



Young Legal Aid Lawyers' Response to The Law Society Green Paper: *'Proposals for a 21st Century Justice system'*

About Young Legal Aid Lawyers

Young Legal Aid Lawyers (YLAL) is a group of lawyers who are committed to practising in areas of law, both criminal and civil, that have traditionally been publicly funded. YLAL members include students, paralegals, trainee solicitors, pupil barristers and junior qualified lawyers throughout England and Wales. We believe that the provision of good quality publicly funded legal help is essential to protecting the interest of the vulnerable in society and upholding the rule of law.

This is our response to the Law Society's Green Paper '*Green Paper 'Proposals for a 21st Century Justice system'*' on 5 January 2024.

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1. Overview

1. The Law Society has prepared a Green Paper presenting fresh ideas for 21st century justice.¹ YLAL welcomes the detailed look at the civil justice system and careful consideration of the sustainability of the legal aid sector.
2. YLAL notes that the Review of Civil Legal Aid is due to report in March 2024² but would like to express our firm agreement with the Law Society that any changes made “*must be accompanied by a significant increase in legal aid fees, to ensure that a career in legal aid work is financially viable.*” We do not consider it possible to address the multi-faceted nature of the crisis in legal aid without there being a significant and sustained increase in fees.
3. The crisis in recruitment and retention in legal aid has been well documented and it is not the purpose of this response to restate that position. We refer to the The Westminster Commission on Legal Aid’s Inquiry into the Sustainability and Recovery of the Legal Aid Sector, particularly ‘*Recommendation D: Recruitment and Retention*’³. We also refer to the 2023 research, *Overstretched & unsustainable: a case study of the immigration and asylum legal aid sector*, by Young Legal Aid Lawyers and the Public Law Project⁴.
4. YLAL recognises the volume of responses that the Law Society will receive and considers that we would be best placed to comment on the proposals set out in the Green Paper under the heading ‘*the next generation of civil legal aid solicitors*’, which looks at ways of addressing the crisis in recruitment and retention in legal aid.
5. In this response we have considered; the process of training as a solicitor generally, the existing models for funding qualification with reference to the programmes that already exist in England and Wales, and models in other jurisdictions.

¹ <https://www.lawsociety.org.uk/campaigns/21st-century-justice>

² <https://www.gov.uk/guidance/civil-legal-aid-review>

³ https://lapg.co.uk/wp-content/uploads/The-Westminster-Commission-on-Legal-Aid_WEB.pdf

⁴ <https://younglegalaidlawyers.org/young-legal-aid-lawyers-release-a-new-report-overstretched-unsustainable-a-case-study-of-the-immigration-and-asylum-legal-aid-sector>

2. Training as a Solicitor

Academic Requirements

6. The process of becoming a solicitor in England and Wales is governed by the Solicitors Regulation Authority (SRA). Becoming a solicitor in England and Wales follows a structured process that combines academic qualifications, vocational training, and practical experience.
7. To comply with the academic requirements for qualification, individuals must begin by obtaining a qualifying law degree (LLB) or completing a conversion course, typically the Graduate Diploma in Law (GDL) for those with a non-qualifying law degree. Following this, candidates must either complete a further academic element, either the traditional Legal Practice Course (LPC) or the recently introduced Solicitors Qualifying Examination (SQE).
8. The SQE was introduced on 1 September 2021, and as a result there are currently two routes for qualification as a solicitor. If individuals have completed the LPC by this date the route is now governed by the transitional arrangements. Individuals who have completed the SQE, will follow the SQE route, discussed below. Soon the SQE will be the only route through which to qualify as a solicitor in England and Wales.
9. The transitional arrangements apply to anyone who, before 1 September 2021, had completed, started, or accepted an offer of a place on a training contract or has paid a non-refundable deposit on an LPC course. This would also apply to those who have started or completed their Qualifying Law Degree by 31 December 2021⁵.
10. The SRA will continue to authorise the teaching of LPC courses until the end of the 2025/26 academic year. Individuals governed by these arrangements will have until 31 December 2032 to qualify as a solicitor⁶.

Training Contracts

11. In addition to the academic requirements, individuals following the LPC route also have to secure a two-year training contract. There are many different providers who can certify the required period of recognised training. In the legal aid context, law firms with a substantial legal aid practice are a common place to carry out a training contract, although these are few and far between.
12. Some legal aid firms offer training opportunities to those wishing to qualify as a solicitor. These are two-year contracts which provide individuals with expertise in legal aid and social welfare law, potentially in addition to other seats in complementary areas of law.

⁵ <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/transitional-arrangements/>

⁶ <https://www.sra.org.uk/become-solicitor/legal-practice-course-route/transitional-arrangements/>

13. Many firms offer these training contracts to internal and external candidates. However, some firms exclusively offer these positions to candidates who are currently employed at the firm. Therefore, individuals are required to work at the firm, sometimes for years, before being considered for a training contract. This is a barrier to entry for aspiring legal aid lawyers, not least given the low rates of pay endemic across the legal aid sector.
14. In addition to this, the training contract positions tend to be filled by individuals who have a number of years of paralegalling experience in a relevant field. This means that newly graduated individuals wishing to gain a training contract will often have to work for a number of years in order to be considered for these roles. This results in a higher average age of qualified solicitors in social welfare law compared to those in more commercial areas.
15. Law firms are able to impose extensive requirements for training contracts as the number of applicants vastly outweighs the number of positions available at these firms. The reason for the limited number of training contract positions is a direct result of the chronic underfunding of the legal aid system for many years.
16. After the enactment of the Legal Aid, Sentencing, and Punishment of Offenders Act 2012 (LASPO) in 2013, numerous law firms implemented a hiring freeze, or drastically reduced their volume of legal aid work⁷ leading to a subsequent reduction in the intake of trainee and newly qualified (NQ) solicitors. Ten years later, a noticeable consequence of this decision is the evident shortage of supervisors available to oversee trainees, leading to a limited number of trainee positions being available.
17. Understanding and addressing the difficulties arising from the depleted capacity to supervise training lawyers in the legal aid sector will be key to the formulation of a training model capable of succeeding.
18. Most fundamentally, YLAL does not believe that reform of the training process for solicitors working in legal aid can address the crisis in recruitment and retention without adequate levels of pay. That is why we opposed the scrapping of the Minimum Salary for trainee solicitors by the Solicitors Regulation Authority in 2012⁸ and suggest a similar requirement is reinstated.

⁷ https://lapg.co.uk/wp-content/uploads/LAPG_Manifesto_A5_FINAL.pdf

⁸ <https://younglegalaidlawyers.org/keep-the-minimum-salary>

3. Other Jurisdictions

19. In jurisdictions outside of England and Wales, periods of compulsory involvement in legal aid work have been used to encourage trainees to eventually pursue careers in social welfare law and as a method of supporting legal aid work.
20. In Belgium, there has at times been a requirement for all trainee lawyers to undertake at least 6 hours of legal aid work within their 3 year induction period. Now the level of mandatory legal aid work is set by the Chairman of the Bar Council⁹. All trainee lawyers' names are added to a list which the Legal Aid Bureau can use to appoint members of the public a lawyer.
21. This system helps to provide a supportive fallback system for when qualified lawyers who choose to work predominantly within the legal aid sector do not have capacity to cover cases. It also exposes trainees to areas of law they may not have previously had a chance to study in depth, which may inspire more to practise legal aid work when qualified.
22. Unfortunately, this system does nothing to combat the issue of retention within the field. 6 hours of work provides a very limited level of exposure and may only provide trainees with a very limited insight into the sector.
23. It also fails to account for the fact that areas of law covered by legal aid are complex and challenging for someone at the beginning of their legal career. Relying on trainees to bridge the gap between the number of clients requiring representation under legal aid and the number of lawyers with capacity to take on new cases could have a detrimental effect on clients' outcomes and the mental wellbeing of trainees themselves where there are not adequate resources in place to support trainees conducting legal aid work.
24. Given the problems identified at paragraphs 11 - 18 above, it is difficult to see how the legal aid sector could support a whole generation of trainees, not ordinarily practising in legal aid, who are fulfilling compulsory involvement in legal aid work. Those completing training contracts within firms that ordinarily do not practice within the sector may be unable to support or advise their trainees on this work in-house, placing further reliance and workload on civil legal aid lawyers.
25. To require trainees to engage in legal aid work might be more feasible if all firms were required to practise some form of legal aid work. This would require a radical overhaul of the entire legal sector and would be unlikely to achieve results for a significant period of time.

⁹ Formerly Article 3.14 of the '*Code of Conduct for lawyers*'. Now the level of mandatory legal aid work is set by the Chairman of the Bar Council, Article 35:
https://www.cbbe.eu/fileadmin/speciality_distribution/public/documents/National_Regulations/DEON_National_CoC/EN_Belgium_OVB_Code_of_Ethics_for_Lawyers.pdf

26. In Jersey, all lawyers of less than 15 years call are required to carry out legal aid work¹⁰. They operate a rota style system similar to the UK's Duty Solicitor Scheme. The key difference with their system is that it is entirely funded by lawyers themselves meaning that any remuneration has to be requested from clients directly. This means there is no guarantee lawyers will be paid at all for their work on legal cases and if they are paid it may happen a significant amount of time after the work has concluded. It could create huge discrepancies in what clients are charged for work as lawyers are given discretion to decide what is reasonable to charge based on guidelines.
27. As per paragraph 24 above, the key difficulty with introducing a requirement for all lawyers to engage in legal aid work is that the system currently lacks the resources to accommodate the training, support and financial consequences for firms of joining the legal aid industry.
28. Exposure to legal aid work may inspire more trainees to eventually pursue careers within the legal aid sector, but only if they are adequately supported and remunerated. To pilot a scheme like those operated in Belgium or Jersey could cause more problems than it solves without substantive action to address remuneration within civil legal aid work and levels of retention. Ultimately, we need a system that encourages aspiring lawyers into careers in legal aid and which is capable of sustaining long-term careers in legal aid.
29. The sector's inability to sustain an influx of trainees practising legal aid is a direct consequence of the chronic underfunding over recent decades. Any initiative to introduce more trainees into the sector must first tackle the deficiency of supervisors and absence of infrastructure which would be required to support such an influx.

¹⁰<https://www.gov.je/sitecollectiondocuments/crime%20and%20justice/r%20factual%20description%20of%20the%20jersey%20legal%20aid%20system%2020140709%20lb.pdf>

4. The Solicitors Qualifying Exam (“SQE”)

Introduction of the SQE

30. On 28 October 2020, the Legal Services Board (“LSB”) approved the Solicitors Regulation Authority’s (“SRA”) application to introduce the SQE¹¹.
31. The SQE was introduced as part of the SRA’s ‘*Training for Tomorrow*’ programme and following the report on the legal education and training review in 2013¹². The report called for a focus on the standard required by solicitors upon qualification and post-qualification.
32. The SRA’s view is that the SQE will mean “*everyone meets the same consistent, high standards at the point they become a solicitor.*”¹³ The SRA feels this will mean that the “*public and employers can have confidence that qualifying solicitors have all met the same, high standard.*”¹⁴

Attainment Gap

33. We note in the SRA’s Annual Review the following:¹⁵

Although the evidence shows there is no systemic bias in the SQE itself, the data show that there are differences in performance by ethnicity. White and mixed/multiple ethnicity candidates generally performed better than Asian/Asian British and Black/Black British candidates. Although this was an expected outcome, as it is a long-standing and widespread feature in examinations in the legal and other sectors, it is still troubling. We have commissioned research from University of Exeter to help us better understand the complex factors that might contribute to differing performance in this area.

34. The research referred to will be led by Professor Greta Bosch and aims to increase understanding about the factors driving the attainment gap and to identify steps taken to close this. It is estimated that a final report will be published in spring 2024¹⁶

¹¹<https://legalservicesboard.org.uk/news/legal-services-board-approves-significant-changes-to-how-solicitors-qualify>

¹² <https://www.sra.org.uk/sra/consultations/consultation-listing/t4t-assessing-competence/>;
<https://www.sra.org.uk/sra/research-publications/education-training-report/>

¹³ <https://www.sra.org.uk/sra/policy/solicitors-qualifying-examination/background-sqe/>

¹⁴ <https://www.sra.org.uk/sra/news/press/2020-press-release-archive/sqe-approved-lsb/>

¹⁵ <https://www.sra.org.uk/sra/news/press/sqe-annual-reports-2023/>

¹⁶<https://news.exeter.ac.uk/faculty-of-environment-science-and-economy/university-of-exeter-business-school/review-identifies-next-steps-for-research-into-ethnicity-attainment-gap/>

35. YLAL expressed concern at the attainment gap following the first SQE results in 2022¹⁷ and we remain concerned that data shows differences in performance by ethnicity and welcomes the research from the University of Exeter.

Funding

36. The Green Paper recognises the limited funding available to legal aid firms:¹⁸

While a rising number of providers are exiting the civil legal aid market due to decreasing financial viability of the work, those that remain have little or no resources to invest in future service provision, including training future legal aid lawyers. (p23)

37. This lack of funding has a direct impact on social mobility and the future of the profession. YLAL has documented this in its Social Mobility reports dated 2010, 2013 and 2018. The recurrent theme throughout these reports is a finding that high levels of debt combined with low salaries make legal aid work unsustainable for those from a lower socio-economic background.

38. Though the SQE presents some opportunity to reduce the costs of qualification, in the legal aid sector the cost burden will continue to fall upon the candidate. Whilst the cost of the SQE exams themselves is more affordable than the LPC, it is still significant. The SQE1 exams can be incorporated into undergraduate or masters teaching which will be covered by student finance. However, there is no funding for stand alone SQE preparation courses.

Topics covered by the SQE

39. The current topics covered and assessed within the SQE are:

- Business Law and Practice;
- Dispute Resolution;
- Contract;
- Tort;
- Legal System of England and Wales;
- Constitutional and Administrative Law and EU Law and Legal Services;
- Property Practice;
- Wills and the Administration of Estates;
- Solicitors Accounts;
- Land Law;
- Trusts; and

¹⁷<https://younglegalaidlawyers.org/ylals-response-to-the-first-solicitors-qualifying-examination-1-sqe1-assessment-results>

¹⁸ <https://www.lawsociety.org.uk/campaigns/21st-century-justice>

- Criminal Law and Practice.
40. The SQE fails to cover core areas of civil legal aid practice: immigration, family law, housing law, public law and social welfare law (see further: paragraphs 47 - 51 below). It also does not cover any procedural aspects of legal aid work, such as the procedure for completing legal aid applications.
 41. There are no optional modules/topics of study in the SQE. This differs from the LPC which allows students to select 3 optional subjects to study alongside their compulsory modules. LPC providers often provide the option to study and be assessed on immigration and family law as electives. A small selection of universities, such as the Northumbria University, also allow students to volunteer in student law offices/clinics completing legal aid work as an elective. Liverpool John Moores University also provides housing law and practice as an optional module. This may help aspiring solicitors to explore whether they may want to pursue careers within these fields of law.
 42. The SQE is supposed to be a reflection of the key areas of law practised by lawyers in England and Wales. It seems shortsighted for the SQE not to cover areas of law core to the civil legal aid profession when they are entirely necessary to support members of the public in everyday life. This is especially pertinent amidst the ever increasing demands for advice in areas of law currently covered by legal aid driven, for example, by the cost of living crisis and the housing crisis.

YLAL SQE Survey

43. YLAL conducted a survey '*Experiences of the Solicitors Qualifying Exam (SQE)*' on 15 June 2023. We shared the survey by email and on social media and it received 30 responses from people sitting the SQE.
44. Nearly all (26/28) of our respondents were/are working in a legal role alongside taking the SQE. Overwhelmingly, this was within areas broadly termed 'social welfare' law which is reflective of our membership and online following.
45. Respondents were asked a number of specific questions about their experiences of the course and were also given an opportunity to make additional observations.
46. Our main findings related to the content of the course, the process of working alongside the course, and the nature of the examination process.

Course content

47. 86% of respondents felt that the areas they work in or hope to work in were not covered much or at all by the content of the SQE. Within this, one striking group are the six

people who work exclusively in 'immigration & asylum' who all told us the content of the course did not reflect this work at all. Three of the four who work in housing (our second largest group) selected the slightly less severe option: 'No, they were not covered much'.

48. The most emphatic '*not covered at all*' option was still the most popular across the board, selected by 16 of 29 respondents.
49. It is noteworthy that the single respondent who answered '*Yes, to a significant extent*', works in Conveyancing and Residential Property. One of the three who answered '*Yes, they were covered in some detail*' works in Public Law and the other two did not select an answer for the area they work in.
50. As many people taking the SQE have been in work for a considerable period of time and may well have already decided which areas they hope to practise in, we suggest that the SRA looks at ways to include a broader range of areas of law within the course content.
51. We particularly suggest the inclusion of more content which relates to 'social welfare law', which our research suggests is hardly covered at present but which is of fundamental importance.

Working alongside

52. A vast majority (80%) of our respondents had one year or more of paid legal work experience before taking the course and everyone who answered had, as a minimum, a law degree or another undergraduate degree although several had more.
53. Many respondents observed that working full-time alongside the SQE was incredibly challenging and expressed the view that employers perhaps do not appreciate the volume of work involved. Some mentioned that employers had more generous study-leave entitlements in place for LPC candidates than SQE candidates, despite feeling that the latter requires at least as much time for studying.
54. This is linked to the following observations about the sheer volume of material that SQE candidates are expected to cover.

Examination process

55. Although no specific questions were asked about this, a common theme amongst the 'other observations' was that the volume of material covered (particularly by SQE1) makes the course difficult to fit in alongside full-time work. For example, one respondent observed: "*There is a lot of content to cover so it is difficult to prepare for while working full time and taking some leave in the week or weeks before the tests is needed.*"

56. Respondents also observed that the exams, despite their stated aim to do so, do not accurately reflect practice, particularly in terms of both SQE1 exams being closed book. One respondent remarked that this makes SQE1 “*essentially a memory test*”, and not reflective of the key skills of being a solicitor.
57. The volume of material is not necessarily something which can be fundamentally changed if the SQE retains the aim of certifying students as ‘day one solicitors’, something which clearly requires comprehensive examination. However, it is likely that employers and training providers will have to factor additional study time into offers / employment contracts in order for the course to be manageable.
58. Further, the issues relating to course content set out at paragraphs 47 - 51 above mean that legal aid lawyers will typically require significant ‘area specific’ training on top of the SQE. This is something which needs to be reflected in any government scheme which seeks to support the qualification and early careers of legal aid solicitors.

5. Social Welfare Solicitors Qualification Fund (“SWSQF”)

59. In 2021, Young Legal Aid Lawyers (“YLAL”) contributed to the launch of a national fund intended to help to improve social mobility within the legal profession, address the recruitment and retention crisis faced by the social welfare and legal aid sector and as a result improve access to justice for those who need it most.
60. SWSQF was developed by City of London Law Society, BARBRI and YLAL with the support of Legal Aid Practitioners Group (“LAPG”) and Law Centres Network (“LCN”).

The application process

61. Applications to SWSQF take place annually and are made by completing an online application form. If shortlisted, candidates are invited to an interview with a selection panel before a final decision is made.
62. An applicant’s employer or prospective employer is required to provide an Employer Support Letter as per section 6 of The Social Welfare Solicitors Qualification Fund (SWSQF) Eligibility Criteria 2023 which is submitted with the online application form and which confirms, amongst other things, that the candidate will be working in social welfare law.

The scheme

63. SWSQF provides financial assistance for the SQE preparation courses and assessments to outstanding applicants currently working in social welfare law for organisations serving disadvantaged communities.
64. Recipients commit to 70% of their work being in ‘social welfare law’ and are expected to remain in social welfare law for at least two years after qualification¹⁹.
65. YLAL is proud to be one of the organisations which helped to launch and continues to support SWSQF. We are grateful to our partner organisations and the city law firms involved and are encouraged by this cross-sector approach to working to address the issues we face. However, as a charitable fund, there are necessarily limitations on its scope, for example, SWSQF does not currently fund employee’s salaries.
66. SWSQF has demonstrated how a training grant scheme can work in the age of the SQE and should be used as a model for any future scheme.
67. However we would hope a government funded scheme would go further than SWSQF has. For example, a government funded scheme must go some way in contributing towards a trainee’s salary during their training period.

¹⁹ <https://cls.org/initiatives/swsqf/applicants.html>

6. Justice First Fellowship (“JFF”)

68. The JFF is a scheme which was set up by The Legal Education Foundation (TLEF) in 2013 to provide fully-funded training contracts (and previously pupillages). It is popular among those who aspire to become social justice lawyers not only because of all the financial support provided by the scheme, but also because of the networking and development opportunities.
69. As well as completing their training contracts, fellows have the opportunity to develop their own project. This much needed scheme helps to remove barriers to accessing the profession. We welcome the Law Society’s proposal to call for the creation of a government funded training programme based on JFF.

The application process

70. Every year, usually at the beginning of the year, charities, law centres and firms working in social justice can apply for JFF. TLEF elects a few of them all over the United Kingdom to become “host organisations”. In autumn of the same year, training contracts with these organisations are advertised on the JFF website. This includes the type of work the organisation specialises in, the job description and person specification, salary/benefits, and the possible interview dates.
71. Previously the requirement was to have completed the LPC, but in 2023 the Justice First Fellowship also welcomed applications from those who had passed SQE1.
72. Applicants can apply to (and interview with) two different organisations. The whole process application is done through the JFF website. In 2022, the applicants had to provide information on their studies and work experience, and answer six questions overall: two social justice general questions, and two questions for each organisation. The host organisations then invite some applicants to interview. In addition to the normal interview preparation, applicants are asked to present a project idea. Additionally, some organisations may send a written exercise ahead of the interview.
73. Host organisations decide who they hire, and all the successful applicants start their training contracts during a specific month (Northern Ireland trainees start at a different time compared to England, Wales, and Scotland).

The structure

74. TLEF funds the training contract for two years (though this may be shortened to 18 months based on the SRA rules). This includes the trainee’s salary, as well as additional money for training or, for example, work equipment for the trainee.

75. Social Justice training contracts are often structured in different ways to training contracts offered at private law firms. This is due to the different pressures faced by charities and law centres.
76. In collaboration with their organisation, fellows undertake a project that aims to advance access to justice and give their organisation additional capacity to build upon their work and potential sources of further funding. This is unique to this model.
77. In addition to the benefits that a project can bring to the host organisation, the project management skills that the fellow acquires can set them apart if they seek employment after their training contract.
78. At the end of the training contract, some host organisations will be able to employ their trainees, whilst others will not have the necessary funding, this is the reality of social justice employers. However, there have been cases where the Fellow's project was so successful that it has enabled the host organisation to secure more funding to employ the Fellow.

Support and networking

79. TLEF supports both host organisations and fellows throughout the training contract. This involves catch-up meetings with both hosts and fellows, as well as training sessions for the fellows on well-being, career development, project development, fundraising and communications. The aim is to ensure that by the end of the training contract, fellows are fully ready to start their careers as social justice lawyers.
80. Additionally, JFF puts a strong emphasis on creating a community around social justice. Every year, TLEF organises a residential weekend where Fellows from previous and current cohorts are invited. The weekend includes workshops around social justice and opportunities for trainees and current lawyers to get to know each other, exchange ideas on how to further access to justice, and cultivate a sense of community centred on social justice. The Fellowship provides support beyond the end of the training contract.

7. Legal Aid Training Grant Scheme

81. Currently, the only funding available for training as a solicitor in civil law which is provided by the MoJ is the Legal Aid Training Grant Scheme (LATGS) which commenced in November 2023. This is a grant scheme attached to the Housing Loss Prevention Advice Service (HLPAS)²⁰, and is effectively being used as a pilot.
82. YLAL is not aware of any official announcement of LATGS. It is referred to in the HLPAS 'Provider Guidance'²¹ which states that "*Details of the Training Grants programme will be provided outside of this guidance*". However, those details do not appear to have been published. The following information has therefore been obtained primarily from job listings by providers.
83. HLPAS is a legal aid contract which essentially replaced the Housing Possession Court Duty Scheme (HPCDS)²². It funds free legal advice and representation in court to anyone at risk of losing their home. HLPAS expands on HPCDS in that providers can also provide early legal advice in relation to housing, debt and welfare benefits issues under this contract.
84. The funding for the LATGS is provided directly by the MoJ, rather than through the Legal Aid Agency (LAA). This differs from the previous training grant scheme which was axed in 2010²³. This was funded through the LAA's predecessor, the Legal Services Commission. These grants were given to legal aid firms to allow them to fund 100% of the tuition fees of the Professional Skills Course, and to contribute towards Legal Practice Course fees and the trainee's salary for the two years of their training contract.
85. The pilot LATGS will fund either; SQE1 and SQE2 including prep courses, or the Professional Skills Course element of the LPC. It will not fund any other form of training relevant to the area of law trainees will be working in i.e. housing, debt, and welfare benefits. It will only fund part of the trainee's salary.
86. YLAL co-chairs wrote for Legal Action Magazine in October 2023²⁴ about the LATGS, raising a number of concerns. Whilst we welcome the indication that the government is considering supporting training opportunities, the roll-out of the training grant scheme was rushed. Providers only had around four weeks to fill training positions. Anecdotally we know that this created difficulties for providers in advertising for candidates and that

²⁰ <https://www.gov.uk/government/publications/housing-loss-prevention-advice-service-hlpas>

²¹ [paragraph 13]

https://assets.publishing.service.gov.uk/media/64baa4962059dc00125d27d2/Housing_Loss_Prevention_Advice_Service_-_Provider_Guidance_-_August_2023_.pdf

²² <https://www.gov.uk/government/publications/housing-possession-court-duty-schemes-hpcds>

²³ <https://www.lawgazette.co.uk/news/moj-axes-training-grants-for-legal-aid-/56225.article#:~:text=The%20Legal%20Services%20Commission%20gave,years%20of%20their%20training%20contract.>

²⁴ <https://www.lag.org.uk/article/214721/-key-to-any-legal-aid-reform-is-urgent-action-to-address-the-crisis-in-recruitment-and-retention->

some were only able to fill vacancies because they already had paralegals in their team seeking training opportunities.

87. Further, we are not aware of any particular justification for linking LATGS to HLPAS. It may be because there are relatively few HLPAS contracts, so the MoJ view it as a suitable pool within which to conduct a pilot, as opposed to choosing to run a pilot in areas of need such as in Legal Aid Deserts²⁵.
88. Another potential problem is that providers have to re-tender for the HLPAS contract itself during the Training Grant Scheme pilot. In theory, this could mean that a HLPAS provider with a current HLPAS trainee could lose their HLPAS contract in summer 2024, but have a year and a half left of the trainee's contract. It is unclear what would happen in this scenario.
89. YLAL is also concerned that LATGS only covers 75% of the Law Society's recommended minimum salary which is currently £26,068 in London and £23,122 outside London²⁶. This represents less than half the 'cost' of an employee to a provider once National Insurance, Pension, area-specific training, and supervision costs are factored in.
90. The fact that LATGS only covers the SQE, but no additional training, compounds the issues outlined in Section 3 above in that social welfare law is hardly covered at all in the content of the SQE. The HLPAS contract will invariably require trainees to be familiar with housing, debt, and welfare benefits. The cost of training in these areas under the current scheme will fall solely on providers.
91. Finally, the LATGS contracts only provide for retention of employees for three months beyond the training period, which is intended to take two years. This makes the pilot less likely to create long-term positions in social welfare law.

²⁵ <https://www.lawsociety.org.uk/campaigns/civil-justice/legal-aid-deserts>

²⁶ <https://www.lawsociety.org.uk/topics/hr-and-people-management/recommended-minimum-salary-for-trainee-solicitors-and-sqe-candidates>

8. Recommendations

92. **Training as a solicitor:** There are limited opportunities currently for legal aid solicitors under the training contract route. This is partly due to a shortage of appropriate supervision. This issue will not be resolved by the introduction of the SQE. YLAL repeat previous calls²⁷ for the SRA to reinstate the Minimum Salary for trainee solicitors if there is to be a genuine prospect of creating ‘the next generation of civil legal aid solicitors’.
93. **Other jurisdictions:** Given how our current system of legal education largely neglects areas of law traditionally covered by legal aid, a provision which mandates a minimum amount of legal aid work being carried out by all trainee solicitors applied in this jurisdiction could address this gap and encourage more lawyers into legally aided work. In that sense, these proposals have some appeal.
94. Exposure to legal aid work may inspire more trainees to eventually pursue careers within the legal aid sector, but only if they are adequately supported and remunerated. To pilot a scheme like those operated in Belgium or Jersey could cause more problems than it solves without substantive action to address remuneration within civil legal aid work and levels of retention.
95. **The SQE:** We welcome the research from the University of Exeter into the attainment gap. We understand that there are still issues relating to funding and social welfare law is not covered adequately on the SQE. The SQE is to become the sole means of qualifying as a solicitor. The structure, substantive content, and attainment outcomes in respect of this course are therefore of vital importance to any conversation regarding the crisis in recruitment and retention.
96. YLAL would urge changes which saw social welfare areas of law covered by the SQE syllabus, providing all training solicitors a basic understanding of these areas. This may mean that a greater number of aspiring solicitors consider a career in legal aid and will also result in those who do choose this path being better equipped from the outset.
97. Whether or not such measures were introduced in respect of the course content of the SQE, it is likely to remain the case that legal aid lawyers will typically require significant ‘area specific’ training on top of the SQE. Therefore, this must be reflected in any government scheme which seeks to support the qualification, and early careers, of legal aid solicitors.
98. **SWSQF:** We have seen positive results from SWSQF. The fund has been invaluable in supporting aspiring solicitors who otherwise may not have pursued a career in social welfare law. However, we would hope a government funded scheme would go further than SWSQF has (SWSQF being reliant on charitable funds). For example, much like the old Legal Services Commission training grants scheme, to fully tackle the recruitment

²⁷ <https://www.younglegalaidlawyers.org/sites/default/files/Soc%20Mob%20Report%20-%20edited.pdf>

and retention crisis a government funded scheme must go some way in contributing towards a trainee's salary during their training period.

99. YLAL also suggests that it is firmly within the 'gift' of the government for exam fees to be scrapped for aspiring social welfare lawyers and that doing so would remove a significant barrier to qualification and provide a much needed boost to the legal aid workforce.
100. **JFF:** YLAL supports the JFF and commends it as a model for supporting the training of legal aid solicitors. In particular, offering additional networking, researching, and project-management opportunities alongside qualification is more likely to create long-term careers, foster a sense of community amongst legal aid lawyers, and contribute to a sustainable legal aid sector. We believe that features like this would be valuable to any future grant scheme considered by the MoJ.
101. If additional features like this are to be considered as part of a government scheme, it should be noted that time and resources will need to be set aside by the provider so that trainees can manage the work on top of a regular caseload as a trainee solicitor.
102. **LATGS:** We hope that the government extends these training grants to a broader range of legal aid contracts. Any future grant should go as far as possible towards covering the full salary for a trainee as well as the costs of any exams and preparation courses.
103. In the future, if training grant schemes are used as further pilots, it is important that the MoJ gives providers and trainees sufficient notice and advertises them properly so that the results provide genuinely valuable insights.
104. **Summary:** YLAL welcomes the Law Society's consideration of improvements which can be made to the process of training as a solicitor and hopes that the recommendations above will be taken into account.
105. However, as the Green Paper acknowledges, making improvements to the training process is "*only a short-term solution to the shortage of civil legal aid solicitors and must be accompanied by a significant increase in legal aid fees, to ensure that a career in legal aid work is financially viable*"²⁸.
106. We agree. Years of underfunding legal aid have brought the system to its knees. The inescapable caveat to all of the various models considered and a vision of a centralised training scheme for aspiring legal aid lawyers, is that it will only become possible if and when more resources are devoted to legal aid.

²⁸ [Proposals for a 21st Century Justice system (the Green Paper), page 24].