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23 November 2018

Stephen Imrie
Committee Clerk
Justice Committee

Dear Stephen,

Scottish Parliament Justice Committee report: Widening Access to the Legal Profession

The Scottish Government thanks the Scottish Parliament Justice Committee for their report “Widening Access to the Legal Profession”.

The report raises some interesting issues and we shall facilitate discussions with key stakeholders in the legal sector, education, and skills sector to explore options for removing any potential barriers to widening access to legal education and training in Scotland.

We have one of the best-educated legal professions in the world, and which has a high degree of public trust. Our aim will be to consider how reforms ensure Scotland continues to be recognised as a world leader in this area whilst at the same time ensuring that the legal profession can draw upon the best talents and reflects the communities that it serves.

In responding to the Report, I would draw your attention to the specific actions being taken, in regards to;

Higher Education

Recommendation (paragraph 40)

The Committee heard the view that both the costs of the Diploma, which are not fully covered by student loans and the risk of not securing a traineeship could deter those from more disadvantaged backgrounds from qualifying as a solicitor. In the Committee's view, further consideration needs to be given to whether these are significant barriers to widening access and, if so, how these barriers could be removed. This could involve, for example, increasing student support to cover tuition fees or requiring firms to recruit trainees in advance of them undertaking the

Diploma. Ensuring the availability of alternative modes of studying the Diploma, such as part-time study, could also help those who need to work to afford their studies or those with caring responsibilities.

Recommendation (paragraph 66)

Further consideration needs to be given to whether the costs and risks associated with the Diploma are significant barriers to widening access and, if so, how these barriers could be removed. **This could include, for example, increasing student support to cover tuition fees, requiring firms to recruit trainees in advance of them undertaking the Diploma, and ensuring the availability of alternative modes of study including part-time study.**

Scottish Government Response

The Scottish Government is committed to ensuring that every child growing up in Scotland, regardless of their background, should have an equal chance of maximising their potential and their career choices through a number of different learning routes, including the opportunity to go to University. That is why we established the Commission on Widening Access and accepted all 34 of its recommendations in full. One of these recommendations was that the Commissioner for Fair Access should consider what further work is required to support equal access for other groups of learners, and within specific degree subjects. The Commissioner indicated that as part of his 2018 work plan he would look at access to post graduate education. The Scottish Government will highlight the issues raised in this report with the Commissioner for consideration as part of that work and also in respect of his future work plan. We will fully consider any recommendations that the Commissioner makes in relation to removing barriers to postgraduate study, including the Diploma in Legal Practice.

The Scottish Government has invested over £1 billion of public money per year in the Higher Education sector in Scotland since 2012-13. We also remain absolutely committed to the policy of no tuition fees for eligible students. Our approach, which has been consistent since 2007, helps ensure that access to university is based on the ability to learn and not the ability to pay. For example, our policy of free tuition means that eligible students studying in Scotland, do not incur additional debt of up to £27,000 (over 3 years), unlike the rest of the UK.

Apprenticeships

Recommendation (paragraph 54)

The Committee heard that the consultation found strong support from the legal profession for an apprenticeship route to qualification as a solicitor in Scotland. The Committee notes that the Law Society and Skills Development Scotland appear to be making slow progress in introducing apprenticeships. The Committee requests an update from the Law Society and Skills Development Scotland on plans to introduce apprenticeships, including proposed timescales and further detail on how this new route will widen access to legal education and training.

Recommendation (paragraph 66).

The Law Society and **Skills Development Scotland** should, without delay, progress plans to introduce an apprenticeship route to qualification.

Scottish Government Response

The Scottish Government acknowledges that initial uptake of the Modern Apprenticeship in Paralegal Practice in 2018/2019 provides a foundation upon which to build. Effective employer engagement and employer voice are central to development of any new Modern Apprenticeship framework.

Skills Development Scotland has committed to take discussions forward with the Law Society of Scotland.

I hope you find this helpful.

Yours sincerely

A handwritten signature in black ink that reads "Denise Swanson". The signature is written in a cursive, flowing style.

DENISE SWANSON