that a higher proportion of those entering the legal aid sector are female.

Gender	Proportion
Female	156 (78%)
Male	43 (21.5%)
Non binary/third gender	1 (0.5%)

This trend is also reflected within the figures on those entering a law course at university where 67.5 per cent are female and 32.5 per cent are male.⁶² Of those admitted to the Solicitors' Roll in 2016, 61.5 per cent were female and 38.5 per cent male. Our research suggests that women are overrepresented within the legal aid sector.

The respondents had a wide age range, from 18 - 20 to 50 - 59 years. The majority of respondents (55 per cent) were aged 21 - 29 years. The second most represented age range was 30 - 39 years, accounting for 28 per cent of respondents. The Law Society note that the average age for those being admitted to the Roll as qualified solicitors is 29.7 years for men and 29.2 years for women.⁶³

The majority of respondents (63 per cent) were White British.⁶⁴ There was also representation from a range of minority ethnic groups.⁶⁵ There were respondents from a wide variety of ethnicities and nationalities including Chinese, Sinhalese, Carribean, Irish, Latina, Italian and Czech, Afro-Arab, British Indian, British Pakistani, and Greek Cypriot.

⁶² <https://www.lawsociety.org.uk/Law-careers/Becoming-a-solicitor/Entry-trends/>

⁶³ Ibid

⁶⁴ The answers provided by respondents to our survey and the categories used in the data do not correlate exactly with the surveys cited here, for this reason our results are not directly comparable to other surveys.

⁶⁵ A wide range of ethnicities were provided using the free-text box in response to this question on our survey. We've categorised them as clearly as possible in these ethnic groups.

Ethnicity	Frequency
White – British	126 (63%)
White – Other ⁶⁶	20 (10%)
Black – British	9 (4.5%)
Black – Other	11 (5.5%)
African - Other ⁶⁷	3 (1.5%)
Asian – British	5 (2.5%)
Asian – Chinese	5 (2.5%)
Asian – Other	5 (2.5%)
Mixed	14 (7%)
Other	2 (1%)

At the last census, 86 per cent of the population of England and Wales was White British.⁶⁸ These results may suggest that, proportionally, representation in the legal aid sector, by ethnicity, is more diverse than within the wider population⁶⁹. Our numbers also closely reflect the number of entrants to law courses at university where 34.3 per cent are from ethnic minorities in the year 2016/17,⁷⁰ which may suggest that this more mixed ethnicity is reflected within the legal profession as a whole.

13 per cent of respondents considered themselves disabled, slightly under the national figure of 16 per cent of working age adults.⁷¹

17 per cent of respondents said they were working as solicitors. 10.5 per cent were trainee solicitors. Nine per cent were barristers and three and a half per cent pupil barristers. 14.5 per cent paralegals and eight per cent in other paid legal positions. Two and a half per cent were doing some form of unpaid legal work.

⁶⁶ Includes all responses who categorised themselves as "white" or "caucasian" but not British eg European, Irish etc

⁶⁷ Includes those who said they were African but did not specify

⁶⁸ Ethnicity and National Identity in England and Wales: 2011, <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/ethnicityandnationalidentity/nenglandandwales/2012-12-11>

⁶⁹ When the YLAL survey is updated, we will use the same categories as the ones in the census so we can make this direct comparison in our next report.

⁷⁰ <https://www.lawsociety.org.uk/Law-careers/Becoming-a-solicitor/Entry-trends/>

⁷¹ Disability Facts and Figures, Office for Disability Issues, January 2014

<https://www.gov.uk/government/publications/disability-facts-and-figures/disability-facts-and-figures#fnref:3>

Students made up the largest group at 18 per cent. Four percent were unemployed and 13 per cent were in non-legal employment.

In terms of education, less than half of the barrister respondents (41 per cent) attended comprehensive schools compared to nearly two thirds of solicitors (64 per cent). 37 per cent of barristers attended fee-paying schools, more than twice as many as the 17 per cent of solicitors. These figures may reflect the fact that the more stable salary of a solicitor is more appealing to those less able to take financial risks. The figures for both professions however show that those who were privately educated, or attended fee-paying grammar schools, are massively overrepresented within the legal sector with the number of children who are educated at independent schools in the general population reported as being only six and a half per cent.⁷²

⁷² <https://www.isc.co.uk/research/> Independent Schools Council, Research

Why do we do what we do

There was a common theme in almost all of the responses, from students and paralegals through to those more qualified; that we work in legal aid because we believe that justice should be accessible to all. There was a feeling that working in legal aid allows respondents to have an active role within the creation and maintenance of a justice system that is both fair and effective for all.

Many respondents commented that legal aid enables clients to have *"access to justice which they would otherwise struggle to obtain"*. Protecting *"those who are the most vulnerable in society"* was a common motivating factor. It was also noted by many that *"the most underrepresented in society [are] the ones who need representation the most"* and *"The justice system should be accessible to everyone, not just those who can afford it."*

Respondents state that justice is not equally accessible for all. A desire to address this was given by a number of respondents as a motivating factor. One respondent commented that they had *"seen the impact of women not being able to access quality legal support and having their rights infringed purely because there is no legal aid or no legal aid solicitor in the area to support them"*. Another said they had seen how *"good and bad legal advice"* can impact upon people's lives.

One respondent explained that they decided to train as a legal aid lawyer because, in their previous employment, they *"got to the point where I was frustrated referring people on for work I felt I could carry out myself. There was a limit to the support I could provide so I decided to retrain"*.

There was a deep sense of empathy within the responses from respondents who view legal aid work as an opportunity to better understand both the people they work for and the wider socio-political issues. One respondent mentioned that they wanted to *"gain a better understanding of what the deeper underlying problems are, where the system has been damaged by political interference"* another respondent described feeling motivated to enter the sector because *"I have used legal aid in the past."*

Respondents referenced interest in particular areas of law which are predominantly served by legal aid. There was a clear sense of academic and personal satisfaction in the answers we received. Some suggested they would *"not otherwise be interested in law"* and that legal aid work was *"the most interesting"* legal area of their practice.

Within the responses there is a common feeling that the legal system disadvantages those who are unable to pay for legal services. Legal aid attempts to level the playing field and tries to ensure a degree of fairness which otherwise would not exist. One member summed up their experience of legal aid work as *"the most fulfilling and meaningful work that I do"*.

It is clear that by far the most common motivating factors are a combination of a strong belief that *"access to justice is a fundamental cornerstone of our society"*, a desire to *"make a difference to people that need it the most"* and the simple belief that the legal aid sector has *"the most interesting areas of law."*

Findings

The survey of our members demonstrated – unsurprisingly – that working in the legal aid sector can be stressful and demanding, as well as being badly paid. However, despite the challenges, we found that YLAL members share a commitment to social justice and human rights, a desire to make a difference or to do something worthwhile, to work in the public interest and to help the most vulnerable and marginalised people in society.

When asked to identify the biggest professional challenge facing them, our members responded as follows:

Biggest challenge faced within the profession	Frequency
Underpaid	43 (34%)
Stress	27 (21%)
Workload	14 (11%)
Long hours	10 (8%)
Undervalued	4 (3%)
Lack of training	3 (2%)
Other	25 (20%)

The results of the survey show that respondents face high levels of debt, low salaries and the expectation that unpaid or low paid work experience has been undertaken as a prerequisite to gaining paid employment in the legal aid sector.

Respondents describe problems with high levels of stress combined with a lack of support, difficulty managing parenthood with the commitment expected of legal aid practitioners and the difficulty in managing to combine paid and unpaid or legal and non-legal work.

The following subsections look at the detail of each of these findings and how they may or may not act as barriers to social mobility within the sector.

Debt

Cost of entry

An obvious barrier to entry into the legal profession is the cost of qualification. The way solicitors train is set to change, but at the moment to become a solicitor the standard route is an undergraduate degree or the Graduate Diploma in Law (if the undergraduate degree was not a

Qualifying Law Degree) and then the Legal Practice Course. For barristers, the equivalent of the Legal Practice Course is the Bar Professional Training Course.

The major costs are the tuition fees, loss of earning and cost of living while in education, and loss of family and personal time especially for those juggling studying with part time work and caring responsibilities.

Tuition fees

Our survey responses show that 50 per cent of those who studied the LPC paid fees of between £9,000 and £13,000,⁷³ which is slightly more than in the last survey (where 56 per cent paid fees of between £9,000 and £12,000) with 25 per cent paying more than £13,000.

50 per cent of those who studied the BPTC paid fees of between £15,000 and £18,000 and 25 per cent paid in excess of £18,000. In our last survey, only 35 per cent of respondents had paid over £15,000 for the BPTC.

New information in our survey is that the middle 50 per cent of those who completed the GDL paid £6,750 - £10,000 in tuition fees.

Course	Median	Inter-quartile range
GDL	£8,345	£6,750 – 10,000
LPC	£11,000	£9,000 – 13,000
BPTC	£16,000	£15,000 – 18,000

The cost of undertaking the BPTC look set to rise. Our data shows that in most cases costs of the BPTC are increasing at least in line with inflation (consumer price index) and in several cases exceed it by hundreds of pounds. The University of Law is the only institution to have reduced its course fees, its website says '*[t]o celebrate 20 years of the BPTC at The University of Law, and in recognition of the challenges and costs of pursuing a career at the Bar, we've reduced this year's BPTC fees*'.⁷⁴

⁷³ These figures include respondents who gave an approximation

⁷⁴ <http://www.law.ac.uk/postgraduate/bptc/>

Law School	2014/2015	2015/2016	2016/2017	2017/2018
BPP (London)	£17,925	£18,530	£ 19,070	£19,070
City Law School	£17,000	£17,500	£18,000	£18,500
ULaw (London)	£18,175	£18,500	£19,040	£17,500
BPP (Birmingham)	N/A	£15,240	£15,680	£15,680
BPP (Leeds)	£14,740	£15,240	£15,680	£15,680
BPP (Manchester)	£14,740	£15,240	£15,680	£15,680
Cardiff Law School	£12,575	£12,895	£14,340	£15,200
ULaw (Birmingham)	£ 13,450	£14,500	£15,480	£14,500
ULaw (Leeds)	N/A	£14,500	£15,480	£14,500
MMU	£13,725	£14,040	£14,480	£14,480
Nottingham Trent University	£13,400	£13,800	£14,100	£14,400
UWE's Bristol Law School	£12,965	£13,695	£13,795	£13,950
Northumbria University	N/A	£12,500	£13,050	£13,250
National average	£14,870	£15,091	£15,640	£15,568

A less costly route to qualification is through the Chartered Institute of Legal Executives (Cilex) as a Legal Executive. Legal Executives have all the same rights of practice as solicitors, but unlike barristers they are not entitled as of right to conduct advocacy in the higher courts. This route to qualification costs £9,529 over 5 years. The trainee works alongside their education and training gaining practical experience as well as legal education. For those who already have a qualifying law degree, it is £3,058 to complete the 'professional' stage of training.⁷⁵

⁷⁵ http://www.cilex.org.uk/study/lawyer_qualifications/typical_costs

Sources of funding

Of the respondents who studied the LPC and BPTC, 28 per cent funded themselves through loans, 19 per cent through family, 13 per cent through work, eight per cent through their own accord and 32 per cent through other means. At the time of the previous report, over half of respondents said that they relied on financial support from family; a third relied on loans; almost a third had used personal savings; and 14 per cent relied on part-time employment.

Funding source	GDL students	LPC students	BPTC students
Family	27 (28%)	20 (24%)	4 (9%)
Loans	28 (29%)	23 (27%)	14 (30%)
Own accord	12 (12%)	7 (8%)	3 (7%)
Work	12 (12%)	14 (17%)	3 (7%)
Other	18 (19%)	20 (24%)	22 (48%)

Our results appear to indicate a significant decrease in the amount of people relying on their families. Without further research it is not possible to discern why this is.

The “other means” response provided a window into some of the diverse ways junior legal aid solicitors are funding their LPC. Out of the 20 respondents (out of 88 who had done the LPC) who selected this option only five explained that the firm with which they had secured a training contract had paid for their studies. Two had support from the Law Society’s Diversity Access Scheme, which can pay up to the full LPC course amount for students from disadvantaged backgrounds.⁷⁶ Seven had scholarships and one had a grant from a charity for the education of impoverished children.

It is worth noting that chambers doing large amounts of legal aid work do not generally pay for the BPTC, some allow payment of the pupillage award in advance in order to pay for all or part of it. However, this is unusual (only one survey respondent reported this, to the sum of £2000). With pupillage awards in the legal aid sector often less than £20,000, it is clear that aspiring barristers could not pay for BPTC fees and their living costs for both the BPTC and pupillage years out of the pupillage award alone. However, the Inns of Court do provide a number of scholarships.

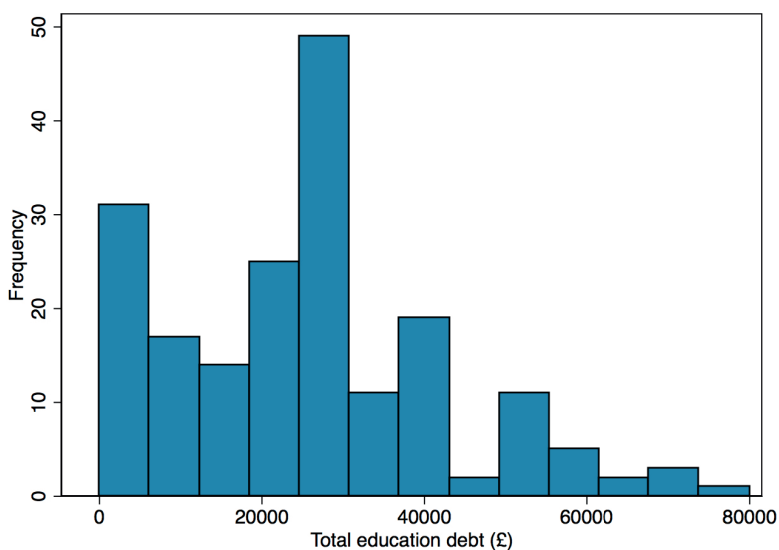
⁷⁶ <http://www.lawsociety.org.uk/law-careers/Becoming-a-solicitor/equality-and-diversity/diversity-access-scheme/>

22 out of 48 respondents who had done the BPTC had (partially) funded their studies with scholarships mostly from Inns of Court but in at least two cases from the BPTC provider. Scholarships also funded some students doing the GDL - out of 89 respondents who had done this course, seven received scholarships, at least three from Inns of Court.

One respondent in the 'other means' category for the LPC reported using credit cards to supplement help from their family. Another respondent who gave their main source of funding as 'loans' explained that the repayments on the personal loan they used to fund the GDL became due during the BPTC when it was not possible to work full time, so they used credit cards to meet those payments.

Level of debt

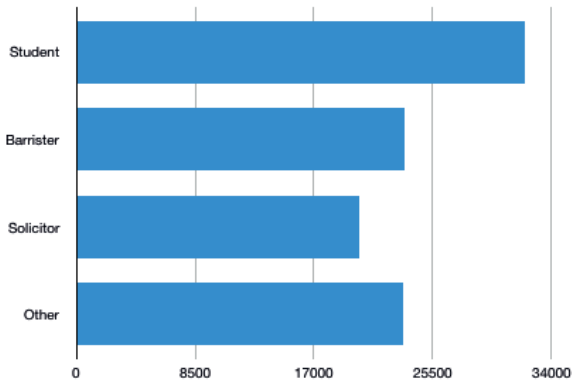
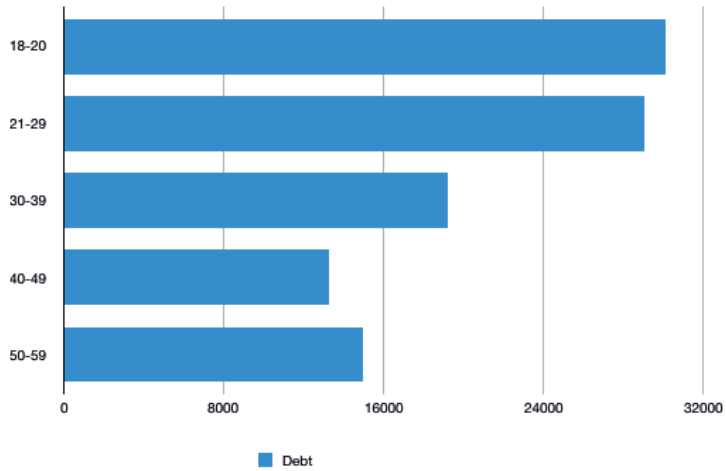
72 per cent of respondents have or will have debt over £15,000 as a result of their education and 26.5 per cent will have over £35,000. In our previous report there was a slightly lower level of debt, with 65 per cent of respondents with over £15,000 worth of debt and 15 per cent with over £35,000 worth of debt⁷⁷.



There is a general upward trend of debt over time.

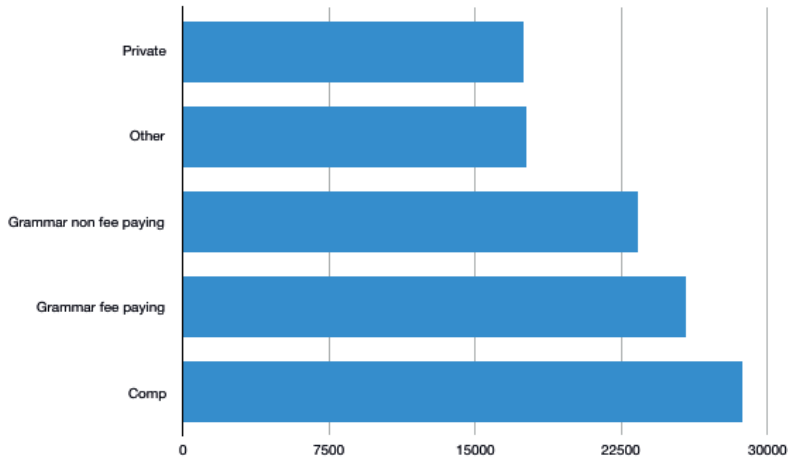
⁷⁷ The way in which respondents calculated their debt was not uniform across respondents. Some included debt already paid off and others did not. Where a range was given by a respondent we have used the higher figure when preparing the data for this report. This should not significantly affect the results.

Projected debt levels for the 18 - 20 age group noticeably high given they have not yet incurred the further costs of professional courses, indicating a likely higher debt burden in the future. This is likely a result of the increases in undergraduate tuition fees.



We did not see large differences in debt between men and women. Our data did not allow us to compare across races clearly, although again there did not appear to be significant differences. Those declaring disabilities on average had lower debt, it is not clear why this is and it was not a strongly significant difference.

Those attending private (not including former grammars which are now fee paying) schools had on average nearly £10,000 less debt than those from comprehensives.



Those with family members in the legal profession had on average approximately £3,500 less debt.

Work Experience

Unpaid work experience continues to represent a significant barrier to social mobility. 75 per cent of respondents to our survey had, at some point, done some form of unpaid legal work experience. This experience varied from short term internships with non-governmental organisations (NGOs) to paralegal work. 40 per cent of respondents had done paid work experience and 37 per cent had engaged in work experience where only expenses were covered.

In comparison to our last survey, there does seem to be a slight downward trend, with a 14 per cent decrease in those undertaking unpaid work experience, and a six per cent decrease in those undertaking expenses only work experience. However, there is not a corresponding increase in paid work experience, which has remained constant on 40 per cent. This suggests that it is unlikely that any decrease in the numbers of those undertaking unpaid work experience can be ascribed to a shift towards properly remunerated experience.

Work Experience as a Necessity

With a large majority of respondents having undertaken work experience, the general consensus is that it is a necessity for those who wish to enter the legal aid sector and greatly enhances career prospects. A recurrent theme that emerged within the survey responses was the expectation from employers that graduates should have undertaken some form of work experience.

The perception of our respondents was overwhelmingly that one cannot access the profession without work experience. The responses suggest that work experience is absolutely necessary, rather than merely helpful:

"It is a necessary prerequisite before getting pupillage - they will not offer it if you have none".

This applies not only to the highly sought after pupillage and training contract positions, but also to entry level positions, with one respondent commenting:

"There were no entry level jobs I could find which did not require experience."

"Firms want paralegal experience for their paralegal jobs which is not what I was expecting as I was of the opinion that it was an entry level type job".

"Getting any experience at all is extremely difficult, but every potential employer expects it by default."

This creates something of a "catch 22" for graduates, as when all roles require prior experience, getting a foot in the door can become impossible.

It was noticeable that respondents perceived legal aid firms to have an economic imperative in seeking candidates with work experience, with an applicant possessing the relevant work experience allowing firms to save money on training. Examples of some comments are:

"it is extremely important to obtain work experience before law firms are likely to consider an applicant eligible for a training contract in legal aid firms. This is often no matter the applicant's grades as firms must be economical in their training capacities and those with prior experience require less investment."

"Legal Aid firms do not have the time and resources and so appreciate having someone with some form of experience".

"Legal aid firms don't have capacity for a proper transparent recruitment system and so rely on internal recruitment".

In addition, there was a perception amongst respondents that there are too few positions in the legal aid sector. The resulting competition allows employers to insist on work experience:

"The industry simply has TOO many graduates fighting for too few paid positions - within the LA sector".

"I have obtained experience in this area, but unfortunately there is still a shortage of firms who undertake legal aid work offering training contracts".

Our respondents appreciated that having work experience was not only a benefit to prospective employers, but also enabled them to gain useful skills:

"I undertake a lot of legally aided work, [and so] I am familiar with the funding mechanisms and legal aid applications and the type of work covered by legal aid, all of which would be helpful in any future legal aid role."

"I want to qualify on Social Welfare law, therefore my selection on what work experience to apply for has been deliberate. I have mainly worked in the third sector, this helped me stand out as I understand the pressures on the sector at the moment and I have experience with working with vulnerable clients."

"Without a doubt being a caseworker helped me obtain pupillage as had own caseload and conducted advocacy. Of other paralegals 3 of 4 applying for pupillage at the same time as me succeeded".

However, whilst comments on work experience generally were positive, there remains a perception that it is unpaid work experience in particular which is a necessary stepping stone to paid work. There are certain areas where specific types of, often unpaid, experience is expected. In addition, the need to demonstrate experience before being employed in even an entry-level position may well explain the proliferation of unpaid work experience in this field:

"To even be considered for a paid role, it seems you have to have huge quantities of voluntary experience to demonstrate your commitment. I expect I will have to continue to undertake unpaid roles for another 6-12 months at least, before my CV will be viewed as worthy for consideration, even for more administrative paid legal roles."

"You won't get pupillage if you've never done a mini-pupillage." [Editor's note: mini-pupillages are predominantly unpaid]

"I want to pursue a career in public law and human rights law, where prior experience is essential. This often means that this sector at an internship level is severely less meritocratic than commercial law, where one is able to apply for TCs and pupillages more readily off the back of undergraduate qualifications."

Work Experience as a Barrier

13.5 per cent of respondents, in answer to the question "Please comment on any barriers you have faced or are facing in establishing your career in the legal aid sector" specifically identified unpaid work experience as a problem.

Whilst work experience generally was considered valuable, respondents were frustrated by the constraints that the prevalence of unpaid experience in particular placed on their career options, with some giving up altogether. The enormous number of comments on the difficult financial situation that unpaid work experience put them in is testament to the real impact it is having on the potential legal aid workforce:

"They all want "at least 6 months" which is not practical for me as I've been in education and the longest placement I've done lasted one month. I am involved in some voluntary

work, as is always recommended, and I'm really enjoying it and would love to do more because it's very interesting to me [but] my mum keeps asking me for money to pay council tax and bills so I need paid work. "

"Any entry level experience is usually unpaid which means you are struggling with debt doing a part time retail job".

"It helped my CV stand out. But at the same time I felt like unpaid work is taking advantage of desperate students and I couldn't have afforded to do more than a few weeks at a time."

"Everything I do now has opened another door, since starting GDL... it's just frustrating that have to kind of work backwards... slaving away for free for few years in order to hopefully one day be able to look after myself and my son on my own income".

"I cannot afford to continue to do unpaid work experience, and cannot afford to pay for training courses so I have decided not to pursue a legal career".

The barrier of unpaid work can also be exacerbated by location. This may be due to geographical distance from the opportunities, or the financial constraints imposed by those who are trying to live in London:

"I live in Leeds and there is very little legal aid work experience or job opportunities but I am not in a financial position to be able to live in London."

"[working for free is] just not viable for too many people and ignores the high living costs in places like London."

In terms of overcoming this barrier, respondents fell into two categories of how they felt the problem of unpaid work experience should be tackled. The first was to bring together recruiters:

"Firms and chambers need to unite in ruling out unpaid work experience as exploitative and potentially unlawful".

The second was to tackle those organisations who themselves provide unpaid work experience opportunities, which in turn encourage the prevalence of unpaid experience on CVs:

"As most work placements tend to be unpaid, it is difficult to find a sustainable role in legal aid. This could be overcome through paid work placements".

"[NGOs] should all stop taking on unpaid internships. Then firms would not be able to demand experience".

The barrier that unpaid work presents to social mobility is self-evident. Many candidates with impressive CVs have come from a background which enabled them to undertake significant periods of unpaid work experience. Those from lower income backgrounds miss out on vital opportunities. It is trite to observe that the pool of applicants for legal aid roles being shaped by candidates' financial means is not a sustainable way to approach the future of the profession.

Salaries

Our survey respondents were clear; low salaries are a significant barrier to working in the legal aid sector. The salaries were described by one respondent as “*laughable*”. Answers clearly showed that salaries, for junior lawyers, were not sufficient to allow employees to support themselves adequately with a number of them describing having to rely on their family for support:

“Low salaries prevent those without access to independent wealth from entering the profession if they want to work in legal aid. I am only able to afford working at my current salary as I live with family and pay a very low rent. Without this support I would not be able to work in legal aid.”

“I am paid 17,000 in London. I had to move for work my family live in Nottingham. I pay out for rent, food, travel to work, my phone and Internet and there is nothing left. It’s depressing. I didn’t buy a 39p pack of sweets the other day because it was ‘extravagant’. I cannot live on my salary my parents have to help me out. The money side of things is really soul destroying. Firms are paying peanuts because they can.”

Other respondents compared legal aid salaries with those in the commercial sector and found them to be seriously lacking:

“If I’m lucky I could be a qualified solicitor in the LA sector by the time I’m 30. That is my goal. Meanwhile my peers will be qualifying in 2017, at the age of 25 with a qualifying salary that is probably double what I will ever earn. It is extremely, extremely disheartening.”

“I’m facing the prospect of spending thousands on my legal qualifications, and will end up taking a significant pay cut once qualified (in comparison to my current salary) as I want to go into legal aid law and have no interest in commercial law.”

Wages in the legal aid sector remain low in comparison both to other areas of the law and other professions. Most City (of London) law firms are offering starting salaries of between £40,000 and £44,000, although salaries outside London are significantly lower, for example one leading Cambridge firm pays its first year trainees £26,000 and Bristol firm advertised salaries of £35,000 (the overview article from which these figures are sourced did not look at high street of legal aid firms at all).⁷⁸ In the most junior hospital training post, known as Foundation Year 1, doctors’ basic starting salary is £26,614, in Foundation Year 2 this rises to £30,805.⁷⁹ Newly qualified teachers earn at least £22,917, with qualified teachers in inner London earning at least £28,660.⁸⁰ The starting salary for police constables, who currently do not have to have any formal educational qualifications (meaning less debt risk), range from £19,971 to £23,124.⁸¹ As discussed elsewhere, there is no minimum salary for solicitors (save for the national minimum wage) and the minimum pupillage award is below national minimum wage at £12,000.

⁷⁸ <https://targetjobs.co.uk/career-sectors/law-solicitors/advice/310759-how-much-will-you-earn-as-a-trainee-solicitor>

⁷⁹ <https://www.healthcareers.nhs.uk/explore-roles/doctors/pay-doctors>

⁸⁰ <https://getintoteaching.education.gov.uk/funding-and-salary/teacher-salaries>

⁸¹ <https://www.police.uk/news/home-office-announces-police-pay-award/>

Of the respondents to our survey who were in legal work:

- 7 per cent were working as volunteers and receiving no salary
- 3 per cent worked part time and earning under £10,000
- 6 per cent were earning between £10,000 and £15,000
- 14 per cent were earning between £15,000 and £20,000 (including two solicitors)
- 24 per cent were earning between £20,00 and £25,000 (including two solicitors, three barristers)
- 14 per cent were earning between £25,001 and £30,000 (including eight solicitors, two barristers)
- 16 per cent were earning between £30,001 and £35,000 (including eight solicitors, three barristers)
- 17 per cent were earning more than £35,000 (including four solicitors, eight barristers)

Even once in formal training, salaries for trainee solicitors and pupillage awards (for trainee barristers) are often set at an extremely low level. In August 2014, the SRA scrapped the mandatory minimum salary for trainees which meant that it was no longer required that firms pay trainee solicitors salaries above the minimum wage. It is likely this has increased the downward trend for trainee wages and is also likely to have affected the pay of newly qualified solicitors too.

65 per cent of respondents stated that they believe that there should be a minimum salary in place for trainee solicitors. Many respondents describe the low wages offered to junior legal aid lawyers as being exploitative, the low pay led to a feeling that their work was not valued and again referred to the need for young lawyers to depend on their families in order to survive whilst gaining a foothold in the profession. One described the SRA's decision to stop protecting them financially by removing the minimum salary, which our research shows has led to 53 per cent of respondents earning less than £25,000 per year, as "*inexcusable*". The national median earnings for a full time worker were £28,600 up to April 2017 according to the Office for National Statistics⁸².

Members provided the following supporting comments:

"They should be paid for the skilled work they are doing, and not used as cheap labour. Trainee solicitors are also in an extremely weak bargaining position. There is so much competition that few will be able to turn down a training contract even if that means being paid less than they need to meet their basic costs."

"Without a minimum, some companies race to the bottom in terms of salary because they can prey on student's desperation to get qualified."

"At present trainee solicitors can be exploited by their firms and the low salary on offer can mean that it is only the independently wealthy who can train to enter the profession."

"I think this is very important so people feel that they can have a career in this area if they don't have any additional funds/family support to help them whilst they are training."

⁸²

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2017provisionaland2016revisedresults>

"There may be a training element to it, but I know of no trainee who was not working as hard or harder than a fee earner and not contributing to the firm. Firms that don't pay trainees properly should be ashamed of themselves."

However, there were also a small number of respondents who were unsure or against the idea of reinstating the mandatory minimum salary. Eight per cent said they were undecided on the issue, there were a variety of reasons for concern, including very real concern for the problems it may cause for hard-pressed legal aid providers:

"May result in trainees being paid the minimum amount and nothing higher. Unless of course the minimum would be above minimum wage."

"Probably not, as it is so different in London from elsewhere in the country and this could make it more difficult to get training contracts outside London"

"Small firms might not take on trainees if it was too high."

"Unsure if this will price out smaller legal aid firms or cause larger firms to pay less"

"I want to work for a high street firm or a charity eventually and don't want them to be put under pressure to meet a minimum salary when the position and chance to qualify into an area I love are more important to me than money"

Only three per cent said they did not want a mandatory minimum salary citing the need for competition between firms and the recognition of knowledge and experience through pay scales as the reasons for this. 23.5 per cent of respondents did not give an answer to this question.

A number of respondents to our survey also believe that the minimum pupillage award should be increased:

"The minimum pupillage award should be ... increased."

As well as earning a low salary, junior legal aid lawyers are also faced with the pressure of paying back high levels of student debts, all of which, it is suggested, creates a huge barrier to social mobility:

"Those who come from a working class background are under pressure/required to start earning a significant amount straight away - whether to support themselves/family, or to repay immense student/LPC debts that they've had to take on."

All of which, it seems, is leading to a number of respondents and aspiring legal aid lawyers at best considering a career change and at worst leaving the sector altogether:

"The very low salary combined with extortionate training costs (which legal aid firms don't cover) means that I am seriously considering a career change - I can't take on 15,000 further debt on this salary."

"I work as hard or harder as my friends in the commercial sector but for far less money. It is tempting to leave this the legal aid profession for the commercial legal sector."

"Couldn't manage on paralegal salary and continue to live in London and rent a flat so moved to advice sector and put plans on hold."

The survey has clearly shown that expensive professional training courses, high levels of debt and low salaries make it significantly more difficult for individuals from poorer backgrounds to enter the legal aid sector and thus prevent real social mobility.

Other Barriers

Stress

After poor pay, the second biggest challenge which respondents expressed facing is stress, with 21 per cent stating that this is the most significant challenge they experienced. A number of elements were cited, including the important nature of the work done and the vulnerable or traumatised nature of the clients they worked with, alongside the heavy caseload and volume of work, the combination of which they saw as contributing to potential burnout:

"Deadlines, large workload and vulnerable clients all create quite a stressful job, which at times is motivating, and at times is too much"

One respondent specifically referenced the cuts to legal aid as a precipitating factor in the deterioration of their health, while another detailed suffering mental health issues directly linked to their workload.

While it was positive that several respondents expressed a genuine commitment to being a legal aid lawyer and to their clients, the combination of feeling underpaid, undervalued, working long hours, and a lack of training and support meant that many felt meeting the standard of care to clients represented a significant burden. Several respondents also felt that this was having a negative impact on their lives outside of work - for example, difficulties in being able to afford rent, particularly in London, the inability to get on the property ladder, and to manage the cost of living:

"Fortunately for me I am still able to live at home... but my colleague rents with friends, and does not have any money left over at the end of the month after paying bills".

This combination also had an impact on respondents' personal and family lives, for example the expectation of being available to work at weekends, evenings and whilst on annual leave:

"It's just a massive, pernicious balancing act, that I fear will have an adverse affect on my son".

Although only three per cent of respondents viewed feeling undervalued as the biggest challenge they faced, this combination of challenges faced, without resulting recognition, created a perception of feeling undervalued. One described feeling *“under-valued particularly in society.”*

The temptation to leave behind a career in legal aid, including retraining completely, after having strived to enter it was expressed by several respondents. As one respondent stated:

“Now there is an equal problem of retention. People’s quality of life is very bad – stress and overwork are a real problem.”

Another commented:

“I already know so many talented people who have left the sector against their preferences, and am considering doing the same.”

One respondent reported having done just that:

“Unfortunately, I no longer work in legal aid. The junior criminal bar became too much; the financial anxiety was overwhelming. Working ten hour days when you didn’t know if you were going to be paid or not became too much.”

It is clear from our survey that unless these issues are addressed, retention of talent in the legal aid sector will become a bigger issue and social mobility will be greatly compromised.

There was also a repeated emphasis on tackling a stressful workplace culture and excessive workloads, with many seeking a more supportive working environment, and better recognition and support for those living with mental health conditions. Several respondents expressed that to an extent, overcoming certain barriers came down to developing a robust approach as an individual, including: *“learning to say ‘no’ (sometimes!)”; “being prepared to put in the hours”; and “dedication!”*

Several respondents cited the political environment and the negative public perception of legal aid lawyers as creating a feeling of being undervalued by society and the government, and were uncertain about the consequences this would have on both their career within the sector, and on the clients relying on legal aid. One described the *“antagonistic attitude to human rights sector from politicians and press, with negative policy consequences on career and clients.”*

Another respondent added that being *“undervalued by the government”* was one of the biggest challenges they faced as a legal aid lawyer.

The lack of certainty around government policy had added to the stress of some respondents when asked to expand on their reasons for choosing stress as their biggest challenge one stated *“uncertainty of government policy”* and another *“Uncertainty as to...the laws that will even exist in this country to protect and enforce human rights.”*

A number of students also described concerns about not only their future but the future of the sector:

"Uncertainty - as to whether I will secure pupillage and ever practise as a barrister; what the profession will look like"; "Lack of entry level or trainee positions for people aspiring to become legal executives."

Lack of support

Another difficulty that respondents articulated was the lack of support they experienced during their pupillage or training contract. While many of those undergoing pupillage reported positive training experiences, roughly half reported feeling unsupported and that the overall process was unstructured and disorganised, leading them to feel unprepared for life in practice. However, this varied very much depending on which set of chambers they trained with. The same was true for trainee solicitors with their respective firms, although on the whole respondents were happy with the level of responsibility and support they were given. Regardless of this, as one respondent expressed:

"...the leap of responsibility from trainee to qualification can seem huge and being aware of that, as well as the pressure of knowing your work can be the difference between a fantastic or awful outcome for your clients means that little can prepare you sufficiently."

Another called for *"More support... and more openness towards mental health issues"* and others described feeling overwhelmed by their roles and lacking support from their employers:

"I feel I do not have enough support and am stressed as I do a lot of roles."

"Stress to meet expectations and not to constantly work...and lack of support!";

"I get zero admin support because my employer...'can't afford it' I get no support from my managers."

Geographic Barriers

Respondents in YLAL's previous report on social mobility and diversity (from 2013) articulated geography as being a barrier to gaining work experience, particularly for those without family or other connections in London, or where placements do not reimburse travel expenses. In the present survey, one respondent highlighted a slightly different issue: the lack of accessibility to adequate training resources outside of London:

"Many training courses and accreditation exams particularly in Asylum law are in London, this is extremely difficult for people in the North and clearly puts us at a disadvantage."

The issue of the London-centric legal aid landscape remains ever-present though, and aspiring lawyers who cannot live in London for a variety of family and financial reasons lose out on vital opportunities. As one respondent stated:

"I live in Leeds and there is very little legal aid work experience or job opportunities but I am not in a financial position to be able to live in London."

The difficulties of combining legal aid work with parenthood

A number of respondents identify juggling childcare responsibilities with the inflexible demands of a legal aid firm as a major barrier. As one respondent stated:

"I am a mother of two children. Studying has been really difficult without childcare for students. Fees were extremely high and I have always struggled to pay them and will be in debt because of them for many years..."

The general feeling from the responses was that lawyers in legal aid firms had to work longer hours because fees generated from legal aid work are so low.

For some respondents, adding parenthood into the mix of poor pay, long hours and a stressful workload which characterise life as a legal aid lawyer is simply a step too far. As one lawyer stated:

"I would not return to private legal aid practice, as it is too stressful and too difficult to make enough money to survive. I am about to have my first child and I would not be able to work the hours that are required to try to make a living from legal aid."

Another respondent stated:

"Having children is difficult when starting out. My colleagues without children stay later and put in longer hours to meet targets. Due to child care I need to leave at set times and am unable to attend parties/networking events in the evening. I worry that this may be wrongly seen as a lack of commitment to my work."

This was echoed in another response, which stated that the lower salaries and long hours make working in legal aid hard to sustain when starting to raise a family:

"You need a good co-pilot to keep things ticking over."

"Lack of payment, slow payment, unpaid prep, CPS lack of prep. To win you have to do lots of unpaid work. For the diligent it's a tough life, impossible for parents as childcare so expensive, hours erratic.";

"My pay is equal to my childcare, so I don't make any money from it, but I'm getting lots of experience"

The necessity of combining paid and unpaid (and legal and non-legal) work

Respondents identified a number of nuanced barriers to a career as a legal aid lawyer, including having to work in retail jobs to save money so that they can support themselves in an unpaid role. This is a necessary rite of passage for many to a paid legal aid role.

As one respondent stated:

"It should not be the case that talented graduates have to work in low income jobs a world away from the legal profession, to save money, just so that they can undertake unpaid voluntary roles - voluntary roles which are massively over-subscribed - that they are required to have on their CV's as a tangible demonstration of commitment to the sector, so that they can perhaps, one day, get a paid legal position."

Discussion, Conclusions and Recommendations

Our first report on social mobility, '[Legal aid lawyers: the lost generation in the "national crusade" on social mobility](#)' was published in 2010. It concluded that:

"...aspiring lawyers from diverse backgrounds are finding it harder than ever to forge a career in legal aid."

In our 2013 report, '[One Step Forward, Two Steps Back](#)', we found that little had changed:

"...it is clear that the lack of social mobility within the legal aid sector remains a significant concern. Additionally, further cuts to legal aid raise the worrying possibility that a bad situation might become worse."

In this updated report, *Young Legal Aid Lawyers: Social Mobility in a Time of Austerity*, the barriers to working in legal aid remain and the prediction made in our pre-LASPO report has proved to be correct as junior and aspiring legal aid lawyers face greater barriers to the profession at the same time as the sector fights to survive. We make the following recommendations.

Finding One: Debt combined with low salary as a barrier to the profession

As in our 2013 report, we have found that high course fees and a lack of affordable funding options, combined with the need to undertake unpaid work experience and low salaries once employment is gained, cause many to reconsider their decision to work in legal aid.

Undergraduate fees stand at £9,000 per annum. The GDL is a postgraduate course for those who have already completed a degree, and therefore it does not attract any kind of student loan. The majority of our members rely on loans or financial support from family. Only a small proportion of our members were able to self-fund their studies solely through earnings from work. Fees have increased for both the LPC and the BPTC since our last report. Concerns about repaying debts accrued are exacerbated by the fact that most entry level positions in the legal aid sector are low paid with the majority of respondents saying they earn less than £25,000 per year. 72 per cent of respondents have or will have debt over £15,000 and 26.5 per cent will have over £35,000.

With these factors in mind it is unsurprising that social mobility in the legal aid sector has not improved. Those without financial support have been and will continue to be unable to enter the profession or, if they do, will be faced with high debts and therefore additional stress and financial pressure.

We recognise that the SRA intends to introduce the SQE by 2020 and that their stated intention is to equalise the route to qualification, in part by reducing fees. However, we are yet to see any

information relating to the cost of SQE1 or SQE2, the cost of any preparatory courses or the cost of any GDL equivalent which will need to be developed.

The Law Society has recommended that trainee solicitors should be paid in line with the Real Living Wage but the SRA have recently reiterated the fact they do not intend to reintroduce the mandatory minimum salary. Pupil barristers are paid a minimum salary, though this sits at just £12,000 at this time.

- YLAL calls on the SRA to release information about expected costs, to both training providers and students of the SQE, imminently. This will allow for a properly informed discussion on SQE's introduction and the potential effects it may or may not have on social mobility in the sector.
- YLAL asks that all firms reconsider the wages they pay all staff, noting the Law Society's recommended minimum salary for trainees and the living wage as set by the [Living Wage Foundation](#) (London Living Wage where applicable).
- We call for the regulation by professional regulatory bodies of the fees charged by the professional course providers.
- We call for the reintroduction of the mandatory minimum salary by the SRA for trainee solicitors and the increase of the minimum salary for pupil barristers by the BSB. Both should be brought in line with the Real Living Wage.
- We call for a detailed and effective review of LASPO by the current Government.

Finding Two: Unpaid work experience is a barrier to the profession

Our survey responses were clear that work experience is a must when attempting to get paid employment in the legal aid sector. Many also felt that they had to undertake unpaid work in order to get the required experience. A number of respondents explicitly cited this a reason for having to discontinue their career in legal aid.

The barrier that unpaid work presents to social mobility is self-evident. Those from lower income backgrounds may miss out on vital opportunities due to their inability to undertake extensive unpaid work. It is trite to observe that the pool of applicants for legal aid roles being shaped by candidates' financial means is not a sustainable way to approach the future of the profession.

Unpaid work experience undoubtedly continues to represent a barrier to social mobility. 75% of respondents had done some form of unpaid legal work experience. Although this was a slight downward trend from 2013 (89%), it is worrying that there is not a corresponding increase in paid work experience, which has remained constant at 40%. This suggests that that there has not been any shift towards properly remunerated work experience; instead, it is possible that our respondents are missing out on work experience opportunities as a result of their inability to self-fund, in comparison to our 2013 respondents.

Geographical location was also a barrier to many respondents accessing work experience opportunities as many of the organisations offering work experience or internships in legal aid or related areas are based in London. The issue of the London-centric legal aid landscape remains

ever-present and aspiring lawyers who cannot live in London, for a variety of family and financial reasons, may lose out on vital opportunities.

We therefore recommend that:

- Companies, firms and organisations in the legal aid or traditionally legally aided sector should adopt our Best Practice Work Experience Charter at Annex A.
- Government funds should be made available to small legal aid firms and not for profit organisations to assist them to properly remunerate or reimburse those undertaking work experience in line with our Charter when they are unable to pay to do so themselves.
- Training providers should ensure that their courses and accreditation and professional examination sittings should be made to all across the country.

Finding Three: Stress, lack of support, juggling legal aid work with life's pressures are affecting retention in the profession

Our report shows that stress is the second biggest challenge faced by respondents. There were a large number of issues which added to the stress and pressure our respondents described. Long hours, emotionally tiring work and low pay were combined with worries about financial problems, caring for your young children or dealing with mental health and physical disabilities. The political climate against legal aid and "*activist left wing human rights lawyers*"⁸³ also added to a feeling of pressure and being undervalued by society.

- The content of the SQE should be amended to ensure that areas of social welfare law and civil legal aid a properly made available within the contexts at SQE1 and 2.
- Law firms, businesses and organisations providing legal aid should recognise, understand and properly address the causes of the emotional and psychological impact our respondents reported facing during practise in this area. They should improve working conditions and culture and offer adequate and accessible support to employees and juniors, without stigma or judgement.
- There should be greater flexibility allowed to those with caring responsibilities and disabilities. Employers should be more open to part time work, flexible working hours and working from home where appropriate. The Legal Aid sector should modernise itself in line with most other professions

⁸³<http://www.independent.co.uk/news/uk/politics/theresa-may-tory-conference-speech-applause-attacks-activist-left-wing-human-rights-lawyers-a7346216.html>

Concluding thoughts

We acknowledge the progress that has been made towards a diverse profession over many years and the hard work of individuals that has contributed to this. However, the rate of change is a real concern. Significant obstacles to entering the profession remain. For those that do make it, many find the reality of a career in legal aid unsustainable. The result is that the sector is losing out on talented and experienced individuals.

We believe that the legal profession – like the justice system – should be open to all. We are deeply concerned that, as with our first report, aspiring lawyers from diverse backgrounds are finding it harder than ever to forge a career in legal aid. Unless the issues within this report are addressed, retention of talent in the legal aid sector will become a bigger issue and social mobility within the profession will be greatly compromised.

With thanks to...

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Appendix 1

Best Practice Charter for Work Experience/for Employers

Our respondents fell into two categories of how they felt the problem of unpaid work experience should be tackled. The first was to bring together recruiters:

“Firms and chambers need to unite in ruling out unpaid work experience as exploitative and potentially unlawful “

The second was to tackle those organisations who themselves provide unpaid work experience opportunities, which in turn encourage the prevalence of unpaid experience on CVs:

“As most work placements tend to be unpaid, it is difficult to find a sustainable role in legal aid. This could be overcome through paid work placements”

“[NGOs] should all stop taking on unpaid internships. Then firms would not be able to demand experience”

YLAL recommends that legal aid firms who offer or intend to offer work experience placements should meet a number of requirements. We have drafted a charter which we ask legal aid firms to follow in the future to improve the current situation. We hope the Charter will help to protect young legal aid lawyers from unpaid work experience with undefined job descriptions for unspecified periods of time.

WORK EXPERIENCE CHARTER

Preamble

We [insert firm name] are committed to providing high quality legal work experience, accessing social mobility and encouraging the next generation of aspiring legal aid lawyers to enter the profession. We recognise the barriers to accessing work as a legal aid lawyer. We therefore promise to comply as far as possible with the conditions for work experience set out below:

Application

1. All work experience placements will be advertised in public (for example, on the host's website) so there is equal opportunity to access opportunities for those who do not have existing connections to individuals in the organisation.

Remuneration/reimbursement

2. We endeavour to pay work experience at the real living wage.

3. Where it is not possible to pay a salary or stipend (for example where additional work experience is granted outside of normal firm schemes) we will make clear to staff within the host organisation and interns that work experience participants are volunteers and should not be treated as workers.
4. We will in any case pay reasonable travel costs for travelling to work and all costs for expenses incurred for out of office travel for work related reasons.

Duration

5. Work experience will generally not exceed a period of one month full time or three months part time. Any work experience staying longer than this period should not be done so on any pre-condition for full time paid work, or under any false expectation that the work experience will lead to full time employment.

Quality of work

6. Work experience candidates will not be used to fill any shortfall in staff or labour.
7. Work experience candidates will be given some element of constructive legal work that will aid their understanding of working in the legal sector.
8. Where possible, feedback will be given to candidates on substantive pieces of work.

Integration

9. Work experience candidates will be given a proper induction to the organisation, including where appropriate access to a staff handbook, to ensure that they are able to approach tasks confidently from the outset, maximise the output of their time with the organisation and understand what their role will encompass.
10. Work experience candidates will have a mentor or other point of contact for guidance, feedback and troubleshooting on their work, with meetings arranged at least at the beginning and end of the placement and access to the mentor while the placement is ongoing.
11. We will endeavour to ensure that work experience candidates are invited to social occasions with the firm to allow them to meet other interns and staff, and be included in events that could enhance their professional development (for example, talks and training sessions).

Outcome

12. Work experience interns will be provided with a reference at the conclusion of the placement.

