



Nottingham
Law School
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Who has the power? Freedom to choose in professional legal education.

Jane Ching, Professor of Professional Legal Education

- On the face of it, in England and Wales, there are many choices open to the aspiring lawyer; in particular which profession to join and which route to follow.
- This session will consider the extent to which there is positive or negative freedom in those choices.
- Are we at risk of offering only “freedom to”, when what the young lawyer also needs is “freedom from”?



Kent Anderson and Trevor Ryan, 'Gatekeepers: A Comparative Critique of Admission to the Legal Profession and Japan's New Law Schools' in Stacey Steele and Kathryn Taylor (eds), *Legal Education in Asia* (Routledge 2010).

Why bother?



Lawyer Entry Routes Map

ENGLAND AND WALES

In the absence of being able to create a 3D model, this diagram is somewhat hard to follow and some possible routes may be missing - this further highlights the complexity and confusion of the current system.

Secondary Education

Higher Education

Vocational Education and Professional Training

Qualified Lawyer

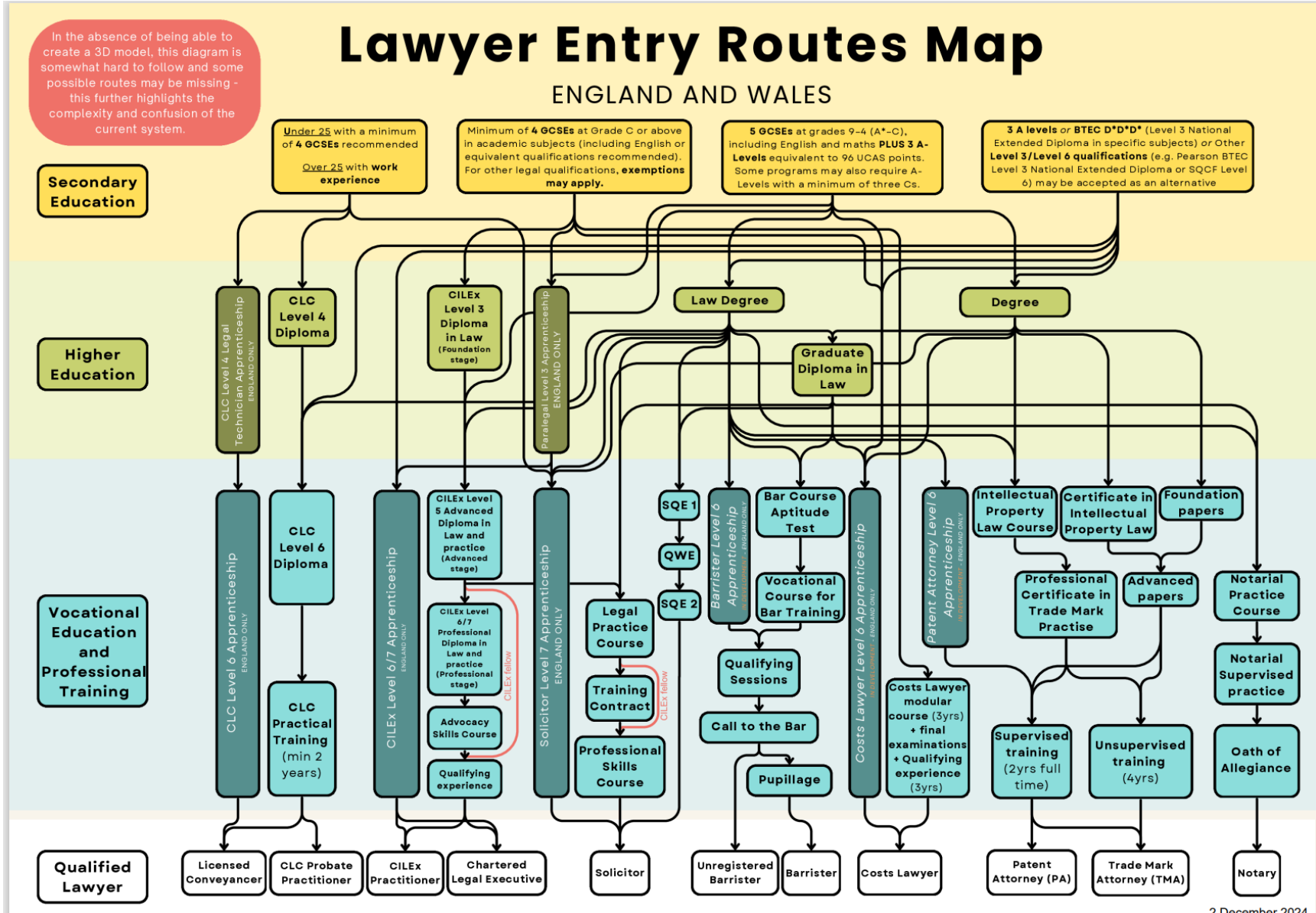
Under 25 with a minimum of 4 GCSEs recommended
Over 25 with work experience

Minimum of 4 GCSEs at Grade C or above in academic subjects (including English or equivalent qualifications recommended). For other legal qualifications, exemptions may apply.

5 GCSEs at grades 9-4 (A*-C), including English and maths PLUS 3 A-Levels equivalent to 96 UCAS points. Some programs may also require A-Levels with a minimum of three Cs.

3 A Levels or BTEC D*D*D* (Level 3 National Extended Diploma in specific subjects) or Other Level 3/Level 6 qualifications (e.g. Pearson BTEC Level 3 National Extended Diploma or SQCF Level 6) may be accepted as an alternative

Ann Thanaraj and others, 'The Many Routes into Law – and the Resulting Problems' (*Beyond Compliance*, 2 December 2024) <<https://beyond-compliance.co.uk/compliance-matters/the-many-routes-into-law-and-the-resulting-problems/>> accessed 30 January 2026



... 'access to justice' means the equal chance to study and practice law. ... access to justice correlates with access to the profession ... because in a just society there should be no discriminatory barriers, and the legal profession ... should reflect society as it is composed of diverse constituencies and groups.

I think empathy is very important because that builds trust between the client and the barristers themselves. You understand where they're coming from, you understand how they grew up, you understand their situation ...

A Lawyer Looks Like Me | Ladi Olukoyede's Story (Directed by BPP Group, 2023) <<https://www.youtube.com/watch?v=TWR9DoYUhs8>> accessed 30 January 2026.

The reality with stop-and-search is that it disproportionately affects people that look just like me and I felt like I was being entirely missed from the debate, ...

Nottingham Trent University, 'Christian Weaver' (*Nottingham Trent University*, No date) <<https://www.ntu.ac.uk/study-and-courses/courses/our-students-stories/law/christian-weaver>> accessed 30 January 2026.



Equality Act 2010

2010 CHAPTER 15

An Act to make provision to require Ministers of the Crown and others when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities; to reform and harmonise equality law and restate the greater part of the enactments relating to discrimination and harassment related to certain personal characteristics; to enable certain employers to be required to publish information about the differences in pay between male and female employees; to prohibit victimisation in certain circumstances; to require the exercise of certain functions to be with regard to the need to eliminate discrimination and other prohibited conduct; to enable duties to be imposed in relation to the exercise of public procurement functions; to increase equality of opportunity; to amend the law relating to rights and responsibilities in family relationships; and for connected purposes. [8th April 2010]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

SOCIO-ECONOMIC INEQUALITIES

- 1 Public sector duty regarding socio-economic inequalities**
- (1) An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.
 - (2) In deciding how to fulfil a duty to which it is subject under subsection (1), an authority must take into account any guidance issued by a Minister of the Crown.



Legal Services Act 2007

2007 CHAPTER 29

An Act to make provision for the establishment of the Legal Services Board and in respect of its functions; to make provision for, and in connection with, the regulation of persons who carry on certain legal activities; to make provision for the establishment of the Office for Legal Complaints and for a scheme to consider and determine legal complaints; to make provision about claims management services and about immigration advice and immigration services; to make provision in respect of legal representation provided free of charge; to make provision about the application of the Legal Profession and Legal Aid (Scotland) Act 2007; to make provision about the Scottish legal services ombudsman; and for connected purposes. [30th October 2007]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

THE REGULATORY OBJECTIVES

- 1 The regulatory objectives**
- (1) In this Act a reference to "the regulatory objectives" is a reference to the objectives of—
 - (a) protecting and promoting the public interest;
 - (b) supporting the constitutional principle of the rule of law;
 - (c) improving access to justice;
 - (d) protecting and promoting the interests of consumers;
 - (e) promoting competition in the provision of services within subsection (2);
 - (f) encouraging an independent, strong, diverse and effective legal profession;

- Knowledge that the field exists
- Interest in the field
- Belief that becoming a lawyer is possible for me
- Personal characteristics (e.g. willpower, ethics)
- Funding
- Time
- Teachers/mentors/other supporters
- Environment (classroom, library, online resources)
- Environment (job/work experience)
- Access to assessments and other regulatory requirements

- “I never seriously considered law when I was at school. To be honest, it felt like something reserved for other people - the kind who went to Oxbridge or came from families that just expected them to become barristers or judges. That didn't feel like me. ...
- Law is not just for those with connections or a particular postcode. It's for anyone with commitment, resilience and a desire to make a difference. It strengthened my motivation and reminded me that I *do* belong in this space.
- These schemes used to feel like insider knowledge - something people just knew about if they were already in the loop. But now I feel much more prepared to apply.”

Fateha, 'Women in Law Conference: Opening Doors to the Future' (*The Girls' Network*, 18 November 2025)
<<https://www.thegirlsnetwork.org.uk/news/women-in-law-conference-opening-doors-to-the-future>> accessed 30 January 2026.

Liberty



Negative liberty (freedom from interference)



Choice!

Opportunities!

Freedom from restrictions!

Individuals!

Power shifted “from employers to students”

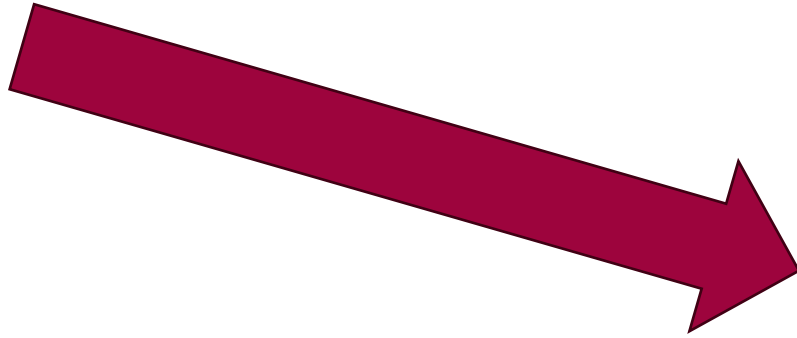
Crispin Passmore, “Get on with It - Uncertainty Costs”, SQE Co-Creator Tells Regulators at LegalEdCon North’ (*Legal Cheek*, 6 February 2020) <<https://www.legalcheek.com/2020/02/get-on-with-it-uncertainty-costs-sqe-co-creator-tells-regulators-at-legalcon-north/>> accessed 30 January 2026

The SRA's introduction of the Solicitors Qualifying Examination (SQE), for example, was intended to widen access, but sector feedback and early data indicate that, while the new system has opened the market to a wider pool of training providers and increased the number of ways candidates can obtain qualification experience,

Wider range of choice is both an important opportunity to support diversity, since it will enable students to chart more flexible pathways, and a risk. It will make the routes to qualification harder to navigate, especially for those students without access to good advice, and a tiered system may become quickly apparent, because some legal employers will give continued (or possibly increased) currency to traditional pathways, through which high performing candidates have been recruited for many years.

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- Solicitors Regulation Authority, 'The SQE Four Years on – Facts and Figures' (*Solicitors Regulation Authority*, 29 January 2026) <<https://www.sra.org.uk/sra/research-publications/sqe-four-years-facts-figures/>> accessed 30 January 2026



Ethnicity

The SQE is attracting more ethnically diverse candidates than the UK working population. For instance, around 28% of candidates are Asian or British-Asian, compared to 10% of the working population. Seven per cent of candidates are Black or Black-British, compared to 3% of the working population.

There is a long-standing issue in legal assessments, as well as other professional and academic assessments: the overall pass rate for White candidates is higher than the overall pass rate for candidates of other ethnicities. Research we commissioned from the [University of Exeter](#) before the first SQE assessments were taken showed there are multiple, complex factors combining to cause the difference.

Kaplan's multivariate analysis shows that 8% of variance in SQE1 scores can be linked to ethnicity. This drops to 4% for SQE2. The variance recorded here only explains a small proportion of the difference in overall pass rates, suggesting a more complex explanation. The Kaplan study records 67% of variance as unexplained by the data recorded. It may be the cases that other factors, such as how a candidate prepares for the exam, have more impact than demographic characteristics.

Social mobility and disability

We have data that gives an indication of candidates' socio-economic backgrounds, such as the type of school they attended and their parents' occupation and education. It shows that there are candidates from all backgrounds, with a fairly even spread between privileged and less-privileged backgrounds. Around 37% of candidates are from less privileged backgrounds.

When other factors are taken into account, socio-economic background appears to have little impact on performance. For instance, the impact on SQE1 and SQE2 scores of a parent's education (0.3%) or occupation (0.1%) alone is negligible.

The data also shows that candidates who declare a disability perform at least as well as other candidates on the SQE. This is not the case with the previous qualification route – the Legal Practice Course (LPC).

Positive liberty (freedom to act)



Power to exercise opportunities and realise own potential!

Capability!

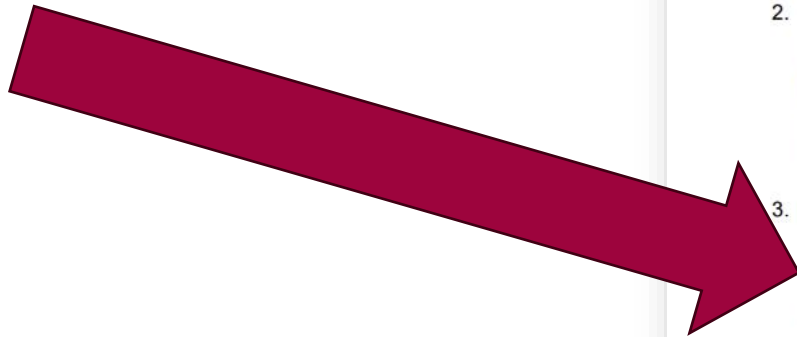
Collective groups!

[compromise and institutionalisation]

costs, lack of transparency about outcomes, and limited support for non-traditional candidates remain significant obstacles. The Law Society's Diversity Access Scheme has helped some individuals, but demand far outstrips supply

Legal Services Board, 'Encouraging a Diverse Legal Profession. A Public Consultation on the LSB's Proposed Statement of Policy' (Legal Services Board 2025) 23-24 <<https://legalservicesboard.org.uk/wp-content/uploads/2025/11/LSB-diversity-consultation-document.pdf>> accessed 5 February 2026.

Legal Services Board, 'Encouraging a Diverse Legal Profession. A Public Consultation on the LSB's Proposed Statement of Policy' (Legal Services Board 2025) 5 <<https://legalservicesboard.org.uk/wp-content/uploads/2025/11/LSB-diversity-consultation-document.pdf>> accessed 5 February 2026.



Executive summary

What are we consulting about and why?

1. Legal services should be accessible to all, regardless of background, and the profession should reflect the society it serves, from entry to senior level. Under [section 3 of the Legal Services Act 2007](#) (the Act), we have a statutory duty to promote a series of [regulatory objectives](#), which include 'encouraging an independent, strong, diverse and effective legal profession.' We share this and the wider regulatory objectives with the organisations that we oversee.
2. Our current statutory guidance for legal services regulators on encouraging a diverse workforce ([Annex C](#)) was published in 2017. In 2020, we set out a [clarification on what good regulatory performance looks like on equality and diversity matters](#) within the 2017 framework. Our [10-year sector-wide strategy to reshape legal services](#) bolstered our efforts to encourage a diverse profession with a commitment to dismantle barriers at all levels as part of our overarching goal to support fairer outcomes in the sector.
3. Despite some improvements, significant barriers continue to affect entry, progression, and retention within the profession. These include financial and structural obstacles to accessing legal careers, biased recruitment and promotion practices, unequal work allocation, and pay disparities. Additional challenges such as caring responsibilities, misconduct, non-inclusive cultures, and inadequate support for disabled and neurodivergent professionals exacerbate inequality. A [recent report from the Bar Council on accessibility for mobility impaired people in chambers](#) suggests limited accessibility support overall and an urgent need for chambers to make improvements. Emerging risks from technology, particularly AI, and a culture of long working hours pose further risks to inclusion and wellbeing. A [recent report from the Institute of Government](#) suggests a serious sustainability problem in criminal law and legal aid practice linked to a substantially ageing workforce and attrition in the critical early to mid-career stages.
4. Regulators' approaches have also shown limitations. Reviews indicate inconsistent strategic oversight, weak evaluation practices, and limited use of diversity data to inform regulatory actions. Addressing these gaps requires a more effective oversight framework that sets clearer expectations and encourages collaborative and evidence-based interventions.
5. A diverse and inclusive legal profession is essential for public trust, improved consumer outcomes, and economic growth. Greater diversity enhances problem-solving, innovation, and organisational resilience, while poor wellbeing and exclusion carry significant financial and reputational costs. Replacing the existing guidance with a strengthened regulatory approach will better enable the sector to dismantle barriers, harness the benefits of diversity, and ensure a sustainable, effective profession aligned with societal needs.

Apprenticeships

Institute for Apprenticeships and Technical Education, 'End-Point Assessment Plan for Solicitor Statutory Integrated Apprenticeship.' (Institute for Apprenticeships and Technical Education 2022) ST0246
<https://skillsengland.education.gov.uk/media/cbjd/wgss/st0246_solicitor_17_reg-aligned-epa-v11-publication.pdf> accessed 30 January 2026

EPA summary table

On-programme (typically 60-72 months)	Training to develop the occupation standards knowledge, skills and behaviours (aligned to the SRA's Statement of Solicitor Competence)
End-point assessment gateway	<ul style="list-style-type: none">• Apprentice has met the knowledge, skills and behaviours.• Employer is satisfied the apprentice has consistently demonstrated they meet the KSBs of the occupational standard.• The apprentice must complete training towards English and maths qualifications in line with the apprenticeship funding rules.• Has passed SQE1
End-point assessment (which would typically take place within the last 12 months)	<p>The EPA starts once the apprentice has met all the pre-requisite gateway requirements for EPA.</p> <p>Once the EPA is completed the apprentice must apply to the SRA for admission to the Roll,</p> <p>The apprentice is not required to carry out any additional assessments. However, prior to admission as a solicitor, the apprentice will be required to complete a prior conduct and DBS check and meet the character and suitability requirements set out in the Character and Suitability Rules</p>
Professional recognition	The Solicitors Regulation Authority

Apprenticeships

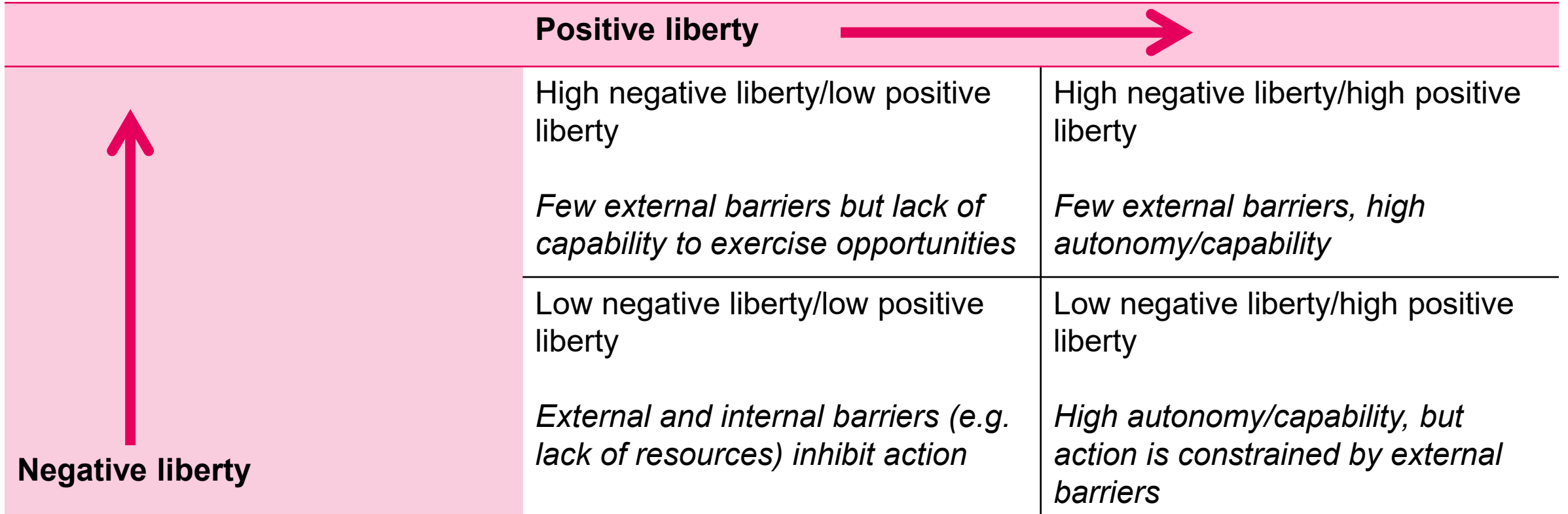
- Solicitors Regulation Authority, 'The SQE Four Years on – Facts and Figures' (*Solicitors Regulation Authority*, 29 January 2026) <<https://www.sra.org.uk/sra/research-publications/sqe-four-years-facts-figures/>> accessed 30 January 2026

Solicitor apprenticeships

Solicitor apprenticeships offer an alternative, 'earn-as-you-learn' route to qualification. More than 800 apprentices have passed SQE, with the data showing these candidates are more likely to come from less privileged socio-economic backgrounds than SQE candidates as a whole.

Solicitor apprentices have generally performed well in SQE assessments compared to other candidates. The overall solicitor apprentice pass rates have been around 71% for SQE1 and 93% for SQE2, compared with 66% and 85% for the whole cohort. Overall, they have scored higher in all but one SQE2 sitting and better in most SQE1 sittings.

The data also shows that there is little difference in performance between 'school leaver' apprentices and graduate apprentices. The first will typically take six years to qualify. Graduate apprenticeships typically last two to three years.



Extrapolated from Isaiah Berlin, *Liberty* (Henry Hardy ed, Oxford University Press 2013).

Back to power



The profession as gatekeeper

- “nearly 70% [of candidates] said that they had completed or planned to complete all their QWE in one placement”
- “Approximately 40% of organisations said they have already recruited candidates onto a structured QWE scheme, ...A further 11% said they planned to do so in the next 12-24 months.”
- More than half of those offered SQE training as part of the structure
- “Nearly 50% of the respondents from legal service providers said they would employ solicitors who qualified by completing QWE at another organisation”

■ Solicitors Regulation Authority, ‘Experiences of Qualifying Work Experience: Survey Findings’ (Solicitors Regulation Authority, 4 October 2024) <<https://www.sra.org.uk/sra/research-publications/qualifying-work-experience-survey-findings/>> accessed 30 January 2026

A necessary price for joining the professional club?

Iris Marion Young and Danielle S Allen, *Justice and the Politics of Difference* (Princeton University Press 2011).



Criteria of merit assume that there are objective measures and predictors of technical work performance independent of culture and normative attributes. But I argue that no such measures exist; job allocation is inevitably political in the sense that it involves specific values and norms which cannot be separated from issues of technical competence

Getting in and fitting in

‘if you were clearly working class .. that would be very difficult .. I can’t think of anyone ..’; ‘to be a solicitor you couldn’t do it .. the persona you have to present must be a bit posh .. even if you’re doing legal aid”

Hilary Sommerlad H, ‘What Are You Doing Here? You Should Be Working in a Hair Salon or Something’: Outsider Status and Professional Socialization in the Solicitors’ Profession’ (2008) 2 Web Journal of Current Legal Issues
<<http://www.bailii.org/uk/other/journals/WebJCLI/2008/issue2/sommerlad2.html>>
> accessed 30 January 2026

discredited as tokenism by white colleagues. In the following quotation the interviewee describes such an experience, as well as the reversal of (white) privilege such racial stereotypes rely upon.

Entering the workplace led some BBVP participants to experience the high cost of underestimating Black talent, which engenders the pattern of Black employees feeling they have to work harder than their white colleagues and thus facing additional hurdles that can lead to overperforming, burnout and stress.

For other Black employees, successful entrance to a profession marked the beginning of a difficult process of ‘fitting in’. Here too the survey findings were heavily one-sided, with 98% of respondents indicating they ‘Always’ (46%), ‘Often’ (38%), or ‘Sometimes’ (14%) had ‘to compromise who they are and how they express themselves to fit in at work’ in contrast to only 2% who said they ‘Rarely’ (1%) or ‘Never’ (1%) had to compromise themselves at work in this way.

Kenny Monrose, ‘Black British Voices’ (I-Cubed; The Voice, University of Cambridge 2023) 52
<https://www.cam.ac.uk/sites/www.cam.ac.uk/files/bbvp_report_pdf_final.pdf>
> accessed 30 January 2026

What now?



- We have negative liberty
- We have in principle **redistribution** of opportunities
- We have some forms of positive liberty, in some places
- But there is a cost
- Power structures have not, essentially, changed within the overall professional project
- Is now, especially as the SRA's statement of solicitor competence being redrafted, the time to think not just about redistribution, but **recognition** of difference?

Nancy Fraser, *Justice Interruptus: Rethinking Key Concepts of a Post-Socialist Age* (Routledge 1997).



Kent Anderson and Trevor Ryan, 'Gatekeepers: A Comparative Critique of Admission to the Legal Profession and Japan's New Law Schools' in Stacey Steele and Kathryn Taylor (eds), *Legal Education in Asia* (Routledge 2010).



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