

<b>Institution: Keele University</b>
<b>Unit of Assessment: C20 Law</b>
<b>Title of case study: Widening Access to the Legal Profession and Improving Social Mobility</b>
<p><b>1. Summary of the impact</b></p> <p>This case-study is based on research conducted by Professor Francis at Keele University which provides insights into three crucial aspects of social mobility and access to the legal professions: legal executives, part-time law students, and legal work experience. This work has made a significant contribution to practitioner debate, practitioner practice and policy change. Key impacts of this research have been the promotion of debates within the legal profession around diversity which has led both to a much wider professional and government awareness of these issues in the UK, and the development of policies and schemes to address such issues.</p> <p><b>2. Underpinning research</b></p> <p>Professor Francis' research examined the different ways in which objectively fair and equitable routes to the legal profession could mask disadvantages experienced by many non-traditional groups. This covers three areas; <b>legal executives</b> (particularly the experience of women), <b>part-time law students</b>, and <b>access to legal work experience</b>. It was conducted between 2000 and 2011 at Keele University where Francis has been Lecturer and Senior Lecturer, and is now Professor.</p> <p>Although the <b>legal executive</b> qualification has secured an increasing number of formal rights and responsibilities, the research highlighted the ways in which many legal executives (particularly women), experience disadvantage in terms of professional status, pay and so on. Further, it argued that closer attention needs to be paid to individual experiences rather than the rhetoric of a professional association. The research insights were first published in the 2002 <i>International Journal of the Legal Profession</i> article, addressing profession-wide issues, the 2006 <i>Social &amp; Legal Studies</i> article focussed explicitly on women and further discussion, including recent developments, was presented in Chapter 4 of the 2011 book <i>At the Edge of Law</i>. This work also assisted in drawing much greater academic attention to legal executives, including by Boon, Rackley, Turbine and Westaby.</p> <p>The research project on <b>part-time law students</b> (with Iain McDonald of the University of the West of England) represented the first academic analysis of this previously forgotten cohort within legal education. Professor Francis was principal investigator of this project and lead author on all publications. The key findings highlighted in the 2009 <i>Journal of Law and Society</i> article demonstrated that both the experience and outcome of part-time legal education is considerably 'less than' those undertaking full-time legal education. The research drew particular attention to a number of multiple disadvantages which hinder opportunities in terms of access to the legal profession. Fundamentally, the research argued that such access routes will often be undermined by complicating factors and assumptions about merit.</p> <p>These themes were further explored in the <b>Access to Legal Work Experience Project</b> (2007-2011) (with Professor Hilary Sommerlad, then of the University of Leicester). Professor Francis was principal investigator and originator of the project. Engagement with the profession was built into the project at its outset; Professor Francis secured the agreement of the Law Society to support the project through delivery of a number of research questions through its annual membership survey. This project drew on empirical research with students and law firms, to explore the role that work experience plays in mediating access to the legal profession. It demonstrated that although Formal Vacation Schemes are run according to objective criteria, a key factor in securing access to these schemes are criteria such as HEI attended, A-levels secured and informal work experience. The project demonstrated that prior educational history and family circumstances heavily structured students' ability to meet these requirements. Moreover, the</p>

## Impact case study (REF3b)

processes of the formal schemes themselves required an understanding of law firm culture that those with greater exposure to the profession were better able to demonstrate. This research was set out in the 2009 *International Journal of the Legal Profession* article and Chap.3 of *At the Edge of Law*.

### 3. References to the research

#### Legal Executives (and particularly the experience of women):

1. Francis, A. (2009) 'Legal Executives and the phantom of legal professionalism: The rise and rise of the third branch of the legal profession?' *International Journal of the Legal Profession*, **9**(1), pp. 5-25. DOI: 10.1080/0969595022000019274
2. Francis, A. (2006) "'I'm not one of those women's libber type people but...": gender, class and professional power within the third branch of the English legal profession' *Social and Legal Studies*, **15**(4), pp. 475-493. DOI: 10.1177/0964663906066619

#### Part-time Law Students:

1. Francis, A, and McDonald, I. (2006) 'Preferential Treatment, social justice and the part-time law student – the case for the value added part-time law degree' *Journal of Law and Society*, **33**(1), pp. 92-108. DOI: 10.1111/j.1467-6478.2006.00349
2. Francis, A. and McDonald, I. (2009) 'After Dark and Out in the Cold: part-time law students and the myth of "equivalency"'. *Journal of Law and Society*, **36**(2), pp.220-47. DOI: 10.1111/j.1467-6478.2009.00464. Submitted to REF2

#### Access to Work Experience:

1. Francis, A. (2011) *At the Edge of Law: Emergent and Divergent Models of Legal Professionalism* Ashgate: Aldershot, Chapter 3. Submitted to REF2.
2. Francis, A. and Sommerlad, H. (2009) 'Access to legal work experience and its role in the (re)production of legal professional identity'. *International Journal of the Legal Profession*, **16**(1), pp. 63-86. DOI: 10.1080/09695950903204961. Submitted to REF2

All outputs are either published in leading peer-reviewed journals and/or have been strongly reviewed by leading academics.

#### **Grants:**

1. *UKCLE* 'Access to Legal Work Experience' **£1,836** awarded (2009-10).
2. *UKCLE* 'Access to Legal Work Experience' (with Professor Hilary Sommerlad) **£3,430** (2008-09).
3. *Nuffield Foundation*: 'Part-time Law Students: A case study of the composition and needs of part-time law students in the UK': **£5,980** (with I. McDonald) Oct 03-Jan 05.

### 4. Details of the impact

The research undertaken by Professor Francis over the last 11 years has generated impact in shaping professional debate and contributing to changes in policy and practice. This has resulted in direct changes to the ways in which professional associations intervene in social mobility issues through setting up their own Work Experience schemes in an attempt to address the issues raised by Francis – in particular **Inner Temple's Pegasus Access Scheme**. It has fed directly into the **formation of key recommendations within the Legal Education and Training Review (LETR)**, and has changed the outreach practices of a national **Widening Participation initiative**. The legal profession and its regulators now take social-economic background seriously as a potential barrier to the legal profession. Moreover, Social Mobility and Access to the Legal Professions is now a central concern of the UK Government, policy-makers and legal regulators (source 1).

The research demonstrates the differential way in which students can secure access to legal work experience and the importance of an early and frequent engagement with these groups prior to University. A number of policy changes and schemes have been established to address these gaps, most prominently, **Inner Temple's Pegasus Access Scheme**. In June 2010, Francis (and

his collaborator, Professor Sommerlad) organised a workshop to showcase the Legal Work Experience project findings with support of the Legal Service Board at its London offices. This workshop was attended by leading regulators and policy-makers, including Magic Circle Law firms, Inns of Court and representatives from the Bar Council, Law Society and the Institute of Paralegals (source 2). Francis was invited to apply to the prestigious Inner Temple Academic Fellow programme, designed to enhance dialogue between the profession and academics. He was appointed as one of the first five Academic Fellows in November 2010, predominantly because his research on social mobility was of utmost interest to Inner Temple. As part of this Fellowship he was invited to provide a keynote address at an Inner Temple conference in February 2011 (source 3), which generated further media and policy engagement with his research on legal executives, part-time law students and legal work experience (source 4). The findings on legal executives saw a follow-up piece based on the research published in the trade press. This piece included a response from the Chartered Institute of Legal Executives (CILEX) and generated 57 online comments (source 5).

Francis' involvement with Inner Temple has enabled leading Law firms and barristers' chambers to respond to the findings highlighted in Francis' research by establishing new social mobility and access schemes, in particular, Inner Temple's Pegasus Access Scheme. Inner Temple testify to the impact of Francis' research on the Pegasus Scheme, stating that his work informed the way in which the scheme was formulated (source 6). It was launched in 2012, and led to work experience opportunities for 50 students in its first year. The success of the first year has resulted in a larger intake in 2013. Keele University links with Inner Temple have been further strengthened through a PhD studentship, jointly funded by Inner Temple and Keele University, to evaluate the success of the Pegasus scheme. Middle Temple has now launched a similar scheme to run from 2013. The research findings were kept at the forefront of policy and professional debate, through citation in a number of Legal Service Board publications (source 7, source 8) and through speaking to the profession at events at Inner Temple. A number of leading firms have now also established prominent social mobility schemes, for example, Allen & Overy, Clifford Chance, and Freshfields (source 9).

The second major impact has been the **transformation of the *Aim Higher – Access to the Professions* (A2P)** scheme. This is hosted by Keele but has a national reach to learners throughout the UK. Francis worked with A2P to ensure that his research finding about the importance of regular and early contact with the profession can be achieved, and has ensured that his key research findings about 'what the recruiters are looking for' are directly communicated to learners from non-traditional backgrounds. During 2012/13, for example, 66 learners have been supported by the A2P programme, with all participating feeling more confident about their career plans as a result of the programme. Francis has drawn on the lessons from the Inner Temple access scheme, through the connections established by his research, to enhance mentoring practices within the network by putting in place new mentoring protocols for A2P.

Finally the **recommendations of the LETR** have drawn directly on the research findings of Francis in its final report and earlier publications. LETR draws explicitly on the conclusion/insight that work experience represents a key (and differentially experienced) barrier to entry into the profession (source 10: p. 11; source 11: pp. 13-14). In particular, the report recommends that informal work experience should be subject to the same equality monitoring and selection processes as Formal Vacation Schemes. It recommends professional standards for internships and work experience, as well as a central clearing house for work experience (source 12: Rec. 20 & 25) to address concerns expressed in the research about knowledge, awareness and the basis upon which applicants secure informal work experience (source 12: paras 6.32, 6.44). This drew on Francis (2011), which highlighted the importance of providing students, particularly from non-traditional backgrounds, with early access and information (source 12: para 6.146).

A key recommendation of the LETR, developed through the Discussion Paper on social mobility is that there should be greater diversity of and support for non-graduates and a wider range of entry points into the legal profession (source 12). At the same time the LETR has acknowledged, drawing on Francis's research, that notwithstanding alternative routes of entry, non-traditional

aspirants to entry in the profession may still experience disadvantage (source 10: p. 16 in relation to part-timers (including issues of age - source 11: p. 9) and source 10: pp. 22-3; source 11: pp. 27-8 in relation to legal executives). Francis' work on part-time law students maintained a significant profile in advance of its use in the LETR, through a follow-up article in the professional press, attracting 8 comments (source 13).

### 5. Sources to corroborate the impact

1. Milburn (2009) *Unleashing Aspiration: The Final Report of the Panel on Fair Access to the Professions*. HMSO: Cabinet Office
2. Chief Executive's Report to the Council of the Law Society, July 2010, [http://governance.lawsociety.org.uk/secure/meeting/187612/P1\\_papers\\_post\\_meeting.pdf](http://governance.lawsociety.org.uk/secure/meeting/187612/P1_papers_post_meeting.pdf)
3. *Fit for Purpose*. Keynote Speaker at the Inner Temple conference on 'The Future of Legal Education', 18<sup>th</sup> February 2011. Report on the Conference in the legal press: 'Building a Growing Army of Enemies', *Legal Futures*, 21<sup>st</sup> February 2011: <http://www.legalfutures.co.uk/blog/building-a-growing-army-of-enemies>
4. 'Access Denied to Others', *Legal Futures*, 25<sup>th</sup> February 2011: <http://www.legalfutures.co.uk/latest-news/access-denied-to-others-as-children-of-clients-win-valuable-work-experience>
5. 'Ilex rebuts study saying legal execs get raw deal', *The Lawyer*, 27<sup>th</sup> February 2011: <http://www.thelawyer.com/ilex-rebuts-study-saying-legal-execs-get-raw-deal/1007103.article>
6. The Honourable Society of the Inner Temple
7. Sommerlad et al (2010) *Diversity in the legal profession in England and Wales: A qualitative study of barriers and individual choices*. University of Westminster for the Legal Services Board, London. [http://www.legalservicesboard.org.uk/what\\_we\\_do/Research/Publications/pdf/lsb\\_diversity\\_in\\_the\\_legal\\_profession\\_final\\_rev.pdf](http://www.legalservicesboard.org.uk/what_we_do/Research/Publications/pdf/lsb_diversity_in_the_legal_profession_final_rev.pdf)
8. 'Board welcomes common best practice code for high quality internships', *Legal Services Board*, press release 18<sup>th</sup> July 2011: "The Legal Services Board (LSB) has today welcomed the publication of the Common Best Practice Code for High Quality Internships. This publication has been developed through the Gateways to the Professions Collaborative Forum, of which the Board is a member." The Work Experience research is cited here. [http://www.legalservicesboard.org.uk/news\\_publications/press\\_releases/pdf/2011\\_07\\_18\\_internships.pdf](http://www.legalservicesboard.org.uk/news_publications/press_releases/pdf/2011_07_18_internships.pdf).
9. 'Top UK law firms unite to launch social mobility scheme', *The Lawyer*, 14<sup>th</sup> September 2011: <http://www.thelawyer.com/top-uk-law-firms-unite-to-launch-social-mobility-scheme/1009127.article>
10. 'Literature Review', *Legal Education and Training Review*, 2013: <http://letr.org.uk/literature-review/index.html>
11. 'Equality, diversity and social mobility', *Legal Education and Training Review*, Discussion Paper February 2011: <http://letr.org.uk/wp-content/uploads/LETR-EDSM-Discussion-Paper-final21.pdf>
12. 'Final Report', *Legal Education and Training Review*, 2013: <http://letr.org.uk/the-report/index.html>
13. 'Class half full', *The Lawyer*, 31<sup>st</sup> May 2011: on 'part-time law students' follow-up: <http://l2b.thelawyer.com/class-half-full/1008096.article>