

Legal and Advice Sector Roundtable

Thursday 27 May 2021, 4–5:30pm

Via Zoom

Meeting Notes

1. Introduction

The May Legal and Advice Sector Roundtable (LASR) was an open discussion on issues around sustainability, and organisational and individual resilience, with a particular focus on workforce sustainability and resilience. This was a meeting for the sector without government departments.

When discussing resilience, we are not only referring to the ability to keep going and bounce back when needed but also the ability to adapt, with the measurement of this how much capacity is available to change.

In order to support resilience it should be built in to our systems, processes, workplaces, and infrastructure, this includes building capacity and wellbeing in a workforce with the right skills, tools, and energy to deliver.

Some of the issues the legal and advice sectors are trying to address in terms of workforce skills include:

- Shortage of experienced advisers/case workers, specialist/legally qualified.
- Shortage of advice personnel in some areas of law and in some localities.
- Difficulties in recruiting to some posts.
- Rates of pay often very uncompetitive.
- High turnover and high demand of skilled staff.
- Workforce profile flattened, hence less career progression.
- Workforce profile ageing with less young people entering.
- Distribution of some skills uneven and not matched to need.
- Large number of unknown unknowns (small, not networked).
- Dearth of data analytical and research skills, as well as some IT skills.
- Exception to prove the rule- Debt Advice and the Money and Pensions Service.

Additional reading:

- [Building the younger generation of advisers](#) – ASA report
- [What crisis teaches us about innovation](#) – Elsbeth Johnson
- [Bouncing back to sustainability and viability](#) – Simon Davey

2. Issues in workforce recruitment, development, and retention

Lack of career development

People in the free legal and advice sector are passionate about their work, and the organisations they work for but there is little by way of a defined career path when working in third sector organisations generally and frontline advice charities specifically.

One of the assets we benefit from is the huge resource of students wanting to make a change but many students who might seek out or experience volunteering at frontline organisations then go into private practice, and in some cases fall out of the profession

entirely because they can't find qualification placements. A consistent question of the South West Access to Justice Roundtable is how we can harness the skills being developed in the student populace, and how we can work with the rest of the sector to develop and support an alternate career path.

Another focus of the South West Access to Justice Roundtable is to explore and support initiatives to address advice deserts. The aim of the group is to pull different services and agencies together and to support sustainability through providing consistent, seamless services and a shared knowledge of who is doing what. One way of approaching this is to create and use resources from the Universities.

Legal Aid Agency experience requirements

The impact of issues around recruitment cannot be overstated. One attendee had run five consecutive rounds of recruitment for a single Legal Aid solicitor post. On top of recruitment costs the salary offered was one of the largest for their organisation.

One of the main barriers to recruitment is the Legal Aid Agency prerequisite for a set number of years post qualification experience. Despite requiring adaptability from contract holders and an encouragement to explore partnership working, there is limited reciprocal flexibility from the Legal Aid Agency.

Some agencies are now facing a situation whereby the stay on evictions is being lifted, but they have no housing solicitors available to meet user needs.

The issue is not quite as prevalent in private practice as caseworkers, paralegals, and advisers provide complementary services however, the flow through of lawyers is still not enough to meet need and there is a noticeable three-year gap between qualified lawyers and those starting to come through the qualification system.

Funding for in post development

In post development is also an important part of addressing recruitment and retention issues. Mentoring, for example, works well as a way to address skills gaps but resourcing this is a challenge.

Many organisations simply find it impossible to recruit the level of experience they need for the money available to full time posts. As a compromise it has been suggested that they maintain the level and resourcing of the position but reduce the time to four days a week.

Despite the passion and dedication of young law students the fact remains that people cannot afford to come into and work in the charity and legal aid sectors, particularly in the employment sector where similar work for an employee firm or Trade Union earns more than other frontline services, and importantly, has job security and is not on short term contracts.

These are issues that cannot be solved by a single organisation, there has to be ongoing collaborative work supported by networks.

Additional reading:

- [Rate of attrition in Family lawyers](#) – Family Law

3. Initiatives in progress

London Funders Advice Network

Based on ASA research which identified skills gaps in the London advice sector, the London Funders Advice Network set up a task and finish group to understand the scale of these issues.

In addition to the issues identified in the introduction to the Roundtable, there were developing issues around the complexity of cases resulting in wellbeing issues for staff and a reliance on making referrals with no guarantee of capacity within these organisations to meet the increase in demand. Leaders of agencies want to leave or retire but can't recruit replacements.

The key to addressing workforce issues in the wake of Covid-19 will be understanding what training is available, who isn't taking up training who might need to, and what's working well.

The London Funders Advice Network felt it had enough information and so did not need to undertake additional research. The next step will be to invite organisations to contribute to a proposal on how funders should support progress to address these issues moving forwards. For example, one option may be to provide match funding to cover an apprenticeship levy.

Vocational qualifications

Quotes from 2005 regarding the issues around workforce recruitment and retention are just as relevant in 2021. With over 2,000 organisations working at the advice frontline, we need investment in a broader workforce around lawyers.

There is an opportunity to support those who are already involved with community organisations who may have, or who could benefit from vocational qualifications, potentially supported by the European Social Fund.

Law students represent a fantastic resource, but our research has found that out of 260 student volunteers over a three-year period from Kings College London and Middlesex University only three remain in the sector.

The key issues remain recruitment, retention, and retirement (planning) but we must also move away from a reliance on individual personalities.

Changing perceptions

The issues around pay may not be the whole story regarding retention in voluntary sector jobs, in fact private practice can often pay less, rather the issues can be how the sector is perceived. The free legal and advice sector can be seen as a risk, or as a short-term contribution, rather than a career.

We need to develop cross sector progression, career paths, and training programmes. Our message to potential candidates should be that, while the sector might not have a lot of funding, we can provide career satisfaction.

Positive feedback to come out of recent recruitment rounds has been that the research and campaigning activities of the sector provides an opportunity for activism and influencing social policy. There are also a lot of organic development opportunities in the sector, for example, creating and developing new roles and teams within organisations. Support of sole lawyers or small teams in an organisation is something to collaborate on across sector or more practically, by region.

Emphasising these opportunities to make a difference is as important as developing career progression. We need to work hard with law schools to make students aware of what the sector has to offer.

Apprenticeships

The new SRA assessment route, the SQE, requires qualifying work experience (QWE) which can be completed as apprenticeships.

There is no direct government support for apprenticeships, but they can be supported for the free legal and advice sector frontline through support partnerships with corporate law firms

and local authorities who have the option of transferring up to 25% of the annual levy contribution to front line service employer.

The Legal Advice Centre at University House directly employs three apprentices and provides the supervision and support to three more apprentices in other services. Four of these apprentices have a law degree and are undertaking 30-month apprenticeships.

In order to take on an apprentice you will need to be able to provide substantive casework. 20% of apprentice time is also dedicated to study leave so there may be a need to back fill the time, as well as associated supervision costs, so this will not fit all services, but it will definitely fit some.

As with providing vocational qualifications, apprenticeships offer an opportunity to identify local community leaders to become frontline staff and to benefit from training.

Investment in management and leadership

Virtually all key sustainability issues facing the free legal and advice sector the majority can be traced back to a deficit of management and leadership skills.

There are a huge number of organisation leaders who are “managers by accident” who have never undertaken formal management training and who have no access to support or resources to draw on when making management decisions. As a result, difficult strategic decisions aren’t taken because of the way they might be perceived.

We are experiencing a crisis of management and leadership, there has been recruitment into roles that hasn’t been appropriate, and organisations have suffered and sometimes ceased to exist as a result of consequential poor management.

There are a number of initiatives that are aimed at addressing this particular skills deficit such as training for the London Legal Support Trust (LLST) Centres of Excellence, and the LAPG Certificate of Practice Management. The latter is a broad ranging course which offers training on a wide range of management issues including business planning, managing people, fundraising and communications.

Places for this course for the advice sector are funded by LLST and the Legal Education Foundation, which has made supporting a stronger sector part of its grant making strategy. Their aim is to support the infrastructure of organisations and address systemic gaps in management and leadership skills and expertise.

As well as providing a career path for lawyers it is also important to recognise the leaders in our sector that are not from a legal background and provide a career path for the non-legally qualified managers and leaders of our sector. Training for management should be considered a key part of any established career path.

We need to ensure lawyers are focusing predominantly on high level lawyer activity and that where possible, more support and admin is undertaken by non-lawyers. This is about how work is organised and is a key part of management and leadership roles.

Training in this area is essential but so is allowing time for people to apply management skills e.g., annual reviews to capture this and expectations on outcomes to properly incentivise good management.

Justice First Fellowship

The Justice First Fellowship is part of the Legal Education Foundation’s stronger sector grant making strategy.

The £2.5m programme includes contributions from other funders and private law firms and supports talented lawyers who are committed to social justice to develop new skills and networks. Fellows are offered a fully funded two-year placement at host frontline organisations, who are increasingly apply in partnership for joint Fellows, and previous Fellows have been crucial to key sector developments such as FLOWS.

Out of 64 Fellows 76% are still working as social justice lawyers, over half of those at their original host organisation in new roles they helped to create, 15% are working in the public sector (unions, academia), just under 5% are not working in social welfare areas of law.

The Legal Education Foundation is conscious of the SQE not assessing areas of social welfare law and the need for further investment in training in these areas. They will continue to work with Justice First Fellowship alumni and the sector to explore the potential for a social justice SQE.

Funded internships

JUSTICE fund internships through a range of inclusive schemes to people seeking to join the legal profession which provide a great career path into social welfare and public law by garnering interest and developing research expertise.

These interns and fellows, of which there are around 8 a year, could also connect into developed career routes. Vacancies for more permanent positions could also be advertised to the Justice First Fellows as these schemes are supported by JUSTICE lawyers who have practising certificates and work on third party interventions and cutting-edge reform work.

Volunteer training and retention

Citizens Advice have transformed their learning over last two years. The pandemic has escalated the need to pivot, not just to scale existing learning and development frameworks.

Looking at preparing for the future, Citizens Advice are exploring blended learning models and will be producing a new learning platform. This will use a range of curation tools to collate content from multiple sources such as the Open University, Mind, and other recognised thought leaders. User research will be used to understand learning needs further.

There will also be a focus on supporting wellbeing in order to ensure retention with support and resources such as 24/7 mental health support, a series of wellbeing webinars, and sessions focusing on the wellbeing of people they help.

Links with law schools

LawWorks has worked closely with law schools to develop their Clinical Legal Education offering. 20 years ago, only 20% of law schools had clinics, now 99% are providing or expanding their pro bono offering.

For a lot of students their passion for and experience of social welfare law starts with their law school clinics offering, or their pro bono experiences.

Additional reading:

- [Law School Pro Bono and Clinic Report 2020](#) – LawWorks and the Clinical Legal Education Organisation (CLEO)
- [More about law students pro bono work](#) - LawWorks

4. Opportunities for development

Supporting access to the SQE

Young Legal Aid Lawyers (YLAL) have been involved with the SRA steering group developing the SQE and have repeatedly voiced concerns over its potential impact on YLAL members.

Most notably the SQE is only assessed in set areas of law, none of them social welfare law based. The cost of exams and the preparative course are prohibitive and minority candidates suffered bias in the pilot schemes which has yet to be addressed. There is also a lack of regulation around the qualifying work experience and there are concerns that firms may use this as unpaid work experience rather than training, but there is no arbitration avenue for students.

In order to address initial issues around accessing the SQE, YLAL is working with Linklaters to offer financial support to students with two years' experience working within social welfare law, where cost is the only barrier, to discount the fee for the exams and preparative course.

The scheme is supported by LAPG and LCN and beneficiaries will start training in September. Ongoing funding will be sought from City of London law firms and funds will be managed by the City of London Law Society.

Hybrid working

Data suggests that the majority of organisations will be taking a hybrid working approach in future with as much as a 50% reduced workforce in offices.

Hybrid working provides a number of positive opportunities to support workforce resilience such as an increased work life balance, but it also presents challenges in terms of supporting mental health and wellbeing remotely and supporting and developing junior members of staff, who may have learned by osmosis in office-based workplaces.

There have been a number of sessions on hybrid working taking place across the sector, write up from these and additional discussion and sharing will take place at the Justice and Innovation Group meeting on 10 June.

Crowdsourcing wellbeing tips

Individual organisations have all set up wellbeing initiatives for their teams. There are some excellent examples of best practice and initiatives that have worked well such as book clubs and buddy schemes.

It may be useful to use cross sector meetings, such as the LASR, to share information about what is working well when supporting wellbeing remotely.

Additional reading:

- [A quarter of Law graduates face unemployment after university](#) – Law Society Gazette
- [An overview of qualifying work experience](#) – Legal Cheek
- [How a return to office working might boost junior lawyer morale](#) – Legal Cheek
- [How some organisations in Scotland are fighting for the future of their legal aid professionals](#) – Law Society Gazette
- [Hybrid working sessions](#) – Justice and Innovation Group (and 10 June [meeting details](#))
- [Responding to the resilience risk](#) – City Bridge Trust

5. Summary

It is vitally important that all staff are supported and developed, and that advice skills are highly prized and invested in.

We need to do some work around how a career in the sector is perceived to make clear that the sector comprises good employers who will support employees in their work, who understand the challenges of working at the frontline but who also understand the change people want to make.

We should continue working together to address and contest issues around the SQE, including exploring alternate qualification routes such as training and apprenticeships.

There is lots to learn from organisations like Citizens Advice as to how we can support ongoing changing training and development needs. The future also holds challenges and opportunities for hybrid working and we can support each other effectively in supporting staff wellbeing remotely.

Actions:

- If anyone wants to discuss management and leadership training further, you can contact Matt Howgate at matthew@cjffunderplus.org
- It was suggested that a working group be set up to allow members of the LASR to collaborate and plan further on this fundamental issue.
- Collective work around national campaigns such as Volunteers' Week (1 to 7 June) could be explored as part of or alongside this to amplify a common message.