



The Honourable Society of the Inner Temple

Legal Services Board Consultation on Revised guidance for regulators on encouraging a diverse profession.

Submitted by the Outreach Committee of The Honourable Society of the Inner Temple

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Introduction

The Honourable Society of the Inner Temple is pleased to respond to the Legal Services Board Consultation on Revised guidance for regulators on encouraging a diverse profession.

The Honourable Society of the Inner Temple is one of the four Inns of Court. The Inns are unincorporated associations which have existed since the 14th century and play a central role in the recruitment of student members, training of aspiring barristers, and continuing professional development of established barristers. The Inns of Court hold the exclusive rights to call candidates to practise law at the Bar of England and Wales.

The Inner Temple has over 8,000 qualified members, including Judges, Barristers (both practising and non-practising) and Pupils. Each year approximately 300 students apply to join the Inn with the intention of training for the Bar.

The Inner Temple, as one of the Inns of Court, takes its responsibility as a gatekeeper to the profession seriously and has a far-reaching programme of Education and Training to support this.

The Inner Temple works with the Sutton Trust (and their Pathways to Law Programme), Social Mobility Foundation, Pure Potential and King's College London to provide state school students with five days of workshops and presentations about becoming a barrister.

On behalf of the profession, the Inner Temple runs an access programme for university students: the Pegasus Access and Support Scheme (PASS). PASS matches high-achieving students who may have had difficulty securing work experience opportunities with over 60 partner chambers to undertake a mini-pupillage. In doing so, it aims to support participants to progress into the profession thereafter.

PASS works with students from state secondary schools who are either:

- The first in their family to go to university
- Have accessed free school meals
- Have accessed the care system

Over £1.7m is spent on scholarships each year to enable to best possible talent to enter the profession, regardless of their background.

The Education and Training Department provides training for students of the Bar Professional Training Course through education-focused qualifying sessions. The Inner Temple also supports pupils and new practitioners through a range of training courses. More broadly, the Inner Temple supports the profession through providing Continuing Professional Development (CPD) and works closely with other Inns on national programmes to improve advocacy skills and practice.

One such programme is the Temple Women's Forum, which is jointly run with Middle Temple. The Temple Women's Forum was founded in 2011 to encourage and support women throughout their careers, with the aim of increasing retention within the profession. The Temple Women's Forum also supports similar initiatives that have developed on the North Eastern and Western Circuits.

1) Is the proposal to switch the focus of the guidance to outcomes beneficial to encouraging the diversity of the profession?

The proposed new outcomes based guidance makes the limits and obligations of regulators much clearer than the current arrangements.

Outcome one and two, in particular, are welcomed as they will ensure that regulators continue to collect data to improve understanding on progression within the profession.

2) Will the proposed guidance allow regulators the opportunity to develop their own approaches to addressing diversity issues in the legal services profession?

We welcome the outcome based guidance as it evolves the role of the regulator to one which provides support to the profession. Regulators can use their unique role to encourage and support collaboration.

We believe it is up to the institutions themselves to assess the usefulness and cost-effectiveness of their projects rather than the regulator. We're disappointed that the Legal Service Board (LSB) refers to 'firms and firms-led approaches' in the evidence of progress/achievements section. We don't feel this reflects the totality of the legal regulators the LSB oversees.

3) To what extent are regulators already demonstrating achievement of the outcomes? If they are not, why do you think is this?

The regulator, Bar Standards Board, has made efforts to achieve the current guidance. The publishing of a range of data has been a major step forward. The Bar Standards Board work on cross cultural communication as an example of best practise, bringing together the regulator and profession to explore areas of concern.

The accessibility and usability of the data has been limited. In its current published format it can be limiting to consumers and entrants, and to professional bodies who wish to compare their success to a larger data set.

4) How can the LSB ensure that the data the regulators collect continues to be comparable?

Model questionnaire

We welcome the removal of the model questionnaire. In our 2011 consultation response on diversity we argued that it could lead to a substantial non-response and under-reporting rate by individuals due to the small size of many chambers. We believe moving away from the model questionnaire could allow the Bar Standards Board an opportunity to address such concerns.

We suggest that the LSB promote a data collection framework which sets out the limits and format for collection as the new evidence of progress/achievement could lead to a piecemeal approach. We believe that the LSB has failed to ensure sufficient safeguards to make sure the data is

comparable. The Legal Service Board could investigate best practise in other bodies such as the Higher Education Statistics Agency to ensure the data collected is comparable.

We also believe the LSB guidance should ensure that regulators are taking into account the digital skills of their own staff to ensure the highest quality of data handling. It is suggested that the guidance be adjusted to encourage regulators to review the digital literacy of staff.

Data as a tool for the consumer

Diversity data does not only allow for policy interventions, it also allows prospective entrants and consumers to enhance their understanding of the legal profession.

We have concerns that the LSB has not sufficiently considered the impact of the outcomes on the public interest. In the introduction to this consultation the LSB stated that: “The LSB’s mandate is to ensure that regulation in the legal services sector is carried out in the public interest and that the interests of consumers are placed at the heart of the system.”

We feel that the LSB has not factored into the guidance how consumers or entrants into the profession might access or use data collected by the regulators, or indeed how professional bodies, such as the Inner Temple, might access data.

Currently data can be inaccessible: locked away in PDF’s or presented in inaccessible formats. This can make it difficult for the consumer to navigate through this information, and can limit innovation and prevent professional bodies, such as the Inner Temple, measuring the success of its diversity programme against a large data set. The LSB should consider how the guidance could be adapted to encourage regulators, not only to collect and collaborate, but to increase data accessibility.

5) Given the LSB’s proposal to assess regulator performance in this area, what would be the most effective way to carry this out? How long should we allow regulators to implement changes before any potential future performance assessment?

No comment

6) Will the proposed guidance:

A. Support innovation in legal services