

## **Diversity Initiatives of Approved Regulators**

### **Foreword**

The objective of this project was to summarise and critically evaluate the existing diversity initiatives of approved regulators. There are further initiatives in the course of development or due to be considered in the near future, but these have not been included in this summary.

### **Introduction**

Complying with our objective of evidence based policy; the Legal Services Board undertook a literature review to collate the variety of data available on the barriers to entry and progression within legal services, entitled *Barriers to the legal profession*. Following the publication of this, we undertook a series of interviews to identify the diversity initiatives of approved regulators and professional bodies to overcome such barriers.

Established in the literature review is the view that the lack of diversity in the legal profession arises from a combination of factors, resulting in the emergence of barriers to those who are outside the traditional norm. This finding led us to evaluate the diversity initiatives at each stage of a legal career: initial education; work experience; further education; training contract or pupillage; and progression within the profession.

The LSB is aware that until now there has been no clear overview of the steps approved regulators and professional bodies are taking to improve diversity in the profession. We wish to encourage regulators to collect and display transparent, consistent, measurable and understandable information.

### **Entry to the profession**

There are a number of different routes to pursue in the legal profession. Barriers to entry differ according to route of entry.

The best known career options in the legal profession are solicitors and barristers. These initially follow the same educational path, with most individuals obtaining a university law degree. Graduates who have not read law at university are able to take a conversion course; the Graduate Diploma in Law (GDL).

The next step to becoming a solicitor is to complete the one year Legal Practice Course (LPC). After successful completion of this, students compete for training contracts with firms, where they learn “on the job” for roughly two years; they are then assessed for competence through the Professional Skills Course before they qualify as a solicitor. Solicitors are represented by the Law Society and regulated by the Solicitors Regulation Authority (SRA).

Following the law degree or GDL, to become a barrister individuals complete a one year Bar Professional Training Course (BPTC). During this vocational stage, potential barristers must complete twelve Qualifying Sessions at their Inn of Court. This can include residential advocacy courses, presentational skills workshops and mock trials, before they are “called to

the Bar". Following this, they undertake a pupillage; a one year training period spent in an authorised training organisation, usually at barristers' chambers or another approved legal environment. Both the BPTC and pupillage can be undertaken part-time. Barristers are represented by the Bar Council and regulated by the Bar Standards Board

Another option after the completion of a law degree or GDL is to become a notary. There are eight modules to cover before the Faculty Office can issue a certificate of exemption to allow post-graduates to undertake the two year Diploma in Notarial Practice. Five of these modules are covered during the law degree, so individuals need to accrue the other three before undertaking the diploma. Some will choose to cover these through the LPC while others can undertake additional modules with ILEX. After completion of the diploma, students must apply to the Faculty Office, the approved regulator, for membership. The Notary Society is the representative body for notaries.

Individuals wishing to become a patent attorney or trade mark attorney follow a different path to those wishing to become a solicitor, barrister or notary. Applicants are required to have a degree, specifically in technology or science for patent attorneys. After graduating, they obtain a job with a firm of patent and trade mark attorneys or in the intellectual property (IP) department of an industrial company and undergo a period of supervised training of at least two years, during which time they complete the Foundation and Advanced Level examination papers entitling them to become registered patent or trade mark attorneys<sup>1</sup>. Patent attorneys are regulated by the Chartered Institute of Patent Attorneys (CIPA) and trade mark attorneys are regulated by the Institute of Trade Mark Attorneys (ITMA).

Another route to entry to the legal profession, with or without a degree, is the legal executive lawyer route, represented by the professional body Institute of Legal Executives (ILEX) and regulated by ILEX Professional standards (IPS). Students must complete academic studies set and examined by ILEX at initially "A" level, and then Honours Degree Level. Admission as a Legal executive is subject to five years relevant employment in a legal office, and is usually undertaken while studying. There are exemptions from the academic subjects for those with a law degree or LPC.

The Law Society and SRA have recognised the Legal Executive qualification as a non-degree route to qualification as a solicitor. Around 85 people each year take advantage of this arrangement, which exempts individuals from the training contract requirements, although study for the LPC and other post degree courses is required. The SRA's database does not indicate which route individuals have taken, it just refers to "passed the LPC".

Another option to enter the legal profession where a degree is not mandatory is to become a licensed conveyancer, regulated by the Council for Licensed Conveyancers (CLC). Those pursuing this route can undertake the initial stage of entry, the CLC Foundation, with just four GCSEs. Those without the necessary GCSEs are able to enter as long as they are over 25 with the appropriate work experience. If graduates with a law degree wish to enter this profession then they can go straight to the second stage, the CLC Finals. Candidates must accrue the required practical training. This stage of entry is more flexible than the training contract or pupillage as candidates are able to complete the necessary training while studying.

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<sup>1</sup> From October 2010, new trade mark attorneys are required to follow a new qualification route, outlined here: [http://www.itma.org.uk/download/ITMA\\_New\\_qualification\\_system\\_October\\_2010.pdf](http://www.itma.org.uk/download/ITMA_New_qualification_system_October_2010.pdf)

## **Initial Education**

There are a number of different initiatives focusing on those in initial education.

### Inspiring Futures

Inspiring Futures operate a number of career experience events for young people covering many professions. Twice a year they run an event focused on the legal profession, where the Law Society, the Bar Council and ILEX focus on the necessary ability, requirements and benefits of entering the profession. Around 60 to 100 state school and college students from disadvantaged backgrounds are provided with the opportunity to attend these events, with one aimed to be held in the south and one in the north. The students are selected by the Aim Higher and Life Long Learning networks based upon a set of diversity guidelines provided by Inspiring Futures and the approved regulators.

The Law Society also works with Inspiring Futures to co-run a programme targeted at private schools whose children are considering a career in the legal profession. This is funded by the schools.

### Today's Children; Tomorrow's Lawyers

Today's Children; Tomorrow's Lawyers programme is run by the Black Lawyers Directory (BLD) to target ethnic minority and disadvantaged 14-17 year olds. Around 1,000 targeted state school children based in Leeds, Birmingham, Manchester and London are provided online information through video podcasts and are given the opportunity to visit law firms. The Law Society financially supports this scheme and hosts events, such as debates, with the objective of breaking down some of the barriers ethnic minority and lower socioeconomic children experience.

### Mock trials

Other events held by the Law Society include mock-trials, usually held during Black History Month, where children from schools with a high proportion of Black or Asian students are invited to acquire a taste for the legal profession, with the help of Black and Asian lawyers.

The Bar Council runs a similar competition with over 2,500 students from around 175 schools participating in a national competition, taking on the role of barristers and advocates, witnesses, court staff and jurors in mock trials. The Bar Mock Trial Competition is organised by the Citizenship Foundation and is sponsored by the Bar Council, the Faculty of Advocates in Scotland, the Bar Council of Northern Ireland, the Inns of Court and the Circuits. It has been running for 19 years and is open to students from state schools and Further Education colleges across the UK.

### Pathways to Law

The Law Society is a major sponsor and supporter of Pathways to Law, run by the Sutton Trust and the College of Law. This is a widening participation scheme which supports students with an interest in law from state schools, who will be the first in their families to attend universities. Around 300 places are awarded on a two-year programme during the academic years 12 and 13. Students take part in sessions including academic lectures, debates, mock trials, careers coaching and university advice and guidance. The programme

is delivered by five Russell Group Universities – Leeds, Manchester, Southampton, Warwick and LSE. At the end of the two years a graduation ceremony is held at the Law Society.

This project is also supported by the Inner Temple; hosting three days of activities for aspiring barristers, as outlined below.

### The Inner Temple Schools Project

The Inner Temple, one of the four Inns of Court, launched the Inner Temple Schools Project in 2008. This programme comprises three strands of work: an annual seminar for year 12/13 state school students from London, with 202 state schools invited to send three students each; biennial seminar for teachers and careers advisors, with 202 state schools in London invited to send a member of staff to the Inn for information on scholarships and careers in law; and three days of activities for Pathways to Law students. The objective of this project is to challenge stereotypes about professional careers, provide information on progression to higher education, provide information about the legal system and promote social mobility.

### ILEX's targeting of school-aged children

ILEX has four Regional Liaison Officers (RLOs) who cover most of England and Wales. RLOs aim to increase awareness of this alternative route through school visits, careers fairs and UCAS days. ILEX also attends "VQ Day", an annual event attended by colleges and schools with the purpose of increasing awareness of this vocational path.

ILEX also partners with The B-Live Foundation which supports a community of over 200,000 young people (aged from 12 to 19), from both state and independent schools, to help manage and maximise their personal and career development. Over 1000 schools are registered to work with this foundation across England and Wales. This is not targeted and schools register themselves.

The Foundation's website, b-live.com, provides impartial, engaging and high-quality careers information and guidance. Through the site, young people can access personalised careers and learning information, use a CV generator, apply for jobs and apprenticeships – all specifically created to help young people make informed career decisions and support their transition from education into employment whatever their background.

### "Speak up for others – A career as a barrister"

The Bar Council invites all schools in England and Wales with students in year 11 up to university to have a barrister come into school and give a talk. Barristers address approximately 500 schools per year.

### Careers events

The Bar Council runs careers days to encourage school aged students to attend university. These include a slot on applying for a Degree in Law, how to complete a strong application and what the degree involves. These annual events are held in London, with around 100 students attending; Leeds, with around 60 students attending; Cardiff, with around 60 students attending; and Birmingham, with around 90 students attending. An event is due to be held in Newcastle in 2011. At the London event Aim Higher completes a presentation, covering applying to Oxbridge, such a presentation is not held elsewhere. The Bar Council

liaises with other organisations, for example Aim Higher, and local universities that are keen to be involved. Such organisations recruit the students for these events from state schools within the area. These events are also publicised on the Bar Council's website and interested students from other schools can request to come. The Bar Council and Inns of Court are due to attend 28 law fairs in 2010.

### Social Mobility Foundation

The Bar Council, with the Social Mobility Foundation, attempts to give pupils in state schools a taste of the profession through running a placement scheme. A "mini-pupillage" of one week helps individuals to understand the requirements of working in the Bar and what the work entails. This scheme targets six form students from areas where it is believed children would not contemplate the Bar or have access to this type of experience. This event has been running for four years, and 48 students from London took part this year, all of whom were in receipt of Free School Meals. The progress of students and impact of this scheme is tracked via the Social Mobility Foundation to analyse how many go on to university, if so where, what they study and if they go on to pursue a career in law.

### Mentoring and Sponsorship Scheme

The four Inns of Court run mentoring or sponsorship schemes where every student is invited to be mentored by a practising barrister, whom they can question about practice and career progression.

### Publication in The Voice Magazine

The Law Society attempts to reach a wider spread of students through publications, with a recent article in The Voice Magazine, targeted at 14-21 year old ethnic minority students, entitled Help Me Become.

### General Awareness of IP Issues

CIPA co-operates with the UK Intellectual Property Office on initiatives to increase awareness among school pupils of intellectual property issues, such as the "Cracking Ideas" invention competition.

CIPA recently liaised with journalists of the New Scientist to provide input on a publication on alternative career for scientists, in which the IP profession was featured heavily.

## **Higher education**

### Careers events at universities

The Law Society, in collaboration with the Black Solicitors Network, the Association of Muslim Lawyers, Society of Asian Lawyers and the Lawyers with Disabilities Division, is due to hold an event in London in October 2010. This event is open to all first and second year undergraduates, having previously been targeted at just diverse students, due to the recession creating obstacles to gaining training contracts. There are only 120 places and these are awarded on a first-come-first-served basis.

The Bar Council's Career and Information Officer has recently established links with Bristol Law and Bar Society and the local chambers. Leeds University has been connected with ten barristers who will participate in the careers events it intends to run throughout the year; a similar arrangement has been made for Warwick and Newcastle Universities. Through the Inns, most Law and Bar societies are put in contact with barristers and judges who give talks and judge mooting and debates.

The Bar Council also targets another minority group through the Panel of Disability Advisors, targeting disabled students at university or Bar school who are considering self-employed or employed practice in the Bar. The Bar Council matches such students with a disabled practitioner to discuss coping strategies and what to expect at the Bar.

The Middle Temple organises an annual Open Day for university and school students. Experienced practitioners and students are available to provide information on all aspects of training for the Bar and a career as a barrister. This is advertised on the Inn's website, through contacts via various Student Societies, through careers advisory services and the Social Mobility Foundation.

Lincoln's Inn holds a series of events in February and March each year where university students visit the Inn, hear from practising barristers and dine in the Hall. All universities offering a qualifying law degree are invited to send up to ten students. Around 530 students attend these events, from a variety of post-1992 and pre-1992 universities.

ILEX attends careers fairs and UCAS events across England and Wales, targeting new universities as well as old. RLOs and members of ILEX's Awards Team visit universities and encourage both academic staff and law students to consider a broader range of options both during and after their degree studies than the very common idea of becoming a solicitor or barrister.

#### Question and Answer Day and University Presentations

Question and Answer day is run by the Inner Temple in conjunction with its Junior Bar Association. The full-day event, run in June, is advertised to undergraduate students at all universities in England and Wales offering a qualifying law degree. Around 150 students attend each year from a diverse range of institutions, the vast majority from post 1992 universities. Workshops are held on funding studies; legal CVs; the BPTC; Inner Temple Societies; life as a pupil, junior tenant and employed barrister; and pupillage interview tips. While the other Inns of Court are not involved in Question and Answer Day, they run other events targeted at university students throughout the year and are in regular contact to ensure they do not duplicate efforts.

The Inn runs or attends nearly 50 events a year to give university students the information they require when considering a career at the Bar. Students in both law and non-law degrees as well as law conversion courses (CPE/GDL) are invited to attend. These include regional receptions and presentations, approximately eight a year, run outside of London. The Inn also hosts dozens of university law & bar societies and sponsors travel funding for those outside of London. In the 2009-10 academic year the Inner Temple reached 1600 university students from nearly every institution offering a qualifying law degree in England and Wales

### Careers Day for Advisers

The Inns jointly run a careers day each year for careers advisers from all institutions offering a qualifying law degree, giving them the opportunity to hear from members of the Bar. An invitation is sent to all careers advisers. It rotates among the Inns, with around 50 careers advisers attending.

### The Notary Society Open Day

The Society runs an open day in London every year which is attended by representatives from the Faculty Office, Cambridge University and the profession to inform around 70 delegates about the profession and how to become a notary. The day is advertised in the Law Society Gazette and in Local Law Society bulletins; there is no targeting of a minority group so there is no guaranteeing that the delegates attending will be from a diverse background.

### City Solicitors Educational Trust Summer School

In 2010, the Law Society hosted a dinner at the end of the City Solicitors Educational Trust Summer Schools; two week long residential course designed to provide support to 100 first year law students and second year non-law undergraduates at post 1992 universities, with no prior experience of university education, to pursue a career in law.

### Annual essay competition

The Bar Council's Law Reform Committee runs an annual essay competition for law undergraduates, CPE, BPTC students and pupils. Prize money is around £9,000.

### Informal interviews

CIPA arranges informal interviews with a recently-qualified attorney for any university student wanting to find out what a career in the profession involves, but these are only arranged once contact has been initiated by the university student.

### In-depth Careers Book

CIPA co-operates with the publishers of a series of in-depth careers books to produce the "Inside Careers Guide to Chartered Patent Attorneys". This book is made available in the careers services of all universities.

## **Further education**

### Diversity Access Scheme

The Law Society aims to overcome the financial barriers presented to graduates through their Diversity Access Scheme. This scheme is targeted at talented individuals who aspire to become solicitors but are unable to continue their study due to financial hardship. Universities are approached by the Law Society to offer free places on the LPC to successful applicants, who are also offered a mentor and work placement. Successful applicants must demonstrate that they are in financial hardship and have exhausted all other means of

funding. Twelve individuals won places on this scheme in 2009. The Law Society currently offers a limited number of bursaries, with five awarded in 2010. These schemes have now been merged, so that the bursary funds will be used to fund additional places on the Diversity Access Scheme; around 25 in total.

The majority of those pursuing a career in intellectual property or as a legal executive have their training funded by the employer.

### Bursaries

The Law Society awards bursaries to students completing the LPC, around 25 students a year. Students have to demonstrate that they have explored other possibilities and are experiencing “extreme adversity”. These bursaries are not means-tested as applicants do not need to submit financial statements, but are required to provide financial information outlining their household’s position.

The Inner Temple intends to make awards to a total of £1,260,000 in 2011. The Inns of Court will provide approximately £4,500,000 in scholarships for 2011-12 entry. Applicants for financial support are welcome from all backgrounds for awards. The Inner Temple awards its GDL and BPTC scholarships based on the applicants’ potential to succeed at the Bar. Financial need is taken into account, but this is not means-assessed.

### Inner Temple extra circular activities

The Inner Temple offers BPTC students the opportunity to participate in mentoring with barristers, marshalling with judges, a police liaison scheme to learn about the work of police officers in a criminal investigation and mock interviews. Through Inn student societies, student members are able to undertake debating, mooted and drama.

### Location of courses

ILEX has a good geographical spread for educational opportunities, with 86 accredited centres (mainly FE colleges but also universities and private providers) across England and Wales. Students are also able to undertake their studies through distance learning provided by ILEX Tutorial College, which also offer a law degree, LPC and paralegal qualifications by distance learning. The ILEX website has search function where individuals can type in their postcode to search for their nearest accredited centre

There are a number of institutes that provide the BPTC: Cardiff University, Nottingham Trent University, Manchester Metropolitan University, University of the West of England, University of Northumbria, City University, BPP, Kaplan and College of Law.

Around 28 institutes throughout England and Wales provide the LPC.

The post-graduate Diploma in Notarial Practice is only provided by the University of Cambridge Institute of Continuing Education. There is a belief that there is a lack of demand for this to be supplied at other institutes. Only around 30 students undertake the course each year, and this was put on hold this academic year due to lack of demand.



A large majority of CLC students use distance-learning; the CLC estimates this to be around 65% of all students. Other students undertake this course at various further education establishments.

### Aptitude test

Following recommendations from the Wood (2008) Review of the Bar Vocational Course (now BPTC) the Bar Standards Board is currently piloting an aptitude test to assess students for suitability for the BPTC. The objective of this is to prevent students incurring the large expense of the BPTC unless they have a reasonable prospect of successfully completing the course. A large amount of students are undertaking the BPTC and not gaining a pupillage; the demand far exceeds the supply. The Office of Fair Trading expressed concerns that this compulsory test was anti-competitive and overly restrictive, leading to a smaller pool of potential barristers, less choice of chambers and decreased pressure on the industry to increase the number of pupillages (the Guardian, September, 2010). The BSB is carrying out a validation of the scheme; assessing the correlation between test performance and success on the course and looking for evidence of any adverse equality impacts. The Law Society is currently considering an aptitude test for entry onto the LPC.

### **Work experience**

#### Interest groups

There are a number of schemes created by interest groups to encourage diversity during work experience. These include the Social Mobility Foundation who provides a range of support to bright, less privileged A Level students by matching them with internships and mentors. The Black Lawyers Directory Legal Launch Pad is a programme for first and second year university law and non-law undergraduates providing information, training workshops, coaching, mentoring and work placements.

### **Paid training**

#### Network event

The Junior Lawyers Division (JLD), an independent division of the Law Society, provides support for students, trainees and solicitors with up to five years experience; individuals who fall within these criteria have automatic membership to the JLD. The JLD has recently organised a network event for members seeking a training contract in Manchester, to be held later elsewhere. This will provide guidance and contacts for those who are struggling to find a training contract, and include advice on alternative routes to become a solicitor, for example through local government. The JLD have also made available a webinar focused on securing a training contract.

#### The Pupillage Portal

The Bar Council states that all vacancies for Pupillage must be advertised on the website [www.pupillages.com](http://www.pupillages.com). The main impetus for this was to increase diversity in the profession by advertising the pupillages in one area. It aims to create fairness by having a uniform application system. The data gathered allows the Equality and Diversity Team to monitor those gaining Pupillage, according to gender, age, ethnicity, educational attainment and socio-economic background. The Bar Council will be analysing the trends of those applying

for and failing to gain pupillages. The portal also provides participating chambers with analyses by race, gender, age and disability of applicants, and shortlisted candidates.

### Equality and Diversity Code

The Bar Council created the Equality and Diversity Code to assist barristers and their employees to apply good practice to Chambers including access to pupillages and tenancies and the running of chambers. This recommends that candidates for pupillage or tenancy should be selected using equal selection criteria. The Code recommends that decisions should be carried out by more than one person, Wood (2010) recommends that at least one member on the decision panel should have received formal equality and diversity training from the Bar Council.

### Diversity Mentors within the Bar's Circuits

Circuit Diversity Mentors have been appointed on each circuit with the Bar to encourage and support retention of diversity and career progression.

### Minimum salary requirement

The SRA sets the minimum salary at £18,590 for Central London and £16,650 elsewhere. Some firms argue that the minimum salary is too high and can make an application to the SRA if they wish to pay less. The SRA is currently assessing their responsibility for setting salary requirements.

The Pupillage Review has recommended that the minimum salary requirement for pupils be raised from £10,000 to £12,000.

ILEX has no influence over the minimum salary requirement for trainee legal executives; this is a matter for individual employers.

### Work-based learning scheme

The SRA is currently piloting an alternative to the training contract; the work-based learning scheme. This is primarily aimed at securing standards of competence for new entrants to the solicitors profession. It also aims to test the feasibility of a route into the profession which does not require a training contract, thereby addressing the low supply of training contracts. Instead of having a compulsory training contract, individuals who are already working in a law firm and who have completed the LPC but are not qualified, for example paralegals, will be able to qualify through a period of structured learning. The pilot is testing four different modes of learning: one in which the employer provides the support and assessment within the traditional training contract; one in which Nottingham Law School provides support and assessment, one in which there is a collaboration between a group of employers to provide support within the traditional training contract, with additional support provided by Oxford Brookes University, and one in which periods of work experience are mixed with periods of LPC study as part of an M.Law programme provided by Northumbria University.

The pilot will evaluate the potential for these various routes to develop individuals to the standard of competence required for new solicitors. Firms who do not have the finances or resources to provide a formal training contract may be able to provide individuals with the

opportunity to qualify, increasing the supply. The results of this pilot will be evaluated at the end of 2010.

## **Progression**

### Support groups

Various support groups have been established to aid those outside the norm of the profession to progress within it. These include the Association of Women Solicitors, groups representing ethnic minority lawyers, the Lawyers with Disabilities Division and groups representing lesbian, gay, bisexual and transgendered lawyers.

The Law Society financially and resourcefully supports the Association of Women Solicitors, the Black Solicitors Network, Commerce and Industry Group, Solicitors in Local Government and Solicitor Sole Practitioners.

There is an active Association of Women Barristers, Bar Lesbian and Gay Group. Many of these groups are represented on the Bar Council's Equality and Diversity Committee. The Bar Council offers practical advice to disabled students and practitioners, and has an active Disability Group linked to the Bar Council's Equality and Diversity Committee.

### Equality and Diversity Awareness Training

The Inner Temple runs Equality and Diversity Awareness Training for established practitioners. Ten small sessions with 30 attendees will be run each year by senior members of the Inn. This interactive workshop is based on practical examples of the Equality Code in action. Similar training is also offered by Middle Temple and Gray's Inn. This training is also run regularly at the Bar Council, to chambers on circuit and to clerks and Practice Managers. A more in depth course on implementing the Equality and Diversity Code in chambers, targeted at Equal Opportunity Officers, is offered twice a year at the Bar Council and on demand to the circuits.

### Benevolent funds

ITMA is currently setting up a benevolent fund for those experiencing hardship that are already in the profession. CIPA has a similar scheme already. Such schemes might be used to help to prevent individuals from leaving the profession, particularly those who are sole practitioners. CIPA also offers reduced rate membership subscriptions to those who are funding their own education while seeking a training post in the profession, the impact of which is unknown as this is a new scheme, and a reduced rate membership to those taking a career break, with 14 people currently exercising this option.

ILEX has an established benevolent fund, with around 20 people aided through this scheme each year. Those who apply require help with a sudden financial hardship ranging from money for books to help with bills. This is means-tested and receives many applicants.

## **Developing future agenda**

### Research on women within the profession

The Bar Council is currently commissioning research with Paul Coombes on women within the legal profession. This will look at retention and progression of women from bar school, into pupillage, and then into practice. Qualitative data will be collected through focus group work. Results of this research will be presented at Women Lawyers Conference next autumn. Best practice will be shared with women lawyers groups from the USA who have worked on effective retention.

### Diversity Census

In 2009, the SRA undertook a Diversity Census of the profession, requesting information on key equality areas: gender; ethnicity; disability; age; religion; and sexual orientation. This was necessary for the SRA to update the diversity data it held on the profession. The data collected is currently being analysed. This will allow analysis and monitoring on processes and procedures to help identify any trends and to make necessary improvements.

The Bar Standards Board has recently revised the range of equality information collected on entrants to the profession. In addition to race, disability, gender and age; data is now collected on sexual orientation, religion or belief and socio economic status.

Reasons for leaving or changing practising status are monitored by race, sex, disability and length of call in the annual Bar Council Exit Survey.

The Law Society recently published research on the experience of lesbian, gay, bisexual and transsexuals in the profession.

### Membership Survey

ILEX does not evaluate trends in the profession, but the Membership Survey collects data which potentially allow trends to be researched. Response to the most recent Membership Survey was 2,000 out of a sample group of 7,000 out of the 22,000 legal executives. The findings of this survey show that the profile of the profession is mainly made up of females (78%). Of respondents, 86% were white and nearly 13% were of a minority ethnicity; 2% were disabled. This year the survey shall be conducted through the intranet to encourage participation and shall explore why more graduates are entering the ILEX profession.

### Inner Temple Equality Monitoring

The Inner Temple continually monitors the diversity of its intake, publishing the report "Opening Doors: Social Mobility and the Bar". The Inn has recently modernised its membership records and data collection.

The Equality Monitoring form now includes information on socio-economic background, sexual orientation and school information. This will allow the Inn to assess its diversity efforts and to look for trends in relation to recruitment and progression.

Information on school and university students who attend the Inn's events is now being recorded. This will eventually allow the Inn to track progression of such individuals, potentially measuring the impact of such schemes.

## Diversity and Inclusion Charter

The Law Society Diversity and Inclusion Charter is a statement of commitment to all strands of diversity across all areas of business activity. Suppliers of legal services sign up to the statement, with around 140 law firms and in-house legal teams having done so. Purchasers are invited to promote supplier diversity through adoption of the Protocol on the Procurement of Legal Services. Essentially, purchasers of legal services who are committed to the Protocol can inquire if firms are signed up to the Charter, a commitment to promoting equality and diversity, before awarding contracts. Currently only 33 in-house teams are committed to the Protocol.

## Disproportionality research, published July 2010

The SRA commissioned research as part of their Equality and Diversity Strategy to investigate the cause and impact of the disproportionate number of cases raised against BME solicitors. While the report found that this was not due to overt discrimination, by the SRA or consumers; the report recommended that the SRA review the support and supervision available to trainees and solicitors who are new into their careers, and monitor firms who take trainees, ensuring that trainees are properly trained, to prevent cases being raised. Another recommendation includes the collection and recording of data about complainants. Previously, the SRA did not collect data on the individuals raising the case, but they have recently started to do so.

## **Conclusion and recommendations**

It is imperative to address and attempt to reduce as many barriers as possible to present an unfettered legal market to those believed to be outside the norm.

While our discussions with approved regulators and professional bodies uncovered numerous positive initiatives, significant areas remain uncovered:

- Geographical spread  
Many events targeted at school children focus on London schools, excluding a large number of children.
- Awareness  
Some of the smaller approved regulators rely heavily on individuals having an awareness of their profession and little marketing is undertaken to increase awareness, although they do have limited resources. This may result in an influx of applicants from higher socioeconomic backgrounds, who may socialise with those established in the profession, and so may be accustomed to the variety of routes.
- Targeting of ethnic communities  
ILEX acknowledges that more need to be done to bring its existence to the attention of ethnic minority communities. Young people's career choices may be reliant on, or heavily influenced by, their parents expectations. In most parts of the world there is no equivalent to ILEX so it may not be a career choice that is discussed within the family. ILEX believes that if they are able to increase awareness of this alternative route then this may encourage a more diverse workforce.

- Barriers presented to those at new universities  
The majority of patent attorneys recruited from old universities (annex 1) may suggest a barrier to those at new universities, whether this is due to discrimination by employers or lack of awareness of those at such universities. CIPA does not currently have in place any initiatives to address this potential barrier. The Bar Council has good links with a number of pre-1992 universities. Such relationships result in the universities hosting careers events for school aged children.
- Lack of demographic data  
A number of the approved regulators do not collate information on the demographics of their profession. This results in a lack of awareness of the overview of the market, resulting in diversity barriers not being identified, and, therefore, not addressed. The CLC and the Master of Faculties only collect data on members' gender and age. ITMA and CIPA collect data on the university attended, qualification gained and gender. There is no evidence gathered on socioeconomic background, disability and race of these professions.
- ILEX Partners  
Following changes in regulation allowing legal executives to establish their own firms, there will be more scope for ILEX to provide training or guidance to members on how to become a partner. There is a significant gap in this area of initiatives and progression as currently there are only 99 legal executive partners, while 12% of legal executives answering the Membership Survey expressed a desire to become partners.
- Best practice guidelines for work experience  
The Law Society currently does not provide best practice guidelines for recruiting for work experience. The current Equality and Diversity Code for Chambers contains guidance on offering mini-pupillages (one week work experience in chambers). The Bar Standards Board in its recent review of this Code has extended the guidance on selecting mini-pupil and the Law Society is considering providing best practice guidelines.

While looking at the initiatives across the approved regulators and professional bodies the following trends are identified:

- Schemes are not wide-spread  
A finding throughout the initiatives, disregarding at what stage they are implemented, is that the schemes are not wide-spread. Only a minority of the profession is aided through each initiative. This may result in a vast amount of resources spent on a minority of the profession, which is only going to result in a minor impact.
- Lack of monitoring  
The impact of schemes is not, generally, assessed. There is no clear evidence that these schemes are having a positive effect, in fact some may even be anti-diversity. This may result in the needless spending of funds.
- Enforcement  
Many of the approved regulators have established codes and recommendations. While some of these have the power to adapt the profession; most of these are not

concrete requirements, and there is no analysis conducted to assess if standards are met.

- Targets

There is a scarcity of targets set by approved regulators and professional bodies, whether these are self targets or targets for firms and chambers to achieve. The existence of such targets will rely on the enforcement of recommendations, and possibly the monitoring of initiatives.

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## **Annex 1**

### **Training Facts and Figures - 2010**

Mick Ralph, Secretary and Registrar, the Chartered Institute of Patent Attorneys

Patent agency is one of the smallest professions in the UK. There are only 1,797 people entered on the official Register of Patent Agents (March 2010), which is maintained by the Institute under powers deriving from the Legal Services Act 2007. Of these, about 150 practise overseas.

Also at March 2010, there were about 750 people in training for sitting the qualifying examinations. In the previous calendar year, about 102 new trainees joined the profession, while 119 people were entered on the Register after passing all the examinations and 70 people left the Register for various reasons. The figures for the year 2008 were 132 entrants to the profession, with 114 qualifying for entry on the Register and 79 leaving. Thus, while 2009 showed a continuing increase in the numbers qualifying in the profession, the economic position has led to a small decrease in the numbers being recruited and in training. Of those recruited in 2009, 43% were female.

Over the years, the breakdown between those in industrial practice, working only for their employer and those in private practice, whose doors are open to clients large or small, has moved from a balance of about 50:50 some 25 years ago to the present position, where fewer than 20% are engaged in industrial practice. This swing away from industry reflects the pressures which have faced industrial companies during several recent periods of recession; the pressures having led to a need to 'downsize' their workforce and to concentrate on the core manufacturing business, leaving the professional intellectual property work to be outsourced to private practice. The intake of trainees shows a similar split with only 15% of new trainees being recruited into industrial patent departments.

#### **Working locations of trainees**

Analysis of the locations of the trainees recruited in 2009 shows the highest number, 60%, to be in the London area, with the South and South East accounting for another 13%. Other locations included the North-West, the West and East Midlands, Yorkshire and Scotland.

#### **Universities attended**

The universities from which the highest numbers of new trainees were drawn in 2009 were Cambridge, Oxford and London (16, 13, and 12 respectively), followed by Sheffield, Bristol and Durham (4-6 each), with fewer from about 30 other universities, both traditional and newer. Eleven new entrants had gained their first degree at a foreign university. More than one-third of the new recruits have a PhD, with two-thirds of these being in chemistry or biochemistry subjects and a further 15% have a second degree, generally at Master's level. Seven new trainees already possessed a qualification in IP, generally the MSc course at Queen Mary, University of London.



**Degree subjects studied**

Degree subjects studied by new recruits also show a wide range, reflecting both the diversity of areas of scientific invention and innovation and the number of degree subjects available. Nearly half of recruits in 2009 had first degrees in chemistry or biochemistry, with 18% in physics, 17% in engineering, and 15% in electrical or electronic engineering, but no doubt the boundaries between these subjects is blurred and the wide range of degree subjects on offer make thorough analysis difficult. We do not have details of the class of degree awarded to recruits to the profession, but with great interest being shown in joining the profession, employers can select graduates with very good degrees.

*Mick Ralph was appointed Secretary and Registrar of the Chartered Institute of Patent Attorneys in June 1992 having been Deputy Secretary since 1976. He joined the Institute in 1974, having previously taught mathematics for five years.*

## Annex 2

### Training facts and figures - 2006

Mick Ralph, Secretary and Registrar, the Chartered Institute of Patent Attorneys

**Patent agency is one of the smallest of the professions in the UK. There are only 1,581 people entered on the official Register of Patent Agents (March 2006), which is maintained by the Institute on behalf of the Department of Trade and Industry. Of these, about 125 practise overseas.**

Also at March 2006, there were about 850 people in training for sitting the qualifying examinations. In the previous calendar year, about 129 new trainees joined the profession, while 115 people were entered on the Register after passing all the examinations, and 50 people left the Register for various reasons. The figures for the year 2004 were 95 entrants to the profession, with 91 qualifying for entry on the Register, and 49 leaving. There is thus a small increase in the size of the profession, both qualified and in training. It is hoped that this trend will be maintained, as about one third of those on the Register are aged over 50 years. Of those recruited in 2005, 29% were female.

Over the years, the breakdown between those in industrial practice, working only for their employer, and those in private practice, whose doors are open to clients large or small, has moved from a balance of about 50:50 some 25 years ago to the present position, where only about 20% are engaged in industrial practice. This swing away from industry reflects the pressures which have faced industrial companies during several recent periods of recession; the pressures having led to a need to 'downsize' their workforce and to concentrate on the core manufacturing business, leaving the professional intellectual property work to be outsourced to private practice. The intake of trainees shows a similar split with only 12% of new trainees being recruited into industrial patent departments.

#### **Working locations of trainees**

Analysis of the locations of the trainees recruited in 2005 shows the highest number, 45%, to be in the London area, with the South and South East accounting for another 12%. Other locations included Bristol, East Anglia, the West and East Midlands, and Yorkshire which each accounted for 6-8% of the total, and the rest distributed in some towns or cities including Liverpool and Manchester, Leeds, Glasgow, South Wales and Dublin.

#### **Universities attended**

The universities from which the highest numbers of new trainees were drawn in 2005 were Oxford and Cambridge (22 and 20 respectively), followed by London (9), Bristol (8), Manchester and Leeds (7 each), with fewer from other universities, both traditional and newer. Nearly a third of the new recruits have a PhD, with three-quarters of these being in Chemistry or Biochemistry subjects, and a further 15% have a second degree, generally at Masters level. Seven recruits gained a first degree outside the UK.

#### **Degree subjects studied**

Degree subjects studied by new recruits also show a wide range, reflecting both the diversity of areas of scientific invention and innovation and the number of degree subjects available. Roughly 46% of

recruits in 2005 had first degrees in chemistry or biochemistry, with 20% in engineering, 17% in physics and 12% in electrical or electronic engineering, but no doubt the boundaries between these subjects is blurred and the wide range of degree subjects on offer make thorough analysis difficult. We do not have details of the class of degree awarded to recruits to the profession, but with great interest being shown in joining the profession, employers can select graduates with very good degrees.

A small number of recruits had taken subjects including a foreign language, which should stand them in good stead when they take the European qualifying examination, which will entitle them to practise before the European Patent Office, as is detailed elsewhere in this guide.

*Mick Ralph was appointed Secretary and Registrar of the Chartered Institute of Patent Attorneys in June 1992 having been Deputy Secretary since 1976. He joined the Institute in 1974, having previously taught mathematics for five years.*